

Introduced by

Senators Oehlke, Wanzek

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1 A BILL for an Act to amend and reenact section 57-40.6-01, subsection 5 of section 57-40.6-02,
2 section 57-40.6-03.1, and subsection 4 of section 57-40.6-10 of the North Dakota Century
3 Code, relating to emergency services communications 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.**

8 In this chapter, unless the context otherwise requires:

- 9 1. "911 system" means a set of networks, software applications, databases, call
10 answering components, and operations and management procedures required to
11 provide 911 services.
- 12 2. "Assessed communications service" means a software service, communication
13 connection, cable or broadband transport facilities, or a combination of these facilities,
14 between a billed retail end user and a service provider's network that provides the end
15 user, upon dialing 911, access to a public safety answering point through a permissible
16 interconnection to the dedicated 911 network. The term includes telephone exchange
17 access service, wireless service, and voice over internet protocol service.
- 18 ~~2-3.~~ "Automated notification system" means that portion of a telecommunications system
19 that provides rapid notice of emergency situations to the public.
- 20 ~~3-4.~~ "Commissioner" means the state tax commissioner.
- 21 ~~4-5.~~ "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.

Sixty-fourth
Legislative Assembly

- 1 ~~5-6.~~ "Consumer" means a person who purchases prepaid wireless service in a retail
2 transaction.
- 3 ~~6-7.~~ "Emergency services communication system" means a comprehensive statewide, or
4 ~~countywide, or citywide radio system, land lines communication network, wireless-~~
5 ~~service network, or enhanced 911 (E911) telephone system,~~ which provides rapid
6 public access for coordinated dispatching of ~~services, personnel, equipment, and-~~
7 ~~facilities for law enforcement, fire, medical, or other emergency services~~public safety
8 services. The system includes a 911 system or radio system.
- 9 ~~7-8.~~ "FCC order" means federal communications commission order 94-102 [961 Federal
10 Register 40348] and any other FCC order that affects the provision of wireless
11 enhanced 911 service.
- 12 ~~8-9.~~ "Prepaid wireless emergency 911 fee" means the fee that is required to be collected
13 by a seller from a consumer in the amount established under section 57-40.6-14.
- 14 ~~9-10.~~ "Prepaid wireless service" means any telecommunications service that provides the
15 right to use a mobile wireless service as well as other nontelecommunications
16 services, including the download of digital products delivered electronically, content
17 and ancillary services, which are paid for in advance and sold in predetermined units
18 or dollars which decline with use in a known amount.
- 19 ~~10-11.~~ "Prepaid wireless service provider" means any person that provides prepaid wireless
20 telecommunications service pursuant to a license issued by the federal
21 communications commission.
- 22 ~~11-12.~~ "Public safety answering point" or "PSAP" means a communications facility or
23 combination of facilities ~~operated on a twenty-four-hour basis~~ which first receives 911
24 calls from persons in a 911 service area and which, as appropriate, may directly
25 dispatch public safety services or extend, transfer, or relay 911 calls to appropriate
26 public safety agencies.
- 27 ~~12-13.~~ "Public safety answering point service area" means the geographic area for which a
28 public safety answering point has dispatch and emergency communications
29 responsibility.

- 1 14. "Public safety services" means personnel, equipment, and facilities used by law
2 enforcement, fire, medical, or other supporting services used in providing a public
3 safety response to an incident.
- 4 ~~13-15.~~ "Public safety telecommunicator" means an individual whose primary full-time or
5 part-time duties are receiving, processing, and transmitting public safety information
6 received through an emergency services communication system.
- 7 16. "Radio system" means a set of networks, software applications, databases, radio
8 components and infrastructure, and operations and management procedures required
9 to provide communication services.
- 10 ~~14-17.~~ "Retail transaction" means the purchase of prepaid wireless service from a seller for
11 any purpose other than resale.
- 12 ~~15-18.~~ "Seller" means a person who sells prepaid wireless services to a consumer.
- 13 ~~16-19.~~ "Subscriber service address" means, for purposes of wire line subscribers, the
14 address where the telephone subscriber's wire line telephone device is used and, for
15 purposes of wireless subscribers, the place of primary use, as that term is defined in
16 section 57-34.1-02.
- 17 ~~17-20.~~ "Telephone access line" means the principal access to the telephone company's
18 switched network, including an outward dialed trunk or access register.
- 19 ~~18-21.~~ "Telephone exchange access service" means service to any wire line telephone
20 access line identified by a unique telephone number that provides local wire line
21 access to the telecommunications network to a service subscriber and which enables
22 the subscriber to access the emergency services communications system by dialing
23 the digits 9-1-1 on the subscriber's telephone device.
- 24 ~~19-22.~~ "Unpublished" means information that is not published or available from directory
25 assistance.
- 26 ~~20-23.~~ "Voice over internet protocol service" means a service that enables real-time two-way
27 voice communications; requires a broadband connection from the user's location;
28 requires internet protocol-compatible customer premises equipment; and permits
29 users generally to receive calls that originate on the public switched telephone network
30 and to terminate calls to the public switched telephone network.

