

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH LEGISLATURE**

**S.F. No. 803**

(SENATE AUTHORS: JENSEN)

DATE	D-PG	OFFICIAL STATUS
02/28/2013	436	Introduction and first reading Referred to Judiciary
03/06/2013	640	Comm report: To pass and re-referred to State and Local Government
03/11/2013	740	Comm report: To pass
	763	Second reading
04/19/2013	2011	HF substituted on General Orders HF669

A bill for an act

1.1 relating to public safety; expanding and updating the authority of the Statewide  
 1.2 Radio Board to include the latest emergency communication technologies;  
 1.3 authorizing the Statewide Radio Board to elect to become a statewide emergency  
 1.4 communication board; including tribal governments in regional radio board  
 1.5 structure; providing comprehensive authority under board to address all  
 1.6 emergency communications; providing for rulemaking; amending Minnesota  
 1.7 Statutes 2012, sections 403.21, subdivisions 2, 13, by adding a subdivision;  
 1.8 403.37, subdivision 1; 403.38; 403.39; 403.40, subdivision 2; proposing coding  
 1.9 for new law in Minnesota Statutes, chapter 403; repealing Minnesota Statutes  
 1.10 2012, sections 403.21, subdivision 6; 403.33.  
 1.11

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

1.13 Section 1. Minnesota Statutes 2012, section 403.21, is amended by adding a  
 1.14 subdivision to read:

1.15 Subd. 1a. **Allied Radio Matrix for Emergency Response (ARMER).** "Allied  
 1.16 Radio Matrix for Emergency Response," "ARMER," "statewide, shared, trunked radio,  
 1.17 and communication system," or "statewide public safety radio system" means the public  
 1.18 safety radio system established under section 403.36.

1.19 Sec. 2. Minnesota Statutes 2012, section 403.21, subdivision 2, is amended to read:

1.20 Subd. 2. **Statewide Radio Board.** "Board" or "radio board" means the Statewide  
 1.21 Radio Board. "Statewide Radio Board," "radio board," or "board" means the Statewide  
 1.22 Radio Board established under section 403.36 and where the Statewide Radio Board  
 1.23 has affirmatively elected to become a Statewide Emergency Communication Board as  
 1.24 provided in section 403.382 it shall mean the Statewide Emergency Communication  
 1.25 Board as the successor to the Statewide Radio Board.

2.1 Sec. 3. Minnesota Statutes 2012, section 403.21, subdivision 13, is amended to read:

2.2 Subd. 13. **Regional radio board.** "Regional radio board" or "regional board" means  
2.3 a regional radio board established under section 403.39 and shall include any successor  
2.4 organization to the regional radio board.

2.5 Sec. 4. Minnesota Statutes 2012, section 403.37, subdivision 1, is amended to read:

2.6 Subdivision 1. **General.** In addition to any other powers specifically provided  
2.7 by law, the Statewide Radio Board has the powers necessary to oversee the planning,  
2.8 implementation, and maintenance of the ARMER system given in this section.

2.9 Sec. 5. Minnesota Statutes 2012, section 403.38, is amended to read:

2.10 **403.38 STATEWIDE ARMER INTEGRATION.**

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

2.18 Sec. 6. **[403.382] STATEWIDE EMERGENCY COMMUNICATION BOARD.**

2.19 Subdivision 1. **Statewide Emergency Communication Board.** (a) By an  
2.20 affirmative vote of a majority of the members of the Statewide Radio Board, the board  
2.21 may elect to become a Statewide Emergency Communication Board.

2.22 (b) As a Statewide Emergency Communication Board, the board shall be responsible  
2.23 for the statewide coordination of 911 service in addition to existing responsibilities for the  
2.24 ARMER system provided for in sections 403.21 to 403.37.

2.25 Subd. 2. **911 service.** In addition to any other powers specifically provided by law,  
2.26 the Statewide Emergency Communication Board has the powers given in this section for  
2.27 the coordination of 911 services.

2.28 Subd. 3. **Planning.** The board shall coordinate the plan for the implementation of  
2.29 Minnesota's next generation 911 service with local and regional plans and modify the  
2.30 plan as necessary to facilitate the implementation of 911 services throughout the state  
2.31 in accordance with federal law.

3.1 Subd. 4. **911 service architecture.** The board shall define the standards for system  
 3.2 performance of 911 service necessary to assure development that maximizes compatibility  
 3.3 and interoperability of 911 service throughout the state.

