

CHAPTER 403

911 EMERGENCY AND PUBLIC SAFETY
COMMUNICATIONS

403.02	Definitions.		PUBLIC SAFETY RADIO COMMUNICATION SYSTEM
	911 EMERGENCY COMMUNICATION SYSTEM		
403.025	911 emergency telecommunications system required.	403.21	Definitions.
403.03	911 services to be provided.	403.22	Board; membership, administration.
403.05	911 system operation and maintenance.	403.23	Powers of the board.
403.06	Commissioner's duties.	403.24	Adverse interests of board members.
403.07	Standards established; data privacy.	403.25	Compensation of board members.
403.08	Wireless telecommunications service provider.	403.26	Finance.
403.09	Enforcement.	403.27	Revenue bonds; obligations.
403.10	Cooperative agreement.	403.28	Depositories.
403.11	911 system cost accounting requirements; fee.	403.29	Money; accounts; investments.
403.113	Enhanced 911 service costs; fee.	403.30	Appropriation; transfers; budget.
403.15	Multiline telephone system 911 requirements.	403.31	Operating costs.
	PUBLIC SAFETY RADIO COMMUNICATION	403.32	Sale of general obligation bonds.
403.20	System name.	403.33	Local planning.
		403.34	Optional local use of regional system.
		403.35	Continuation of enhancements to regional system.
		403.36	Statewide Radio Board.
		403.37	Powers of Statewide Radio Board.
		403.38	Statewide integration.
		403.39	Regional radio boards.
		403.40	Advisory committees.

403.01 [Renumbered 403.025]**403.02 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [Renumbered subd 16]

Subd. 3. [Renumbered subd 14]

Subd. 4. [Renumbered subd 18]

Subd. 5. [Renumbered subd 19]

Subd. 6. [Renumbered subd 17]

Subd. 7. **Automatic location identification.** "Automatic location identification" means the process of electronically identifying and displaying on a special viewing screen the name of the subscriber and the location, where available, of the calling telephone number to a person answering a 911 emergency call.

Subd. 8. [Renumbered subd 15]

Subd. 9. [Renumbered subd 13]

Subd. 10. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subd. 11. [Renumbered subd 20]

Subd. 12. [Renumbered subd 21]

Subd. 13. **Enhanced 911 service.** "Enhanced 911 service" means the use of selective routing, automatic location identification, or local location identification as part of local 911 service.

Subd. 14. **Governmental agency.** "Governmental agency" means any unit of local government or special purpose district located in whole or in part within this state that provides or has authority to provide fire-fighting, police, ambulance, medical, or other emergency services.

Subd. 15. **Local location identification.** "Local location identification" means the process of locating the origin of calls to a 911 system by means of a periodically updated database located and maintained at the public safety answering point.

MINNESOTA STATUTES 2004

Subd. 16. **Metropolitan area.** "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 17. **911 service.** "911 service" means a telecommunications service that automatically connects a person dialing the digits 911 to an established public safety answering point. 911 service includes:

(1) equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point;

(2) equipment, as appropriate, for automatically selectively routing 911 calls in situations where one telephone central office serves more than one public safety answering point; and

(3) provision of automatic location identification if the public safety answering point has the capability of providing that service.

Subd. 18. **Public safety agency.** "Public safety agency" means a functional division of a public agency which provides fire fighting, police, medical, or other emergency services, or a private entity which provides emergency medical or ambulance services.

Subd. 19. **Public safety answering point.** "Public safety answering point" means a communications facility operated on a 24-hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Subd. 20. **Wire-line telecommunications service provider.** "Wire-line telecommunications service provider" means a person, firm, association, corporation, or other legal entity, however organized, or combination of them, authorized by state or federal regulatory agencies to furnish telecommunications service, including local service, over wire-line facilities.

