Sixty-seventh
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

57-40.6-01. Definitions.

In this chapter, unless the context otherwise requires:

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

~~3.~~4. "Automated notification system" means that portion of a telecommunications system that provides rapid notice of emergency situations to the public.

~~4.~~5. "Commissioner" means the state tax commissioner.

~~5.~~6. "Communication connection" means a telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation.

~~6.~~7. "Consumer" means a person who purchases prepaid wireless service in a retail transaction.

~~7.~~8. "Emergency services communication system" means 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.

~~8.~~9. "FCC order" means federal communications commission order 94-102 [961 Federal Register 40348] and any other FCC order that affects the provision of wireless enhanced 911 service.

~~9.~~10. "Prepaid wireless emergency 911 fee" means the fee that is required to be collected by a seller from a consumer in the amount established under section 57-40.6-14.

~~10.~~11. "Prepaid wireless service" means any telecommunications service that provides the right to use a mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which are paid for in advance and sold in predetermined units or dollars which decline with use in a known amount.

~~11.~~12. "Prepaid wireless service provider" means any person that provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission.

~~12.~~13. "Public safety answering point" or "PSAP" means a communications facility or combination of facilities which first receives 911 calls from persons in a 911 service area and which, as appropriate, may directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

~~13.~~14. "Public safety answering point service area" means the geographic area for which a public safety answering point has dispatch and emergency communications responsibility.

~~14.~~15. "Public safety services" means personnel, equipment, and facilities used by law enforcement, fire, medical, or other supporting services used in providing a public safety response to an incident.

~~15.~~16. "Public safety telecommunicator" means an individual whose primary full-time or part-time duties are receiving, processing, and transmitting public safety information received through an emergency services communication system.

~~16.~~17. "Radio system" means a set of networks, software applications, databases, radio components and infrastructure, and operations and management procedures required to provide communication services.

~~17.~~18. "Retail transaction" means the purchase of prepaid wireless service from a seller for any purpose other than resale.

~~18.~~19. "Seller" means a person who sells prepaid wireless services to a consumer.

~~19.~~20. "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~~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.

~~20.~~21. "Telephone access line" means the principal access to the telephone company's switched network, including an outward dialed trunk or access register.

~~21.~~22. "Telephone exchange access service" means service to any wire line telephone access line identified by a unique telephone number that provides local wire line access to the telecommunications network to a service subscriber and which enables the subscriber to access the emergency services communications system by dialing the digits 9-1-1 on the subscriber's telephone device.

~~22.~~23. "Unpublished" means information that is not published or available from directory assistance.

~~23.~~24. "Voice over internet protocol service" means a service that enables real-time two-way voice communications; requires a broadband connection from the user's location; requires internet protocol-compatible customer premises equipment; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

~~24.~~25. "Wireless access line" means each active wireless and prepaid wireless telephone number assigned to a commercial mobile radio service subscriber, including end users of resellers.

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

~~26.~~27. "Wireless service" means commercial mobile radio service as defined in 47 U.S.C. 332(d)(1) and includes:

a. Services commonly referred to as wireless; and

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

(1) Cellular telephone service;

(2) Personal communications service; or

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

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

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

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 ~~solely for implementing, maintaining, or operating the emergency services communication system and may enter into agreements to effectuate the same~~in accordance with guidelines established by the emergency services communications coordinating committee under duties identified in section 57-40.6-12. 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.

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

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 report database information regarding dropped service at least monthly.

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

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.

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

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

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

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

4. A public safety answering point must:

a. Be operational twenty-four hours a day seven days a week or be capable of transferring emergency calls to another public safety answering point meeting the requirements of this section during times of nonoperation.

b. Be 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 communications of the public safety answering point.

c. Have the capability to dispatch public safety services to calls for service in the public safety answering point's service area.

d. Have two-way communication with all public safety services in the public safety answering point's service area.

e. ~~As authorized by the governing committee, access~~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~~, when available, the quickest ~~to arrive to the scene of medical emergencies regardless of city, county, or district boundaries~~emergency medical service as predetermined by the emergency services communications system coordinator. If the predetermined 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.

g. Be capable of providing emergency medical dispatch prearrival instructions on all emergency medical calls. Prearrival instructions must be offered by a public safety telecommunicator who has completed an emergency medical dispatch course approved by the division of emergency health services. Prearrival medical instructions may be given through a mutual aid agreement.

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

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

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

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

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

m. Provide assistance for investigating false or prank calls.

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

o. ~~No later than July 1, 2015, have~~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.

q. Employ the 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.

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

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

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

(1) Do not have a felony conviction, at a minimum consistent with the national crime information center standards;

(2) Complete pre-employment screening for illegal substance use and hearing;

(3) Meet and maintain the minimum qualifications and required certifications as established by the emergency services communications coordinating committee;

(4) Can prioritize appropriately all calls for service; and

(5) Can determine the appropriate resources to be used in response to all calls for public safety services.

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

(1) Date and time of request for service;

(2) Name and address of requester, if available;

(3) Type of incident reported;

(4) Location of incident reported;

(5) Description of resources assigned, if any;

(6) Time of dispatch;

(7) Time of resource arrival; and

(8) Time of incident conclusion.

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

(1) Standardized call taking and dispatch procedures;

(2) The prompt handling and appropriate routing of misdirected emergency calls;

(3) The handling of hang-up emergency calls;

(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.

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

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~~a 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 in the format requested by the 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,~~Biannually, 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.

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

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

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

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

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

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

~~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.~~

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

c. The seller required to collect, report, and remit the prepaid wireless emergency 911 fee imposed under this section ~~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~~may retain three percent of the fee.