1 ~~21-24.~~ "Wireless access line" means each active wireless and prepaid wireless telephone
2 number assigned to a commercial mobile radio service subscriber, including end users
3 of resellers.

4 ~~22-25.~~ "Wireless enhanced 911 service" means the service required to be provided by
5 wireless service providers pursuant to the FCC order.

6 ~~23-26.~~ "Wireless service" means commercial mobile radio service as defined in 47 U.S.C.
7 332(d)(1) and includes:

8 a. Services commonly referred to as wireless; and

9 b. Services provided by any wireless real-time two-way voice communication
10 device, including radio-telephone communications used in:

11 (1) Cellular telephone service;

12 (2) Personal communications service; or

13 (3) The functional or competitive equivalent of a radio-telephone
14 communications line used in cellular telephone service, personal
15 communications service, or a network radio access line.

16 ~~24-27.~~ "Wireless service provider" means any entity authorized by the federal
17 communications commission to provide wireless service within this state.

18 **SECTION 2. AMENDMENT.** Subsection 5 of section 57-40.6-02 of the North Dakota
19 Century Code is amended and reenacted as follows:

20 5. In the interest of public safety, where the subscriber's telephone exchange access
21 service boundary and the boundary of the political subdivision imposing the fee do not
22 coincide, and where all of the political subdivisions within the subscriber's telephone
23 exchange access service boundary have not complied with subsection 1, and where a
24 majority of the ~~E911~~ subscribers within the subscriber's telephone exchange access
25 service boundary have voted for the fee, a telephone exchange access service
26 subscriber whose subscriber service address is outside the political subdivision may
27 receive ~~E911~~911 services by signing a contract agreement with the political
28 subdivision providing the emergency services communication system. The telephone
29 exchange access service provider may collect an additional fee, equal in amount to
30 the basic fee on those subscribers within the exchange boundary. The additional fee
31 amounts collected must be remitted as provided in this chapter.

1 **SECTION 3. AMENDMENT.** Section 57-40.6-03.1 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **57-40.6-03.1. Enhanced 911 database management charges.**

4 Any telephone exchange access service provider charges for enhanced 911 database
5 management must be on a per telephone exchange access service basis.

6 **SECTION 4. AMENDMENT.** Subsection 4 of section 57-40.6-10 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 4. A public safety answering point must:

- 9 a. Be operational twenty-four hours a day seven days a week or be capable of
10 transferring emergency calls to another public safety answering point meeting the
11 requirements of this section during times of nonoperation.
- 12 b. Be staffed continuously with at least one public safety telecommunicator who is
13 on duty at all times of operation and who has primary responsibility for handling
14 the communications of the public safety answering point.
- 15 c. Have the capability to dispatch ~~law enforcement, fire, and medical~~
16 responders public safety services to calls for service in the public safety
17 answering point's service area.
- 18 d. Have two-way communication with all ~~law enforcement, fire, and medical~~
19 responder units and operational incident or unified commands public safety
20 services in the public safety answering point's service area.
- 21 e. As authorized by the governing committee, access and dispatch poison control,
22 suicide prevention, emergency management, and other public or private services
23 but may not accept one-way private call-in alarms or devices as 911 calls.
- 24 f. Dispatch the emergency medical service that has been determined to be the
25 quickest to arrive to the scene of medical emergencies regardless of city, county,
26 or district boundaries. The state department of health shall provide public safety
27 answering points with the physical locations of the emergency medical services
28 necessary for the implementation of this subdivision.
- 29 g. Be capable of providing emergency medical dispatch prearrival instructions on all
30 emergency medical calls. Prearrival instructions must be offered by a public
31 safety telecommunicator who has completed an emergency medical dispatch

1 course approved by the division of emergency health services. Prearrival medical
2 instructions may be given through a mutual aid agreement.

