

2021 HOUSE POLITICAL SUBDIVISIONS

HB 1206

2021 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee
Room JW327B, State Capitol

HB 1206
2/11/2021

Relating to emergency services communication system

Chairman Dockter: (9:30): Opened the hearing.

Representatives	
Representative Jason Dockter	P
Representative Brandy Pyle	P
Representative Mary Adams	P
Representative Claire Cory	P
Representative Sebastian Ertelt	P
Representative Clayton Fegley	A
Representative Patrick Hatlestad	P
Representative Mary Johnson	P
Representative Lawrence R. Klemin	P
Representative Donald Longmuir	P
Representative Dave Nehring	P
Representative Marvin E. Nelson	P
Representative Luke Simons	A
Representative Nathan Toman	P

Discussion Topics:

- Systems and support for 911 calls
- 911 fees
- Text communications

Rep. Mock: Introduced the bill. Testimony #6317.

Terry Traynor, Association of Counties: In favor, testimony #6309,6310,6311.

Bill Kalanek, ND EMS Association: In favor, testimony #6342.

Rep. Adams: Made a motion to add the amendment

Rep. Nelson: Second the motion.

Voice vote carried.

Rep. Adams: Made a do pass as amended motion.

Rep. Hatlestad: Second the motion.

Representatives	Vote
Representative Jason Dockter	Y
Representative Brandy Pyle	Y
Representative Mary Adams	Y
Representative Claire Cory	Y
Representative Sebastian Ertelt	Y
Representative Clayton Fegley	A
Representative Patrick Hatlestad	Y
Representative Mary Johnson	Y
Representative Lawrence R. Klemin	Y
Representative Donald Longmuir	Y
Representative Dave Nehring	Y
Representative Marvin E. Nelson	Y
Representative Luke Simons	A
Representative Nathan Toman	Y

12-0-2

Rep. Cory: Will carry the bill.

Additional written testimony:

Chairman Dockter: (9:49). Closed the hearing.

Carmen Hickle, Committee Clerk

21.0193.01001
Title.02000

Adopted by the Political Subdivisions
Committee

February 11, 2021

DP 2/11/21
JSL

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1206

Page 6, line 23, after "service" insert "to arrive to the scene"

Page 6, line 24, after "coordinator" insert ", with the approval of the state department of health"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1206: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

Page 6, line 23, after "service" insert "to arrive to the scene"

Page 6, line 24, after "coordinator" insert ", with the approval of the state department of health"

Renumber accordingly



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

District 18
P.O. Box 12542
Grand Forks, ND 58208-2542
C: 701-732-0085
crmock@nd.gov

COMMITTEES:
Appropriations

February 11, 2021

HB 1206 – Emergency Services Communications Coordinating Committee Technical Corrections

Chairman Jason Dockter and members of the House Political Subdivisions Committee,

I'm before you today as chairman of our legislative Information Technology Committee, which received 3 policy requests during our most recent interim. By practice we do not recommend legislation to be introduced by the committee; instead we recommend concepts and invite committee members to work on those proposals in subsequent legislative sessions.

HB 1206 is a technical update to 57-40.6 regarding emergency services communication systems and one of the policy concepts your IT Committee unanimously recommended in September 2020.

The Emergency Services Communications Coordinating Committee (ESC3) was established by state law in 2001, specifically to implement technologies that will efficiently and cost-effectively deliver 911 calls to one of the 21 existing public safety answering points (PSAPs).

As you may know, 911-related services are funded from an emergency services system fee levied on telecommunications services in this state. All 53 counties and 1 city impose this fee. We learned at our September 2020 meeting that 35 jurisdictions charge the maximum \$2.00 fee while the remaining 19 counties charge \$1.50.

The telecommunication fee revenue totaled \$17.7 million in 2019, roughly 64% of the \$27.5 million needed to support North Dakota emergency communication systems. Remaining funds are collected primarily from local property taxes.

ESC3 is composed of two state and two local government representatives. State laws are regularly reviewed by ESC3 to ensure code is consistent with common practices and emerging technology utilized by our emergency responders.

Among other technical updates, HB 1206:

- updates terminology to be consistent with the proposed changes;
- require, rather than allow, a county or city to use 911-fees in accordance with ESC3 guidelines;
- require a PSAP to dispatch the quickest emergency medical service as predetermined by the system coordinator, and then dispatch secondary responders based on the best information at the time;
- requires PSAPs to have written policies for establishing dispatch procedures for text-initiated communications;
- removes the requirement for our Bureau of Criminal Investigation to obtain information from wireless providers and to distribute contact information to each PSAP;
- removes outdated language regarding prepaid wireless fee collections;
- allows prepaid wireless sellers to retain 3 percent of prepaid wireless fees revenue

Ultimately, these changes are intended to improve the coordination and function of our emergency service systems. If enacted, language in HB 1206 should also reduce the likelihood of political subdivisions misinterpreting how 911-fee revenue may be used.

Representatives from the Association of Counties and ESC3 will follow with additional information and can answer technical questions you may have. On behalf of your Information Technology Committee, I encourage your favorable recommendation and ultimate passage of HB 1206.

Thank you again, Chairman Dockter and members of the committee.

Testimony to the
House Political Subdivisions Committee
 Prepared February 11, 2021
 by Terry Traynor, NDACo Executive Director
 Secretary, Emergency Services Communications Committee



Regarding: House Bill 1206

Thank you, Chairman Dockter and Committee Members, for the opportunity to address this legislation. While I am the Executive Director of NDACo, I also serve as Secretary and one of the four members to the Emergency Services Communications Coordinating Committee, or “ESC3” as it is often called, that you as a Legislature created in 2001 to provide guidance and direction to the State’s 9-1-1 system, and to compile and prepare a biennial report to the Legislature. Mr. Bergquist, our ESC3 Chairman and Stutsman County 9-1-1 Coordinator, was unable to be here today and asked that I deliver this testimony in his place. The ESC3 members are listed on the last page of this testimony.

The ESC3 is a statutory body composed of two state and two local government representatives with the specific responsibilities outlined in the section of law that is attached at the end of my testimony. As a separate upload, I have provided this Committee with the ESC3’s required Biennial Report (our 10th since enactment) – submitted in September to your interim Information Technology Committee. While there are several interesting and important elements to this report, I am here today to specifically address the portion that addresses our responsibility to “*periodically evaluate chapter 57-40.6 and recommend changes,*” which, this interim was quite extensive.

I should begin by noting that in preparing its recommendations, the ESC3 collaborated with the North Dakota 911 Association, a membership organization of state, local and private industry representatives to provide input. Their input was reviewed and proposed statutory changes were drafted. These were then circulated out to all interested parties, along with the entire Biennial Report, and discussed and adopted at a formal open meeting of the ESC3. Before this Committee today is the result of this engagement and ESC3’s recommendations to both provide clarity and to help modernize the chapter addressing changes occurring with the state’s transition to Next Generation 9-1-1.

Mr. Chairman, I will run through sections of the bill quickly and can hopefully answer any questions.

Section 1 of the bill updates and adds definitions for terms used throughout chapter 57-40.6 to remain consistent with emergency communications nationwide.

Section 2, the ESC3 is recommending a change to provide clarity to governing bodies that the restriction on use of the fee is not based on the governing body's interpretation of what constitutes costs associated with implementing, maintaining, or operating an emergency services communication system. It is governed specifically by the guidance developed by the ESC3 as required under NDCC 57-40.6-12. That guidance is quite extensive, is periodically reviewed through a deliberative process involving public hearings, and has also been uploaded for the committee's review.

Section 3 amends NDCC 57-40.6-06, to recognize that the current requirement for customer database should include all types of service where a physical address is associated with a 9-1-1 call. This section is currently only associated with the provisioning of telephone exchange access services (commonly known as landline service) while the state's PSAPs are increasingly receiving 911 calls placed over Voice over IP communications. With Voice over IP 911 calls, it is not uncommon for PSAPs to receive addresses that they are not adequately prepared to receive. These changes help ensure that the PSAP will be prepared to handle Voice over IP calls as effectively and efficiently as any other type of call.

Section 4 is only a word change to NDCC 57-40.6-07 subsection 3 relating to the "address" of a 9-1-1 call. Because some 9-1-1 calls are received with latitude and longitude coordinates only, the committee recommends that the word "location" be used to accommodate both a physical address and a coordinate-based location.

Section 5 references one subsection of NDCC 57-40.6-10, which is our State's Standards and Guidelines for operating an emergency services communications system. This change is associated with the previous recommendation in NDCC 57-40.6-06 relating to "database" and includes the new term "911 system service provider", defined in section 1.

Section 5 continues amendments to the Standards and Guidelines:

Paragraph "e" strikes "as authorized by the governing committee" since the protocols surrounding the accessing and dispatching of auxiliary emergency services are already provided within the standards and guidelines and authorization from a governing committee is not required.

Paragraph "f" addresses the dispatching of emergency medical services in a timely fashion. The ESC3 received input from the state's PSAPs that dispatching the "quickest" EMS agency can be a challenging bar to meet with 100% accuracy given the amount of variables at play and especially at times when the 1st emergency medical service choice is not available.

Paragraphs "o", "p", and "r" contain minor editorial changes.

Paragraph “u” adds the requirement for dispatch procedures for the handling of “text-initiated communications,” a 911 service introduced to the state in 2016.

Section 7 deals with the ESC3’s responsibilities. Currently each emergency communication system governing body’s requirement is to prepare a report annually, yet the expectation is for the ESC3 to gather and compile those reports only on a bi-annual basis. The changes align the ESC3’s current biennial reporting period responsibility with the governing body’s reporting requirement and legislative cycle.

Section 8 relates to the sharing of location information from wireless service providers with law enforcement, the ESC3 recommends that subsection 4 be struck from ND century code. Upon investigation it was identified that the state’s PSAPs have access to the required contact information for wireless service providers and gather that information from other resources. The contact information gathered and provided by the bureau of criminal investigation is not being used by the PSAP community.

Lastly, Section 9 proposes the elimination of text which addresses the original handling of fee collections. The text is no longer applicable, considering that the state is seven years along in the process of collecting the prepaid wireless emergency 911 fee. The original purpose of the text was to allow sellers to recoup some of the initial expense of configuring their systems to collect and remit the fee. It maintains the allowance for the telecommunications providers to retain 3% of the collections as a reimbursement for their fee collection efforts.

With that Mr. Chairman and members of the committee, I once again want to thank you for the opportunity to deliver this testimony and urge a Do Pass recommendation. I will stand to address any questions. Thank you.

57-40.6-12. Emergency services communications coordinating committee --

Membership -- Duties.

- 1.** The governing body of a city or county, which adopted a fee on assessed communications services under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the emergency services communications coordinating committee. The committee is composed of four members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, one appointed by the chief information officer of the state, and one appointed by the adjutant general to represent the division of state radio.
- 2.** The committee shall:
 - a.** Recommend to the legislative management changes to the operating standards for emergency services communications, including training or certification standards for dispatchers;
 - b.** Develop guidelines regarding the allowable uses of the fee revenue collected under this chapter;
 - c.** Request, receive, and compile reports from each governing body on the use of the proceeds of the fee imposed under this chapter, analyze the reports with respect to the guidelines, file its report with the legislative council by November first of each even-numbered year regarding the use of the fee revenue, and recommend to the legislative assembly the appropriate maximum fee allowed by section 57-40.6-02;
 - d.** Periodically evaluate chapter 57-40.6 and recommend changes to the legislative management; and
 - e.** Serve as the governmental body to coordinate plans for implementing emergency 911 services and internet protocol enabled emergency applications for 911.
- 3.** The committee may initiate and administer statewide agreements among the governing bodies of the local governmental units with jurisdiction over an emergency 911 telephone system to coordinate the procurement of equipment and services, fund the research, administration, and activities of the committee, and contract for the necessary staff support for committee activities.

**Emergency Services Communications Coordinating Committee
Committee Composition**

Jerry Bergquist, Chairman – Stutsman County 911 Coordinator
Appointed by the North Dakota 911 Association

Dan Donlin, Vice Chairman – Director of State Radio
Appointed by the Adjutant General to represent the State Radio Division

Terry Traynor, Secretary – NDACo Director
Appointed by the North Dakota Association of Counties

Duane Schell – Chief Technology Officer, ITD
Appointed by the Chief Information Officer of the State

**Emergency Services Communication
in
North Dakota**

**A Biennial Status Report
2020**

**Prepared by the
Emergency Services Communications Coordinating
Committee**

**Pursuant to:
NDCC 57-40.6-12**

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Purpose

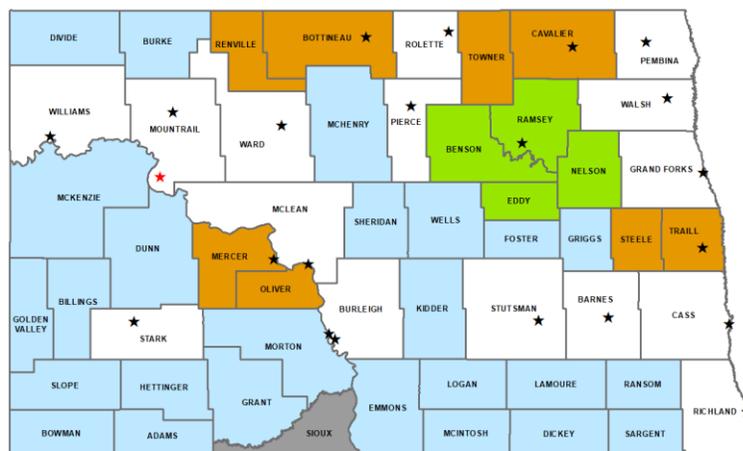
North Dakota Century Code (57-40.6-12) establishes an “*emergency services communications coordinating committee*” (ESC3) and creates a reporting requirement of the compiled “*income, expenditures, and status*” information from the individual jurisdictions of the State which levy an emergency services communication systems (ESCS) fee. Appendix A contains the statute and composition of the committee. This report constitutes the committee’s 2020 report and has been prepared for submittal as requested by the Legislative Council to the Interim Information Technology Committee.