3.4 Subd. 5. **Implementation.** The board shall oversee the implementation of the plan  
 3.5 under subdivision 3 for 911 service and ensure that the 911 services are implemented,  
 3.6 operated, and maintained in accordance with the 911 service plan.

3.7 Subd. 6. **System enhancements.** The board shall coordinate system enhancements  
 3.8 to maintain interoperability and minimum design standards to the extent to which local  
 3.9 governments and nongovernmental public safety entities eligible for direct connection to  
 3.10 Minnesota's 911 network may provide for system enhancements at their own expense.

3.11 Subd. 7. **System standards.** The board shall establish and enforce rules establishing  
 3.12 performance, operational, and system standards for the operation of 911 services.

3.13 Subd. 8. **Other emergency communication system planning and coordination.**  
 3.14 In addition to powers provided for in this section for the coordination of 911 service, the  
 3.15 board shall be responsible for planning and coordination of the following public safety  
 3.16 emergency communication networks:

3.17 (1) developing and maintaining a plan for the implementation of a statewide public  
 3.18 safety broadband network, including the definition of technical and operational standards  
 3.19 for that network; and

3.20 (2) other wireless communication technologies or wireless communication networks  
 3.21 for public safety communications, where the board finds that coordination and planning on  
 3.22 a regional or statewide basis is appropriate or where regional or statewide coordination  
 3.23 has been requested by the Federal Communications Commission or the Department of  
 3.24 Homeland Security which is coordinating the technology or network on a national level.

3.25 Sec. 7. Minnesota Statutes 2012, section 403.39, is amended to read:

3.26 **403.39 REGIONAL RADIO BOARDS.**

3.27 Subdivision 1. **Establishment.** Notwithstanding the provisions of section 471.59,  
 3.28 subdivision 1, requiring commonality of powers, two or more counties or a city and one or  
 3.29 more counties within a region defined in the statewide radio board's project plan under  
 3.30 section 403.36, through action of their governing bodies, by adoption of a joint powers  
 3.31 agreement that complies with section 471.59, subdivisions 1 to 5, may establish a regional  
 3.32 radio board to implement, maintain, and operate regional and local improvements to the  
 3.33 statewide, shared, trunked radio and communication system provided for in section 403.36.  
 3.34 Where the governing bodies of the participating units of government of a regional radio  
 3.35 board have approved an amendment to the regional radio board's joint powers agreement

4.1 authorizing the incorporation of a federally recognized Indian tribe into the joint powers  
4.2 agreement, the federally recognized Indian tribe may be incorporated into the joint powers  
4.3 agreement upon the adoption of the joint powers agreement by the tribe's governing body.  
4.4 Membership in a regional radio board shall include one county commissioner appointed  
4.5 by each respective county board party to the joint powers agreement and an elected official  
4.6 from any city party to the joint powers agreement, and may include additional members  
4.7 whose qualifications are specified in the joint powers agreement.

4.8 Subd. 2. **Powers.** In addition to the powers enumerated in section 471.59, a regional  
4.9 radio board, as necessary and convenient to implement regional and local improvements  
4.10 to the statewide, shared, trunked radio and communication system provided for in section  
4.11 403.36, has the following powers:

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

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

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

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

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

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

4.26 Subd. 3. **Relationship to local governments.** Where a regional radio board has  
4.27 been established in accordance with this section, local governments and other public  
4.28 entities eligible under part 90 of the FCC rules to operate upon a statewide, shared public  
4.29 safety radio and communication system within the region covered by the regional radio  
4.30 board must coordinate its implementation through one of the parties to the joint powers  
4.31 agreement. For purposes of grants made available by the Department of Public Safety, a  
4.32 regional radio board is entitled to apply for ~~and~~<sub>2</sub> receive a ~~grant~~<sub>2</sub>, and administer grants  
4.33 on behalf of one or more public safety entities operating within the counties who are a  
4.34 party to the joint powers agreement.

4.35 Subd. 4. **Scope.** Nothing in this section shall limit a regional radio board organized  
4.36 under section 471.59 from expanding the scope of the joint powers agreement to include

5.1 the joint or cooperative exercise of powers consistent with section 471.59 related to  
 5.2 other public safety purposes which may include the joint and cooperative exercise of  
 5.3 powers among less than all members of the regional radio board. An amendment to the  
 5.4 joint powers agreement expanding the scope of the agreement must be approved by the  
 5.5 governing bodies of each of the members of the regional radio board.

5.6 Sec. 8. **[403.392] REGIONAL EMERGENCY COMMUNICATION BOARDS.**

5.7 Subdivision 1. **Regional emergency communication board election.** A regional  
 5.8 radio board may elect to become a regional emergency communication board by amending  
 5.9 the joint powers agreement establishing the regional radio board to include responsibility  
 5.10 for coordinating 911 service within the region.

