

HOUSE BILL NO. 1395

Introduced by

Representatives J. Nelson, D. Johnson, Maragos

Senator Oehlke

1 A BILL for an Act to create and enact a new section to chapter 57-40.6 of the North Dakota
2 Century Code, relating to the creation and funding of an emergency information program; to
3 amend and reenact section 57-40.6-01 of the North Dakota Century Code, relating to
4 definitions; and to provide an appropriation.

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. "Assessed communications service" means a software service, communication
11 connection, cable or broadband transport facilities, or a combination of these facilities,
12 between a billed retail end user and a service provider's network that provides the end
13 user, upon dialing 911, access to a public safety answering point through a permissible
14 interconnection to the dedicated 911 network. The term includes telephone exchange
15 access service, wireless service, and voice over internet protocol service.
- 16 2. "Automated notification system" means that portion of a telecommunications system
17 that provides rapid notice of emergency situations to the public.
- 18 3. "Commissioner" means the state tax commissioner.
- 19 4. "Communication connection" means a telephone access line, wireless access line,
20 unique voice over internet protocol service connection, or functional equivalent
21 uniquely identifiable by a number, internet address, or other designation.
- 22 5. "Consumer" means a person who purchases prepaid wireless service in a retail
23 transaction.

- 1 6. "Emergency information program" means a supplemental 9-1-1 and emergency
2 management database to be used in emergency scenarios.
- 3 ~~6-7.~~ "Emergency services communication system" means a statewide, countywide, or
4 citywide radio system, land lines communication network, wireless service network, or
5 enhanced 911 (E911) telephone system, which provides rapid public access for
6 coordinated dispatching of services, personnel, equipment, and facilities for law
7 enforcement, fire, medical, or other emergency services.
- 8 ~~7-8.~~ "FCC order" means federal communications commission order 94-102 [961 Federal
9 Register 40348] and any other FCC order that affects the provision of wireless
10 enhanced 911 service.
- 11 ~~8-9.~~ "Prepaid wireless emergency 911 fee" means the fee that is required to be collected
12 by a seller from a consumer in the amount established under section 57-40.6-14.
- 13 ~~9-10.~~ "Prepaid wireless service" means any telecommunications service that provides the
14 right to use a mobile wireless service as well as other nontelecommunications
15 services, including the download of digital products delivered electronically, content
16 and ancillary services, which are paid for in advance and sold in predetermined units
17 or dollars which decline with use in a known amount.
- 18 ~~10-11.~~ "Prepaid wireless service provider" means any person that provides prepaid wireless
19 telecommunications service pursuant to a license issued by the federal
20 communications commission.
- 21 ~~11-12.~~ "Public safety answering point" or "PSAP" means a communications facility or
22 combination of facilities operated on a twenty-four-hour basis which first receives 911
23 calls from persons in a 911 service area and which, as appropriate, may directly
24 dispatch public safety services or extend, transfer, or relay 911 calls to appropriate
25 public safety agencies.
- 26 ~~12-13.~~ "Public safety answering point service area" means the geographic area for which a
27 public safety answering point has dispatch and emergency communications
28 responsibility.
- 29 ~~13-14.~~ "Public safety telecommunicator" means an individual whose primary full-time or
30 part-time duties are receiving, processing, and transmitting public safety information
31 received through an emergency services communication system.

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- 1 ~~44.15.~~ "Retail transaction" means the purchase of prepaid wireless service from a seller for
2 any purpose other than resale.
- 3 ~~45.16.~~ "Seller" means a person who sells prepaid wireless services to a consumer.
- 4 ~~46.17.~~ "Subscriber service address" means, for purposes of wire line subscribers, the
5 address where the telephone subscriber's wire line telephone device is used and, for
6 purposes of wireless subscribers, the place of primary use, as that term is defined in
7 section 57-34.1-02.
- 8 ~~47.18.~~ "Telephone access line" means the principal access to the telephone company's
9 switched network, including an outward dialed trunk or access register.
- 10 ~~48.19.~~ "Telephone exchange access service" means service to any wire line telephone
11 access line identified by a unique telephone number that provides local wire line
12 access to the telecommunications network to a service subscriber and which enables
13 the subscriber to access the emergency services communications system by dialing
14 the digits 9-1-1 on the subscriber's telephone device.
- 15 ~~49.20.~~ "Unpublished" means information that is not published or available from directory
16 assistance.
- 17 ~~20.21.~~ "Voice over internet protocol service" means a service that enables real-time two-way
18 voice communications; requires a broadband connection from the user's location;
19 requires internet protocol-compatible customer premises equipment; and permits
20 users generally to receive calls that originate on the public switched telephone network
21 and to terminate calls to the public switched telephone network.
- 22 ~~24.22.~~ "Wireless access line" means each active wireless and prepaid wireless telephone
23 number assigned to a commercial mobile radio service subscriber, including end users
24 of resellers.
- 25 ~~22.23.~~ "Wireless enhanced 911 service" means the service required to be provided by
26 wireless service providers pursuant to the FCC order.
- 27 ~~23.24.~~ "Wireless service" means commercial mobile radio service as defined in 47 U.S.C.
28 332(d)(1) and includes:
29 a. Services commonly referred to as wireless; and
30 b. Services provided by any wireless real-time two-way voice communication
31 device, including radio-telephone communications used in:

