

Presented to the governor May 13, 2004

Signed by the governor May 15, 2004, 9:55 p.m.

CHAPTER 201—S.F.No. 1973

An act relating to the public safety radio and communication system; transforming the Public Safety Radio System Planning Committee into the Statewide Radio Board; changing the composition of the Metropolitan Radio Board and providing for the transfer of its responsibilities to a regional radio board and the Statewide Radio Board; providing for the composition and responsibilities of the Statewide Radio Board; providing for establishment of regional radio boards and various advisory committees; allocating responsibility for requesting that the Metropolitan Council sell bonds for construction of the public safety radio and communication system; amending Minnesota Statutes 2003 Supplement, sections 403.21, subdivisions 1, 2, 3, 5, 8, 9, 10, by adding subdivisions; 403.22, subdivisions 1, 2; 403.23, subdivision 3; 403.27, subdivision 1; 403.35; 403.36; proposing coding for new law in Minnesota Statutes, chapter 403; repealing Laws 1995, chapter 195, article 1, section 18, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[403.20] SYSTEM NAME.**

The statewide, shared, trunked radio and communication system established under section 403.36 may be referred to as “Allied Radio Matrix for Emergency Response” or “ARMER.”

Sec. 2. Minnesota Statutes 2003 Supplement, section 403.21, subdivision 1, is amended to read:

Subdivision 1. **APPLICATIONS.** The definitions in this section apply to sections 403.21 to ~~403.34~~ 403.40.

Sec. 3. Minnesota Statutes 2003 Supplement, section 403.21, subdivision 2, is amended to read:

Subd. 2. **BOARD.** “Board” or “radio board” or “Metropolitan Radio Board” means the Metropolitan Radio Board or its successor regional radio board.

Sec. 4. Minnesota Statutes 2003 Supplement, section 403.21, subdivision 3, is amended to read:

Subd. 3. **FIRST PHASE.** “First phase” or “first phase of the regionwide public safety radio ~~communications~~ communication system” means the initial backbone which serves the following nine-county metropolitan area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, and Washington Counties.

Sec. 5. Minnesota Statutes 2003 Supplement, section 403.21, subdivision 5, is amended to read:

Subd. 5. **LOCAL GOVERNMENT.** “Local government” means any county, home rule charter or statutory city, or town, ~~lying in whole or in part within the metropolitan area.~~

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Sec. 6. Minnesota Statutes 2003 Supplement, section 403.21, subdivision 8, is amended to read:

Subd. 8. **SUBSYSTEMS.** "Subsystems" or "public safety radio subsystems" means systems identified in the plan as subsystems interconnected by the first phase system backbone in subsequent phases and operated by the Metropolitan Radio Board, a regional radio board, or local government units for their own internal operations.

Sec. 7. Minnesota Statutes 2003 Supplement, section 403.21, subdivision 9, is amended to read:

Subd. 9. **SYSTEM; BACKBONE SYSTEM.** "System backbone" or "backbone system" means a regionwide public safety radio communication system that consists of a shared regionwide, trunked, communication, and interoperability infrastructure network, including, but not limited to, radio towers and associated structures and equipment, the elements of which are identified in the regionwide public safety radio communications communication system plan, and subsystems interconnected by the shared regionwide network under section 403.23, subdivision 6, and the statewide radio communication plan under section 403.36.

Sec. 8. Minnesota Statutes 2003 Supplement, section 403.21, subdivision 10, is amended to read:

Subd. 10. **SECOND PHASE.** "Second phase" means the Metropolitan Radio Board providing assistance to enhancement of the phase one backbone by local government units building subsystems in the metropolitan area that did not build their own subsystems in the first phase.

Sec. 9. Minnesota Statutes 2003 Supplement, section 403.21, is amended by adding a subdivision to read:

Subd. 12. **GREATER MINNESOTA.** "Greater Minnesota" means the area of the state outside the nine-county metropolitan area served by the first phase.