5.11 Subd. 2. **Powers of regional emergency communication board.** Where a regional  
 5.12 radio board has elected to become a regional emergency communication board, the board  
 5.13 shall have the powers provided for in sections 403.39 and 471.59. The board must provide  
 5.14 for the following powers in its joint power agreement:

5.15 (1) the development and maintenance of a regional plan for the implementation of  
 5.16 Next Generation 911 (NG911) service within the region or within subregions of the region  
 5.17 consistent with standards established under section 403.382; and

5.18 (2) the establishment of regional technical and operational standards for the  
 5.19 implementation of NG911 service within the region or within subregions of the region that  
 5.20 are consistent with technical and operational standards for 911 service adopted pursuant  
 5.21 to section 403.382.

5.22 Sec. 9. Minnesota Statutes 2012, section 403.40, subdivision 2, is amended to read:

5.23 Subd. 2. **Topical advisory committees.** The Statewide Radio Board may establish  
 5.24 the following ~~additional advisory committees~~ one or more advisory groups for the  
 5.25 purpose of advising on the plan, design, implementation, and administration of statewide  
 5.26 interoperable public safety communications with representatives from each region of  
 5.27 implementation to advise on, at least, the following topical areas specified for each  
 5.28 committee:

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

5.32 (2) a ~~systems manager~~ committee to make recommendations on performance and  
 5.33 operational standards for the system to the extent that performance and operational

6.1 standards impact the operation of the system backbone and interoperability infrastructure;  
6.2 ~~and~~

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

6.6 (4) in cases where the board has made an election under section 403.382, a 911  
6.7 operations and technical committee to make recommendations on the 911 service plan  
6.8 and operational issues related to the technical aspects of the implementation of Next  
6.9 Generation 911 service throughout the state.

6.10 Sec. 10. **REVISOR'S INSTRUCTION.**

6.11 The revisor of statutes shall renumber Minnesota Statutes, section 403.21,  
6.12 subdivision 2, as section 403.21, subdivision 7a. The revisor shall also make necessary  
6.13 cross-reference changes consistent with the renumbering.

6.14 Sec. 11. **REPEALER.**

6.15 Minnesota Statutes 2012, sections 403.21, subdivision 6; and 403.33, are repealed.

**403.21 DEFINITIONS.**

Subd. 6. **NPSPAC channels.** "NPSPAC channels" or "National Public Safety Planning Advisory Committee channels" means the following 800 megahertz channels: 821 to 824 and 866 to 869 megahertz.

**403.33 LOCAL PLANNING.**

Subdivision 1. **County planning process.** (a) No later than two years from May 22, 1995, each metropolitan county shall undertake and complete a planning process for its public safety radio subsystem to ensure participation by representatives of local government units, quasi-public service organizations, and private entities eligible to use the regional public safety radio system and to ensure coordination and planning of the local subsystems. Local governments and other eligible users shall cooperate with the county in its preparation of the subsystem plan to ensure that local needs are met.

(b) The regional radio board for the metropolitan area shall encourage the establishment by each metropolitan county of local public safety radio subsystem committees composed of representatives of local governments and other eligible users for the purposes of:

(1) establishing a plan for coordinated and timely use of the regionwide public safety radio system by the local governments and other eligible users within each metropolitan county; and

(2) assisting and advising the regional radio board for the metropolitan area in its implementation of the regional public safety radio plan by identification of local service needs and objectives.

(c) The regional radio board for the metropolitan area shall also encourage the establishment of joint or multicounty planning for the regionwide public safety radio system and subsystems.

(d) The regional radio board for the metropolitan area may provide local boards with whatever assistance it deems necessary and appropriate.

(e) No metropolitan county or city of the first class shall be required to undertake a technical subsystem design to meet the planning process requirements of this subdivision or subdivision 2.

Subd. 2. **Cities of first class; planning process.** Each city of the first class in the metropolitan counties shall have the option to participate in the county public safety radio subsystem planning process or develop its own plan.

Subd. 3. **Submission of plans to board.** Each metropolitan county and each city of the first class in the metropolitan area which has chosen to develop its own plan shall submit the plan to the regional radio board for the metropolitan area for the board's review and approval.

Subd. 4. **Local government joinder.** Local government units, except for cities of the first class, quasi-public service organizations, and private entities eligible to use the regional public safety radio system cannot join the system until its county plan has been approved by the regional radio board for the metropolitan area.