Subd. 21. **Wireless telecommunications service provider.** "Wireless telecommunications service provider" means a provider of commercial mobile radio services, as that term is defined in United States Code, title 47, section 332, subsection (d), including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licenses, that offers real time, two-way voice service interconnected with the public switched telephone network and that is doing business in the state of Minnesota.

Subd. 22. **Call-back number.** "Call-back number" means a number used by the public safety answering point to recontact the location from which the 911 call was placed.

Subd. 23. **Emergency location identification number.** "Emergency location identification number" means a valid North American numbering plan format telephone number, assigned to the multiline telephone system operator by the appropriate authority, that is used to route the call to a public safety answering point and is used to retrieve the automatic location identification for the public safety answering point.

Subd. 24. **Emergency response location.** "Emergency response location" means a location to which a 911 emergency response team may be dispatched. The location must be specific enough to provide a reasonable opportunity for the emergency response team to locate a caller anywhere within it.

Subd. 25. **Multiline telephone system.** "Multiline telephone system" means a private telephone system comprised of common control units, telephones, and control hardware and software that share a common interface to the public switched telephone network. This includes network and premises-based systems and systems owned or leased by governmental agencies and nonprofit entities, as well as for-profit businesses.

Subd. 26. **Shared residential multiline telephone system service.** "Shared residential multiline telephone service" means the use of a multiline telephone system to provide service to residential facilities. For purposes of this subdivision, "residential

facilities” means both single-family and multifamily facilities including extended care facilities and dormitories.

History: 1977 c 311 s 2; 1987 c 56 s 1,2; 1990 c 543 s 1; 1994 c 616 s 6; 1995 c 149 s 1; 1997 c 202 art 3 s 18,19; 3Sp1997 c 3 s 1; 2002 c 372 s 2-6; 1Sp2003 c 1 art 2 s 102; 2004 c 282 s 3-7

911 EMERGENCY COMMUNICATION SYSTEM

403.025 911 EMERGENCY TELECOMMUNICATIONS SYSTEM REQUIRED.

Subdivision 1. **General requirement.** Each county shall operate and maintain a 911 emergency telecommunications system.

Subd. 1a. **Emergency telephone number 911.** The digits 911, so designated by the Federal Communications Commission, must be the primary emergency telephone number within the system. A public safety agency may maintain a separate secondary backup number for emergency calls and shall maintain a separate number for nonemergency telephone calls.

Subd. 2. **Multijurisdictional system.** The 911 systems may be multijurisdictional and regional in character provided that design and implementation are preceded by cooperative planning on a county-by-county basis with local public safety agencies.

Subd. 3. **Wire-line requirements.** Every owner and operator of a wire-line telecommunications system shall design and maintain the system to dial the 911 number without charge to the caller.

Subd. 4. **Wireless requirements.** Every owner and operator of a wireless telecommunications system shall design and maintain the system to dial the 911 number without charge to the caller.

Subd. 5. **Pay phone requirements.** Every pay phone owner and operator shall permit dialing of the 911 number without coin and without charge to the caller.

Subd. 6. **Multistation or PBX system.** Every owner and operator of a multistation or private branch exchange (PBX) multiline telephone system shall design and maintain the system to dial the 911 number without charge to the caller.

Subd. 7. **Contractual requirements.** (a) The state, together with the county or other governmental agencies operating public safety answering points, shall contract with the appropriate wire-line telecommunications service providers for the operation, maintenance, enhancement, and expansion of the 911 system.

(b) The state shall contract with the appropriate wireless telecommunications service providers for maintaining, enhancing, and expanding the 911 system.

(c) The contract language or subsequent amendments to the contract must include a description of the services to be furnished by wireless and wire-line telecommunications service providers to the county or other governmental agencies operating public safety answering points, as well as compensation based on the effective tariff or price list approved by the public utilities commission. The contract language or subsequent amendments must include the terms of compensation based on the effective tariff or price list filed with the public utilities commission or the prices agreed to by the parties.

