

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2296

Introduced by

Senators Walen, Luick, Enget

Representatives Fegley, Vigesaa

1 A BILL ~~for an Act to amend and reenact sections 23-27-02 and 23-27-04.8 of the North Dakota~~
2 ~~Century Code, relating to first responders.~~ for an Act to amend and reenact section 57-40.6-01
3 of the North Dakota Century Code, relating to emergency services communications systems.

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

5 ~~**SECTION 1. AMENDMENT.** Section 23-27-02 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~**23-27-02. Definitions.**~~

8 ~~For the purpose of this chapter, unless the context otherwise requires:~~

9 ~~1. "Department" means the department of health and human services.~~

10 ~~2. "Emergency medical services" means the prehospital medical stabilization or~~
11 ~~transportation, including interfacility transportation, of an individual who is sick, injured,~~
12 ~~wounded, or otherwise incapacitated or helpless, or in a real or perceived acute~~
13 ~~medical condition, by a person that holds oneself out to the public as being in that~~
14 ~~service or that regularly provides that service. The term includes:~~

15 ~~a. Assessing, stabilizing, and treating life-threatening and non-life-threatening~~
16 ~~medical conditions; or~~

17 ~~b. Transporting a patient who is in a real or perceived acute medical condition to a~~
18 ~~hospital emergency room or other appropriate medical destination.~~

19 ~~3. "Emergency medical services operation" means an entity licensed to offer and provide~~
20 ~~emergency medical services by emergency medical services personnel with physician~~

1 oversight. The term includes basic life support ambulance services, advanced life
2 support ambulance services, air ambulance services, and quick response unit
3 services.

4 ~~4. "Emergency medical services personnel" means individuals who provide emergency~~
5 ~~medical services for emergency medical services operations. The term includes~~
6 ~~emergency medical services professionals, drivers, and department-certified~~
7 ~~emergency medical services providers, such as cardiopulmonary resuscitation drivers~~
8 ~~and first responders.~~

9 ~~5. "Emergency medical services professional" means an individual licensed by the~~
10 ~~department under this chapter.~~

11 ~~6. "First responder" means an individual trained to provide assistance during an~~
12 ~~emergency, including a firefighter as defined under section 18-11-03, law enforcement~~
13 ~~officer as defined under section 12.1-01-04, public safety telecommunicator as defined~~
14 ~~under section 57-40.6-01, and emergency medical services personnel.~~

15 ~~**SECTION 2. AMENDMENT.** Section 23-27-04.8 of the North Dakota Century Code is~~
16 ~~amended and reenacted as follows:~~

17 ~~**23-27-04.8. Emergency medical services operation communications.**~~

18 ~~The department may regulate the communications methods and protocols for emergency~~
19 ~~medical services operations and first responders in a manner consistent with the protocols~~
20 ~~established by the department of emergency services.~~

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

23 **57-40.6-01. Definitions.**

24 In this chapter, unless the context otherwise requires:

- 25 1. "911 system" means a set of networks, software applications, databases, call
26 answering components, and operations and management procedures required to
27 provide 911 services.
- 28 2. "911 system service provider" means an entity that provides the systems and support
29 necessary to enable 911 calling for one or more public safety answering points in a
30 specific geographic area. A 911 system service provider may provide the systems and
31 support for either enhanced 911 or next generation 9-1-1.

- 1 3. "Assessed communications service" means a software service, communication
2 connection, cable or broadband transport facilities, or a combination of these facilities,
3 between a billed retail end user and a service provider's network that provides the end
4 user, upon contacting 911, access to a public safety answering point through a
5 permissible interconnection to the dedicated 911 network. The term includes
6 telephone exchange access service, wireless service, and voice over internet protocol
7 service.
- 8 4. "Automated notification system" means that portion of a telecommunications system
9 that provides rapid notice of emergency situations to the public.
- 10 5. "Commissioner" means the state tax commissioner.
- 11 6. "Communication connection" means a telephone access line, wireless access line,
12 unique voice over internet protocol service connection, or functional equivalent
13 uniquely identifiable by a number, internet address, or other designation.
- 14 7. "Consumer" means a person who purchases prepaid wireless service in a retail
15 transaction.
- 16 8. "Emergency services communication system" means a comprehensive statewide or
17 countywide system, which provides rapid public access for coordinated dispatching of
18 public safety services. The system includes a 911 system or radio system.
- 19 9. "FCC order" means federal communications commission order 94-102 [961 Federal
20 Register 40348] and any other FCC order that affects the provision of wireless
21 enhanced 911 service.
- 22 10. "First responder" means an individual trained to provide assistance during an
23 emergency, including a firefighter as defined under section 18-11-03, law enforcement
24 officer as defined under section 12.1-01-04, emergency medical services personnel as
25 defined under section 23-27-02, and public safety telecommunicators.
- 26 11. "Prepaid wireless emergency 911 fee" means the fee that is required to be collected
27 by a seller from a consumer in the amount established under section 57-40.6-14.
- 28 ~~11.~~ 12. "Prepaid wireless service" means any telecommunications service that provides the
29 right to use a mobile wireless service as well as other nontelecommunications
30 services, including the download of digital products delivered electronically, content

