

## **CHAPTER 37-17.3 STATE RADIO BROADCASTING SYSTEM**

### **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. Statewide interoperable radio network.**

The chief information officer of the information technology department may purchase the necessary apparatus and equipment to construct or establish a statewide interoperable radio network for this state which enables seamless interoperable communications from local, state, and federal levels. However, the chief information officer may not use state funds including resources from the statewide interoperable radio network fund for dispatch consoles, connectivity, and associated necessary software, equipment, or services to support a public safety answering point unless these items are intended for use by a state agency or state department. The chief information officer is charged with the operation and maintenance of the statewide interoperable radio network as directed by the statewide interoperability executive committee.

#### **37-17.3-02.1. Legislative declaration - Statewide integrated radio communication system service.**

The legislative assembly finds that effective radio communication is vital to public safety and effective emergency response and law enforcement and declares that a statewide integrated radio communication system will more effectively serve the goals of law enforcement and emergency response personnel and thereby better serve the people of North Dakota. Existing radio systems operated by local jurisdictions serve those jurisdictions adequately, but do not provide the protection and benefits to the citizens of North Dakota that new digital networks being utilized in neighboring states offer.

#### **37-17.3-02.2. North Dakota statewide interoperability executive committee.**

1. The statewide interoperability executive committee consists of:
  - a. The director of state radio or a designee;
  - b. The director of the division of homeland security or a designee;
  - c. The superintendent of the highway patrol or a designee;
  - d. The adjutant general or a designee;
  - e. The director of the department of transportation or a designee;
  - f. A representative of the North Dakota sheriff's and deputies association;
  - g. A representative of the North Dakota emergency managers association;
  - h. A representative of the North Dakota fire chiefs association;
  - i. A representative of the North Dakota emergency medical services association;
  - j. A representative of the North Dakota police chiefs association;
  - k. A representative of the North Dakota peace officers association;
  - l. A representative of the North Dakota 911 association;
  - m. A representative of the North Dakota association of counties;
  - n. A representative of the North Dakota league of cities;
  - o. The North Dakota chief information officer or a designee;
  - p. The North Dakota Indian affairs commission executive director or a designee;
  - q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management;
  - r. The director of the game and fish department or a designee; and

- s. The state health officer or a designee.
2. The committee shall elect a chairman and vice chairman for terms of two years upon its initial meeting.
3. The committee shall prepare recommendations regarding a statewide interoperable radio network with due consideration for all stakeholders reliant upon the statewide interoperable radio network.
4. The committee may adopt rules governing the connection or integration of public safety answering points to the statewide interoperable radio network and shall adopt rules governing eligibility for access to the network.

**37-17.3-03. Receiving and transmitting sets - State cost-share.**

1. Subject to the rules of the statewide interoperability executive committee, a political subdivision within the state or a nongovernmental emergency services provider operating within the state may furnish to its personnel the appropriate personal and vehicular radios that can access the statewide interoperable radio network. Each radio programmed to access the statewide interoperable radio network must be approved by the statewide interoperability executive committee. The chief information officer shall establish a process to register and audit users of the statewide interoperable radio network.
2. The information technology department may provide a state cost-share for each radio purchased under this section. The state cost-share for each radio is one thousand five hundred dollars unless the cost of the radio is less than one thousand five hundred dollars in which case the state cost-share is the cost of the radio.

**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.**

1. The director shall establish the appropriate fees for access to the state radio 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 before 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 before 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.

2. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee 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 forty dollars per month.
  - b. County population of five thousand or more but less than ten thousand shall pay eighty dollars per month.
  - c. County population of ten thousand or more but less than fifteen thousand shall pay one hundred twenty dollars per month.
  - d. County population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred sixty dollars per month.
  - e. County population of twenty-five thousand or more shall pay two hundred dollars per month.

#### **37-17.3-09. Public safety answering point service and fees.**

The division may provide primary public safety answering point services to a political subdivision that has a population of fewer than twenty-five thousand at the time an agreement is signed for services with the division. The division shall charge the apportioned amount consistent with the actual costs of providing the primary service per telephone access line and wireless access line. The fee for primary public safety answering point 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. The division may provide primary public safety answering point services and other public safety answering point related services during emergencies and other times of need as agreed in a mutual aid agreement. Charges for services must be specified in the mutual aid agreement. Each political subdivision currently receiving primary public safety answering point 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.

**37-17.3-11. Statewide seamless base map fees - Continuing appropriation.**

The statewide seamless base map is an open record. The data collected by the director which produces the statewide seamless base map is exempt from section 44-04-18 and may be accessed solely through a subscription service established by the director. The director shall establish the appropriate fees for access to the statewide seamless base map subscription service. Changes to fees charged by the division, including schedule of charges, must take effect on July first. The director shall announce any fee increases a minimum of one year before the effective date. All fees collected through the subscription service must be deposited in the statewide seamless base map fund. Any moneys deposited in the statewide seamless base map fund are appropriated on a continuing basis to the division for the purpose of paying maintenance and distribution costs related to the statewide seamless base map.

**37-17.3-12. Statewide interoperable radio network fund.**

1. A fund known as the statewide interoperable radio network fund must be maintained in the state treasury. Subject to legislative approval and statewide interoperability executive committee approval, moneys in the fund must be used for providing the required state share of funding for expenses associated with the purchase, installation, operation, and maintenance of a statewide interoperable radio network. The fund consists of all moneys transferred into the fund, interest earned on moneys in the fund, payments to the fund, and other fund earnings.
2. The chief information officer of the information technology department may apply for and accept funds, grants, gifts, or services made available for the statewide interoperable radio network by an agency or department of the federal government or any other person. Any funds, grants, or gifts, or moneys received from services received under this section must be deposited in the statewide interoperable radio network fund.
3. Revenue received by a political subdivision in accordance with subsection 2 of section 57-40.6-02 must be remitted to the state treasurer for deposit in the statewide interoperable radio network fund.