Three of the four members of the ESC3 are full-time employees of the agencies they represent, one represents the ND911 Association and all receive no compensation for their Committee activities. The Committee has no budget, no appropriation, and no staff. Activities of the committee are carried out by the voluntary dedication of the committee members’ time and the staff support from the North Dakota Association of Counties supported by the local 911 jurisdictions.

Background

Emergency services communication is a complex and multi-faceted system of telecommunication technologies, databases, computers, and radios that connects every citizen of the State to the nearly 700 law enforcement, fire, ambulance and other responders through 21 primary public safety answering points (PSAPs) in North Dakota and 1 in South Dakota. While from one perspective this network can be viewed as 22 separate systems it is, in reality, a single connected system with 22 points of contact.

Emergency services communication has existed in this State since the development of telephone and radio; however it became more accessible, reliable, and consistent with the advent of Enhanced 911 (E-911) in the early 1990’s and the adoption of phase 1 and phase 2 wireless service in the 2000’s.



Throughout the 2010's, PSAPs throughout North Dakota continued to improve upon the 9-1-1 system by committing to a 9-1-1 modernization effort known as Next Generation 9-1-1 (NG9-1-1). Much like the E-911 system served the needs of North Dakota for the past 30 years; the NG9-1-1 system's purpose is to serve its needs for the next 30 years and beyond.

The nexus of these systems, and the policies, procedures, and technologies associated with them, has been partially funded through an ESCS fee levied on telecommunication service in the State. The State's 53 counties and 1 city have imposed such fees.

The adoption of NG9-1-1 along with the implementation of modern IP-based technology is also helping to ease the ability for PSAPs to share technology. This, in turn, helps them share information and ultimately improve efficiency in emergency response.

While there are 54 governing bodies imposing fees throughout the state there are only 21 primary PSAPs in North Dakota and 1 secondary PSAP. This difference is an indicator that many of our governing bodies are cooperating to provide 9-1-1 services in their respective communities. Notably, 25 of the counties are served by the PSAP operated by State Radio, four are jointly dispatched by the Lake Region Law Enforcement Center, and four other two-county PSAPs exist. North Dakota also has possibly the only true multi-state PSAP in the country – the Red River Regional Dispatch Center in Fargo serving the separate jurisdictions of Fargo, West Fargo, Cass County as well as Moorhead and Clay County, Minnesota. A complete listing of primary PSAPs and the approximate population served by each is attached to this report as Appendix B.

It is often of interest to compare North Dakota to neighboring states in the area of emergency services communications. The table contrasts the number of PSAPs operated in surrounding states. North Dakota has, by far, the fewest number of PSAPs of any State in the region, and

State	Number of PSAPs
North Dakota	22
South Dakota	33
Wyoming	36
Idaho	53
Montana	58
Minnesota	101
Iowa	115
Kansas	128

provides services to over 4,000 more people per PSAP than the regional average.

North Dakota law (NDCC 57-40.6) had, for many years, allowed city and county governing bodies to impose a “*fee that does not exceed one dollar per month per telephone access line and per wireless access line*” for the support of “*an emergency services communications system*”. In 2009, the Legislature allowed jurisdictions involved in “*an intrastate multi-county PSAP*” to raise their fee to a maximum of \$1.50 per access line per month and the 2011 Legislature expanded this authority to all PSAP’s contingent (as with all such fees) on an affirmative vote of the jurisdiction’s electorate. Of the fifty-four governing bodies imposing a fee, nineteen were levying a local \$1.00 ESCS fee as of July 1, 2020. Voters have approved increasing their local ESCS fee to \$1.50 in thirty-four counties and one city, an increase of fourteen from the previous biennium.

In 2016 the State Legislature, in an effort to provide funding for a Statewide Integrated Radio Network (SIRN), required all jurisdictions levying an ESCS fee to extend their own fee by an additional 50 cents. The additional 50 cent fee on each “assessed communications service” is not available for local use but rather remitted to the state treasurer monthly to support SIRN funding.

Another factor that has impacted ESCS revenue is an ever-increasing percentage of the population using pre-paid wireless services as a replacement to post-paid wireless service contracts. Until January 1, 2014 ESCS fees had not been universally collected on pre-paid wireless services. However, through legislation enacted by the State Legislature in 2015, these fees began accumulating at a rate of 2% of the gross receipts at the point of sale. Prepaid fees were increased by the State Legislature in 2017 to 2.5% to create parity with the additional 50 cent 911 fee additions to support SIRN.

It is important to note, as this report will show, Emergency Services Communications is much broader than simply E-911 or NG9-1-1 services. While dialing 911 most often initiates the emergency response, the day-by-day, hour-by-hour communications between dispatchers and responders, the ongoing contact during an emergency, location information, pre-arrival

medical instructions, mapping software, computer-aided dispatch, and numerous other components make it possible for local emergency services to arrive and deliver effective services in the shortest time possible.

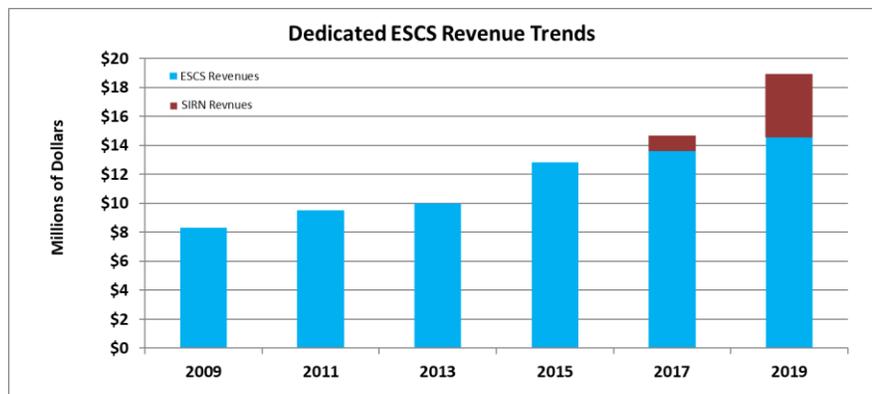
Methodology

To facilitate the statutorily required reporting and ultimately develop this report, each jurisdiction collecting the emergency services communications system (ESCS) fee was asked to complete both a financial survey and a survey relating to their PSAP operations.

The first survey focused on the revenues and expenditures of the 54 entities that have imposed an ESCS fee. This was compiled in a manner that attempted to preclude counting revenue twice in situations where a county contracts with another entity for emergency communication services. Calendar year 2019 revenue and expenditure data was requested from all jurisdictions. The results from the entities are attached to this report as Appendix C (fiscal) and Appendix D (operational). The comments that were attached to the fiscal data (Appendix F) are important as a number of entities qualified their revenue data regarding general fund deposits, and miscellaneous refunds that, in addition to fee revenue, are used to meet 2019 ESCS costs; as well as notes regarding unusual expenditures made in 2019 or anticipated for the future. SORN revenues were requested and gathered directly from the State Treasurer's office.

Status - Financial

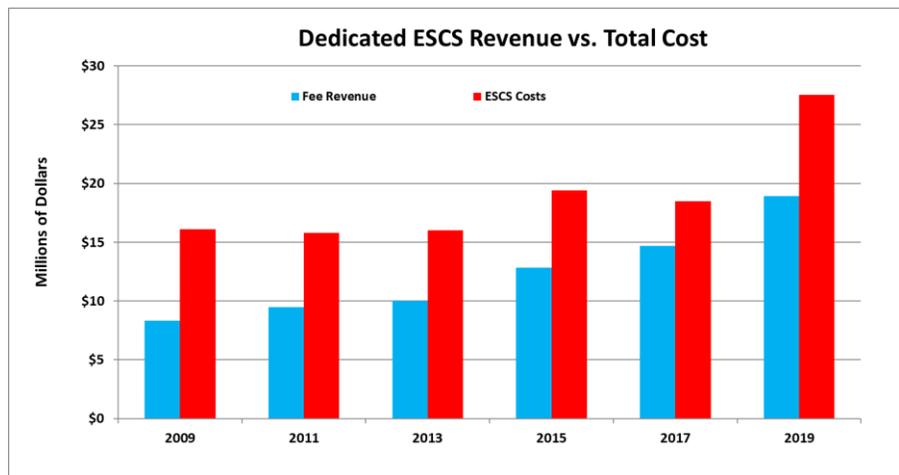
The overall financial data indicates the continuation of revenue growth with a 28% increase from 2017 to 2019. The most significant increase in growth is attributable to additional revenues realized from the SORN increases to all ESCS fees beginning July 1 of 2017.



It is suspected that the remaining growth is largely attributable to fourteen government entities who have raised their local 911 surcharge rates to \$1.50 since the previous biennial report.

When analyzing the revenues and expenditures associated with emergency services communications, consistency of the data has increased significantly. 2007 Legislation directed the development of expenditure guidelines for costs considered appropriate for ESCS fee revenue support. Throughout the years the ESCCC has continued to revise the expenditure guidelines (most recently in 2018) to meet the needs of 911 in the context of new and emerging technologies.

While the largest portion of ESCS expenditures are paid from the special fund created by the statutory and home rule fees, many jurisdiction reports indicate that there are significant system costs borne by other funds, but that these costs are often not reflected in the special fund transactions. Salaries and (particularly) benefits for dispatchers are often funded through local city or county property tax sources.



The chart above provides a brief snapshot of the overall trends, contrasting total fee revenue with costs. Total statewide costs have dramatically increased from two years ago with revenue increasing at a slower rate. Both increases are driven primarily by the SIRN initiative. Appendix C contains the actual data gathered from the individual jurisdictional reports while the following table provides a statewide picture of the revenues and expenditures.

	State Radio Dispatched Jurisdictions	Non-State Radio Dispatched Jurisdictions
2019 ESCS Fee Revenue	\$2,270,594	\$15,427,114
Other Funds / Previous Reserves	\$865,588	\$9,136,539
2019 Prepaid Fee Revenues	\$1,209,823	
2019 ESCS Expenditures	\$2,852,434	\$24,667,721

ESCS – Emergency Services Communications Systems (NDCC 57-40.6)

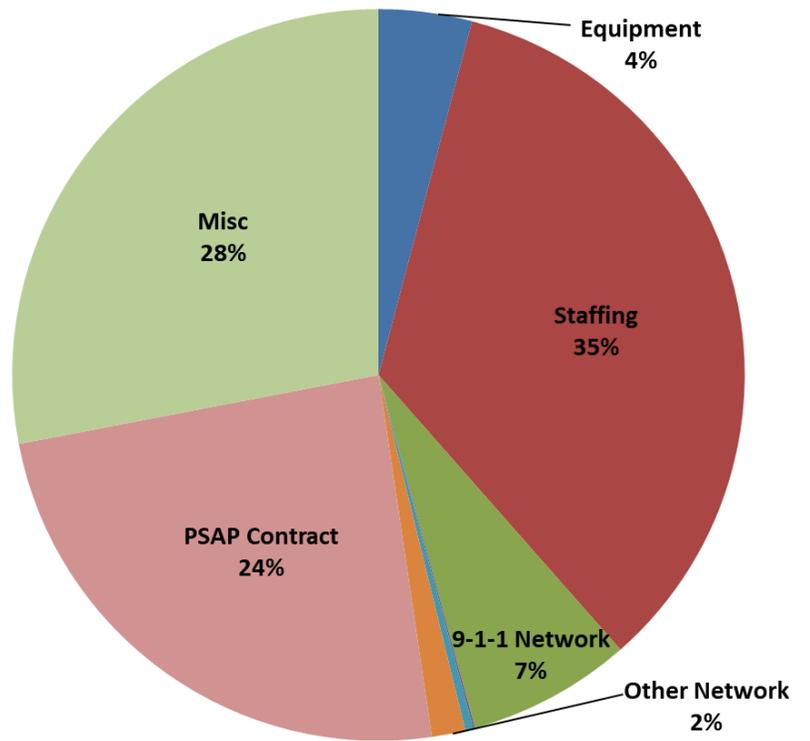
Many of the jurisdictions also included notes (Appendix F) regarding significant investments anticipated. As an example, a number of counties indicated that they expect to incur considerable equipment costs to support SIRN and next generation 9-1-1 (NG9-1-1) call answering equipment; while others continue to address the revenue vs expenditure gap with their general funds as the cost of providing 9-1-1 service continues to increase.

The ESC3 concludes that the data demonstrates the prudent planning for strategic expenditures that was envisioned by the Legislature when this special revenue source was created.

