

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact chapter 37-17.3 of the North Dakota Century Code,
2 relating to the state radio broadcasting system; and to repeal chapter 54-23.2 of the North
3 Dakota Century Code relating to the state radio broadcasting system.

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

5 **SECTION 1.** Chapter 37-17.3 of the North Dakota Century Code is created and
6 enacted as follows:

7 **37-17.3-01. Definitions.** As used in this chapter, unless the context otherwise
8 requires.

- 9 1. "Director" means the director of the division of state radio.
10 2. "Division" means the division of state radio of the department of emergency
11 services.
12 3. "System" means the state radio broadcasting system consisting of the state radio
13 network, North Dakota Telecommunications System (NDLETS), and any other
14 system that may be employed to enhance interoperable communications that
15 promotes officer and citizen safety.

16 **37-17.3-02. State radio broadcasting system.** The director may purchase the
17 necessary apparatus and equipment to construct or establish a radio broadcasting system for
18 the state of North Dakota that enables seamless interoperable communications from local, state
19 and federal levels. The director is charged with the operation and maintenance of said system.

20 **37-17.3-03. Political subdivisions may furnish receiving and transmitting sets for**
21 **enforcement purposes.** Each county and organized city within the state may furnish to its law
22 enforcement, firefighters, and emergency medical personnel the appropriate radio or radio
23 systems that can access the state radio system. Each radio that is programmed to access the
24 state radio system is required to be registered with the division of state radio and assigned a

1 unit number. A one-time fee of ten dollars for registering and assigning unit numbers will be
2 charged by the director on all newly added radios to the appropriate government entity.
3 Agencies with registered radios must validate assigned unit numbers annually.

4 **37-17.3-04. Broadcasting dispatches - Reports required.** It is the duty of the
5 director to broadcast all dispatches and reports submitted, which in the director's opinion have a
6 reasonable relation to or connection with the apprehension of criminals, the prevention of
7 crimes, or the maintenance of peace and order in the state, including disaster emergency
8 services.

9 **37-17.3-05. Emergency service for certain messages.** Every telephone company
10 and or company providing communication equipment operating within the state of North Dakota
11 will provide emergency service to all messages or calls directed to any station of the system
12 established herein.

13 **37-17.3-06. Official use radio equipment on a private automobiles prohibited**
14 **without permit.** No person may equip or use in an automobile or any other motor vehicle a
15 two-way radio equipped for transmitting and receiving on any frequency authorized for first
16 responder use in the state of North Dakota. This section does not apply to the use of a two-way
17 citizens' band radio, a two-way business radio, or a two-way amateur radio in an automobile or
18 any other motor vehicle.

19 **37-17.3-07. Maintenance of radio system - Personnel, equipment, and expense.**
20 The director may employ such radio operators and assistants and such radio equipment as the
21 director may deem necessary to carry out the provisions of this chapter and shall fix the
22 compensation of such personnel. The cost of maintenance and operation of the system and all
23 shortwave length radio receiving and transmitting sets owned or operated by the state must be
24 paid out of the appropriation for this purpose.

25 **37-17.3-08. State radio system and service fees.** The director will establish the
26 appropriate fees for access to the state radio system and the services provided to local
27 government users of the mobile data terminal system and North Dakota law enforcement
28 telecommunications systems and other such systems that may be employed that enhance
29 public safety. Changes to fees charged by the division, including schedule of charges for
30 counties and cities, will take effect on July 1. The director shall announce any fee increases a
31 minimum of six months prior to the effective date. When the director considers an adjustment,

1 as a part of the process the director shall announce any fee increases a minimum of six months
2 prior to the effective date. When the director considers an adjustment, as a part of the process
3 the director shall consult with representatives of state and local units of government prior to
4 setting fees. The director may consider economic conditions and the general economy when
5 setting fees. The director shall deposit all revenue obtained under this chapter with the state
6 treasurer for deposit in the state radio broadcasting system operating account. The state radio
7 broadcasting system operating account must be expended pursuant to legislative appropriation
8 for the operation and maintenance of the system. Fee structures will include:

9 1. Mobile data terminal fees. The division shall establish and charge fees to provide
10 mobile data terminal service to interested local law enforcement agencies. The
11 fees must be based on actual costs incurred by the division for providing the
12 service and will be levied on a per system user basis. State general fund agencies
13 that access the system will not incur any fees for the service.

14 2. Each county and city law enforcement department that accesses the North Dakota
15 teletype system shall pay a fee based upon fifty percent of the actual costs
16 incurred by the division for providing the service; fees will be levied on a per
17 terminal basis. Other law enforcement affiliated organizations and federal
18 agencies will pay one hundred percent of the actual costs incurred by the division
19 for providing the service; fees will be levied on a per terminal basis. State general
20 fund agencies that access the system will not incur any fees for the service. City
21 and county law enforcement fees will be based on the following schedule of
22 charges per terminal:

23 a. County population of less than five thousand shall pay thirty dollars per
24 month.

25 b. County population of five thousand or more but less than ten thousand shall
26 pay sixty dollars per month.

27 c. County population of ten thousand or more but less than fifteen thousand
28 shall pay ninety dollars per month.

29 d. County population of fifteen thousand or more but less than twenty-five
30 thousand shall pay one hundred twenty dollars per month.

1 e. County population of twenty-five thousand or more shall pay one hundred
2 sixty dollars per month.

3 **37-17.3-09. Public service answer point service and fees.** The division may provide
4 911 services to a political subdivision with a population of fewer than twenty thousand and shall
5 charge the apportioned amount consistent with the actual costs of providing the service per
6 telephone access line and wireless access line for 911 services provided to political
7 subdivisions. The fee for 911 wireless services must be charged to and paid by the political
8 subdivision receiving services from the division under this section from and after the date of the
9 agreement entered into by the political subdivision or its designee under section 57-40.6-05,
10 whether the date of that agreement is before or after April 4, 2003. Each county currently
11 receiving 911 services from the division shall abide by the standards established by law.

12 **SECTION 2. REPEAL.** Chapter 54-23.2 of the North Dakota Century Code is
13 repealed.