Sec. 10. Minnesota Statutes 2003 Supplement, section 403.21, is amended by adding a subdivision to read:

Subd. 13. **REGIONAL RADIO BOARD.** "Regional radio board" or "regional board" means a regional radio board established under section 403.39.

Sec. 11. Minnesota Statutes 2003 Supplement, section 403.22, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** The Metropolitan Radio Board is established as a political subdivision with jurisdiction in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, and Washington. The board shall be organized, structured, and administered as provided in this section. Until funds to administer the board become available under section 403.23, subdivision 19, the Metropolitan Council shall provide office space and administrative support to the board at no cost.

New language is indicated by underline, deletions by strikeout.

Sec. 12. Minnesota Statutes 2003 Supplement, section 403.22, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP.** The board consists of ~~17~~ 21 members. ~~Fifteen~~ Seventeen members shall be local officials and shall include:

(1) one county commissioner appointed by each respective county board from each of the ~~seven metropolitan counties in the board's jurisdiction~~;

(2) an elected official from each of the cities of Minneapolis, St. Paul, and Bloomington appointed by each respective city governing body;

(3) two elected officials from other metropolitan cities appointed by the governor, who shall consider recommendations made by the Association of Metropolitan Municipalities when making these appointments;

(4) an elected official from a county or a city within a county in Minnesota that is contiguous to the metropolitan area appointed by the governor, who shall consider recommendations made by the League of Minnesota Cities when making this appointment;

(5) a sheriff appointed by the governor, who shall consider recommendations made by the Metropolitan Sheriffs Association when making this appointment; and

(6) a police chief appointed by the governor, who shall consider recommendations made by the Minnesota Police Chiefs Association when making this appointment.

The ~~16th~~ 18th member shall be a member of the Metropolitan Council appointed by the council. The ~~17th~~ 19th member shall be the director of electronic communications of the Minnesota Department of Transportation. The 20th member shall be the commissioner of public safety, or a designee of the commissioner. As provided in section 403.23, subdivision 20, the chair of the Technical Operations Committee serves as an ~~ex officio~~ the 21st member of the board.

The members shall be appointed within 30 days of the effective date of Laws 1995, chapter 195. Upon the effective date of Laws 1995, chapter 195, the Metropolitan Council shall inform the entities listed in this subdivision of the appointments required by this subdivision and shall provide whatever assistance is necessary to facilitate the appointment process and establish the radio board.

Board members have no set term and remain on the board until a successor is appointed as provided by this subdivision. However, with respect to those board members who, under this subdivision, must be elected officials, a successor must be appointed as provided by this subdivision no later than the date that a member is no longer an elected official, unless the member dies while in office, in which case a successor must be named as soon as practicable.

Sec. 13. Minnesota Statutes 2003 Supplement, section 403.23, subdivision 3, is amended to read:

Subd. 3. **APPLICATION TO FCC.** Within 180 days from adoption of the regionwide public safety radio system communication plan the commissioner of

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transportation, on behalf of the state of Minnesota, shall use the plan, adopted by the board under subdivision 2 to submit an extended implementation application to the Federal Communications Commission (FCC) for the NPSPAC channels and other public safety frequencies available for use in the metropolitan area and necessary to implement the plan. Local governments and all other public or private entities eligible under part 90 of the FCC rules shall not apply for public safety channels in the 821 to 824 and 866 to 869 megahertz bands for use within the metropolitan counties until the FCC takes final action on the regional application submitted under this section. Exceptions to the restrictions on the application for the NPSPAC channels may be granted by the radio board. The Minnesota Department of Transportation shall hold the master system licenses for all public safety frequencies assigned to the first phase under the board's plan and these channels shall must be used for the implementation of the plan. The radio board shall hold the master system licenses for the public safety frequencies assigned to local government subsystems under the board's plan and these channels shall must be used for implementation of the plan. Upon approval by the board of a local government's subsystem plan and evidence of a signed contract with a vendor for construction of a subsystem consistent with the board's system plan, the board shall apply to the FCC to transfer to the local government the licenses for the public safety frequencies assigned by the plan for use in the network infrastructure owned by the local government. The radio board, the commissioner of the Minnesota Department of Transportation, and local subsystem owners shall jointly colicense all subscriber equipment for the system backbone system.

