

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