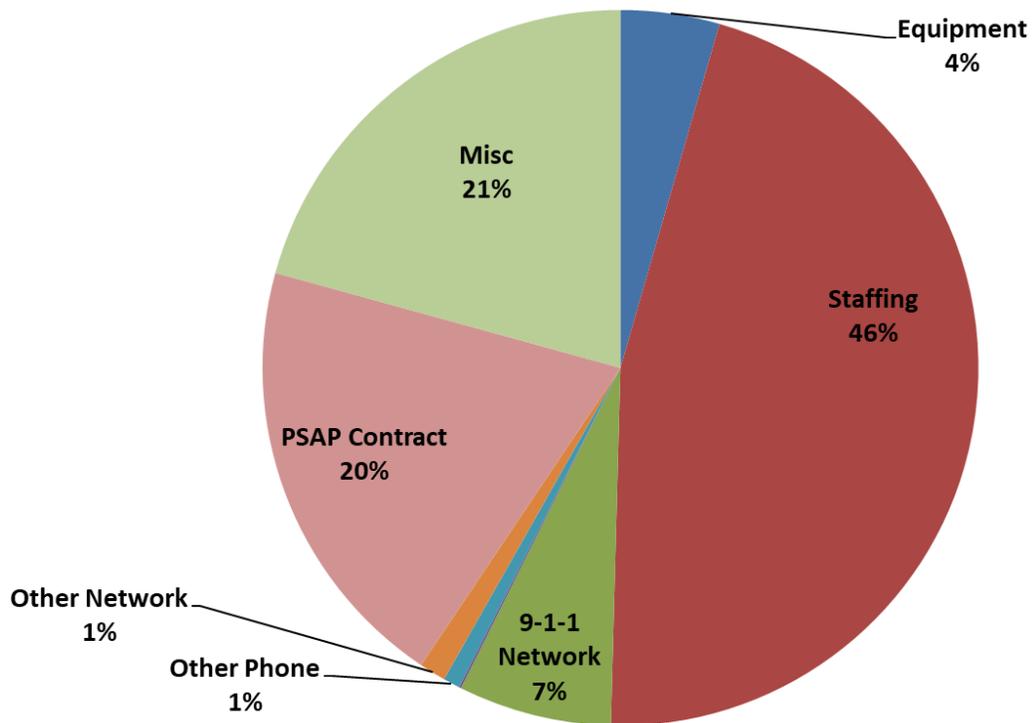
The compiled CY2019 expenditures are illustrated on the following page in two pie charts. The category “Staffing” includes direct salaries and benefits paid to staff. The “Equipment” category includes both the purchase of towers, dispatch consoles, computers, base stations, etc. as well as the ongoing maintenance of this equipment. The “PSAP Contract” category includes payments made by counties or municipalities for dispatch services. The category “9-1-1 Network” includes all of the services required to provide for delivery of 9-1-1 calls from the public to a PSAP. The remaining categories of “Misc.,” “Other Network”, “Other Phone” and “Database Updates” consist of other authorized expenditures associated with maintaining the emergency services communication system

The analysis of the data reported to the Emergency Services Communications Coordinating Committee indicates that all of the local jurisdictions have expended their ESCS fee revenue in a manner consistent with State Statute and the Expenditure Guidelines established by the ESC3 in January 1, 2008, amended June 19, 2009 and again April 9, 2018.

State Radio Dispatched Counties



Non-State Radio Dispatched Counties



Status – Operational

The financial information is best understood when the emergency communication activities and responsibilities supported by this revenue are profiled. The table below provides a picture of what the PSAP Surveys have indicated.

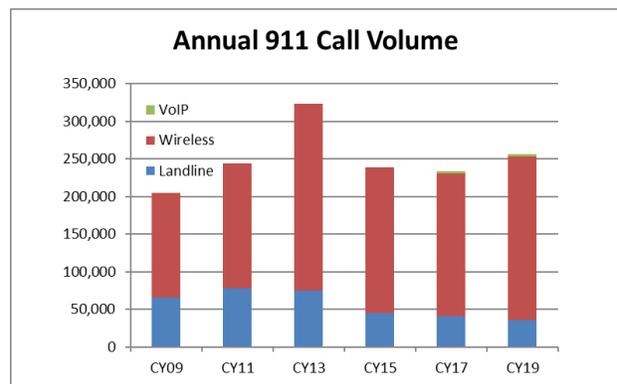
	Statewide Total	Largest PSAP	Smallest PSAP
Dedicated 911 Trunks	93	14	2
Administrative Phone Lines	192	15	3
911 Calls per Month	21,397	5,944	61
911 Calls per Year	256,764	71,336	731
Wireless as % of 911 Calls	84%	85%	68%
Active Dispatch Stations	72	8	1
Dispatcher On Duty - Busiest	66	7	1
Dispatcher On Duty - Quietest	48	4	1
Law Agencies	113	76	2
EMS Agencies	132	92	1
Fire Agencies	315	172	2
Quick/First/Rescue Response Units	55	15	0
Total Agencies Dispatched	615	355	5

For individual jurisdiction data see Appendix D

During the 2019 calendar year the PSAPs of North Dakota handled roughly 257,000 emergency calls, (a 10% increase from 2017) – 84% of these calls were placed from cellular phones (a slight uptick from 81% in 2017).

The busiest PSAP averages a 911 call approximately every 8 minutes while the state, collectively, receives a 911 call approximately every 2 minutes – 24 hours a day, 7 days a week, 52 weeks a year.

The total 911 call volume from 2017 to 2019 increased slightly with wireless 9-1-1 calls continuing to take up an increased share of the volume.



During busiest times, 74 dispatchers provide call taking and dispatching services across the state. These front-line individuals are supported by numerous computer/radio technicians, GIS specialists, trainers, supervisors and administrative staff, many of which serve as dispatchers as the need arises.

The state's PSAPs coordinate and manage the activities of nearly 700 local first responder agencies while coordinating with other public and private entities providing after-incident services. PSAPs must each manage multiple first responder agencies, and oftentimes several of them are dispatched simultaneously. These same PSAPs also respond to FBI (NCIC/NLETS) requests, log and confirm warrants, activate emergency sirens, manage emergency cable interrupts, dispatch public works agencies during emergencies, and perform other emergency communications functions.

Operational detail, to the PSAP level, is contained in the tables comprising Appendices D & E.

**Issue 1 – Next
Generation 9-1-1
Progress**

Next Generation 9-1-1 (NG9-1-1) is a nation-wide initiative to improve access to, and interoperability of, 911 service between the public and the nation’s public safety answering points (PSAPs). North Dakota’s efforts in pursuit of NG9-1-1 began in 2014 with the deployment of an Emergency Services IP network (ESInet). The ESInet is a new, secure, IP network with more available bandwidth for PSAPs to receive new media types (pictures, video, data, etc.) that will eventually be delivered from the public to the PSAP.

With the state’s ESInet in place, the 911 system became positioned to accept new forms of communication from the public as they become available. The first of these new communication types was the short message service (SMS), otherwise known as “text messaging”. This service was activated statewide in October of 2016 making North Dakota the 6th state in the country to provide statewide “text-to-911” service.

The North Dakota Association of Counties in cooperation with the ND Department of Emergency Services have also been working diligently on building a statewide GIS database that is a prerequisite for the transition to Next Generation 9-1-1. In total 33 of the state’s 53 counties have been prepped for transition to NG9-1-1. The remaining 20 counties should be complete in time for the 2022 biennial report.

In 2019 the Department of Emergency Services submitted an application on behalf of NDACo and the NG9-1-1 Joint Powers Agreement members and were awarded a grant in the amount of \$1.4M. NDACo, as the sub grantee, is presently managing three projects in accordance with the grant application. First, is the transition of statewide 911 GIS maintenance / aggregation services to the state’s 911 database vendor; second, is the conversion from analog to IP circuits between the state’s telecommunications service providers and the state’s ESInet; and last is a NG9-1-1 training program for the state’s telecommunicators.

**Issue 2 –
Recommended
Statute Changes**

57-40.6-01. Definitions

15. "Public safety telecommunicator" means an individual whose primary full-time or part-time duties are receiving, processing, ~~and transmitting, and/or dispatching~~ 911, emergency, and non-emergency calls and information for law enforcement, fire, emergency medical, and other public safety information received services through an emergency services communication system via telephone, radio, and other communication devices.

19. "Subscriber service address" means, for purposes of ~~wire line~~ telephone exchange access service and voice over internet protocol service subscribers, the address where the telephone subscriber's wire line telephone device communication device is used and, for purposes of wireless subscribers, the place of primary use, as that term is defined in section 57-34.1-02.

28. "911 system service provider" means an entity that provides systems and support necessary to enable 9-1-1 calling for one or more Public Safety Answering Points (PSAPs) in a specific geographic area. A 911 system service provider may provide the systems and support for either E9-1-1 or NG9-1-1.

57-40.6-05. Restriction on use of fee proceeds.

The governing body ~~may~~ shall use the proceeds of the fee imposed under section 57-40.6-02 in accordance with guidelines established by the emergency services communications coordinating committee under duties identified in section 57-40.6-12. solely for implementing, maintaining, or operating the emergency services communication system and may enter into agreements to effectuate the same. The governing body or its designee shall deposit the fee proceeds in a separate fund and keep records to show all expenditures from the fee proceeds.

57-40.6-06. Database.

Any ~~telephone exchange access~~ assessed communications service provider providing emergency 911 service and whose subscriber's service addresses are provided to a public safety answering point upon delivery of a 911 call shall provide current customer names, addresses, and telephone numbers to each emergency services communication system coordinator, the coordinator's designee, or public safety answering point within each 911 system. Information provided under this section must be provided in accordance with the transactional record disclosure requirements of the federal Electronics Communications Privacy Act of 1986, 18 U.S.C. 2703(c)(1)(B)(iii), and in a manner that identifies the names and telephone numbers that are unpublished. The provider shall report database information regarding new service or a change of service within two business days of the actual service change unless a longer period is permitted by the jurisdiction. The provider shall

**Issue 2 –
Recommended
Statute Changes
(Continued)**

report database information regarding dropped service at least monthly.

57-40.6-07. Use of the furnished information.

3. A record obtained by a public safety answering point for the purpose of providing services in an emergency which reveals personal information or the identity, ~~address location~~, or telephone number of a person requesting emergency service or reporting an emergency is exempt from section 44-04-18 and may be redacted from the record before it is released.

57-40.6-10. Standards and guidelines.

3. An emergency services communication system coordinator shall:

.....

b. Provide for a complete annual review of the emergency services communication system ~~and line 911~~ database by obtaining current records from the appropriate 911 system service provider telecommunications companies;

4. A public safety answering point must:

.....

e. ~~As authorized by the governing committee, a~~ Access and dispatch poison control, suicide prevention, emergency management, and other public or private services but may not accept one-way private call-in alarms or devices as 911 calls.

.....

f. ~~Dispatch the emergency medical service that has been determined to be the quickest to arrive to the scene of medical emergencies regardless of city, county, or district boundaries.~~ Dispatch, when available, the quickest emergency medical service as pre-determined by the emergency services communication system coordinator. If the pre-determined emergency medical service is not available, the public safety answering point shall dispatch a secondary emergency medical service, based on the best available information at the time. The state department of health shall provide public safety answering points with the physical locations of the emergency medical services necessary for the implementation of this subdivision.

**Issue 2 –
Recommended
Statute Changes
(Continued)**

.....

~~o. No later than July 1, 2015, h~~ Have a written policy, appropriate agreements, and the capability to directly answer emergency calls and dispatch responders from a separate, independent location other than the main public safety answering point or another public safety answering point meeting the requirements of this section, within sixty minutes of an event that renders the main public safety answering point inoperative. This alternative location must have independent access to the public safety answering point's ~~land-line~~ 911 system database. The capability of transferring emergency calls to this alternative location must be tested and documented annually.

.....

p. Remain responsible for all emergency calls received, even ~~if a~~ during the initial transfer of ~~the~~ a call is made to a second public safety answering point. The initial public safety answering point may not disconnect from the three-way call unless mutually agreed by the two public safety telecommunicators. Upon this agreement, the secondary public safety answering point becomes responsible for the call.

.....

~~r. After July 1, 2015, m~~ Maintain current, up-to-date mapping of its service area and have the ability to use longitude and latitude to direct responders.

.....

v. Have written policies establishing dispatch procedures and provide initial and periodic training of public safety telecommunicators on those procedures, including procedures for:

.....

(4) The handling of calls from non-English speaking callers; ~~and~~

(5) The handling of calls from callers with hearing or speech impairments; and

(6) The handling of text-initiated communications.

57-40.6-12. Emergency services communications coordinating committee - Membership - Duties.

1. The governing body of a city or county, which adopted a fee on assessed communications services under this chapter, shall make a ~~an annual~~ report of the income, expenditures, and status of

**Issue 2 –
Recommended
Statute Changes
(Continued)**

its emergency services communication system. The ~~annual~~ report must be submitted in the format requested to the emergency services communications coordinating committee. The committee is composed of four members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, one appointed by the chief information officer of the state, and one appointed by the adjutant general to represent the division of state radio.

2. The committee shall:

.....

c. On a bi-annual basis, ~~R~~request, receive, and compile reports from each governing body on the use of the proceeds of the fee imposed under this chapter, analyze the reports with respect to the guidelines, file its report with the legislative council by November first of each even-numbered year regarding the use of the fee revenue, and recommend to the legislative assembly the appropriate maximum fee allowed by section 57-40.6-02;

57-40.6-13. Provision of call location information by wireless service provider or prepaid wireless service provider or seller to law enforcement.

~~4. The bureau of criminal investigation shall obtain contact information from all wireless service providers authorized to do business in this state to facilitate a request from a law enforcement agency or a public safety answering point on behalf of a law enforcement agency for call location information under this section. The bureau shall disseminate the contact information to each public safety answering point in this state.~~

57-40.6-14. Prepaid wireless emergency 911 fee.

8. c. The seller required to collect, report, and remit the prepaid wireless emergency 911 fee imposed under this section may ~~shall~~ retain one hundred percent of the amount of fee due to cover the cost of collecting and transmitting the fee to the commissioner beginning with the first three months the seller begins selling prepaid wireless service, or for the first three months after January 1, 2014, if the seller is making retail sales of prepaid wireless services prior to January 1, 2014, and shall thereafter retain three percent of the fee.

Authorizing Statute

The following section of North Dakota Century Code was enacted by the 54th Legislative Assembly, and took effect August 1, 2001, with changes in 2005, 2007 and 2009.

57-40.6-12. Emergency services communications coordinating committee -- Membership -- Duties.

1. The governing body of a city or county, which adopted a fee on assessed communications services under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the emergency services communications coordinating committee. The committee is composed of four members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, one appointed by the chief information officer of the state, and one appointed by the adjutant general to represent the division of state radio.
2. The committee shall:
 - a. Recommend to the legislative management changes to the operating standards for emergency services communications, including training or certification standards for dispatchers;
 - b. Develop guidelines regarding the allowable uses of the fee revenue collected under this chapter;
 - c. Request, receive, and compile reports from each governing body on the use of the proceeds of the fee imposed under this chapter, analyze the reports with respect to the guidelines, file its report with the legislative council by November first of each even-numbered year regarding the use of the fee revenue, and recommend to the legislative assembly the appropriate maximum fee allowed by section 57-40.6-02;
 - d. Periodically evaluate chapter 57-40.6 and recommend changes to the legislative management; and
 - e. Serve as the governmental body to coordinate plans for implementing emergency 911 services and internet protocol enabled emergency applications for 911.
3. The committee may initiate and administer statewide agreements among the governing bodies of the local governmental units with jurisdiction over an emergency 911 telephone system to coordinate the procurement of equipment and services, fund the research, administration, and activities of the committee, and contract for the necessary staff support for committee activities.

