

Introduced by

1 A BILL for an Act to amend and reenact sections 57-40.6-01 and 57-40.6-10 of the North
2 Dakota Century Code, relating to definitions and standards and guidelines for emergency
3 services communication systems.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 57-40.6-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **57-40.6-01. Definitions.** In this chapter, unless the context or ~~subject matter~~ otherwise
8 requires:

- 9 1. "Active prepaid wireless service" means a prepaid wireless service that has been
10 used by the customer during the month to complete a telephone call for which the
11 customer's card or balance was decremented.
- 12 2. "Assessed communications service" means a software service, communication
13 connection, cable or broadband transport facilities, or a combination of these
14 facilities, between a billed retail end user and a service provider's network that
15 provides the end user, upon dialing 911, access to a public safety answering point
16 through a permissible interconnection to the dedicated 911 network. The term
17 includes telephone exchange access service, wireless service, active prepaid
18 wireless service, and voice over internet protocol service.
- 19 3. "Automated notification system" means that portion of a telecommunications
20 system that provides rapid notice of emergency situations to the public.
- 21 4. "Communication connection" means a telephone access line, wireless access line,
22 unique voice over internet protocol service connection, or functional equivalent
23 uniquely identifiable by a number, internet address, or other designation.

- 1 5. "Emergency services communication system" means a statewide, countywide, or
2 citywide radio system, land lines communication network, wireless service network,
3 or enhanced 911 (E911) telephone system, which provides rapid public access for
4 coordinated dispatching of services, personnel, equipment, and facilities for law
5 enforcement, fire, medical, or other emergency services.
- 6 6. "FCC order" means federal communications commission order 94-102 [961
7 Federal Register 40348] and any other FCC order that affects the provision of
8 wireless enhanced 911 service.
- 9 7. "Prepaid wireless service" means wireless service that is activated in advance by
10 payment for a finite dollar amount of service or for a finite set of minutes that
11 terminates either upon use by a customer and delivery by the wireless provider of
12 an agreed-upon amount of service corresponding to the total dollar amount paid in
13 advance or within a certain period of time following the initial purchase or
14 activation, unless the customer makes additional payments.
- 15 8. "Public safety answering point" or "PSAP" means a communications facility or
16 combination of facilities operated on a twenty-four-hour basis which first receives
17 911 calls from persons in a 911 service area and which, as appropriate, may
18 directly dispatch public safety services or extend, transfer, or relay 911 calls to
19 appropriate public safety agencies.
- 20 9. "Public safety answering point service area" means the geographic area for which
21 a public safety answering point has dispatch and emergency communications
22 responsibility.
- 23 10. "Public safety telecommunicator" means an employee of this state or of a political
24 subdivision of this state whose primary full-time or part-time duties are receiving,
25 processing, and transmitting public safety information received through an
26 emergency services communication system.
- 27 11. "Subscriber service address" means, for purposes of wire line subscribers, the
28 address where the telephone subscriber's wire line telephone device is used and,
29 for purposes of wireless subscribers, the place of primary use, as that term is
30 defined in section 57-34.1-02.

1 ~~47.~~ 19. "Wireless service provider" means any entity authorized by the federal
2 communications commission to provide wireless service within ~~the~~ this state of
3 North Dakota.

4 **SECTION 2. AMENDMENT.** Section 57-40.6-10 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **57-40.6-10. Standards and guidelines.**

- 7 1. The governing body of the local governmental unit with jurisdiction over an
8 emergency ~~911 telephone~~ services communication system ~~shall be~~ is or shall
9 designate a governing committee ~~of the emergency 911 telephone system which~~
10 that shall:
- 11 a. Designate ~~a 911~~ an emergency services communication system coordinator.
 - 12 b. Enter written agreements with participating organizations and agencies.
 - 13 c. Designate lines of authority.
 - 14 d. Provide for a written plan for rural addressing, if applicable, which has been
15 coordinated with the local postal authorities. After January 1, 1993, a rural
16 plan must conform to the modified burkle addressing plan. A plan in use
17 before this date does not have to conform with the modified burkle addressing
18 plan. If implemented, all rural addressing signs must comply with the manual
19 on uniform traffic control devices standards.
 - 20 e. ~~Provide for an update of the emergency 911 telephone system's data base~~
21 ~~annually by obtaining current records from the appropriate~~
22 ~~telecommunications company.~~
 - 23 f. Define a records retention plan for all printed, electronic, and recorded
24 records in accordance with state law and jurisdictional requirements.
 - 25 ~~g.~~ f. Encourage that ~~coin-free dialing~~ cost-free connection is available for ~~911~~
26 emergency calls.
 - 27 ~~h.~~ Define a mechanism to differentiate between emergency 911 telephone calls
28 from other calls.
 - 29 ~~i.~~ Provide for written operating procedures.
 - 30 ~~j.~~ Require the public safety answering point that initially receives an emergency
31 call to be responsible for handling that call. If a transfer of an emergency call