1 and ancillary services, which are paid for in advance and sold in predetermined units
2 or dollars which decline with use in a known amount.

3 ~~12.13.~~ "Prepaid wireless service provider" means any person that provides prepaid wireless
4 telecommunications service pursuant to a license issued by the federal
5 communications commission.

6 ~~13.14.~~ "Public safety answering point" or "PSAP" means a communications facility or
7 combination of facilities which first receives 911 calls from persons in a 911 service
8 area and which, as appropriate, may directly dispatch public safety services or extend,
9 transfer, or relay 911 calls to appropriate public safety agencies.

10 ~~14.15.~~ "Public safety answering point service area" means the geographic area for which a
11 public safety answering point has dispatch and emergency communications
12 responsibility.

13 ~~15.16.~~ "Public safety services" means personnel, equipment, and facilities used by ~~law-~~
14 ~~enforcement, fire, medical,~~first responders or other supporting services used in
15 providing a public safety response to an incident.

16 ~~16.17.~~ "Public safety telecommunicator" means an individual whose primary full-time or
17 part-time duties are receiving, processing, and transmitting public safety information
18 received through an emergency services communication system.

19 ~~17.18.~~ "Radio system" means a set of networks, software applications, databases, radio
20 components and infrastructure, and operations and management procedures required
21 to provide communication services.

22 ~~18.19.~~ "Retail transaction" means the purchase of prepaid wireless service from a seller for
23 any purpose other than resale.

24 ~~19.20.~~ "Seller" means a person who sells prepaid wireless services to a consumer.

25 ~~20.21.~~ "Subscriber service address" means, for purposes of telephone exchange access
26 service and voice over internet protocol service subscribers, the address where the
27 subscriber's communication device is used and, for purposes of wireless subscribers,
28 the place of primary use, as that term is defined in section 57-34.1-02.

29 ~~21.22.~~ "Telephone access line" means the principal access to the telephone company's
30 switched network, including an outward dialed trunk or access register.

- 1 | ~~22-23.~~ "Telephone exchange access service" means service to any wire line telephone
2 | access line identified by a unique telephone number that provides local wire line
3 | access to the telecommunications network to a service subscriber and which enables
4 | the subscriber to access the emergency services communications system by dialing
5 | the digits 9-1-1 on the subscriber's telephone device.
- 6 | ~~23-24.~~ "Unpublished" means information that is not published or available from directory
7 | assistance.
- 8 | ~~24-25.~~ "Voice over internet protocol service" means a service that enables real-time two-way
9 | voice communications; requires a broadband connection from the user's location;
10 | requires internet protocol-compatible customer premises equipment; and permits
11 | users generally to receive calls that originate on the public switched telephone network
12 | and to terminate calls to the public switched telephone network.
- 13 | ~~25-26.~~ "Wireless access line" means each active wireless and prepaid wireless telephone
14 | number assigned to a commercial mobile radio service subscriber, including end users
15 | of resellers.
- 16 | ~~26-27.~~ "Wireless enhanced 911 service" means the service required to be provided by
17 | wireless service providers pursuant to the FCC order.
- 18 | ~~27-28.~~ "Wireless service" means commercial mobile radio service as defined in 47 U.S.C.
19 | 332(d)(1) and includes:
20 | a. Services commonly referred to as wireless; and
21 | b. Services provided by any wireless real-time two-way voice communication
22 | device, including radio-telephone communications used in:
23 | (1) Cellular telephone service;
24 | (2) Personal communications service; or
25 | (3) The functional or competitive equivalent of a radio-telephone
26 | communications line used in cellular telephone service, personal
27 | communications service, or a network radio access line.
- 28 | ~~28-29.~~ "Wireless service provider" means any entity authorized by the federal
29 | communications commission to provide wireless service within this state.