Committee Composition

Jerry Bergquist, Chairman – Stutsman County 911 Coordinator
Appointed by the North Dakota 911 Association

Dan Donlin, Vice Chairman – Director of State Radio
Appointed by the Adjutant General to represent the State Radio Division

Terry Traynor, Secretary – NDACo Director
Appointed by the North Dakota Association of Counties

Duane Schell – Chief Technology Officer, ITD
Appointed by the Chief Information Officer of the State

APPENDIX B

Primary Public Safety Answering Points in North Dakota

<u>PSAP Location</u>	<u>Counties Served</u>	<u>Service Area Notes</u>	<u>2010 Census</u>
Fargo	Cass, Clay MN	Multi-State PSAP (Population Served is Total)	208,777
Bismarck	Burleigh	Includes City of Mandan and portion of McLean Co.	99,733
State Radio Bismarck	Adams, Billings, Bowman, Burke, Dickey, Divide, Dunn, Emmons, Foster, Golden Valley, Grant, Griggs, Hettinger, Kidder, LaMoure, Logan, McHenry, McIntosh, McKenzie, Morton, Ransom, Sargent, Sheridan, Slope, & Wells		82,814
Grand Forks	Grand Forks		66,861
Minot	Ward		61,675
Devils Lake	Ramsey, Eddy, Benson & Nelson		23,622
Dickinson	Stark		24,199
Williston	Williams		22,398
Jamestown	Stutsman		21,100
Bottineau	Bottineau, Renville		8,899
Langdon	Cavalier, Towner		6,239
Rolla	Rolette		13,937
Rugby	Pierce		4,357
Wahpeton	Richland	Portions of Sargent & Ransom Co. ND and Wilken & Roberts Co. SD	16,321
Grafton	Walsh		11,119
Valley City	Barnes		11,066
Stanton	Mercer, Oliver		10,270
Hillsboro	Traill, Steele		10,096
Washburn	McLean		8,962
Stanley	Mountrail		7,673
Cavalier	Pembina		7,413
Mobridge, SD	Sioux	North Central South Dakota 911 Center	28,203

APPENDIX C

ESCS Fiscal Survey Results

Based on CY 2019 Survey Compiled by the Emergency Services Communications Coordinating Committee

Ref. No. for Notes		Fund Balance 1/1/2019	911 Revenue	Property Tax Reserves/Other Expenditures	CY2019 ESCS Expenditures	Fund Balance 12/31/2019
State Radio Dispatched Counties						
1	Adams County	59,800	43,504	0	52,841	50,463
2	Billings County	25,785	19,195	1,014	20,752	24,228
3	Bowman County	97,055	89,257	0	95,476	90,836
4	Burke County	7,258	45,745	0	37,600	15,403
5	Dickey County	72,165	127,345	0	129,254	70,256
6	Divide County	70,058	34,262	10,000	37,493	76,827
7	Dunn County	56,829	85,022	0	74,769	67,082
8	Emmons County	34,560	62,905	0	64,623	32,842
9	Foster County	201,975	61,565	0	57,364	206,176
10	Golden Valley County	-477	46,429	10,000	59,458	-1,053
11	Grant County	73,659	36,508	0	35,704	74,462
12	Griggs County	131,406	61,432	0	56,200	136,638
13	Hettinger County	-8,536	31,196	16,445	5,699	16,961
14	Kidder County	82,605	46,878	16,161	31,814	97,669
15	LaMoure county	70,803	84,567	0	86,842	68,527
16	Logan County	71,257	37,152	0	31,569	76,838
17	McHenry County	459,364	104,683	40	110,342	453,705
18	McIntosh County	32,988	67,385	0	53,056	47,317
19	McKenzie County	350,512	156,765	783,619	132,753	374,524
20	Morton County	75,914	704,031	0	550,231	229,714
21	Ransom County	424,000	106,251	0	85,765	444,486
22	Sargent County	114,739	110,770	569	82,709	142,800
23	Sheridan County	0	22,502	364	22,502	0
24	Slope County	5,396	18,004	0	10,337	13,063
25	Wells County	72,800	67,243	27,377	61,694	78,349
State Radio County Total		2,581,915	2,270,594	865,588	1,986,846	2,888,115
Other Single & Multi-Jurisdictional PSAPs						
a	Barnes/Valley City	3,103	7,099	82,926	6,239	3,963
b	Bismarck/Burleigh	1,434,086	2,526,429	2,792,782	2,695,741	1,264,774
c	Bottineau/Renville	152,077	221,904	550,228	258,162	115,819
d	Cavalier County	310,800	109,898	247,227	94,427	326,271
e	Grand Forks County	1,217,941	1,483,479	1,618,559	1,372,522	1,328,898
f	Lake Region E-911 (5 Counties)	390,410	585,640	214,729	856,817	169,234
g	McLean County	18,318	167,115	7,235	122,064	63,369
h	Mercer/Oliver	75,034	211,202	32,826	206,007	48,229
i	Mountrail County	89,833	214,225	648,421	182,204	121,854
j	Pembina County	98,509	205,729	193,976	151,743	152,495
k	Pierce County	42,658	51,380	36	57,811	36,227
l	Red River Regional Dispatch	0	3,928,997	0	4,418,605	0
m	Richland County	952	385,035	569,799	385,750	237
n	Rolette County	-56,432	161,094	0	135,632	-30,970
o	Sioux County/NCSA PSAP	9,916	15,391	0	1,884	23,423
p	Stark	593,680	393,479	0	421,187	565,972
q	Steele/Trail	223,483	210,848	124,643	202,716	231,615
r	Stutsman County	253,221	302,754	525,744	191,034	364,941
s	Walsh County	255,963	206,637	409,792	153,301	309,298
t	Ward County	410,936	2,568,247	856,032	2,140,080	839,103
u	Williams/Williston	194,123	1,470,531	261,584	1,477,257	187,397
Other PSAPs Total		5,718,610	15,427,114	9,136,539	15,531,182	6,122,150
Grand Total		8,300,525	17,697,708	10,002,127	17,518,028	9,010,264

Emergency Services Communicatons System (9-1-1) Detailed Expenditures
 Based on CY2019 Survey Compiled by the Emergency Services Communications Coordinating Committee

Ref. No. for Notes	CY2019 Expend	Communications Equipment <i>purchase, lease, maintenance, support, etc.</i>	Staffing <i>salaries, benefits, payroll taxes, etc.</i>	911 Network Costs: <i>NDACo NGS-1-1 JPA</i>	Other Local 911 Trunk Charges	Local Phone Database Updates	Other Phone Charges <i>administrative lines, etc.</i>	Other Network Charges <i>ITD, etc.</i>	PSAP Contract <i>state radio, lake region, etc.</i>	Other Operational Expenses <i>as per ESC3 guidelines</i>
State Radio Dispatched Counties										
1 Adams	52,841	1,774	5,354	2,894	-	2,237	665	-	19,273	17,706
2 Billings	21,766	1,343	-	1,399	720	-	-	-	9,143	8,147
3 Bowman	95,476	6,070	20,780	4,694	-	-	393	-	26,156	37,382
4 Burke	37,600	80	3,182	3,381	4,504	-	488	-	25,125	-
5 Dickey	129,254	4,201	40,800	5,748	-	-	-	31,903	37,142	6,686
6 Divide	47,493	-	-	753	-	6,543	-	-	20,074	-
7 Dunn	74,769	-	-	4,725	-	960	-	-	32,387	468
8 Emmons	64,623	-	11,799	4,216	-	900	1,006	-	24,568	22,135
9 Foster	57,364	14,772	4,680	462	-	-	6,597	-	29,633	1,220
10 Golden Valley	69,458	37,582	6,908	20,726	480	-	-	-	18,113	-
11 Grant	35,704	-	7,875	-	789	-	-	-	18,168	-
12 Griggs	56,200	-	9,237	4,563	6,551	-	-	970	18,768	-
13 Hettinger	22,143	-	6,950	3,289	-	-	-	-	14,464	16,776
14 Kidder	47,975	-	5,898	4,060	3,600	-	-	-	18,014	16,403
15 LaMoure	86,842	-	7,871	5,499	2,772	-	-	8,354	31,914	30,432
16 Logan	31,569	200	1,200	2,487	252	-	-	-	14,177	13,254
17 McHenry	110,381	231	4,162	5,277	5,617	-	-	-	40,766	52,726
18 McIntosh	53,056	-	7,006	3,458	3,441	-	714	299	20,850	17,289
19 McKenzie	916,372	9,500	767,288	11,080	3,222	-	-	-	97,891	27,390
20 Morton	550,231	12,481	-	32,204	-	-	-	-	63,037	442,509
21 Ransom	85,765	26,538	6,500	385	7,223	-	100	-	41,772	11,287
22 Sargent	83,278	-	14,033	4,381	2,772	-	-	-	26,424	29,574
23 Sheridan	22,866	788	7,500	13,919	3,109	-	-	-	-	364
24 Slope	10,337	-	-	674	-	-	-	-	5,085	4,579
25 Wells	89,071	-	16,967	4,154	5,469	-	-	-	31,751	30,729
SR County Total	2,852,434	115,561	966,115	145,216	58,136	2,237	9,963	41,525	682,694	787,054
Other Single & Multi-Jurisdictional PSAPs										
a Barnes/Valley City	89,164	-	-	396	-	-	-	-	-	-
b Bismarck/Burleigh	5,488,523	216,347	2,086,581	93,889	3,600	-	36,310	88,882	-	880,733
c Bottineau/Renville	808,390	879	641,164	36,012	30,075	15,481	695	12,870	27,400	25,916
d Cavalier County	341,654	37,191	255,196	8,355	8,368	-	-	7,800	-	24,744
e Grand Forks Authority	2,991,081	329,506	1,428,460	54,483	-	-	12,309	5,100	-	819,133
f Lake Region 6-Co.	1,071,546	210,632	641,561	29,111	26,981	-	262	-	-	163,001
g McLean	129,299	10,664	22,656	13,331	20,117	-	-	3,459	-	59,071
h Mercer/Oliver	238,832	20,000	71,853	13,584	5,280	-	1,027	-	28,567	98,853
i Mountrail	830,625	1,004	654,379	16,035	3,589	-	11,839	65,619	-	78,160
j Pembina	345,720	1,930	216,896	10,121	8,672	-	6,250	-	46,782	50,416
k Pierce	57,847	35,815	8,246	5,125	36	-	-	-	-	-
l Red River Regional	4,418,605	-	-	273,919	3,314	-	-	-	3,236,913	904,459
m Richland	955,548	19,761	730,104	19,505	9,451	-	1,413	1,901	-	167,413
n Rolette	135,632	1,562	61,601	10,251	44,787	6,150	4,736	4,480	-	2,064
o Sioux	1,884	-	1,884	-	-	-	-	-	-	-
p Stark	421,187	36,373	260,035	38,445	-	-	65,590	-	-	20,743
q Steele/Trail	327,359	6,471	235,895	10,703	-	-	9,311	-	12,000	36,466
r Stutsman	716,778	3,176	639,348	32,616	3,324	-	9,167	-	-	63,006
s Walsh	563,093	238	419,409	14,179	7,982	-	-	-	-	113,302
t Ward	2,996,112	10,254	1,332,317	488,444	58,541	-	-	57,268	-	193,256
u Williams/Williston	1,738,841	1,550	-	50,188	-	-	8,909	6,169	812,815	671,085
Other PSAPs Total	24,667,721	943,353	9,707,584	1,218,693	243,427	21,631	158,552	253,549	4,164,477	4,371,822
Grand Total	27,520,154	1,058,914	10,673,699	1,363,909	301,563	23,868	168,515	295,074	4,847,171	5,158,876

APPENDIX D

	On-Duty - Busiest Shift		On-Duty - Quietest Shift		Operational Workstations			Capacity to add workstations
	Call Taker / Dispatcher	Shift Supervisor	Call Taker / Dispatcher	Shift Supervisor	911 calls and dispatch	911 calls but not dispatch	Dispatch but not answer 911 calls	
PSAP								
Barnes County Dispatch	2	1	2	0	2	0	0	1
Central Dakota Communications Center	7	1	3	1	8	0	0	0
Grand Forks County 911 Center	5	1	3	1	6	2	0	2
Lake Region 911 Center	2	1	2	0	3	0	0	0
McLean County	2	1	1	1	2	0	1	2
Mercer-Oliver 911	2	0	2	0	2	0	0	0
Cavalier County	1	1	1	0	2	0	0	0
Rolette County	4	1	2	1	2	0	0	2
Bottineau/Renville E911 Network	2	1	2	0	2	0	1	5
Pierce County	1	1	1	0	1	2	1	0
Minot Central Dispatch	4	1	2	0	5	0	0	1
Mountrail County Sheriff's Department	2	1	2	0	2	0	0	0
Pembina County 911	3	1	3	1	2	0	0	0
Red River Regional Dispatch Center	7	1	4	1	8	0	0	0
Richland County Communications / 911	2	0	2	0	3	0	0	1
Stark/Dickinson Dispatch	2	1	2	0	4	0	0	2
State Radio	6	1	4	1	10	0	0	2
Stutsman County Communications Center	3	1	2	1	3	0	0	1
Traill Co.	1	1	1	0	2	1	0	0
Walsh County Communications	2	0	1	0	2	0	0	1
Williston / Williams 911	3	1	2	1	3	0	0	0
Cummulative Total	63	18	44	9	74	5	3	20

