Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2101
(Senators Oehlke, Wanzek)
(Representatives Sukut, Porter)

AN ACT to amend and reenact section 57-40.6-01, subsection 5 of section 57-40.6-02, section 57-40.6-03.1, and subsection 4 of section 57-40.6-10 of the North Dakota Century Code, relating to emergency services communications 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. "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 dialing 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.

~~2.~~3. "Automated notification system" means that portion of a telecommunications system that provides rapid notice of emergency situations to the public.

~~3.~~4. "Commissioner" means the state tax commissioner.

~~4.~~5. "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.

~~5.~~6. "Consumer" means a person who purchases prepaid wireless service in a retail transaction.

~~6.~~7. "Emergency services communication system" means a comprehensive statewide~~,~~ or countywide~~, or citywide radio~~ system, ~~land lines communication network, wireless service network, or enhanced 911 (E911) telephone system,~~ which provides rapid public access for coordinated dispatching of ~~services, personnel, equipment, and facilities for law enforcement, fire, medical, or other emergency services~~public safety services. The system includes a 911 system or radio system.

~~7.~~8. "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.

~~8.~~9. "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.

~~9.~~10. "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.

~~10.~~11. "Prepaid wireless service provider" means any person that provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission.

~~11.~~12. "Public safety answering point" or "PSAP" means a communications facility or combination of facilities ~~operated on a twenty-four-hour basis~~ 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.

~~12.~~13. "Public safety answering point service area" means the geographic area for which a public safety answering point has dispatch and emergency communications responsibility.

14. "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.

~~13.~~15. "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. "Radio system" means a set of networks, software applications, databases, radio components and infrastructure, and operations and management procedures required to provide communication services.

~~14.~~17. "Retail transaction" means the purchase of prepaid wireless service from a seller for any purpose other than resale.

~~15.~~18. "Seller" means a person who sells prepaid wireless services to a consumer.

~~16.~~19. "Subscriber service address" means, for purposes of wire line subscribers, the address where the telephone subscriber's wire line telephone 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.

~~17.~~20. "Telephone access line" means the principal access to the telephone company's switched network, including an outward dialed trunk or access register.

~~18.~~21. "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.

~~19.~~22. "Unpublished" means information that is not published or available from directory assistance.

~~20.~~23. "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.

~~21.~~24. "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.

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

~~23.~~26. "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.

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

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

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

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

57-40.6-03.1. ~~Enhanced~~ 911 database management charges.

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

SECTION 4. 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 ~~law enforcement, fire, and medical responders~~public safety services to calls for service in the public safety answering point's service area.

d. Have two-way communication with all ~~law enforcement, fire, and medical responder units and operational incident or unified commands~~public safety services in the public safety answering point's service area.

e. As authorized by the governing committee, 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. 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 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 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 transfer of the 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 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 felony convictions;

(2) Complete preemployment screening for illegal substance use and hearing;

(3) Complete training through an association of public safety communications officials course or equivalent course;

(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 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.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2101.

Senate Vote:	Yeas 46	Nays 0	Absent 1
House Vote:	Yeas 90	Nays 1	Absent 3

Secretary of the Senate

Received by the Governor at 2:12 P.M. on March 12, 2015.

Approved at 10:27 A.M. on March 13, 2015.

Governor

Filed in this office this 13th day of March, 2015,

at 151 o'clock P M.

Secretary of State