(d) The contract language or subsequent amendments to contracts between the parties must contain a provision for resolving disputes.

History: 1977 c 311 s 1; 2002 c 372 s 1; 2004 c 282 s 2

403.03 911 SERVICES TO BE PROVIDED.

Services available through a 911 system shall include police, firefighting, and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the public agency operating the public safety answering point.

History: 1977 c 311 s 3

403.04 [Repealed, 2002 c 372 s 21]

403.05 911 SYSTEM OPERATION AND MAINTENANCE.

Subdivision 1. **Operate and maintain.** Each county or any other governmental agency shall operate and maintain its 911 system to meet the requirements of governmental agencies whose services are available through the 911 system and to permit future expansion or enhancement of the system. Each county or any other governmental agency shall ensure that a 911 emergency call made with a wireless access device is automatically connected to and answered by the appropriate public safety answering point.

Subd. 2. **Rule requirements for 911 system plans.** Each county or any other governmental agency shall maintain and update its 911 system plans as required under Minnesota Rules, chapter 1215.

Subd. 3. **Agreements for service.** Each county and any other governmental agency shall contract with the state and wire-line telecommunications service providers for the recurring and nonrecurring costs associated with operating and maintaining 911 emergency communications systems.

History: 1977 c 311 s 5; 2002 c 372 s 7

403.06 COMMISSIONER'S DUTIES.

Subdivision 1. **System coordination, improvements, variations, and agreements.** The commissioner shall coordinate the maintenance of 911 systems. The commissioner shall aid counties in the formulation of concepts, methods, and procedures which will improve the operation and maintenance of 911 systems. The commissioner shall establish procedures for determining and evaluating requests for variations from the established design standards. The commissioner shall respond to requests by wireless or wire-line telecommunications service providers or by counties or other governmental agencies for system agreements, contracts, and tariff language promptly and no later than within 45 days of the request unless otherwise mutually agreed to by the parties.

Subd. 1a. **Biennial budget; annual financial report.** The commissioner shall prepare a biennial budget for maintaining the 911 system. By December 15 of each year, the commissioner shall submit a report to the legislature detailing the expenditures for maintaining the 911 system, the 911 fees collected, the balance of the 911 fund, and the 911-related administrative expenses of the commissioner. The commissioner is authorized to expend money that has been appropriated to pay for the maintenance, enhancements, and expansion of the 911 system.

Subd. 2. **Waiver.** Any county, other governmental agency, wireless telecommunications service provider, or wire-line telecommunications service provider may petition the commissioner for a waiver of all or portions of the requirements. A waiver may be granted upon a demonstration by the petitioner that the requirement is economically infeasible.

History: 1977 c 311 s 6; 2002 c 372 s 8; 1Sp2003 c 1 art 2 s 103

403.07 STANDARDS ESTABLISHED; DATA PRIVACY.

Subdivision 1. **Rules.** The commissioner shall establish and adopt in accordance with chapter 14, rules for the administration of this chapter and for the development of 911 systems in the state including:

(1) design standards for 911 systems incorporating the standards adopted pursuant to subdivision 2 for the seven-county metropolitan area; and

(2) a procedure for determining and evaluating requests for variations from the established design standards.

Subd. 2. **Design standards for metropolitan area.** The Metropolitan 911 Board shall establish and adopt design standards for the metropolitan area 911 system and transmit them to the commissioner for incorporation into the rules adopted pursuant to this section.

Subd. 3. **Database.** In 911 systems that have been approved by the commissioner for a local location identification database, each wire-line telecommunications service provider shall provide current customer names, service addresses, and telephone numbers to each public safety answering point within the 911 system and shall update the information according to a schedule prescribed by the county 911 plan. Information provided under this subdivision must be provided in accordance with the transactional record disclosure requirements of the federal Electronic Communications Privacy Act of 1986, United States Code, title 18, section 2703, subsection (c), paragraph (1), subparagraph (B)(iv).