Sec. 14. Minnesota Statutes 2003 Supplement, section 403.27, subdivision 1, is amended to read:

Subdivision 1. **AUTHORIZATION.** (a) After consulting with the commissioner of finance, the council, if requested by a vote of at least two-thirds of all of the members of the Public Safety Radio Communication System Planning Committee established under section 403.36 Metropolitan Radio Board, may, by resolution, authorize the issuance of its revenue bonds for any of the following purposes to:

(1) provide funds for regionwide mutual aid and emergency medical services communications;

(2) provide funds for the elements of the first phase of the regionwide public safety radio ~~communications~~ communication system that the board determines are of regionwide benefit and support mutual aid and emergency medical services communication including, but not limited to, costs of master controllers of the backbone;

(3) provide money for the second phase of the public safety radio communication system;

(4) ~~provide money for the third phase of the public safety radio communication system;~~

(5) to the extent money is available after meeting the needs described in clauses (1) to (3), provide money to reimburse local units of government for amounts expended for capital improvements to the first phase system previously paid for by the local government units; or

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(6) (5) refund bonds issued under this section.

(b) After consulting with the commissioner of finance, the council, if requested by a vote of at least two-thirds of all of the members of the Statewide Radio Board may, by resolution, authorize the issuance of its revenue bonds to provide money for the third phase of the public safety radio communication system.

Sec. 15. Minnesota Statutes 2003 Supplement, section 403.35, is amended to read:

403.35 REPORT TO LEGISLATURE CONTINUATION OF ENHANCEMENTS TO REGIONAL SYSTEM.

The Metropolitan Radio Board shall report to the legislature no later than March 1, 2000, concerning the status of the 800-MHz system. The report shall include: projected cost of the system; identification of groups of taxpayers or persons who pay fees who will pay for each part of the system; the number of radios purchased by any government unit; and an identification of manufacturers that have agreed to, or are expected to respond to requests for proposals to, deliver radios to the state or any government unit in connection with the 800-MHz project. Upon the transition of the Metropolitan Radio Board to a regional radio board under section 403.39, the Metropolitan Radio Board may continue the planning, implementation, operation, and maintenance of the second phase and of local and regional enhancements to the system backbone. The Metropolitan Radio Board may retain property, interests, obligations, and rules that relate exclusively to the planning, implementation, operation, and maintenance of the second phase and to local and regional enhancements to the system backbone. Where the property, interests, and obligations of the Metropolitan Radio Board are combined with elements of the system backbone, the commissioner of public safety, the Statewide Radio Board, and the Metropolitan Radio Board shall formulate and submit to the legislature by February 1, 2005, a plan, consistent with the public safety radio system communication plan, specifying the terms and conditions under which the combined property, interests, or obligations will be jointly maintained.

Sec. 16. Minnesota Statutes 2003 Supplement, section 403.36, is amended to read:

403.36 PUBLIC SAFETY STATEWIDE RADIO SYSTEM PLANNING COMMITTEE BOARD.

Subdivision 1. **PLANNING COMMITTEE MEMBERSHIP.** (a) The commissioner of public safety shall convene and chair a planning committee the Statewide Radio Board to develop a project plan for a statewide, shared, trunked public safety radio communication system. The system may be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

(b) The planning committee board consists of the following members or their designees:

- (1) the commissioner of public safety;
- (2) the commissioner of transportation;
- (3) the commissioner of administration;