- 1 ~~is made to a secondary public safety answering point, the initial public safety~~
2 ~~answering point may not disconnect from the three way call unless mutually~~
3 ~~agreed upon by the two public safety answering point dispatchers. Upon this~~
4 ~~agreement, the secondary public safety answering point becomes responsible~~
5 ~~for the call.~~
- 6 k. ~~Beginning June 1, 2002, ensure that the closest available emergency medical~~
7 ~~service is dispatched to the scene of medical emergencies regardless of city,~~
8 ~~county, or district boundaries. The state department of health shall provide~~
9 ~~emergency 911 telephone systems with necessary geographical information~~
10 ~~to assist in the implementation of this subdivision.~~
- 11 g. Operate or contract for the operation of at least one public safety answering
12 point to manage emergency services communications.
- 13 f. h. Ensure that fee proceeds collected under this chapter are expended in
14 accordance with guidelines developed pursuant to section 57-40.6-12 and
15 implement an accounting system sufficient to meet the requirements of
16 section 57-40.6-05.
- 17 2. The governing committee may:
- 18 a. Require appropriate liability protection.
- 19 b. Create a user advisory board.
- 20 c. Conduct an annual statistical evaluation of services.
- 21 d. Publish an annual financial report in the official county newspaper.
- 22 3. ~~An emergency 911 telephone system must access and dispatch the following~~
23 ~~services communication system coordinator shall:~~
- 24 a. ~~Law enforcement.~~
- 25 b. ~~Fire service.~~
- 26 c. ~~Emergency medical service.~~
- 27 4. ~~An emergency 911 telephone system may access and dispatch the following~~
28 ~~services:~~
- 29 a. ~~Poison control.~~
- 30 b. ~~Suicide prevention.~~
- 31 c. ~~Emergency management.~~

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- 1 d. ~~Any other related service in subsection 3 or this subsection.~~
- 2 5. ~~The governing committee of an emergency 911 telephone system shall provide~~
3 ~~that that system:~~
 - 4 a. ~~Provides twenty four hour, seven day a week coverage.~~
 - 5 b. ~~Dispatches and communicates with service identified in subsection 3.~~
 - 6 e. ~~Records all incoming 911 calls and related radio and telephone~~
7 ~~communications.~~
 - 8 d. ~~Provides alternate measures in the event of an emergency 911 telephone~~
9 ~~system failure, including an alternate public safety answering point seven digit~~
10 ~~number.~~
 - 11 e. ~~Ensures an adequate grade of service that is statistically based by population~~
12 ~~to assure access to an emergency 911 telephone system.~~
 - 13 f. ~~Does not accept one way call in alarms or devices.~~
 - 14 g. ~~Provides access to an emergency 911 telephone system through specialized~~
15 ~~telecommunications equipment as defined under section 54-44.8-01.~~
- 16 6. ~~An emergency 911 telephone system may:~~
 - 17 a. ~~Locate the emergency caller utilizing electronic equipment.~~
 - 18 b. ~~Provide a mechanism for investigating false or prank calls.~~
- 19 7. ~~An emergency 911 telephone system must include at least one public safety~~
20 ~~answering point.~~
- 21 8. ~~A cellular 911 call must be routed to the appropriate 911 public safety answering~~
22 ~~point.~~
- 23 9. ~~An emergency 911 telephone call must be answered by a dispatcher who has~~
24 ~~completed training through an association of public safety communications officials~~
25 ~~course or equivalent course. An emergency 911 dispatch center is required to~~
26 ~~offer emergency medical dispatch instructions on all emergency medical calls.~~
27 ~~Prerarrival instructions must be offered by a dispatcher who has completed an~~
28 ~~emergency medical dispatch course approved by the division of emergency health~~
29 ~~services. Prerarrival medical instructions may be given through a mutual aid~~
30 ~~agreement.~~

- 1 a. Ensure that address and mapping data is updated in the emergency services
- 2 communication system database and mapping system within thirty days of
- 3 receipt of notice or request for change;
- 4 b. Provide for a complete annual review of the emergency services
- 5 communication system land line database by obtaining current records from
- 6 the appropriate telecommunications companies;
- 7 c. Maintain the law enforcement, fire, and emergency medical service response
- 8 boundaries for the public safety answering point service area; and
- 9 d. Ensure that the dispatch protocols for emergency service notifications are
- 10 documented and communicated with all law enforcement, fire, and emergency
- 11 medical services.
- 12 4. A public safety answering point must:
- 13 a. Be operational twenty-four hours a day seven days a week or be capable of
- 14 transferring emergency calls to another public safety answering point meeting
- 15 the requirements of this section during times of nonoperation.
- 16 b. No later than July 1, 2013, be staffed continuously with at least one public
- 17 safety telecommunicator who is on duty at all times of operation and who is
- 18 dedicated to handling the communications of the public safety answering
- 19 point.
- 20 c. Have the capability to dispatch law enforcement, fire, and medical responders
- 21 to calls for service in the public safety answering point's service area.
- 22 d. Have two-way communication with all law enforcement, fire, and medical
- 23 responder units and operational incident or unified commands in the public
- 24 safety answering point's service area.
- 25 e. As authorized by the governing committee, access and dispatch poison
- 26 control, suicide prevention, emergency management, and other public or
- 27 private services but may not accept one-way private call-in alarms or devices
- 28 as 911 calls.
- 29 f. Dispatch the emergency medical service that has been determined to be the
- 30 quickest to arrive to the scene of medical emergencies regardless of city,
- 31 county, or district boundaries. The state department of health shall provide