Subd. 4. **Use of furnished information.** Names, addresses, and telephone numbers provided to a 911 system under subdivision 3 are private data and may be used only for identifying the location or identity, or both, of a person calling a 911 public safety answering point. The information furnished under subdivision 3 may not be used or disclosed by 911 system agencies, their agents, or their employees for any other purpose except under a court order.

Subd. 5. **Liability.** (a) A wire-line telecommunications service provider, its employees, or its agents are not liable to any person who uses enhanced 911 telecommunications service for release of subscriber information required under this chapter to any public safety answering point.

(b) A wire-line telecommunications service provider is not liable to any person for the good faith release to emergency communications personnel of information not in the public record, including, but not limited to, nonpublished or nonlisted telephone numbers.

(c) A wire-line telecommunications service provider, its employees, or its agents are not liable to any person for civil damages resulting from or caused by any act or omission in the development, design, installation, operation, maintenance, performance, or provision of enhanced 911 telecommunications service, except for willful or wanton misconduct.

(d) A multiline telephone system manufacturer, provider, or operator is not liable for any civil damages or penalties as a result of any act or omission, except willful or wanton misconduct, in connection with developing, designing, installing, maintaining, performing, provisioning, adopting, operating, or implementing any plan or system required by section 403.15.

History: 1977 c 311 s 7; 1982 c 424 s 130; 1990 c 543 s 2,3; 1991 c 319 s 21; 1994 c 618 art 1 s 38; 1995 c 149 s 2; 2002 c 372 s 9; 1Sp2003 c 1 art 2 s 104-106; 2004 c 282 s 8

403.08 WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER.

Subdivision 1. [Repealed by amendment, 2002 c 372 s 10]

Subd. 2. [Repealed by amendment, 2002 c 372 s 10]

Subd. 3. [Repealed by amendment, 2002 c 372 s 10]

Subd. 4. [Repealed by amendment, 2002 c 372 s 10]

Subd. 5. [Repealed by amendment, 2002 c 372 s 10]

Subd. 6. [Repealed by amendment, 2002 c 372 s 10]

Subd. 7. **Duties.** Each wireless telecommunications service provider shall cooperate in planning and implementing integration with enhanced 911 systems operating in their service territories to meet Federal Communications Commission-enhanced 911 standards. By August 1, 1997, each 911 emergency telecommunications service provider operating enhanced 911 systems, in cooperation with each involved wireless telecommunications service provider, shall develop and provide to the commissioner good-faith estimates of installation and recurring expenses to integrate wireless 911 service into the enhanced 911 networks to meet Federal Communications Commission phase one wireless enhanced 911 standards. The commissioner shall coordinate with counties and affected public safety agency representatives in developing a statewide design and plan for implementation.

MINNESOTA STATUTES 2004

Subd. 8. **Schedule.** Planning shall be completed by October 1, 1997, for the metropolitan area and shall be completed by December 1, 1997, for the areas outside of the metropolitan area.

Subd. 9. **Scope.** Planning considerations must include cost, degree of integration into existing 911 systems, the retention of existing 911 infrastructure, and the potential implications of phase 2 of the Federal Communications Commission wireless enhanced 911 standards.

Subd. 10. **Plan integration.** Counties shall incorporate the statewide design when modifying county 911 plans to provide for integrating wireless 911 service into existing county 911 systems. The commissioner shall contract with the involved wireless service providers and 911 service providers to integrate cellular and other wireless services into existing 911 systems where feasible.

Subd. 11. **Liability.** (a) No wireless enhanced 911 emergency telecommunications service provider, its employees, or its agents are liable to any person for civil damages resulting from or caused by any act or omission in the development, design, installation, operation, maintenance, performance, or provision of enhanced 911 wireless service, except for willful or wanton misconduct.

(b) No wireless carrier, its employees, or its agents are liable to any person who uses enhanced 911 wireless service for release of subscriber information required under this chapter to any public safety answering point.