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- (4) the commissioner of natural resources;
- (5) the chief of the Minnesota State Patrol;
- (6) the commissioner of health;
- (7) the commissioner of finance;
- (8) two elected city officials, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities;
- (9) two elected county officials, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Association of Minnesota Counties;
- (10) two sheriffs, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;
- (11) two chiefs of police, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Chiefs' of Police Association;
- (12) two fire chiefs, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Fire Chiefs' Association;
- (13) two representatives of emergency medical service providers, one from the nine-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Ambulance Association;
- (14) the chair of the Metropolitan Radio Board; and
- (6) the president of the Minnesota Sheriffs' Association;
- (7) a representative of the League of Minnesota Cities from the metropolitan area;
- (8) a representative of the League of Minnesota Cities from Greater Minnesota;
and
- (9) a representative of the Association of Minnesota Counties from Greater Minnesota
- (15) a representative of Greater Minnesota elected by those units of government in phase three and any subsequent phase of development as defined in the statewide, shared radio and communication plan, who have submitted a plan to the Statewide Radio Board and where development has been initiated.

Additionally, the commissioner of finance or a designee shall serve on the committee as a nonvoting member. The Statewide Radio Board shall coordinate the appointment of board members representing Greater Minnesota with the appointing authorities and may designate the geographic region or regions from which an

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appointed board member is selected where necessary to provide representation from throughout the state.

Subd. 1a. TERMS. Board members have no set term and remain on the board until a successor is appointed as provided in subdivision 1. However, with respect to those board members who, under subdivision 1, must be elected officials, a successor must be appointed as provided in subdivision 1 no later than the date that the member is no longer an elected official, unless the member dies while in office, in which case a successor must be named as soon as practicable.

Subd. 1b. COMPENSATION; REMOVAL; VACANCIES. Compensation, removal, and filling of vacancies of board members are governed by section 15.0575, except that appointments to the board are not subject to the open appointments process of sections 15.0597 to 15.0599.

Subd. 1c. VOTING. Each member has one vote. The majority of the voting power of the board constitutes a quorum, although a smaller number may adjourn from time to time. Any motion, other than adjournment, must be favored by a majority of the voting power of the board in order to carry.

Subd. 1d. CALLING A MEETING. The board shall convene upon the call of the chair or any six members of the board.

(e) Subd. 1e. IMPLEMENT PLAN AND ESTABLISH STATEWIDE SYSTEM. The planning committee must implement the Statewide Radio Board has overall responsibility for the statewide, shared radio and communication system project plan and establish the statewide, shared trunked radio and communications system. The commissioner of public safety is designated as the chair of the planning committee shall implement the plan adopted by the Statewide Radio Board. The commissioner of public safety and the planning committee have overall responsibility for the successful completion of statewide communications infrastructure system integration shall contract with the commissioner of transportation to construct, own, operate, maintain, and enhance the elements of the backbone system defined in the plan. The commissioner of transportation, under appropriate state law, shall contract for, or procure by purchase or lease, (including joint purchase and lease agreements), construction, installation of materials, supplies and equipment, and other services as may be needed to build, operate, and maintain the system backbone. The Department of Transportation shall own, operate, and maintain those elements identified in the project plan as the system backbone, including, but not limited to, radio towers and associated structures and equipment related to the system backbone.

(4) Subd. 1f. ADVISORY GROUPS. (a) The planning committee must Statewide Radio Board shall establish one or more advisory groups for the purpose of advising on the plan, design, implementation, and administration of the statewide, shared trunked radio and communications communication system.

(b) At least one such group must consist of the following members:

(1) the chair of the Metropolitan Radio Board and the chair of each regional radio board or, if no regional radio board has been formed, a representative of each region

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of development as defined in the statewide, shared, trunked radio and communication plan, once planning and development have been initiated for the region, or a designee;

- (2) the chief of the Minnesota State Patrol or a designee;
- (3) a representative of the Minnesota State Sheriffs' Association;
- (4) a representative of the Minnesota Chiefs of Police Association; and
- (5) a representative of the Minnesota Fire Chiefs' Association; and
- (6) a representative of the Emergency Medical Services Board.

