

Introduced by

Legislative Management

(Public Safety and Transportation Committee)

1 A BILL for an Act to amend and reenact section 37-17.3-08 of the North Dakota Century Code,
2 relating to fees charged by the department of emergency services to local law enforcement for
3 access to national crime information; and to provide an appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 37-17.3-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **37-17.3-08. State radio system and service fees.**

8 1. The director shall establish the appropriate fees for access to the state radio system
9 and the service provided to local government users of the mobile data terminal system
10 and North Dakota law enforcement telecommunications systems and other such
11 systems that may be employed that enhance public safety. Changes to fees charged
12 by the division, including schedule of charges for counties and cities, will take effect on
13 July first. The director shall announce any fee increases a minimum of one year ~~prior-~~
14 ~~to~~before the effective date. When the director considers an adjustment, as a part of
15 the process the director shall consult with representatives of state and local units of
16 government ~~prior-~~to~~before setting fees. The director may consider economic
17 conditions and the general economy when setting fees. The director shall deposit all
18 revenue obtained under this chapter with the state treasurer for deposit in the state
19 radio broadcasting system operating account. The state radio broadcasting system
20 operating account must be expended pursuant to legislative appropriation for the
21 operation and maintenance of the system. ~~Fee structures will include:~~~~

22 ~~1.2. Mobile data terminal fees.~~ The division shall establish and charge fees to provide
23 mobile data terminal service to interested local law enforcement agencies except for
24 local law enforcement agencies using private commercial access to the state message

1 switch. The fees must be based on actual costs incurred by the division for providing
2 the service and will be levied on a per system user basis. State general fund agencies
3 that access the system will not incur any fees for the service.

4 2-3. Each county and city law enforcement department that accesses the North Dakota
5 teletype system shall pay a fee based upon fifty percent of the actual costs incurred by
6 the division for providing the service. Fees will be levied on a per terminal basis. Other
7 law enforcement affiliated organizations and federal agencies will pay one hundred
8 percent of the actual costs incurred by the division for providing the service. Fees will
9 be levied on a per terminal basis. State general fund agencies that access the system
10 will not incur any fees for the service. City and county law enforcement fees will be
11 based on the following schedule of charges per terminal:

- 12 a. County population of less than five thousand shall pay ~~thirty~~forty dollars per
13 month.
- 14 b. County population of five thousand or more but less than ten thousand shall pay
15 ~~sixty~~eighty dollars per month.
- 16 c. County population of ten thousand or more but less than fifteen thousand shall
17 pay ~~ninety~~one hundred twenty dollars per month.
- 18 d. County population of fifteen thousand or more but less than twenty-five thousand
19 shall pay one hundred ~~twenty~~sixty dollars per month.
- 20 e. County population of twenty-five thousand or more shall pay ~~one~~two hundred
21 ~~sixty~~ dollars per month.

22 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general
23 fund in the state treasury, not otherwise appropriated, the sum of \$110,302, or so much of the
24 sum as may be necessary, to the department of emergency services for the purpose of
25 defraying the expenses of providing mobile data terminal services, for the biennium beginning
26 July 1, 2011, and ending June 30, 2013.

27 **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general
28 fund in the state treasury, not otherwise appropriated, the sum of \$5,500,000, or so much of the
29 sum as may be necessary, to the department of emergency services for the purpose of
30 purchasing or leasing infrastructure and equipment for up to twelve additional state radio
31 towers, including necessary equipment upgrades at state radio headquarters, to expand

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- 1 coverage of the state radio system, for the biennium beginning July 1, 2011, and ending
- 2 June 30, 2013. The department of emergency services shall enter into partnerships to use
- 3 existing towers and infrastructure when feasible.