- 1 (1) Cellular telephone service;
- 2 (2) Personal communications service; or
- 3 (3) The functional or competitive equivalent of a radio-telephone
- 4 communications line used in cellular telephone service, personal
- 5 communications service, or a network radio access line.

6 24-25. "Wireless service provider" means any entity authorized by the federal
7 communications commission to provide wireless service within this state.

8 **SECTION 2.** A new section to chapter 57-40.6 of the North Dakota Century Code is created
9 and enacted as follows:

10 **Emergency information program - Generally.**

- 11 1. The emergency information program must be a hosted supplemental 9-1-1 and
12 emergency management database and must be used by all public safety answering
13 points and emergency management agencies within the state. The supplemental
14 database may allow individuals to provide information to be used in emergency
15 scenarios and planning. The emergency information program service must:
 - 16 a. Allow for the collection of a variety of formatted data relevant to 9-1-1, emergency
17 management, and other public safety agencies. The formatted data must include
18 photographs of the individual, physical descriptions, medical conditions, allergies,
19 household data, primary language indicator, and emergency contacts;
 - 20 b. Allow for individuals to enter formatted data through a secure website at their
21 discretion;
 - 22 c. Be compliant with all accessibility elements of section 508 of the Rehabilitation
23 Act of 1973 [29 U.S.C. 749d];
 - 24 d. Manage the currency of the data through an aging and reminder process, at least
25 twice per year, requesting community members to keep their data up to date;
 - 26 e. Automatically display data provided by individuals to 9-1-1 call takers for all types
27 of telephones including landlines, mobile telephones, and voice over internet
28 protocol service when a call is placed to 9-1-1 from a registered and confirmed
29 phone number;
 - 30 f. Support the delivery of community member information through a secure internet
31 connection to all public safety answering points within North Dakota;

- 1 g. Ensure that service is operational across all 9-1-1 call taking equipment in North
2 Dakota and allow for the easy transfer of information into computer-aided
3 dispatch or records management systems;
- 4 h. Provide decision support to emergency management through the collection,
5 aggregation, and visualization of community members across the United States
6 through existing emergency information program databases;
- 7 i. Allow local communities to tailor data collected based on their unique regional
8 requirements;
- 9 j. Make data available to first responders; and
- 10 k. Be compatible with all future 9-1-1 systems.
- 11 2. Public safety and emergency management agencies shall make reasonable efforts to
12 publicize the emergency information program through pamphlets, social media,
13 neighborhood watch programs, community policing programs, television, municipal
14 notification systems, and websites.
- 15 3. When special needs information is made available with the 9-1-1 call, the
16 telecommunicator, where appropriate, shall relay that information to responding
17 personnel.
- 18 4. The information gathered as part of the emergency information program shall remain
19 strictly confidential. The information shall be used only to provide assistance to 9-1-1
20 telecommunicators, first responders, and emergency personnel. A public safety worker
21 may not knowingly violate this confidentiality clause.
- 22 5. Individuals participating in the emergency information program must be advised that
23 the provision of special needs information will not result in preferential treatment.

24 **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in
25 the general fund in the state treasury, not otherwise appropriated, the sum of
26 \$950,000, or so much of the sum as may be necessary, for the implementation and
27 operation of an emergency information program, for the biennium beginning July 1,
28 2015, and ending June 30, 2017.