Subd. 2. **PLAN CONTENTS.** (a) The statewide, shared radio and ~~communications~~ communication system project plan must include:

(1) standards, guidelines, and comprehensive design for the system, including use and integration of existing public and private communications infrastructure;

(2) proposed project implementation schedule, phases, and estimated costs for each phase of the plan;

(3) recommended statutory changes required for effective implementation and administration of the statewide, shared trunked radio and ~~communications~~ communication system; and

(4) establishment of a permanent governance structure to manage, administer, and operate the statewide, shared trunked radio system as it becomes operational; and

(5) a policy for the lease of excess space or capacity on systems constructed under the project plan, consistent with section 174.70, subdivision 2, with priority given first to local units of government for public safety ~~communications~~ communication transmission needs and second to any other communications transmission needs of either the public or private sector.

(b) The planning committee Statewide Radio Board must ensure that generally accepted project management techniques are utilized for each project or phase of the backbone of the statewide, shared radio and ~~communications~~ communication system consistent with guidelines of the Project Management Office of the Office of Technology:

- (1) clear sponsorship;
- (2) scope management;
- (3) project planning, control, and execution;
- (4) continuous risk assessment and mitigation;
- (5) cost management;
- (6) quality management reviews;
- (7) communications management; and
- (8) proven methodology.

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Subd. 3. **LOCAL FINANCING.** A local unit of government that receives state funds for integration with the statewide, shared, trunked radio and communications communication system must agree to participate in the system have a plan approved by the Statewide Radio Board and must comply with the standards and guidelines contained in the project plan. The planning committee Statewide Radio Board must review and approve all local and regional planning initiatives, including bonds issued under section 373.47, for connectivity to the system to assure compatibility, interoperability and integration support with the system and plan standards. As part of the review, and prior to approving the issuance of bonds under section 373.47, the planning committee Statewide Radio Board must require, and a county or local unit of government must provide, a detailed plan including a budget and detailed cost estimates.

Subd. 4. **REPORTING.** By November 15, 2002 In conjunction with each biennial budget process, the planning committee Statewide Radio Board must submit a status report to the governor and to the chairs and ranking minority members of the house and senate committees with jurisdiction over capital investment and criminal justice funding and policy along with any proposed statutory changes and funding options to allow for consideration in the 2004-2005 biennial budget process. By January 15, 2003, the planning committee must submit the project plan to the governor and to the above named legislators and must immediately thereafter commence execution of the plan. The report must include a substantive assessment and evaluation of each significant part of the implementation of the statewide public safety radio plan with (1) to the extent possible, an update on risks and mitigation strategies; and (2) quantitative information on the status, progress, costs, benefits, and effects or those efforts.

Sec. 17. [403.37] POWERS OF STATEWIDE RADIO BOARD.

Subdivision 1. **GENERAL.** In addition to any other powers specifically provided by law, the Statewide Radio Board has the powers given in this section.

Subd. 2. **PLANNING.** The board shall coordinate the statewide, shared radio and communication system project plan with local and regional plans and modify the plan as necessary to facilitate the implementation of the backbone of the statewide, shared radio and communication system.

Subd. 3. **SYSTEM ARCHITECTURE.** The board shall define the backbone of the system, the timing and regions of system backbone development, the geographic scope of each region, and the standards for system backbone performance necessary to assure systemwide development that maximizes interoperability throughout the system.

Subd. 4. **IMPLEMENTATION.** The board shall oversee the implementation of the plan and ensure that the system is built, owned, operated, and maintained in accordance with the plan.

Subd. 5. **ASSIGNMENT OF FREQUENCIES.** The board shall oversee the assignment of frequencies to local users and to subsystems.

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Subd. 6. **COST APPORTIONMENT.** The board shall determine how capital and operating costs of the system backbone are apportioned to users, including the cost of additional participants.

Subd. 7. **EXCESS CAPACITY ALLOCATION.** The board shall determine how excess capacity provided in the system backbone design will be allocated.

Subd. 8. **SYSTEM ENHANCEMENTS.** The board shall coordinate the extent to which local governments, quasi-public service corporations, and private entities eligible to use the system may provide system enhancements at their own expense.

Subd. 9. **TECHNICAL STANDARDS.** The board shall establish and enforce performance and technical standards for the operation of the system backbone.

Subd. 10. **PROTOCOLS.** The board shall establish and enforce priorities or protocols for the system that facilitate statewide uniformity.