Subd. 12. **Notification of subscriber.** A provider of wireless telecommunications services shall notify its subscribers at the time of initial subscription and four times per year thereafter that a 911 emergency call made from a wireless telephone is not always answered by a local public safety answering point but may be routed to a State Patrol dispatcher and that, accordingly, the caller must provide specific information regarding the caller's location.

History: 1977 c 311 s 8; 1980 c 614 s 123; 1997 c 202 art 3 s 20; 2002 c 372 s 10

403.09 ENFORCEMENT.

Subdivision 1. **Commissioner's authority.** At the request of the commissioner of public safety, the attorney general may commence proceedings in the district court against any person or public or private body to enforce the provisions of this chapter.

Subd. 2. **Commission authority.** At the request of the public utilities commission, the attorney general may commence proceedings before the district court pursuant to section 237.27, against any wire-line telecommunications service provider that refuses to comply with this chapter.

Subd. 3. **Dispute resolution.** Disputes between parties must be resolved pursuant to section 403.025, subdivision 7, paragraph (d).

History: 1977 c 311 s 9; 1980 c 614 s 123; 1995 c 149 s 3; 2002 c 372 s 11; 1Sp2003 c 1 art 2 s 107

403.10 COOPERATIVE AGREEMENT.

Subdivision 1. **Authority.** All public agencies and counties that are part of different 911 systems but share common boundary lines may enter into cooperative agreements to provide that once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to jurisdictional boundaries.

Subd. 2. **Notice to public safety agency.** Public safety agencies with jurisdictional responsibilities shall in all cases be notified by the public safety answering point of a request for service in their jurisdiction.

Subd. 3. **Allocating costs.** Counties, public agencies, operating public safety answering points, and other local governmental units may enter into cooperative agreements under section 471.59 for the allocation of operational and capital costs attributable to the 911 system.

History: 1977 c 311 s 10; 2002 c 372 s 12

403.11 911 SYSTEM COST ACCOUNTING REQUIREMENTS; FEE.

Subdivision 1. **Emergency telecommunications service fee.** (a) Each customer of a wireless or wire-line telecommunications service provider that furnishes service capable of originating a 911 emergency telephone call is assessed a fee to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, plus administrative and staffing costs of the commissioner related to managing the 911 emergency telecommunications service program. Recurring charges by a wire-line telecommunications service provider for updating the information required by section 403.07, subdivision 3, must be paid by the commissioner if the wire-line telecommunications service provider is included in an approved 911 plan and the charges are made pursuant to tariff, price list, or contract. The fee assessed under this section must also be used for the purpose of offsetting the costs, including administrative and staffing costs, incurred by the State Patrol Division of the Department of Public Safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner to provide financial assistance to counties for the improvement of local emergency telecommunications services. The improvements may include providing access to 911 service for telecommunications service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the commissioner.

(c) The fee may not be less than eight cents nor more than 40 cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of finance, the commissioner of public safety shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. When the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is no longer needed. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers.

(d) The fee must be collected by each wireless or wire-line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account in the special revenue fund. The money in the account may only be used for 911 telecommunications services.

(e) This subdivision does not apply to customers of interexchange carriers.

(f) The installation and recurring charges for integrating wireless 911 calls into enhanced 911 systems must be paid by the commissioner if the 911 service provider is included in the statewide design plan and the charges are made pursuant to tariff, price list, or contract.

Subd. 2. [Repealed, 2002 c 372 s 21]

Subd. 3. **Method of payment.** (a) Any wireless or wire-line telecommunications service provider incurring reimbursable costs under subdivision 1 shall submit an invoice itemizing rate elements by county or service area to the commissioner for 911 services furnished under tariff, price list, or contract. Any wireless or wire-line telecommunications service provider is eligible to receive payment for 911 services rendered according to the terms and conditions specified in the contract. Competitive local exchange carriers holding certificates of authority from the Public Utilities

Commission are eligible to receive payment for recurring 911 services provided after July 1, 2001. The commissioner shall pay the invoice within 30 days following receipt of the invoice unless the commissioner notifies the service provider that the commissioner disputes the invoice.