	Agencies Dispatched				
	Sheriff / Police	Fire	Quick / First Response	Ambulance (BLS/ALS)	Other
PSAP					
Barnes County Dispatch	2	13	6	1	1
Central Dakota Communications Center	5	7	1	7	6
Grand Forks County 911 Center	6	13	0	3	0
Lake Region 911 Center	6	24	5	9	7
McLean County	1	9	0	6	0
Mercer-Oliver 911	4	8	1	2	0
Cavalier County	2	13	4	4	2
Rolette County	4	8	1	3	0
Bottineau/Renville E911 Network	2	17	2	7	1
Pierce County	2	2	0	1	0
Minot Central Dispatch	6	18	5	8	9
Mountrail County Sheriff's Department	3	11	0	9	1
Pembina County 911	4	10	4	4	6
Red River Regional Dispatch Center	9	3	28	15	1
Richland County Communications / 911	4	16	10	5	2
Stark/Dickinson Dispatch	3	7	0	3	0
State Radio	76	172	15	92	55
Stutsman County Communications Center	3	9	3	2	2
Traill Co.	2	11	6	4	0
Walsh County Communications	2	10	7	2	3
Williston / Williams 911	4	10	2	4	2
Cummulative Total	146	381	98	187	96
Actual Number of Agencies	116	315	129	132	

ESCS Operational Survey Results

Based on CY2019 Survey Compiled by the Emergency Services Communications Coordinating Committee

PSAP	Trunks (NG911)	Local Telephone Provider	Landline ALI Database Provider ^d	Location Database (If No Landline ALI)
Barnes County Dispatch	2	CenturyLink	Intrado	SeatoI
Central Dakota Communications Center	10	CenturyLink	Intrado	
Grand Forks County 911 Center	3	CenturyLink	Intrado	
Lake Region 911 Center	5	North Dakota Telephone	Intrado	
McLean County	2	West River Telecom.	None	
Mercer-Oliver 911	2	West River Telecom.	Intrado	
Cavalier County	3	United Telephone	Intrado	
Rolette County	2	United Telephone	Intrado	
Bottineau/Renville E911 Network	2	United Telephone/SRT	Intrado	
Pierce County	2	North Dakota Telephone	Intrado	
Minot Central Dispatch	6	SRT	Intrado	
Mountrail County Sheriff's Department	8	Midstate Telephone	Intrado	
Pembina County 911	2	Polar Communications	Intrado	
Red River Regional Dispatch Center	10	CenturyLink	Intrado	
Richland County Communications / 911	3	CenturyLink	Intrado	
Stark/Dickinson Dispatch	5	CenturyLink	Intrado	
State Radio	14	CenturyLink	Intrado	
Stutsman County Communications Center	4	CenturyLink	Intrado	
Trails Co.	2	CenturyLink	Intrado	
Walsh County Communications	3	CenturyLink	Intrado	
Williston / Williams 911	3	Nemont Telephone	Intrado	
Cummulative Total	93			

Call Taking System			
PSAP	Manufacturer/Model	Install Date	Estimated End of Life
Barnes County Dispatch	Motorola/VESTA	2018	2023
Central Dakota Communications Center	Motorola/VESTA	2015	2020
Grand Forks County 911 Center	West/Viper	2011	2023
Lake Region 911 Center	Motorola/VESTA	2019	2023
McLean County	Zetron	1996	2025
Mercer-Oliver 911	Zetron	2009	2019
Cavalier County	Motorola/VESTA	2015	2020
Rolette County	Motorola/VESTA	2016	2022
Bottineau/Renville E911 Network	Motorola/VESTA	2015	2021
Pierce County	Motorola/VESTA	2016	2020
Minot Central Dispatch	Motorola/VESTA	2016	2025
Mountrail County Sheriff's Department	Motorola/VESTA	2017	2025
Pembina County 911	Motorola/VESTA	2018	2025
Red River Regional Dispatch Center	West/Viper	2012	2024
Richland County Communications / 911	Airbus/Patriot	2012	2030
Stark/Dickinson Dispatch	Motorola/VESTA	2016	2020
State Radio	Motorola/VESTA	2017	2020
Stutsman County Communications Center	Airbus/Patriot	2012	2017
Trails Co.	Zetron	2003	2018
Walsh County Communications	West/Viper	2014	2019
Williston / Williams 911	West/Viper	2014	2021

APPENDIX E

Emergency Services Communications System (9-1-1) PSAP Evaluation Based on CY2019 Survey Compiled by the Emergency Services Communications Coordinating Committee

	Yes	No
PSAP Operation		
Is the PSAP operational 24 hours a day, seven days a week or capable of transferring emergency calls to another PSAP meeting standard and guideline requirements during the times of nonoperation?	21	0
Does a written agreement exist between your PSAP and your backup PSAP?	12	9
During times of operation is the PSAP staffed continuously with at least one public safety telecommunicator who is on duty at all times of operation and who has primary responsibility for handling the communication of the public safety answering point.	21	0
When the PSAP's primary emergency services communication system equipment is inoperable, does an alternative method of answering inbound emergency calls for the PSAP exist?	20	1
Does the PSAP have written policies establishing procedures for recording and documenting relevant information of every request for service, including:		
Date and time of request for service?	21	0
Name and address of requestor, if available?	21	0
Type of incident reported?	21	0
Location of incident reported?	21	0
Description of resources assigned, if any?	21	0
Time of dispatch?	21	0
Time of resource arrival?	21	0
Time of incident conclusion?	21	0
Does the PSAP have written policies establishing dispatch procedures and provide periodic training of public safety telecommunicators on those procedures, including procedures for:		
Standardized call taking and dispatch procedures?	21	0
Prompt handling and appropriate routing of misdirected emergency calls?	21	0
Handling of hang-up emergency calls?	21	0
Handling of calls from non-English speaking callers?	21	0
Handling of calls from callers with hearing or speech impairments?	21	0

Meets Expectations
 Work Remains

Emergency Services Communicatons System (9-1-1) PSAP Evaluation (Cont.)

Based on CY2019 Survey Compiled by the Emergency Services Communications Coordinating Committee

	Yes	No
Communication / Dispatch Capability		
Does the PSAP have the capability to dispatch law enforcement, fire, and medical responders to calls for service within the PSAP's service area?	21	0
Is the PSAP capable of two-way communication with all law enforcement, fire, and medical responder units and operational incident or unified commands within the PSAP's service area?	21	0
Which of the following additional services is the PSAP able to access and dispatch / request assistance from:		
Poison Control	21	0
Suicide Prevention	19	2
Emergency Management	21	0
Other public or private services	21	0
Does the PSAP accept one-way private call-in alarms or devices as 911 calls?	3	18
Is the PSAP capable of dispatching the emergency medical service that has been determined to be the quickest to arrive to the scene of a medical emergency regardless of city, county, or district boundaries?	20	1
Is the PSAP capable of providing emergency medical dispatch prearrival instructions on all emergency medical calls?	21	0
Are the emergency medical dispatch prearrival instructions provided by public safety telecommunicators who have completed an emergency medical dispatch course approved by the division of emergency health services?	21	0
Does a mechanism exist to differentiate emergency calls from other calls (i.e. 911 calls vs. administrative calls)?	21	0
PSAP Facility		
Does the PSAP have security measures in place to prevent direct physical public access to on-duty public safety telecommunicators?	21	0
Does the PSAP have security measures in place to prevent direct physical public access to PSAP equipment and systems?	21	0
Does the PSAP have an alternative to commercial power that it uses in the event of a power failure?	21	0
Does the PSAP have equipment to protect critical equipment and systems from irregular power conditions, such as power spikes, lightning, and brownouts?	21	0

■ Meets Expectations
 ■ Work Remains

Emergency Services Communicatons System (9-1-1) PSAP Evaluation (Cont.)

Based on CY2019 Survey Compiled by the Emergency Services Communications Coordinating Committee

	Yes	No
Personnel and Human Resources		
Does the PSAP perform a criminal background check (state and federal) and secure two sets of fingerprints for all public safety telecommunicators?	21	0
Does the PSAP have policies to ensure that all public safety telecommunicators:		
Do not have felony convictions?	21	0
Complete pre-employment screening for illegal substance use and hearing?	20	1
Complete training through an association of public safety communications official's course or equivalent course?	19	2
Can prioritize appropriately all calls for service?	21	0
Can determine the appropriate resources to be used in response to all calls for public safety services?	21	0
Miscellaneous		
Does the PSAP maintain a written policy for computer system security and preservation of data?	20	1
Does the PSAP have the capability of recording and immediate playback of recorded emergency calls and radio traffic?	21	0
Does the PSAP provide assistance for investigating false or prank calls?	21	0
Does the PSAP employ necessary telecommunications network and electronic equipment consistent with the minimum technical standards recommended by the national emergency number association to securely receive and respond to emergency communications?	21	0

■ Meets Expectations
 ■ Work Remains

Emergency Services Communicatons System (9-1-1) Jurisdiction Evaluation

Based on CY2019 Survey Compiled by the Emergency Services Communications Coordinating Committee

	Yes	No	N/A
Questions			
Does the governing body / committee have authority to enter into written agreements with participating organizations and agencies (e.g. memorandums of understanding, PSAP contracts, etc.)?	54	0	0
Does the governing body / committee have authority to designate lines of responsibility and authority?	51	3	0
Does the governing body / committee have a written plan for the assignment of rural addresses, if applicable, which has been coordinated with local postal authorities?	48	6	0
If the governing body/committee has a written plan for the assignment of rural addresses, does it conform to the modified burkle addressing plan?	49	5	0
If the plan does not conform to the modified burkle addressing plan, was a previous addressing system in place before January 1, 1993?	3	2	49
If implemented, do rural street signs comply with the manual on uniform traffic control device standards?	43	2	9
Does the governing body/committee have a records retention plan for all printed, electronic, and recorded records that is in accordance with state law and jurisdictional requirements?	52	2	0
Is the governing body/committee supportive of 911 as a cost-free call?	53	1	0
Does the emergency services communications systems coordinator maintain law enforcement, fire, and emergency medical service response boundaries for the PSAP service area?	54	0	0
Does the emergency services communications system coordinator ensure that dispatch protocols for emergency service notifications are documented and communicated with all law enforcement, fire, and emergency medical services who provide service within the jurisdiction of the governing body/committee?	53	1	0

	Daily	Weekly	Monthly	Quarterly	Annually	Never
Maintenance Frequency						
How frequently is address and mapping data updated in the emergency services communication system database and mapping system?	8	22	23	1	0	0
How frequently does the emergency services communications system coordinator perform a complete review of the emergency services communication system land line database?	0	0	7	5	39	3
How often does the PSAP document testing of equipment that protects critical equipment and systems from irregular power conditions under load? (PSAP Response Only)	0	0	14	5	2	0

■ Meets Expectations

■ Work Remains

APPENDIX F

ESCS SURVEY COMMENTS – NOTES REGARDING PLANS FOR FUND BALANCES

State Radio Dispatched Counties

1. Slope – Maintain 911 System. Newest project is standing up a LGR at Marmarth for Marmarth ambulance and fire.
2. McIntosh – Will be used to maintain 911 signage and any other expenses that come along.
3. Bowman – Field new LGR at Marmarth for Marmarth Fire and Marmarth Ambulance responders.
4. Griggs – Putting 911 signs over the county
5. McKenzie – Dispatch equipment and state radio dispatch contract.
6. LaMoure – ESC3 funds will not be able to meet the State Radio fee, the county will need to use General Funds or raise their ESC3 fee.
7. Golden Valley – We increased the budget to cover the revenue short falls.
8. Divide County - \$10,000 transferred in from General fund.
9. Hettinger – Possible Hettinger County 911 fee increase in 2021
10. Dickey – Upkeep of equipment and the cost of increased fees
11. Ransom – New generator, new building

Other Single & Multi-Jurisdictional PSAPs

1. Williams – Maintenance on equipment and equipment for towers.
2. Traill – Upgrade to Next Gen 911
3. Renville – Balance will be used going forward. Beginning 2020 agreement with Bottineau Dispatch with Renville County will be \$1.05 per line and 25% of cost of equipment within the dispatch center. Our cost for equipment will be approximately \$93,000. This cost will most likely come out of the General Fund.
4. Richland – Revenue also comes from and not listed City/NDSCS and grants.
5. Red River Regional Dispatch Center – Our expenses greatly exceed our 911 revenue, the shortfall is made up by the General Fund at the end of each year. This year the shortfall is \$489,607.59.
6. Cavalier – Equipment Purchases
7. Pembina – NG9-1-1 Vesta contract maintenance
8. Walsh – Upgrades required for SIRN 2020 in Dispatch.
9. Stutsman – Funds will be used to purchase replacement 9-1-1 equipment to become part of the NDIT managed statewide system. Funds will also be used to purchase replacement radio consoles that will interface with the SIRN project.
10. Grand Forks - Maintenance of current radio network until SIRN migration, CAD integration with Motorola consoles with upgrade, EMD software acquisition and integration with CAD, maintenance of current systems to include warning systems, CPE, networks, PBX, and other equipment.
11. Mercer / Oliver - All Extra 911 funds are dedicated to updating the 911 equipment to NG 911 System & then maintaining these systems.
12. Stark / Dickinson - 911 Revenues are split between the 9-1-1 Operations account and 9-1-1 Equipment account. Future plans include radio dispatch upgrade to the Statewide SIRN system.
13. Steele - As we are now loosing money on our county 911 system, our fund balance will help carry us for a few years before we will need to raise our 911 fees or decrease the services provided to our county residents.
14. Mountrail – Operate in 2020
15. Bottineau - Third 911 Console for the PSAP making us a 3 console dispatch center. (Waiting for state to figure out contract before purchasing)

Expenditure Guidelines Emergency Services Communication System Fee Revenue Effective

Approved 4/9/2018 by the Emergency Services Communications Coordinating Committee

Pursuant to NDCC 57-40.6-12, the Emergency Services Communications Coordinating Committee (ESCCC) is directed to “[d]evelop guidelines regarding the allowable uses of the fee revenue collected under this chapter.” The revenue governed by these guidelines is that which is collected for the support of an emergency services communications system, from fees permitted by State law (57-40.6-02) and imposed on telecommunications services by local voter approval.