- 1 public safety answering points with the physical locations of the emergency
2 medical services necessary for the implementation of this subdivision.
- 3 g. Be capable of providing emergency medical dispatch prearrival instructions on
4 all emergency medical calls. Prearrival instructions must be offered by a
5 public safety telecommunicator who has completed an emergency medical
6 dispatch course approved by the division of emergency health services.
7 Prearrival medical instructions may be given through a mutual aid agreement.
- 8 h. Have security measures in place to prevent direct physical public access to
9 on-duty public safety telecommunicators and to prevent direct physical public
10 access to any room or location where public safety answering point
11 equipment and systems are located.
- 12 i. Have an alternative source of electrical power that is sufficient to ensure at
13 least six hours of continued operation of emergency communication
14 equipment in the event of a commercial power failure. A public safety
15 answering point also must have equipment to protect critical equipment and
16 systems from irregular power conditions, such as power spikes, lightning, and
17 brownouts. Documented testing of backup equipment must be performed
18 each quarter under load.
- 19 j. Maintain a written policy for computer system security and preservation of
20 data.
- 21 k. Have the capability of recording and immediate playback of recorded
22 emergency calls and radio traffic.
- 23 l. Employ a mechanism to differentiate emergency calls from other calls.
- 24 m. Provide assistance for investigating false or prank calls.
- 25 n. Have an alternative method of answering inbound emergency calls at the
26 public safety answering point when its primary emergency services
27 communication system equipment is inoperable.
- 28 o. No later than July 1, 2013, have a written policy, appropriate agreements, and
29 the capability to directly answer emergency calls and dispatch responders
30 from a separate, independent location other than the main public safety
31 answering point or another public safety answering point meeting the

- 1 requirements of this section, within sixty minutes of an event that renders the
2 main public safety answering point inoperative. This alternative location must
3 have independent access to the public safety answering point's land line
4 database. The capability of transferring emergency calls to this alternative
5 location must be tested and documented annually.
- 6 p. Remain responsible for all emergency calls received, even if a transfer of the
7 call is made to a second public safety answering point. The initial public
8 safety answering point may not disconnect from the three-way call unless
9 mutually agreed by the two public safety telecommunicators. Upon this
10 agreement, the secondary public safety answering point becomes responsible
11 for the call.
- 12 q. Employ the necessary telecommunications network and electronic equipment
13 consistent with the minimum technical standards recommended by the
14 national emergency number association to securely receive and respond to
15 emergency communications.
- 16 r. After July 1, 2013, maintain current, up-to-date mapping of its service area
17 and have the ability to use longitude and latitude to direct responders.
- 18 s. Secure two sets of fingerprints from a law enforcement agency or any other
19 agency authorized to take fingerprints and all other information necessary to
20 obtain state criminal history record information and a nationwide background
21 check under federal law for all public safety telecommunicators.
- 22 t. Have policies to ensure that all public safety telecommunicators:
- 23 (1) Do not have felony convictions;
24 (2) Complete preemployment screening for illegal substance use and
25 hearing;
26 (3) Complete training through an association of public safety
27 communications officials course or equivalent course;
28 (4) Can prioritize appropriately all calls for service; and
29 (5) Can determine the appropriate resources to be used in response to all
30 calls for public safety services.

- 1 u. Have written policies establishing procedures for recording and documenting
2 relevant information of every request for service, including:
3 (1) Date and time of request for service;
4 (2) Name and address of requester, if available;
5 (3) Type of incident reported;
6 (4) Location of incident reported;
7 (5) Description of resources assigned, if any;
8 (6) Time of dispatch;
9 (7) Time of resource arrival; and
10 (8) Time of incident conclusion.
- 11 v. Have written policies establishing dispatch procedures and provide periodic
12 training of public safety telecommunicators on those procedures, including
13 procedures for:
14 (1) Standardized call taking and dispatch procedures;
15 (2) The prompt handling and appropriate routing of misdirected emergency
16 calls;
17 (3) The handling of hang-up emergency calls;
18 (4) The handling of calls from non-English speaking callers; and
19 (5) The handling of calls from hearing-impaired and mute callers.