(b) The commissioner shall estimate the amount required to reimburse wireless and wire-line telecommunications service providers for the state's obligations under subdivision 1 and the governor shall include the estimated amount in the biennial budget request.

Subd. 3a. **Timely certification.** A certification must be submitted to the commissioner no later than two years after commencing a new or additional eligible 911 service. Any wireless or wire-line telecommunications service provider incurring reimbursable costs under this section at any time before January 1, 2003, may certify those costs for payment to the commissioner according to this section for a period of 90 days after January 1, 2003. During this period, the commissioner shall reimburse any wireless or wire-line telecommunications service provider for approved, certified costs without regard to any contrary provision of this subdivision.

Subd. 3b. **Certification.** All wireless and wire-line telecommunications service providers shall submit a self-certification form signed by an officer of the company to the commissioner with invoices for payment of an initial or changed service described in the service provider's 911 contract. The self-certification shall affirm that the 911 service contracted for is being provided and the costs invoiced for the service are true and correct. All certifications are subject to verification and audit.

Subd. 3c. **Audit.** If the commissioner determines that an audit is necessary to document the certification described in subdivision 3b, the wireless or wire-line telecommunications service provider must contract with an independent certified public accountant to conduct the audit. The audit must be conducted according to generally accepted accounting principles. The wireless or wire-line telecommunications service provider is responsible for any costs associated with the audit.

Subd. 4. **Local recurring costs.** Recurring costs of telecommunications equipment and services at public safety answering points must be borne by the local governmental agency operating the public safety answering point or allocated pursuant to section 403.10, subdivision 3. Costs attributable to local government electives for services not otherwise addressed under section 403.11 or 403.113 must be borne by the governmental agency requesting the elective service.

Subd. 5. **Tariff notification.** Wire-line telecommunications service providers or wireless telecommunications service providers holding eligible telecommunications carrier status shall give notice to the commissioner and any other affected governmental agency of tariff or price list changes related to 911 service at the same time that the filing is made with the public utilities commission.

History: 1977 c 311 s 11; 1978 c 680 s 1; 1980 c 614 s 123,147; 1Sp1985 c 13 s 330; 1987 c 404 s 174; 1989 c 335 art 4 s 85; 1990 c 543 s 4; 1994 c 616 s 7,8; 1994 c 634 art 1 s 22; 1995 c 265 art 2 s 29; 1997 c 202 art 3 s 21; 1Sp2001 c 10 art 2 s 78; 2002 c 372 s 13-19; 2002 c 401 art 1 s 3; 1Sp2003 c 1 art 2 s 108,135

403.113 ENHANCED 911 SERVICE COSTS; FEE.

Subdivision 1. **Fee.** (a) Each customer receiving service from a wireless or wire-line telecommunications service provider is assessed a fee to fund implementation, operation, maintenance, enhancement, and expansion of enhanced 911 service, including acquisition of necessary equipment and the costs of the commissioner to administer the program. The actual fee assessed under section 403.11 and the enhanced 911 service fee must be collected as one amount and may not exceed the amount specified in section 403.11, subdivision 1, paragraph (c).

(b) The enhanced 911 service fee must be collected and deposited in the same manner as the fee in section 403.11 and used solely for the purposes of paragraph (a) and subdivision 3.

(c) The commissioner, in consultation with counties and 911 system users, shall determine the amount of the enhanced 911 service fee. The fee must include at least ten cents per month to be distributed under subdivision 2. The commissioner shall inform wireless and wire-line telecommunications service providers that provide service capable of originating a 911 emergency telephone call of the total amount of the 911 service fees in the same manner as provided in section 403.11.