3 h. Have security measures in place to prevent direct physical public access to
4 on-duty public safety telecommunicators and to prevent direct physical public
5 access to any room or location where public safety answering point equipment
6 and systems are located.

7 i. Have an alternative source of electrical power that is sufficient to ensure at least
8 six hours of continued operation of emergency communication equipment in the
9 event of a commercial power failure. A public safety answering point also must
10 have equipment to protect critical equipment and systems from irregular power
11 conditions, such as power spikes, lightning, and brownouts. Documented testing
12 of backup equipment must be performed each quarter under load.

13 j. Maintain a written policy for computer system security and preservation of data.

14 k. Have the capability of recording and immediate playback of recorded emergency
15 calls and radio traffic.

16 l. Employ a mechanism to differentiate emergency calls from other calls.

17 m. Provide assistance for investigating false or prank calls.

18 n. Have an alternative method of answering inbound emergency calls at the public
19 safety answering point when its primary emergency services communication
20 system equipment is inoperable.

21 o. No later than July 1, 2015, have a written policy, appropriate agreements, and the
22 capability to directly answer emergency calls and dispatch responders from a
23 separate, independent location other than the main public safety answering point
24 or another public safety answering point meeting the requirements of this section,
25 within sixty minutes of an event that renders the main public safety answering
26 point inoperative. This alternative location must have independent access to the
27 public safety answering point's land line database. The capability of transferring
28 emergency calls to this alternative location must be tested and documented
29 annually.

30 p. Remain responsible for all emergency calls received, even if a transfer of the call
31 is made to a second public safety answering point. The initial public safety

- 1 answering point may not disconnect from the three-way call unless mutually
2 agreed by the two public safety telecommunicators. Upon this agreement, the
3 secondary public safety answering point becomes responsible for the call.
- 4 q. Employ the necessary telecommunications network and electronic equipment
5 consistent with the minimum technical standards recommended by the national
6 emergency number association to securely receive and respond to emergency
7 communications.
- 8 r. After July 1, 2015, maintain current, up-to-date mapping of its service area and
9 have the ability to use longitude and latitude to direct responders.
- 10 s. Secure two sets of fingerprints from a law enforcement agency or any other
11 agency authorized to take fingerprints and all other information necessary to
12 obtain state criminal history record information and a nationwide background
13 check under federal law for all public safety telecommunicators.
- 14 t. Have policies to ensure that all public safety telecommunicators:
- 15 (1) Do not have felony convictions;
- 16 (2) Complete preemployment screening for illegal substance use and hearing;
- 17 (3) Complete training through an association of public safety communications
18 officials course or equivalent course;
- 19 (4) Can prioritize appropriately all calls for service; and
- 20 (5) Can determine the appropriate resources to be used in response to all calls
21 for public safety services.
- 22 u. Have written policies establishing procedures for recording and documenting
23 relevant information of every request for service, including:
- 24 (1) Date and time of request for service;
- 25 (2) Name and address of requester, if available;
- 26 (3) Type of incident reported;
- 27 (4) Location of incident reported;
- 28 (5) Description of resources assigned, if any;
- 29 (6) Time of dispatch;
- 30 (7) Time of resource arrival; and
- 31 (8) Time of incident conclusion.

- 1 v. Have written policies establishing dispatch procedures and provide periodic
- 2 training of public safety telecommunicators on those procedures, including
- 3 procedures for:
- 4 (1) Standardized call taking and dispatch procedures;
- 5 (2) The prompt handling and appropriate routing of misdirected emergency
- 6 calls;
- 7 (3) The handling of hang-up emergency calls;
- 8 (4) The handling of calls from non-English speaking callers; and
- 9 (5) The handling of calls from callers with hearing or speech impairments.