Subd. 11. **INTEGRATION.** The board shall coordinate the integration of the statewide, shared radio and communication system among regions, adjoining states, federal entities, and to the extent permitted by law, with Canadian public safety entities.

Subd. 12. **ALLOCATION OF MONEY.** The board shall allocate money available to the Statewide Radio Board among regional radio boards or to local entities within a region to encourage local and regional participation in the system. This does not limit the authority of regional radio boards and local entities to individually or collectively seek funding of local and regional enhancements and subsystems to the system backbone.

Sec. 18. **[403.38] STATEWIDE INTEGRATION.**

Notwithstanding any provision to the contrary in sections 403.21 to 403.40, the Statewide Radio Board has the final authority over technical and operational standards necessary to provide for the development and implementation of a statewide backbone that maximizes the integration of the public safety radio communication system throughout the state, including the backbone previously established by the Metropolitan Radio Board. Technical and operational standards that do not interfere with the integration of the system may be established locally or regionally.

Sec. 19. **[403.39] REGIONAL RADIO BOARDS.**

Subdivision 1. **ESTABLISHMENT.** Notwithstanding the provisions of section 471.59, subdivision 1, requiring commonality of powers, two or more counties or a city and one or more counties within a region defined in the Statewide Radio Board's project plan under section 403.36, through action of their governing bodies, by adoption of a joint powers agreement that complies with section 471.59, subdivisions 1 to 5, may establish a regional radio board to implement, maintain, and operate regional and local improvements to the statewide, shared, trunked radio and communication system provided for in section 403.36. Membership in a regional radio board shall include one county commissioner appointed by each respective county board party to the joint powers agreement and an elected official from any city party to the

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joint powers agreement, and may include additional members whose qualifications are specified in the joint powers agreement.

Subd. 2. POWERS. In addition to the powers enumerated in section 471.59, a regional radio board, as necessary and convenient to implement regional and local improvements to the statewide, shared, trunked radio and communication system provided for in section 403.36, has the following powers:

(1) to establish bylaws and other organizational procedures consistent with the terms of the joint powers agreement;

(2) to apply for and hold licenses for public safety frequencies to be used in regional and local improvements, including a regional data system;

(3) to set or adopt regional performance and technical standards, subject to review by the Statewide Radio Board, that do not interfere with the backbone or interoperability infrastructure administered by the Statewide Radio Board;

(4) to enter into contracts necessary to carry out its responsibilities;

(5) to acquire by purchase, lease, gift, or grant, property, both real and personal, and interests in property necessary for the accomplishment of its purposes and to sell or otherwise dispose of property it no longer requires; and

(6) to contract with the state of Minnesota, through the commissioner of transportation, for construction, ownership, operation, and maintenance of regional or local improvements to the statewide, shared, trunked radio and communication system.

Subd. 3. RELATIONSHIP TO LOCAL GOVERNMENTS. Where a regional radio board has been established in accordance with this section, local governments and other public entities eligible under part 90 of the FCC rules to operate upon a statewide, shared public safety radio and communication system within the region covered by the regional radio board must coordinate its implementation through one of the parties to the joint powers agreement. For purposes of grants made available by the Department of Public Safety, a regional radio board is entitled to apply for and receive a grant on behalf of one or more counties who are a party to the joint powers agreement.

Sec. 20. [403.40] ADVISORY COMMITTEES.

Subdivision 1. REGIONAL ADVISORY COMMITTEES. The Statewide Radio Board shall facilitate the formation of a regional advisory committee in each region of development. A regional advisory committee may create a regional radio board under section 403.39 and conduct its affairs in accordance with the joint powers agreement. During the initial phase of development within a region, the Statewide Radio Board shall act cooperatively with the regional advisory committee or the regional radio board to complete development of the basic communication infrastructure and interoperability infrastructure. Upon the completion of the initial phase of development within a region, the Statewide Radio Board shall cooperate with and assist the regional advisory committee or the regional radio board in implementing its regional plan and with subsequent development within the region.