Subd. 2. Distribution of money. (a) After payment of the costs of the commissioner to administer the program, the commissioner shall distribute the money collected under this section as follows:

(1) one-half of the amount equally to all qualified counties, and after October 1, 1997, to all qualified counties, existing ten public safety answering points operated by the Minnesota State Patrol, and each governmental entity operating the individual public safety answering points serving the Metropolitan Airports Commission, the Red Lake Indian Reservation, and the University of Minnesota Police Department; and

(2) the remaining one-half to qualified counties and cities with existing 911 systems based on each county's or city's percentage of the total population of qualified counties and cities. The population of a qualified city with an existing system must be deducted from its county's population when calculating the county's share under this clause if the city seeks direct distribution of its share.

(b) A county's share under subdivision 1 must be shared pro rata between the county and existing city systems in the county. A county or city or other governmental entity as described in paragraph (a), clause (1), shall deposit money received under this subdivision in an interest-bearing fund or account separate from the governmental entity's general fund and may use money in the fund or account only for the purposes specified in subdivision 3.

(c) A county or city or other governmental entity as described in paragraph (a), clause (1), is not qualified to share in the distribution of money for enhanced 911 service if it has not implemented enhanced 911 service before December 31, 1998.

(d) For the purposes of this subdivision, "existing city system" means a city 911 system that provides at least basic 911 service and that was implemented on or before April 1, 1993.

Subd. 3. Local expenditures. (a) Money distributed under subdivision 2 for enhanced 911 service may be spent on enhanced 911 system costs for the purposes stated in subdivision 1, paragraph (a). In addition, money may be spent to lease, purchase, lease-purchase, or maintain enhanced 911 equipment, including telephone equipment; recording equipment; computer hardware; computer software for database provisioning, addressing, mapping, and any other software necessary for automatic location identification or local location identification; trunk lines; selective routing equipment; the master street address guide; dispatcher public safety answering point equipment proficiency and operational skills; pay for long-distance charges incurred due to transferring 911 calls to other jurisdictions; and the equipment necessary within the public safety answering point for community alert systems and to notify and communicate with the emergency services requested by the 911 caller.

(b) Money distributed for enhanced 911 service may not be spent on:

(1) purchasing or leasing of real estate or cosmetic additions to or remodeling of communications centers;

(2) mobile communications vehicles, fire engines, ambulances, law enforcement vehicles, or other emergency vehicles;

(3) signs, posts, or other markers related to addressing or any costs associated with the installation or maintenance of signs, posts, or markers.

Subd. 4. Audits. Each county and city or other governmental entity as described in subdivision 2, paragraph (a), clause (1), shall conduct an annual audit on the use of funds distributed to it for enhanced 911 service. A copy of each audit report must be submitted to the commissioner.

Subd. 5. [Repealed, 2002 c 372 s 21]

History: 1994 c 616 s 9; 1997 c 202 art 3 s 22-25; 2002 c 372 s 20; 1Sp2003 c 1 art 2 s 109

403.12 Subdivision 1. [Repealed, 2002 c 372 s 21]

Subd. 2. [Repealed, 1Sp1986 c 3 art 1 s 51]

Subd. 3. [Repealed, 1Sp1986 c 3 art 1 s 51]

403.13 [Repealed, 2002 c 372 s 21]

403.14 [Repealed, 2002 c 372 s 21]

403.15 MULTILINE TELEPHONE SYSTEM 911 REQUIREMENTS.

Subdivision 1. **Multistation or PBX system.** Except as otherwise provided in this section, every owner and operator of a new multistation or private branch exchange (PBX) multiline telephone system purchased after December 31, 2004, shall design and maintain the system to provide a call-back number and emergency response location.

Subd. 2. **Multiline telephone system user dialing instructions.** Each multiline telephone system operator must demonstrate or otherwise inform each new telephone system user how to call for emergency assistance from that particular multiline telephone system.