From data gathered through the 2005 performance audit of these fees, surveys of local government, and research into other states’ policies, the following expenditure guidelines were established. The various types of expenditures are grouped into categories for the purpose of future monitoring and reporting to the Legislature. Subsequent advancements in technology and operations have identified costs not directly addressed in the original guidelines, and interpretations were made formally by the ESCCC. Minor updates were made to the guidelines in 2009, and a more extensive review in 2016 has resulted in this current document

The 2005 performance audit of these fees identified as an issue, the variations in the portion of Public Safety Answering Point (PSAP) operating costs that were supported by these fees. The audit pointed out that “911 calls” represented a minority of the communication traffic through the PSAPs audited, with administrative phone calls, faxes, emails, and radio communications making up a larger share.

The ESCC Committee, in establishing these guidelines, considered the audit findings but also looked to the Legislative language mandating the use of these revenues “*solely for implementing, maintaining, or operating the emergency services communication system and may enter into agreements to effectuate the same.*” “Emergency Services Communications System” (ESCS) is defined by NDCC 57-40.6-01 as “*a comprehensive statewide or countywide system, which provides rapid public access for coordinated dispatching of public safety services. The system includes a 911 system or radio system.*” Additionally, the Attorney General (April 26, 2004) indicated that “*governing bodies may authorize the expenditure of E911 funds in a manner that enhances and improves the E911 system, including time for response.*” It is therefore this Committee’s belief that “emergency services communications” is decidedly broader than simply the receipt of, and response to, a “911 telephone call”.

It was noted in testimony to the ESCCC that some “emergency communications” handled by a PSAP do not involve a 911 call. They may be brought to the attention of the PSAP by law enforcement officers radioing their response to illegal or suspicious activity. They could be fire departments requesting the dispatch of a neighboring department for support. It may be the PSAP call-taker providing life-saving “pre-arrival” instructions allowing a citizen to administer live-saving support until a professional arrives. It may simply be the notification of the PSAP of the location of a traffic stop that becomes a critical piece of information when the traffic stop evolves into a much more serious incident.

Additionally, while a simple car accident without injuries can go from a 911 call to dispatch and call completion in a matter of minutes, a rural fire or injury can keep a call-taker simultaneously on the phone and radio (sometimes several frequencies) for hours. And as noted, sometimes these complex emergency communication situations don't even begin with a 911 call. Every PSAP has call-takers available for emergencies 24 hours per day; 365 days per year, regardless of how many calls are received or what portion of their duties involve communications initiated by a 911 call. For these reasons, the guidelines encompass a fairly broad understanding of emergency communications.

These guidelines however, do recognize that in some PSAPs the duties of the call-takers include activities not related to emergency communications. In several locations, call-takers must also support jail activities, monitor security camera's, and conduct other strictly administrative functions. These guidelines suggest that the portion of PSAP staffing and operational costs associated with such duties should not be considered eligible emergency services communication system costs.

Similarly, the 2005 performance audit raised an issue regarding the allocation of the purchase and maintenance costs of equipment. The example cited was of a radio tower that is necessary for dispatching emergency services, but also contains non-emergency radio equipment. The question was raised as to whether the entire cost of the tower was an appropriate expenditure of these funds (since it was essential for emergency services communications) or if the cost should be prorated (since it serves multiple purposes). The Attorney General's Opinion noted above also states; "*[j]ust because the improved technologies may also incidentally aid non-emergency dispatching does not necessarily mean the purchase of such technologies with E911 funds is not permissible.*" The ESCC Committee therefore developed these guidelines with the understanding that if a piece of equipment is essential to an emergency services communications system, its full purchase and maintenance costs are allowable – even if that equipment provides some benefit to other non-emergency functions of government.

While it can be considered inappropriate for government agencies to retain significant unexpended revenues, the high cost and critical nature of the equipment necessary to ensure emergency communications suggests that each 911 jurisdiction conduct long-range planning and retain appropriate funds for future investment and emergency repairs or replacement. This planning should be documented to clearly identify the purposes for which funds are being retained.

A. ALLOWABLE EXPENDITURES:

1. **Equipment - Infrastructure.** The entire cost associated with the purchase, lease, rental, upgrade, lease-purchase, service and maintenance of equipment necessary for, and essential to, the 911 jurisdiction's operation of the emergency services communications system. Equipment that may be adjunct to the core functions of receiving emergency requests and dispatching emergency responders (e.g. sirens) should not be fully funded with these funds, however it may be appropriate to establish a reasonable cost-sharing formula as some of the

equipment items below are not essential to call-answering and dispatching, they may improve the efficiency of the dispatch center.

- a. 9-1-1 call answering equipment,
- b. landline, wireless, voice over Internet Protocol (VoIP) telecommunications equipment,
- c. telecommunications device for the deaf (TDD) equipment,
- d. radio base stations, base paging equipment, and repeaters,
- e. radios for PSAP testing and backup purposes,
- f. sirens and equipment necessary to communicate with public emergency notification systems,
- g. communication equipment consoles, monitors, desks & chairs
- h. automatic vehicle location (AVL) base station equipment, (i.e. servers, transceivers)
- i. mobile data terminal (MDT) base station equipment (i.e. base station, repeaters)
- j. recording and data storage equipment,
- k. computer hardware and software,
- l. routers, hubs, and switches,
- m. radio towers, tower structures, tower sites & easements, antennas, and associated costs,
- n. trunk and data communication lines, including redundant and diverse trunking,
- o. uninterrupted power supplies (UPS) & emergency power generators for PSAPs and towers,
- p. commercial and custom software, software licenses, multi-factor authentication, hardware, maintenance, and programming for database provisioning, addressing, geographical information systems (GIS), computer-aided dispatch (CAD), records management, time synchronization, or automatic location identification within the PSAP and the apportioned share of costs, based on emergency services communications use within response vehicles, provided that PSAP standards and communication protocols are followed,
- q. master street address guide,
- r. street address signage, and
- s. fax machines and copiers for the PSAP.

2. **Staffing.** The appropriate percentage of the salaries, benefits, and overhead for the staff performing the 911 coordination function, the PSAP management function, and the emergency services communication function (including call answering, dispatching, call monitoring, pre-arrival instructions, and administrative call management with any public safety agencies). As noted above, the percentage of staff costs (if any) associated with other administrative functions not related to the implementation, management, and operation of the system of emergency services communications with public safety agencies (i.e. jail management, courthouse security, etc.) should not be supported with these funds. If such shared staff is partially funded with these revenues, it is recommended that a reasonable formula based upon the relative amount of time spent on emergency services communications and other duties be determined by the governing body for the allocation of staff costs. This formula should be documented and consistently applied. Emergency

services communication staff may include:

- a. 911 Coordinators
- b. PSAP managers, supervisors, & support staff
- c. Call-takers & dispatchers

3. Operation. The appropriate percentage of operational costs associated with the 911 coordination function, the PSAP management function, and the emergency services communication function (including call answering, dispatching, call monitoring, pre-arrival instructions, and administrative call management with any public safety agencies). As discussed with staffing above, operational costs (if any) associated with other administrative functions not related to the implementation, management, and operation of the system of emergency services communications with public safety agencies (i.e. jail management, courthouse security, etc.) should not be supported with these funds. If such shared operational costs are partially funded with these revenues, it is recommended that a reasonable formula based upon the relative amount of staffing, space or other factors be established by the governing body. This formula should be documented and consistently applied. Emergency services communication operational costs may include:

- a. actual administrative costs of telecommunications providers for collecting the fee, (withheld by the provider prior to remittance) within the restrictions of State law,
- b. 9-1-1 database fees and maintenance charges including provider fees for database changes,
- c. telecommunication service fees including transport charges, “meet-point” charges, selective routing, and long-distance charges incurred due to transferring 9-1-1 calls to other jurisdictions,
- d. Public Safety Answering Point (PSAP) facility operation, including land and building purchase, construction, lease or rent, utilities, insurance, maintenance, repair, and remodeling essential for the support of the communication and 911 coordination functions,
- e. contracts with another state or local government entity or private provider for dispatch, coordination, and other allowable ESCS costs,
- f. contracts for the implementation of 911 service for wireless, VoIP, text-to-911, and other emerging telecommunication technologies,
- g. consulting services for data acquisition, mapping, planning and ESCS implementation and maintenance,
- h. training fees and associated travel costs for staff identified in subsection 2,
- i. office supplies, furniture, postage, dues, subscriptions, maps, copier, paper, telecommunication service fees, training materials and responder guides for PSAP operation and 911 Coordinator support, and
- j. public educational materials regarding 9-1-1 services and access with the specific purpose of informing the public, including children, how to access emergency services, the limitations of certain communication technologies, and the use of public emergency notification systems.
- k. Vehicle costs (either mileage or appropriate portion of vehicle purchase and

maintenance) for ESCS support activities such as establishing and verifying addresses, installing/inspecting street signage, remote communication device testing and repair.

- l. Staff travel costs for attending meetings, training, responder information, and public education.
- m. Costs associated with fiscal auditors and similar management consultants necessary for the professional operation of the agency

B. EXPENDITURES NOT ALLOWED:

1. The following items are not considered eligible expenditures for these funds:
 - a. base responder equipment integral to, or normally a part of, a response vehicle – including radios, radio antennas, and similarly associated radio equipment,
 - b. responder vehicles including fire engines, ambulances, law enforcement vehicles, or other emergency vehicles, and
 - c. support of private communication providers to enhance their coverage area.

C. EXPENDITURES NOT IDENTIFIED:

Should specific costs associated with emergency services communications arise that are not addressed by these guidelines, a description of the cost may be submitted to the ESCC Committee for a determination. The description should be submitted in writing (either paper or electronic) to the secretary of the ESCC Committee for inclusion on the agenda of the Committee's next meeting.

D. NON-COMPLIANCE:

Should the Committee receive credible evidence that would suggest a particular jurisdiction has made expenditures of funds governed by these guidelines that were inconsistent with the guidelines; upon majority vote of the Committee, a letter shall be sent to the jurisdictions governing body informing them of that evidence and urging them to take appropriate corrective action. Corrective action may include the restoration of the funds from an appropriate source and the implementation of procedures to ensure that future fund expenditures remain within the guidelines. The letter shall request a written response within 90 days, detailing the corrective action taken or the reasons that corrective action was unnecessary. If the Committee, by majority vote, determines that the jurisdictions response is insufficient; copies of the correspondence will be filed with the State's Attorney representing the jurisdiction and the Office of the State Auditor.

HB 1206
February 11, 2021
House Political Subdivisions
Bill Kalanek
ND EMS Association

Good morning Chairman Dockter and members of the House Political Subdivisions committee. My name is Bill Kalanek and I'm before you today representing the ND EMS Association. The association is in full support of the bill you have before you. I simply have a couple of small amendments intended to clarify sub f. in Section 6 of the bill.

The Department of Health, Association of Counties and the ND EMS Association met earlier this week and identified a need for clarification in order to alleviate any confusion around the term "quickest" as it pertains to dispatch of services in the bill as written.

PROPOSED AMENDMENT TO BILL NO. 1206

Page 6, line 23, after "service" insert "to arrive to the scene"

Page 6, line 24, after "coordinator" insert ", with the approval of the department of health"

2021 SENATE POLITICAL SUBDIVISIONS

HB 1206

2021 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Sakakawea, State Capitol

HB 1206
3/19/2021

A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06, subsection 3 of section 57-40.6-07, subsections 3 and 4 of section 57-40.6-10, sections 57-40.6-12 and 57-40.6-13, and subdivision c of subsection 8 of section 57-40.6-14 of the North Dakota Century Code, relating to emergency services communication systems.

Chairman Burckhard opened the hearing on HB 1206 at 9:26 a.m. Members present: Burckhard, Anderson, Lee, Larson, Kannianen, Oban, Heitkamp.

Discussion Topics:

- 911 services
- Tribal representation
- GPS

[9:27] Representative Corey Mock, District 18. Introduced HB 1206 and provided testimony #10081 in favor with proposed amendment 21.0193.02001.

[9:36] Terry Traynor, Secretary, Emergency Services Communications Coordinating Committee (ESC3). Provided testimony #10067 in favor.

[9:49] Bill Kalanek, Lobbyist, EMS Association. Provided oral testimony in favor.

Senator Oban moves to **ADOPT AMENDMENT 21.0193.02001**

Senator Anderson seconded.

Senators	Vote
Senator Randy A. Burckhard	Y
Senator Howard C. Anderson, Jr.	Y
Senator Jason G. Heitkamp	Y
Senator Jordan Kannianen	Y
Senator Diane Larson	Y
Senator Judy Lee	Y
Senator Erin Oban	Y

The motion passed 7-0-0

Senator Heitkamp moves **DO PASS, AS AMENDED.**

Senator Oban seconded.

Senators	Vote
Senator Randy A. Burckhard	Y
Senator Howard C. Anderson, Jr.	Y
Senator Jason G. Heitkamp	Y
Senator Jordan Kannianen	Y
Senator Diane Larson	Y
Senator Judy Lee	Y

Senator Erin Oban	y
-------------------	---

The motion passed 7-0-0

Senator Burckhard will carry HB 1206.

Additional written testimony: (1)

Becky Ault, Director, Grand Forks Public Safety Answering Point. Written testimony #10033 in favor.

Chairman Burckhard closed the hearing on HB 1206 at 9:50 a.m.

Patricia Lahr, Committee Clerk

21.0193.02001
Title.03000

Prepared by the Legislative Council staff for
Representative Mock

March 18, 2021

9/1
1501
3/19

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 10, line 6, replace "Biannually" with "Biennially"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1206, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206
was placed on the Sixth order on the calendar.

Page 10, line 6, replace "Biannually" with "Biennially"

Renumber accordingly



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

District 18
P.O. Box 12542
Grand Forks, ND 58208-2542
C: 701-732-0085
crmoc@nd.gov

COMMITTEES:
Appropriations

March 19, 2021

HB 1206 – Emergency Services Communications Coordinating Committee Technical Corrections

Chairman Randy Burckhard and members of the Senate Political Subdivisions Committee,

I'm before you today as chairman of our legislative Information Technology Committee, which received 3 policy requests during our most recent interim. By practice we do not recommend legislation to be introduced by the committee; instead we recommend concepts and invite committee members to work on those proposals in subsequent legislative sessions.

