

# LEGISLATIVE REPORT

## Broadband Association of North Dakota

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**VOLUME 18, NUMBER 1**

**January 14, 2019**

To: Members

From: David Crothers, Executive Vice President

The Sixty-Sixth Legislative Assembly convened on Thursday, January 3, and featured Judicial and Tribal addresses, as well as Governor Doug Burgum's State of the State address during the week. As the body enters the second full week of the session, bills are still being introduced in both the House of Representatives and the State Senate. To date, 406 bills have been introduced in the House and 243 in the Senate. The House has seen 19 Concurrent Resolutions introduced, including one addressing robocalls, and the Senate 6 Concurrent Resolutions. Today is the deadline for State Representatives to introduce legislation. Senators have the ability to introduce 3 more bills before their deadline next Monday.

It is going to be a busy week for telecom issues at the State Capitol. House Bill 1161, which prohibits false information from being entered into Caller ID systems, will be heard on Tuesday by the Industry, Business and Labor Committee. On Wednesday, the same committee will take testimony on the creation of a grant program to assist those enrolled in programs identified as "skilled workforce" training leading to degrees or certificates. That legislation, House Bill 1171, will start with seed money of \$10 million from the Bank of North Dakota. The final committee hearing for the week will be on Friday when the Senate Energy and Natural Resources Committee hears Senate Bill 2044. SB 2044 updates existing law addressing tampering and damaging critical infrastructure, including telecom central offices and wireless facilities, and provides enhanced penalties for those assisting the interruption of critical services or plant.

Members of the Association's Legislative Committee include: Derrick Bulawa, BEK Communications; Paul Schuetzler, Consolidated Telcom; Keith Larson, Dakota Central; Ralph Neu, Dickey Rural; Tyler Kilde, MLGC; Jeremy Becker, NCC; Karl Blake, Polar Communications; Dave Gauslow, Red River; Brooks Goodall, Reservation Telephone; Jim Newman, SRT and Troy Schilling, West River.

Please contact me at any time regarding any of the legislation or any other matter of concern. I can be reached at work: 701-663-1099; cell: 701-471-3838 or [dcrothers@yahoo.com](mailto:dcrothers@yahoo.com).

## **HB 1021**

The Information Technology Department's appropriations bill for the next two years. The agency's appropriation pays for, among other things, the costs of providing network and telecom to all of the State agencies, K-12, cities, counties and the higher education system. Dakota Carrier Network currently holds that contract. The Association seldom testifies or advocates for agency appropriations, but monitors them and attends hearings to ensure that adverse policy is not adopted.

Jan. 11      Introduced in House.

Jan. 16      Appropriations Committee Hearing.

## **HB 1161**

A bill prohibiting the entry of false information into a "telephone caller identification system" with the intent to deceive, defraud or mislead. The legislation outlaws entering false information or placing a call knowing that false information was entered into the Caller ID system with the intent to mislead or defraud. The Association believes the bill was introduced to target one of the most common practices of robocallers. There are a number of exemptions to the bill, including a provision exempting telecom, VoIP and broadband providers who are acting solely as a means of transmission of a "call" between recipient and sender. Other exemptions are afforded the blocking of caller identification information, law enforcement agencies and intelligence and security agencies of the Federal government.

Jan. 3      Introduced in House.

Jan. 15      Industry, Business and Labor Committee Hearing - 2:00 p.m.

## **HB 1171**

Legislation to create a skilled workforce student grant program. The bill directs the Bank of North Dakota to develop in conjunction with Higher Ed in the State and the North Dakota Workforce Development Council a grant program to attract and retain individuals for technical and professional skills in North Dakota. The grant to each participant would be \$8,500 annually with a cap of \$17,500. The Workforce Council will determine each year which professions qualify for the funding. The program will initially receive \$10,000,000 in seed money to establish the fund and the initiative will be treated as a revolving loan fund after that.

Jan. 3      Introduced in House

Jan. 16      Industry, Business and Labor Committee Hearing - 8:00 a.m.

### **HB 1217**

Legislation that effectively outlaws competition from North Dakota State government with private industry. The bill allows an individual directly affected by competition with a State agency or institution to petition the Public Service Commission for a hearing. If the PSC finds that a government entity is competing with private industry to provide goods or services it shall direct the agency to terminate the activity unless; 1) Cessation of the activity will create an emergency; 2) the cost of providing the service through private enterprise will cost at least ten percent more than the government is providing it for, or; 3) private enterprise cannot adequately provide the service, or; 4) ceasing the activity will cause irreparable harm or loss of substantial invested funds. If the Public Service Commission finds a State agency is competing with private industry the activity must cease upon the completion of any contracts it may have to provide that service. HB 1217 will be monitored by the Association because of its pertinence to municipalities or State agencies providing, or contemplating, market entry for broadband services.

Jan. 3        Introduced in House. Referred to Government and Veterans Affairs Committee.

### **HB 1329**

A bill to appropriate \$225,000 to the Department of Human Services for a grant to enhance and expand services to connect telephone callers to behavioral health services. The money will be used to expand Statewide access for callers and those texting to health and human service programs, mental health support, substance abuse services, gambling addiction, services for the elderly, residents with disabilities and support for military, veterans and military families. The Association will work to ensure that broadband companies are not required to provide any services without compensation or unreasonable regulatory filings.

Jan. 8        Introduced in House. Referred to Human Services Committee.

### **HB 1362**

Legislation to put into statute the ability and requirements for utilities to cross railroad property in the State of North Dakota. The 6 railroad companies serving the State have always resisted having a policy in State law and, instead, only offered agreements with affected industries. The result has been widely disparate agreements between utilities and the railroads. House Bill 1362 has three fundamental principals: First, it establishes the cost of a permit for a utility seeking to cross railroad

property at \$750. Second, the legislation allows a utility to begin crossing the railroad property 31 days after sending a registered letter with the permit fee, proof of insurance coverage and engineer's drawings of the proposed crossing. Third, establishes the right of utilities to use the public right of way without paying the railroad a fee. The utilities included in HB 1362 are 1) water, 2) sewage, 3) electronic, 4) telephone, data and telegraphic communications, 5) fiber optics, 6) cablevision, 7) electric energy, 8) oil, gas, hazardous liquids or 9) other substances, including pipes, sewers, conduits, cables, valves, lines, wires, manholes or attachments. The Association intends to actively advocate for passage of the bill.

Jan. 10      Introduced in House. Referred to Political Subdivisions Committee.

### **HCR 3005**

A concurrent resolution urging Congress and the President of the United States to coordinate efforts to fight and provide an effective and innovative solution to combat illegal and unsolicited robocalls. Sponsors of the resolution testified that robocalls account for 98 million separate calls each day to United States households that result in \$9.5 billion annually in fraud. They further testified that small business in the nation waste an estimated 20 million hours annually dealing with illegal, unsolicited and unwanted robocalls, which lead to a minimum of \$475 million in lost productivity each year.

Jan. 3      Introduced in House.  
Jan. 10      House Passed 89-0.

### **SB 2044**

A bill updating and expanding the definition and penalties for tampering with or damaging critical infrastructure facilities or a public service. There has long been a law in North Dakota making criminal the act of damage to public communications, transportation, water, gas or power facilities. This legislation expands the law and defines it as all "critical infrastructure" and adds more industries to the list, including a telecom's central office and wireless telecom infrastructure. The bill further expands the current law by including "conspirators" of those damaging the infrastructure and provides an enhanced penalty.

Jan. 3      Introduced in House.  
Jan. 18      Energy and Natural Resources Committee Hearing –  
9:00 a.m.