

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2163

Introduced by

Government and Veterans Affairs Committee

(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. "Mobile radio" means a radio capable of transmitting eleven watts or greater.
- 13 4. "System" means the state radio broadcasting system consisting of the state radio  
14 network and North Dakota telecommunications system that may be employed to  
15 enhance interoperable communications that 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 this state that enables seamless interoperable communications from local, state, and federal  
19 levels. The director is charged with the operation and maintenance of the 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 mobile radio that is programmed to  
24 access the state radio system must 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 must be  
2 paid to the director on all newly added radios by the appropriate governmental entity. Agencies  
3 with registered radios must validate assigned unit numbers annually.

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

8 **37-17.3-05. Emergency service for certain messages.** Every telephone company  
9 and company providing communications equipment operating within this state shall provide  
10 emergency service to all messages or calls directed to any station of the system.

11 **37-17.3-06. Official use of radio equipment on private automobiles prohibited**  
12 **without permit.** No person may equip or use in a privately-owned automobile or any other  
13 motor vehicle a mobile two-way radio equipped for transmitting and receiving on any frequency  
14 authorized for first responder use in the state of North Dakota. This section does not apply to  
15 the use of a two-way citizens' band radio, a two-way business radio, or a two-way amateur  
16 radio in an automobile or any other motor vehicle.

17 **37-17.3-07. Maintenance of radio system - Personnel, equipment, and expense.**  
18 The director may employ such radio operators and assistants and such radio equipment as the  
19 director may deem necessary to carry out the provisions of this chapter and shall fix the  
20 compensation of such personnel. The cost of maintenance and operation of the system and all  
21 shortwave length radio receiving and transmitting sets owned or operated by the state must be  
22 paid out of the appropriation for this purpose.

23 **37-17.3-08. State radio system and service fees.** The director shall establish the  
24 appropriate fees for access to the state radio system and the service provided to local  
25 government users of the mobile data terminal system and North Dakota law enforcement  
26 telecommunications systems and other such systems that may be employed that enhance  
27 public safety. Changes to fees charged by the division, including schedule of charges for  
28 counties and cities, will take effect on July first. The director shall announce any fee increases  
29 a minimum of one year prior to the effective date. When the director considers an adjustment,  
30 as a part of the process the director shall consult with representatives of state and local units of  
31 government prior to setting fees. The director may consider economic conditions and the

1 general economy when setting fees. The director shall deposit all revenue obtained under this  
2 chapter with the state treasurer for deposit in the state radio broadcasting system operating  
3 account. The state radio broadcasting system operating account must be expended pursuant  
4 to legislative appropriation for the operation and maintenance of the system. Fee structures will  
5 include:

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

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

20 a. County population of less than five thousand shall pay thirty dollars per  
21 month.

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

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

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

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

30 **37-17.3-09. Public safety answering point service and fees.** The division may  
31 provide 911 services to a political subdivision with a population of fewer than twenty thousand

1 and shall charge the apportioned amount consistent with the actual costs of providing the  
2 service per telephone access line and wireless access line for 911 services provided to political  
3 subdivisions. The fee for 911 wireless services must be charged to and paid by the political  
4 subdivision receiving services from the division under this section from and after the date of the  
5 agreement entered into by the political subdivision or its designee under section 57-40.6-05,  
6 whether the date of that agreement is before or after April 4, 2003. Each county currently  
7 receiving 911 services from the division shall abide by the standards established by law.

8 **37-17.3-10. Lost or missing individuals.** The division shall:

- 9 1. Establish and maintain a statewide file system for the purpose of effecting an  
10 immediate law enforcement response to reports of lost or missing individuals.
- 11 2. Implement a data exchange system to compile, maintain, and make available for  
12 dissemination to North Dakota and to out-of-state law enforcement agencies  
13 descriptive information to assist appropriate agencies in recovering lost or missing  
14 individuals.
- 15 3. Establish contacts and exchange information regarding lost or missing individuals  
16 with the national crime information center.
- 17 4. Notify each enforcement agency that a report of lost or missing individuals must be  
18 entered as soon as the minimum level of data specified by the division is available  
19 to the reporting agency and that no waiting period for entry of that data exists. If  
20 the enforcement agency is unable to enter the data, the division shall enter the  
21 information into the national crime information center file immediately upon  
22 notification.
- 23 5. Compile and retain information regarding lost or missing individuals in a separate  
24 file, in a manner that allows the information to be used by law enforcement.

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