HB 1206 is a technical update to 57-40.6 regarding emergency services communication systems and one of the policy concepts your IT Committee unanimously recommended in September 2020.

The Emergency Services Communications Coordinating Committee (ESC3) was established by state law in 2001, specifically to implement technologies that will efficiently and cost-effectively deliver 911 calls to one of the 21 existing public safety answering points (PSAPs).

As you may know, 911-related services are funded from an emergency services system fee levied on telecommunications services in this state. All 53 counties and 1 city impose this fee. We learned at our September 2020 meeting that 35 jurisdictions charge the maximum \$2.00 fee while the remaining 19 counties charge \$1.50.

The telecommunication fee revenue totaled \$17.7 million in 2019, roughly 64% of the \$27.5 million needed to support North Dakota emergency communication systems. Remaining funds are collected primarily from local property taxes.

ESC3 is composed of two state and two local government representatives. State laws are regularly reviewed by ESC3 to ensure code is consistent with common practices and emerging technology utilized by our emergency responders.

I'll quickly walk through the updates in each section of HB 1206.

Section 1: updates terminology to be consistent with proposed changes throughout the text of the bill. We add "911 system service provider" and modernizes the definition of "subscriber service address" to add new communication technologies.

Section 2: requires, rather than allows, a county or city to use 911-fees in accordance with ESC3 guidelines.

Section 3: updates 911-database requirements to collect physical addresses for all types of communication services (as opposed to just land line services.)

Section 4: changes the word "address" to "location" to accommodate calls of service based on GPS coordinates.

Section 5: technical updates replacing references to land lines with all service providers.

Section 6: amendments to standards and guidelines.

Subsection "e" – removes unnecessary language as authority to dispatch services is already provided within the standards and guidelines;

Subsection "f" – updates emergency service dispatch priority and removes ambiguity with the term "quickest." This requires a PSAP to dispatch the service that can most quickly arrive to the scene, then dispatch secondary responders based on the best information at the time.

Remaining subsections are minor technical corrections, except **subsection "v"** requires PSAPs to have written policies for establishing dispatch procedures for text-initiated communications.

Section 7: ESC3 governance change, amending current reporting requirements from annual to biennial, aligning this provision with their requirement to present information to the legislature.

Note: Page 10 line 6 currently uses the word "biannually", which means twice each year. We noticed the error yesterday and have an amendment to correctly use the word "biennially", which means once every two years. Please consider adopting this amendment to ensure statute aligns with the coordinating council's intent.

Section 8: removes the requirement for BCI to obtain information from wireless providers and distribute that information to each PSAP. Information collected by BCI is not being used by PSAPs and it was recommended we remove this requirement.

Section 9: removes outdated language regarding prepaid wireless fee collections and permits prepaid wireless sellers to retain the existing allowance of 3 percent of the fee.

Ultimately, these changes are intended to improve the coordination and function of our emergency service systems. If enacted, language in HB 1206 should also reduce the likelihood of political subdivisions misinterpreting how 911-fee revenue may be used.

Representatives from the Association of Counties and ESC3 will follow with additional information and can answer technical questions you may have. On behalf of your Information Technology Committee, I encourage your favorable recommendation and ultimate passage of HB 1206.

Thank you again, Chairman Burckhard and members of the committee.

Introduced by

Representatives Mock, Bosch, Dockter, Roers Jones, Vigesaa, Weisz

Senators Davison, Piepkorn, Vedaa, Wanzek

1 A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06,
2 subsection 3 of section 57-40.6-07, subsections 3 and 4 of section 57-40.6-10, sections
3 57-40.6-12 and 57-40.6-13, and subdivision c of subsection 8 of section 57-40.6-14 of the North
4 Dakota Century Code, relating to emergency services communication systems.

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

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

8 **57-40.6-01. Definitions.**

9 In this chapter, unless the context otherwise requires:

- 10 1. "911 system" means a set of networks, software applications, databases, call
11 answering components, and operations and management procedures required to
12 provide 911 services.
- 13 2. "911 system service provider" means an entity that provides the systems and support
14 necessary to enable 911 calling for one or more public safety answering points in a
15 specific geographic area. A 911 system service provider may provide the systems and
16 support for either enhanced 911 or next generation 9-1-1.
- 17 3. "Assessed communications service" means a software service, communication
18 connection, cable or broadband transport facilities, or a combination of these facilities,
19 between a billed retail end user and a service provider's network that provides the end
20 user, upon contacting 911, access to a public safety answering point through a
21 permissible interconnection to the dedicated 911 network. The term includes
22 telephone exchange access service, wireless service, and voice over internet protocol
23 service.

Sixty-seventh
Legislative Assembly

- 1 ~~3.4.~~ "Automated notification system" means that portion of a telecommunications system
2 that provides rapid notice of emergency situations to the public.
- 3 ~~4.5.~~ "Commissioner" means the state tax commissioner.
- 4 ~~5.6.~~ "Communication connection" means a telephone access line, wireless access line,
5 unique voice over internet protocol service connection, or functional equivalent
6 uniquely identifiable by a number, internet address, or other designation.
- 7 ~~6.7.~~ "Consumer" means a person who purchases prepaid wireless service in a retail
8 transaction.
- 9 ~~7.8.~~ "Emergency services communication system" means a comprehensive statewide or
10 countywide system, which provides rapid public access for coordinated dispatching of
11 public safety services. The system includes a 911 system or radio system.
- 12 ~~8.9.~~ "FCC order" means federal communications commission order 94-102 [961 Federal
13 Register 40348] and any other FCC order that affects the provision of wireless
14 enhanced 911 service.
- 15 ~~9.10.~~ "Prepaid wireless emergency 911 fee" means the fee that is required to be collected
16 by a seller from a consumer in the amount established under section 57-40.6-14.
- 17 ~~10.11.~~ "Prepaid wireless service" means any telecommunications service that provides the
18 right to use a mobile wireless service as well as other nontelecommunications
19 services, including the download of digital products delivered electronically, content
20 and ancillary services, which are paid for in advance and sold in predetermined units
21 or dollars which decline with use in a known amount.
- 22 ~~11.12.~~ "Prepaid wireless service provider" means any person that provides prepaid wireless
23 telecommunications service pursuant to a license issued by the federal
24 communications commission.
- 25 ~~12.13.~~ "Public safety answering point" or "PSAP" means a communications facility or
26 combination of facilities which first receives 911 calls from persons in a 911 service
27 area and which, as appropriate, may directly dispatch public safety services or extend,
28 transfer, or relay 911 calls to appropriate public safety agencies.
- 29 ~~13.14.~~ "Public safety answering point service area" means the geographic area for which a
30 public safety answering point has dispatch and emergency communications
31 responsibility.

Sixty-seventh
Legislative Assembly

- 1 ~~14-15.~~ "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 ~~15-16.~~ "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 ~~16-17.~~ "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 ~~17-18.~~ "Retail transaction" means the purchase of prepaid wireless service from a seller for
11 any purpose other than resale.
- 12 ~~18-19.~~ "Seller" means a person who sells prepaid wireless services to a consumer.
- 13 ~~19-20.~~ "Subscriber service address" means, for purposes of ~~wire line~~telephone exchange
14 access service and voice over internet protocol service subscribers, the address
15 where the ~~telephone~~ subscriber's ~~wire line telephone~~communication device is used
16 and, for purposes of wireless subscribers, the place of primary use, as that term is
17 defined in section 57-34.1-02.
- 18 ~~20-21.~~ "Telephone access line" means the principal access to the telephone company's
19 switched network, including an outward dialed trunk or access register.
- 20 ~~21-22.~~ "Telephone exchange access service" means service to any wire line telephone
21 access line identified by a unique telephone number that provides local wire line
22 access to the telecommunications network to a service subscriber and which enables
23 the subscriber to access the emergency services communications system by dialing
24 the digits 9-1-1 on the subscriber's telephone device.
- 25 ~~22-23.~~ "Unpublished" means information that is not published or available from directory
26 assistance.
- 27 ~~23-24.~~ "Voice over internet protocol service" means a service that enables real-time two-way
28 voice communications; requires a broadband connection from the user's location;
29 requires internet protocol-compatible customer premises equipment; and permits
30 users generally to receive calls that originate on the public switched telephone network
31 and to terminate calls to the public switched telephone network.

1 ~~24-25.~~ "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 ~~25-26.~~ "Wireless enhanced 911 service" means the service required to be provided by
5 wireless service providers pursuant to the FCC order.

6 ~~26-27.~~ "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 ~~27-28.~~ "Wireless service provider" means any entity authorized by the federal
17 communications commission to provide wireless service within this state.

18 **SECTION 2. AMENDMENT.** Section 57-40.6-05 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **57-40.6-05. Restriction on use of fee proceeds.**

21 The governing body ~~may~~shall use the proceeds of the fee imposed under section
22 57-40.6-02 ~~solely for implementing, maintaining, or operating the emergency services-~~
23 ~~communication system and may enter into agreements to effectuate the same in~~ accordance
24 with guidelines established by the emergency services communications coordinating committee
25 under duties identified in section 57-40.6-12. The governing body or its designee shall deposit
26 the fee proceeds in a separate fund and keep records to show all expenditures from the fee
27 proceeds.

28 **SECTION 3. AMENDMENT.** Section 57-40.6-06 of the North Dakota Century Code is
29 amended and reenacted as follows:

1 **57-40.6-06. Database.**

2 Any ~~telephone exchange access~~assessed communications service provider providing
3 emergency 911 service and whose subscriber's service addresses are provided to a public
4 safety answering point upon delivery of a 911 call shall provide current customer names,
5 addresses, and telephone numbers to each emergency services communication system
6 coordinator, the coordinator's designee, or public safety answering point within each 911
7 system. Information provided under this section must be provided in accordance with the
8 transactional record disclosure requirements of the federal Electronics Communications Privacy
9 Act of 1986, 18 U.S.C. 2703(c)(1)(B)(iii), and in a manner that identifies the names and
10 telephone numbers that are unpublished. The provider shall report database information
11 regarding new service or a change of service within two business days of the actual service
12 change unless a longer period is permitted by the jurisdiction. The provider shall report
13 database information regarding dropped service at least monthly.

14 **SECTION 4. AMENDMENT.** Subsection 3 of section 57-40.6-07 of the North Dakota
15 Century Code is amended and reenacted as follows:

16 3. A record obtained by a public safety answering point for the purpose of providing
17 services in an emergency which reveals personal information or the identity,
18 addresslocation, or telephone number of a person requesting emergency service or
19 reporting an emergency is exempt from section 44-04-18 and may be redacted from
20 the record before it is released.

21 **SECTION 5. AMENDMENT.** Subsection 3 of section 57-40.6-10 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 3. An emergency services communication system coordinator shall:
24 a. Ensure that address and mapping data is updated in the emergency services
25 communication system database and mapping system within thirty days of
26 receipt of notice or request for change;
27 b. Provide for a complete annual review of the emergency services communication
28 system ~~land line~~911 database by obtaining current records from the appropriate
29 ~~telecommunications companies~~911 system service provider;
30 c. Maintain the law enforcement, fire, and emergency medical service response
31 boundaries for the public safety answering point service area; and

- 1 d. Ensure that the dispatch protocols for emergency service notifications are
2 documented and communicated with all law enforcement, fire, and emergency
3 medical services.

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

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

- 1 g. Be capable of providing emergency medical dispatch prearrival instructions on all
2 emergency medical calls. Prearrival instructions must be offered by a public
3 safety telecommunicator who has completed an emergency medical dispatch
4 course approved by the division of emergency health services. Prearrival medical
5 instructions may be given through a mutual aid agreement.
- 6 h. Have security measures in place to prevent direct physical public access to
7 on-duty public safety telecommunicators and to prevent direct physical public
8 access to any room or location where public safety answering point equipment
9 and systems are located.
- 10 i. Have an alternative source of electrical power that is sufficient to ensure at least
11 six hours of continued operation of emergency communication equipment in the
12 event of a commercial power failure. A public safety answering point also must
13 have equipment to protect critical equipment and systems from irregular power
14 conditions, such as power spikes, lightning, and brownouts. Documented testing
15 of backup equipment must be performed each quarter under load.
- 16 j. Maintain a written policy for computer system security and preservation of data.
- 17 k. Have the capability of recording and immediate playback of recorded emergency
18 calls and radio traffic.
- 19 l. Employ a mechanism to differentiate emergency calls from other calls.
- 20 m. Provide assistance for investigating false or prank calls.
- 21 n. Have an alternative method of answering inbound emergency calls at the public
22 safety answering point when its primary emergency services communication
23 system equipment is inoperable.
- 24 o. ~~No later than July 1, 2015, have~~Have a written policy, appropriate agreements,
25 and the capability to directly answer emergency calls and dispatch responders
26 from a separate, independent location other than the main public safety
27 answering point or another public safety answering point meeting the
28 requirements of this section, within sixty minutes of an event that renders the
29 main public safety answering point inoperative. This alternative location must
30 have independent access to the public safety answering point's ~~land line~~911

1 system database. The capability of transferring emergency calls to this alternative
2 location must be tested and documented annually.

3 p. Remain responsible for all emergency calls received, even if ~~aduring the initial~~
4 transfer of ~~the~~ call is made to a second public safety answering point. The initial
5 public safety answering point may not disconnect from the three-way call unless
6 mutually agreed by the two public safety telecommunicators. Upon this
7 agreement, the secondary public safety answering point becomes responsible for
8 the call.

9 q. Employ the necessary telecommunications network and electronic equipment
10 consistent with the minimum technical standards recommended by the national
11 emergency number association to securely receive and respond to emergency
12 communications.

13 r. ~~After July 1, 2015, maintain~~ Maintain current, up-to-date mapping of its service
14 area and have the ability to use longitude and latitude to direct responders.

15 s. Secure two sets of fingerprints from a law enforcement agency or any other
16 agency authorized to take fingerprints and all other information necessary to
17 obtain state criminal history record information and a nationwide background
18 check under federal law for all public safety telecommunicators.