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Subd. 2. **TOPICAL ADVISORY COMMITTEES.** The Statewide Radio Board may establish the following additional advisory committees with representatives from each region of implementation to advise on the following topical areas:

(1) a committee of users representing all regions where the system backbone has been implemented to make recommendations on how capital and operating costs of the system should be apportioned among users, including the cost of additional participants;

(2) a systems manager committee to make recommendations on performance and operational standards for the system to the extent that performance and operational standards impact the operation of the system backbone and interoperability infrastructure; and

(3) an operations and technical committee to make recommendations on the plan and operational issues related to the technical aspects of the system backbone and interoperability infrastructure.

Sec. 21. REPORT.

By February 1, 2005, the Metropolitan Radio Board shall make a detailed report to the governor and to the legislature on the following items:

(1) allocation of operating costs, as provided for in Minnesota Statutes, section 403.31, subdivision 1;

(2) cost apportionment, as provided for in Minnesota Statutes, section 403.23, subdivision 8, including the costs of additional participants; and

(3) user fees, as provided for in Minnesota Statutes, section 403.23, subdivision 19.

The report shall provide a detailed accounting of system infrastructure costs, operating costs, and maintenance costs to be apportioned among the backbone, regional improvements to the backbone, and subsystems, with a discussion of alternative methods of apportioning those costs among users and new participants. The report shall outline the current status of the allocation of operating costs, cost apportionment, and user fees and how the board anticipates to deal with those items before July 1, 2006, and how those items will be addressed once local enhancements are substantially completed.

Sec. 22. TRANSFER OF RESPONSIBILITIES.

On July 1, 2006, the responsibilities of the Metropolitan Radio Board under Minnesota Statutes, sections 403.21 to 403.34, that have not been assumed by the Metropolitan Radio Board as a regional radio board established under Minnesota Statutes, section 403.39, are transferred to the Statewide Radio Board under Minnesota Statutes, section 15.039.

Sec. 23. REPEALER.

Laws 1995, chapter 195, article 1, section 18, as amended by Laws 1999, chapter 238, article 2, section 78, and Laws 2001, chapter 176, section 1, is repealed.

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Sec. 24. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 13, 2004

Signed by the governor May 17, 2004, 5:24 p.m.

CHAPTER 202—S.F.No. 2620

An act relating to fire insurance; prescribing certain notice requirements; amending provisions regulating township mutual combination policies; amending Minnesota Statutes 2002, sections 65A.01, subdivision 3c; 67A.191.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2002, section 65A.01, subdivision 3c, is amended to read:

Subd. 3c. **TIME REQUIREMENTS.** (a) In the event of a policy less than 60 days old that is ~~not being renewed~~ declined, or a policy that it is being canceled for nonpayment of premium, the notice must be mailed to the insured ~~so that it is received~~ at least 20 days before the effective cancellation date. If a policy is being declined or canceled for underwriting considerations, the insured must be informed of the source from which the information was received.

(b) In the event of a midterm cancellation, for reasons listed in subdivision 3a, or according to policy provisions, ~~the insured must receive a 30-day notice must be mailed to the insured at least 30 days before the effective cancellation date.~~

(c) In the event of a nonrenewal, a ~~60-day notice must be sent~~ mailed to the insured at least 60 days before the effective date of nonrenewal, containing the specific underwriting or other reason for the indicated actions.

(d) This subdivision does not apply to commercial policies regulated under sections 60A.36 and 60A.37.

Sec. 2. Minnesota Statutes 2002, section 67A.191, is amended to read:

67A.191 COMBINATION POLICIES.

Subdivision 1. **FARM QUALIFIED RISKS.** A township mutual fire insurance company may issue an insurance policy for qualified and secondary property as defined in section 67A.14, subdivision 1, in combination with a policy issued by an insurer authorized to sell property and casualty insurance in this state. The portions of the combination policy issued by a township mutual insurance company are excluded from all provisions of the insurance laws of this state as provided in section 67A.25, subdivision 2.

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