

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2163
(Government and Veterans Affairs Committee)
(At the request of the Adjutant General)

AN ACT to create and enact chapter 37-17.3 of the North Dakota Century Code, relating to the state radio broadcasting system; and to repeal chapter 54-23.2 of the North Dakota Century Code, relating to the state radio broadcasting system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. "Director" means the director of the division of state radio.
2. "Division" means the division of state radio of the department of emergency services.
3. "Mobile radio" means a radio capable of transmitting eleven watts or greater.
4. "System" means the state radio broadcasting system consisting of the state radio network and North Dakota telecommunications system that may be employed to enhance interoperable communications that promotes officer and citizen safety.

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

37-17.3-03. Political subdivisions may furnish receiving and transmitting sets for enforcement purposes. Each county and organized city within the state may furnish to its law enforcement, firefighters, and emergency medical personnel the appropriate radio or radio systems that can access the state radio system. Each mobile radio that is programmed to access the state radio system must be registered with the division of state radio and assigned a unit number. A one-time fee of ten dollars for registering and assigning unit numbers must be paid to the director on all newly added radios by the appropriate governmental entity. Agencies with registered radios must validate assigned unit numbers annually.

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

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

37-17.3-06. Official use of radio equipment on private automobiles prohibited without permit. No person may equip or use in a privately-owned automobile or any other motor vehicle a mobile two-way radio equipped for transmitting and receiving on any frequency authorized for first responder use in the state of North Dakota without first applying for and securing a permit from the

director. This section does not apply to the use of a two-way citizens' band radio, a two-way business radio, or a two-way amateur radio in an automobile or any other motor vehicle.

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

37-17.3-08. State radio system and service fees. The director shall establish the appropriate fees for access to the state radio system and the service provided to local government users of the mobile data terminal system and North Dakota law enforcement telecommunications systems and other such systems that may be employed that enhance public safety. Changes to fees charged by the division, including schedule of charges for counties and cities, will take effect on July first. The director shall announce any fee increases a minimum of one year prior to the effective date. When the director considers an adjustment, as a part of the process the director shall consult with representatives of state and local units of government prior to setting fees. The director may consider economic conditions and the general economy when setting fees. The director shall deposit all revenue obtained under this chapter with the state treasurer for deposit in the state radio broadcasting system operating account. The state radio broadcasting system operating account must be expended pursuant to legislative appropriation for the operation and maintenance of the system. Fee structures will include:

1. Mobile data terminal fees. The division shall establish and charge fees to provide mobile data terminal service to interested local law enforcement agencies. The fees must be based on actual costs incurred by the division for providing the service and will be levied on a per system user basis. State general fund agencies that access the system will not incur any fees for the service.
2. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee based upon fifty percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies will pay one hundred percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. State general fund agencies that access the system will not incur any fees for the service. City and county law enforcement fees will be based on the following schedule of charges per terminal:
 - a. County population of less than five thousand shall pay thirty dollars per month.
 - b. County population of five thousand or more but less than ten thousand shall pay sixty dollars per month.
 - c. County population of ten thousand or more but less than fifteen thousand shall pay ninety dollars per month.
 - d. County population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred twenty dollars per month.
 - e. County population of twenty-five thousand or more shall pay one hundred sixty dollars per month.

37-17.3-09. Public safety answering point service and fees. The division may provide 911 services to a political subdivision with a population of fewer than twenty thousand and shall charge the apportioned amount consistent with the actual costs of providing the service per telephone access line and wireless access line for 911 services provided to political subdivisions. The fee for 911 wireless services must be charged to and paid by the political subdivision receiving services from the division under this section from and after the date of the agreement entered into by the political subdivision or

its designee under section 57-40.6-05, whether the date of that agreement is before or after April 4, 2003. Each county currently receiving 911 services from the division shall abide by the standards established by law.

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

1. Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost or missing individuals.
2. Implement a data exchange system to compile, maintain, and make available for dissemination to North Dakota and to out-of-state law enforcement agencies descriptive information to assist appropriate agencies in recovering lost or missing individuals.
3. Establish contacts and exchange information regarding lost or missing individuals with the national crime information center.
4. Notify each enforcement agency that a report of lost or missing individuals must be entered as soon as the minimum level of data specified by the division is available to the reporting agency and that no waiting period for entry of that data exists. If the enforcement agency is unable to enter the data, the division shall enter the information into the national crime information center file immediately upon notification.
5. Compile and retain information regarding lost or missing individuals in a separate file, in a manner that allows the information to be used by law enforcement and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case. As used in this subsection, "individual" means an individual who is eighteen years of age or older.
6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
 - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals.

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

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-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2163.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 91 Nays 0 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State