19 t. Have policies to ensure that all public safety telecommunicators:

- 20 (1) Do not have a felony conviction, at a minimum consistent with the national
21 crime information center standards;
- 22 (2) Complete pre-employment screening for illegal substance use and hearing;
- 23 (3) Meet and maintain the minimum qualifications and required certifications as
24 established by the emergency services communications coordinating
25 committee;
- 26 (4) Can prioritize appropriately all calls for service; and
- 27 (5) Can determine the appropriate resources to be used in response to all calls
28 for public safety services.

29 u. Have written policies establishing procedures for recording and documenting
30 relevant information of every request for service, including:

- 31 (1) Date and time of request for service;

- 1 (2) Name and address of requester, if available;
 - 2 (3) Type of incident reported;
 - 3 (4) Location of incident reported;
 - 4 (5) Description of resources assigned, if any;
 - 5 (6) Time of dispatch;
 - 6 (7) Time of resource arrival; and
 - 7 (8) Time of incident conclusion.
- 8 v. Have written policies establishing dispatch procedures and provide initial and
- 9 periodic training of public safety telecommunicators on those procedures,
- 10 including procedures for:
- 11 (1) Standardized call taking and dispatch procedures;
 - 12 (2) The prompt handling and appropriate routing of misdirected emergency
 - 13 calls;
 - 14 (3) The handling of hang-up emergency calls;
 - 15 (4) The handling of calls from non-English speaking callers; ~~and~~
 - 16 (5) The handling of calls from callers with hearing or speech impairments; and
 - 17 (6) The handling of text-initiated communications.

18 **SECTION 7. AMENDMENT.** Section 57-40.6-12 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **57-40.6-12. Emergency services communications coordinating committee -**
21 **Membership - Duties.**

- 22 1. The governing body of a city or county, which adopted a fee on assessed
23 communications services under this chapter, shall make ~~an annual~~ report of the
24 income, expenditures, and status of its emergency services communication system.
25 The ~~annual~~ report must be submitted to the emergency services communications
26 coordinating committee in the format requested by the committee. The committee is
27 composed of four members, one appointed by the North Dakota 911 association, one
28 appointed by the North Dakota association of counties, one appointed by the chief
29 information officer of the state, and one appointed by the adjutant general to represent
30 the division of state radio.
- 31 2. The committee shall:

- 1 a. Recommend to the legislative management changes to the operating standards
2 for emergency services communications, including training or certification
3 standards for dispatchers;
 - 4 b. Develop guidelines regarding the allowable uses of the fee revenue collected
5 under this chapter;
 - 6 c. ~~Request, Biannually~~Biennially, request, receive, and compile reports from each
7 governing body on the use of the proceeds of the fee imposed under this chapter,
8 analyze the reports with respect to the guidelines, file its report with the
9 legislative council by November first of each even-numbered year regarding the
10 use of the fee revenue, and recommend to the legislative assembly the
11 appropriate maximum fee allowed by section 57-40.6-02;
 - 12 d. Periodically evaluate chapter 57-40.6 and recommend changes to the legislative
13 management; and
 - 14 e. Serve as the governmental body to coordinate plans for implementing emergency
15 911 services and internet protocol enabled emergency applications for 911.
- 16 3. The committee may initiate and administer statewide agreements among the
17 governing bodies of the local governmental units with jurisdiction over an
18 emergency 911 telephone system to coordinate the procurement of equipment and
19 services, fund the research, administration, and activities of the committee, and
20 contract for the necessary staff support for committee activities.

21 **SECTION 8. AMENDMENT.** Section 57-40.6-13 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **57-40.6-13. Provision of call location information by wireless service provider or**
24 **prepaid wireless service provider or seller to law enforcement.**

- 25 1. Upon request of a law enforcement agency or a public safety answering point on
26 behalf of a law enforcement agency, a wireless service provider shall provide call
27 location information concerning the telecommunications device of a user to the
28 requesting law enforcement agency or public safety answering point. A prepaid
29 wireless service provider or seller shall provide such call location information if
30 available. A law enforcement agency or public safety answering point may not request
31 information under this section unless for the purposes of responding to a call for

1 emergency services or in an emergency situation that involves the risk of death or
2 serious physical harm.

3 2. A wireless service provider or prepaid wireless service provider or seller may establish
4 protocols by which the carrier voluntarily discloses call location information.

5 3. A claim for relief may not be brought in any court against any wireless service provider,
6 prepaid wireless service provider or seller, or any other person for providing call
7 location information if acting in good faith and under this section.

8 4. ~~The bureau of criminal investigation shall obtain contact information from all wireless-~~
9 ~~service providers authorized to do business in this state to facilitate a request from a~~
10 ~~law enforcement agency or a public safety answering point on behalf of a law-~~
11 ~~enforcement agency for call location information under this section. The bureau shall~~
12 ~~disseminate the contact information to each public safety answering point in this state.~~

13 **SECTION 9. AMENDMENT.** Subdivision c of subsection 8 of section 57-40.6-14 of the
14 North Dakota Century Code is amended and reenacted as follows:

15 c. The seller required to collect, report, and remit the prepaid wireless
16 emergency 911 fee imposed under this section ~~shall retain one hundred percent~~
17 ~~of the amount of fee due to cover the cost of collecting and transmitting the fee to~~
18 ~~the commissioner beginning with the first three months the seller begins selling~~
19 ~~prepaid wireless service, or for the first three months after January 1, 2014, if the~~
20 ~~seller is making retail sales of prepaid wireless services prior to January 1, 2014,~~
21 ~~and shall thereafter~~may retain three percent of the fee.

21.0193.02001
Title.

Prepared by the Legislative Council staff for
Representative Mock
March 18, 2021

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 10, line 6, replace "Biannually" with "Biennially"

Renumber accordingly

Testimony to the
Senate Political Subdivisions Committee

March 19, 2021

by Terry Traynor, NDACo Executive Director
Secretary, Emergency Services Communications Committee



Regarding: Engrossed Senate Bill 1186

Thank you, Chairman Burchard and Committee Members, for the opportunity to address this legislation. While I am the Executive Director of NDACo, I also serve as Secretary and one of the four members to the Emergency Services Communications Coordinating Committee, or “ESC3” as it is often called, that you as a Legislature created in 2001 to provide guidance and direction to the State’s 9-1-1 system, and to compile and prepare a biennial report to the Legislature. Mr. Bergquist, our ESC3 Chairman and Stutsman County 9-1-1 Coordinator, was unable to be here today and asked that I deliver this testimony in his place. The ESC3 members are listed on the last page of this testimony.

The ESC3 is a statutory body composed of two state and two local government representatives with the specific responsibilities outlined in the section of law that is attached at the end of my testimony. As a separate upload (Doc. 6310), I have provided this Committee with the ESC3’s required Biennial Report (our 10th since enactment) – submitted in September to your interim Information Technology Committee. While there are several interesting and important elements to this report, I am here today to specifically address the portion that addresses our responsibility to “*periodically evaluate chapter 57-40.6 and recommend changes,*” which, this interim was quite extensive.

I should begin by noting that in preparing its recommendations, the ESC3 collaborated with the North Dakota 911 Association, a membership organization of state, local and private industry representatives to provide input. Their input was reviewed and proposed statutory changes were drafted. These were then circulated out to all interested parties, along with the entire Biennial Report, and discussed and adopted at a formal open meeting of the ESC3. Before this Committee today is the result of this engagement and ESC3’s recommendations to both provide clarity and to help modernize the chapter addressing changes occurring with the state’s transition to Next Generation 9-1-1.

Mr. Chairman, I will run through sections of the bill quickly and can hopefully answer any questions.

Section 1 of the bill updates and adds definitions for terms used throughout chapter 57-40.6 to remain consistent with emergency communications nationwide.

Section 2, the ESC3 is recommending a change to provide clarity to governing bodies that the restriction on use of the fee is not based on the governing body's interpretation of what constitutes costs associated with implementing, maintaining, or operating an emergency services communication system. It is governed specifically by the guidance developed by the ESC3 as required under NDCC 57-40.6-12. That guidance is quite extensive, is periodically reviewed through a deliberative process involving public hearings and has also been uploaded for the committee's review (Doc. 6311)

Section 3 amends NDCC 57-40.6-06, to recognize that the current requirement for customer database should include all types of service where a physical address is associated with a 9-1-1 call. This section is currently only associated with the provisioning of telephone exchange access services (commonly known as landline service) while the state's PSAPs are increasingly receiving 911 calls placed over Voice over IP communications. With Voice over IP 911 calls, it is not uncommon for PSAPs to receive addresses that they are not adequately prepared to receive. These changes help ensure that the PSAP will be prepared to handle Voice over IP calls as effectively and efficiently as any other type of call.

Section 4 is only a word change to NDCC 57-40.6-07 subsection 3 relating to the "address" of a 9-1-1 call. Because some 9-1-1 calls are received with latitude and longitude coordinates only, the committee recommends that the word "location" be used to accommodate both a physical address and a coordinate-based location.

Section 5 references one subsection of NDCC 57-40.6-10, which is our State's Standards and Guidelines for operating an emergency services communications system. This change is associated with the previous recommendation in NDCC 57-40.6-06 relating to "database" and includes the new term "911 system service provider", defined in section 1.

Section 5 continues amendments to the Standards and Guidelines:

Paragraph "e" strikes "as authorized by the governing committee" since the protocols surrounding the accessing and dispatching of auxiliary emergency services are already provided within the standards and guidelines and authorization from a governing committee is not required.

Paragraph "f" addresses the dispatching of emergency medical services in a timely fashion. The ESC3 received input from the state's PSAPs that dispatching the "quickest" EMS agency can be a challenging bar to meet with 100% accuracy given the amount of variables at play and especially at times when the 1st emergency medical service choice is not available. The EMS Association offered a friendly amendment to this section in the House to improve the wording, and the ESCCC was in agreement with its addition by the House.

Paragraphs "o", "p", and "r" contain minor editorial changes.

Paragraph "u" adds the requirement for dispatch procedures for the handling of "text-initiated communications," a 911 service introduced to the state in 2016.

Section 7 deals with the ESC3's responsibilities. Currently each emergency communication system governing body's requirement is to prepare a report annually, yet the expectation is for the ESC3 to gather and compile those reports only on a bi-annual basis. The changes align the ESC3's current biennial reporting period responsibility with the governing body's reporting requirement and legislative cycle.

Section 8 relates to the sharing of location information from wireless service providers with law enforcement, the ESC3 recommends that subsection 4 be struck from ND century code. Upon investigation it was identified that the state's PSAPs have access to the required contact information for wireless service providers and gather that information from other resources. The contact information gathered and provided by the bureau of criminal investigation is not being used by the PSAP community.

Lastly, Section 9 proposes the elimination of text which addresses the original handling of fee collections. The text is no longer applicable, considering that the state is seven years along in the process of collecting the prepaid wireless emergency 911 fee. The original purpose of the text was to allow sellers to recoup some of the initial expense of configuring their systems to collect and remit the fee. It maintains the allowance for the telecommunications providers to retain 3% of the collections as a reimbursement for their fee collection efforts.

With that Mr. Chairman and members of the committee, I once again want to thank you for the opportunity to deliver this testimony and urge a Do Pass recommendation. I will stand to address any questions. Thank you.

57-40.6-12. Emergency services communications coordinating committee --

Membership -- Duties.

1. The governing body of a city or county, which adopted a fee on assessed communications services under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the emergency services communications coordinating committee. The committee is composed of four members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, one appointed by the chief information officer of the state, and one appointed by the adjutant general to represent the division of state radio.
2. The committee shall:
 - a. Recommend to the legislative management changes to the operating standards for emergency services communications, including training or certification standards for dispatchers;
 - b. Develop guidelines regarding the allowable uses of the fee revenue collected under this chapter;
 - c. Request, receive, and compile reports from each governing body on the use of the proceeds of the fee imposed under this chapter, analyze the reports with respect to the guidelines, file its report with the legislative council by November first of each even-numbered year regarding the use of the fee revenue, and recommend to the legislative assembly the appropriate maximum fee allowed by section 57-40.6-02;
 - d. Periodically evaluate chapter 57-40.6 and recommend changes to the legislative management; and
 - e. Serve as the governmental body to coordinate plans for implementing emergency 911 services and internet protocol enabled emergency applications for 911.
3. The committee may initiate and administer statewide agreements among the governing bodies of the local governmental units with jurisdiction over an emergency 911 telephone system to coordinate the procurement of equipment and services, fund the research, administration, and activities of the committee, and contract for the necessary staff support for committee activities.

**Emergency Services Communications Coordinating Committee
Committee Composition**

Jerry Bergquist, Chairman – Stutsman County 911 Coordinator
Appointed by the North Dakota 911 Association

Dan Donlin, Vice Chairman – Director of State Radio
Appointed by the Adjutant General to represent the State Radio Division

Terry Traynor, Secretary – NDACo Director
Appointed by the North Dakota Association of Counties

Duane Schell – Chief Technology Officer, ITD
Appointed by the Chief Information Officer of the State

March 19, 2021
Senate Political Subdivisions
Honorable Chairman Randy Burckhard

HB 1206
SUPPORT

Chairman Burkhard and members of the Political Subdivisions Committee, for the record my name is Becky Ault, Director of the Grand Forks Public Safety Answering Point, and Co-Chair of the ND 911 Association Legislative Committee. I urge support of HB1206, which is a bill to amend century code relating to emergency services communications systems.

Our 911 Association worked closely with the Emergency Services Communications Coordinating Committee (ESC3) to review NDCC 57-40.6 to update language to current terminology, as technology has evolved. We also worked with the ESC3 to ensure there was clarification in the code regarding use of 911 fees, as well as clarification regarding outdated requirements for the Bureau of Criminal Investigation to obtain information from wireless providers and to distribute contact information to each PSAP.

This bill will clarify and improve the coordination and function of our emergency services systems and ensure that our respective political subdivisions understand how the 911 fee revenue may be used.

We urge your support of this bill. Thank you for all your assistance and support for 911 and emergency communications systems.