Subd. 3. **Shared residential multiline telephone system.** On and after January 1, 2005, operators of shared multiline telephone systems, whenever installed, serving residential customers shall ensure that the shared multiline telephone system is connected to the public switched network and that 911 calls from the system result in at least one distinctive automatic number identification and automatic location identification for each residential unit, except those requirements do not apply if the residential facility maintains one of the following:

- (1) automatic location identification for each respective emergency response location;
- (2) the ability to direct emergency responders to the 911 caller's location through an alternative and adequate means, such as the establishment of a 24-hour private answering point; or
- (3) a connection to a switchboard operator, attendant, or other designated on-site individual.

Subd. 4. **Hotel or motel multiline telephone system.** Operators of hotel and motel multiline telephone systems shall permit the dialing of 911 and shall ensure that 911 calls originating from hotel or motel multiline telephone systems allow the 911 system to clearly identify the address and specific location of the 911 caller.

Subd. 5. **Business multiline telephone system.** (a) An operator of business multiline telephone systems connected to the public switched telephone network and serving business locations of one employer shall ensure that calls to 911 from any telephone on the system result in one of the following:

- (1) automatic location identification for each respective emergency response location;
- (2) an ability to direct emergency responders to the 911 caller's location through an alternative and adequate means, such as the establishment of a 24-hour private answering point; or
- (3) a connection to a switchboard operator, attendant, or other designated on-site individual.

(b) Except as provided in paragraph (c), providers of multiline telephone systems serving multiple employers' business locations shall ensure that calls to 911 from any telephone result in automatic location identification for the respective emergency response location of each business location sharing the system.

(c) Only one emergency response location is required in the following circumstances:

- (1) an employer's workspace is less than 40,000 square feet, located on a single floor and on a single contiguous property;
- (2) an employer's workspace is less than 7,000 square feet, located on multiple floors and on a single contiguous property; or
- (3) an employer's workspace is a single public entrance, single floor facility on a single contiguous property.

Subd. 6. **Schools.** A multiline telephone system operated by a public or private educational institution, including a system serving dormitories and other residential customers, is subject to this subdivision and is not subject to subdivision 3. The operator of the education institution multiline system connected to the public switched network must ensure that calls to 911 from any telephone on the system result in one of the following:

- (1) automatic location identification for each respective emergency response location;
- (2) an ability to direct emergency responders to the 911 caller's location through an alternative and adequate means, such as the establishment of a 24-hour private answering point; or
- (3) a connection to a switchboard operator, attendant, or other designated on-site individual.

Subd. 7. **Exemptions.** (a) Multiline telephone systems with a single emergency response location are exempt from subdivisions 1 and 3 to 6 and section 403.07, subdivision 3.

(b) Multiline telephone system operators that employ alternative methods of enhanced 911 support are exempt from subdivisions 1 and 3 to 6 and section 403.07, subdivision 3.

(c) A multiline telephone system operator may apply for an exemption from the requirements in this section from the chief officer of each public safety answering point serving that jurisdiction.

Subd. 8. **Applicability.** The requirements of subdivisions 4, 5, and 6 apply to new multiline telephone systems purchased after December 31, 2004. The requirements of subdivisions 2 and 3 and the exemptions in subdivision 7 apply regardless of when the multiline telephone system was installed.

History: 2004 c 282 s 9

PUBLIC SAFETY RADIO COMMUNICATION

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."

History: 2004 c 201 s 1

PUBLIC SAFETY RADIO COMMUNICATION SYSTEM

403.21 DEFINITIONS.

Subdivision 1. **Applications.** The definitions in this section apply to sections 403.21 to 403.40.

Subd. 2. **Board.** "Board" or "radio board" or "Metropolitan Radio Board" means the Metropolitan Radio Board or its successor regional radio board.

Subd. 3. **First phase.** "First phase" or "first phase of the regionwide public safety radio 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.

MINNESOTA STATUTES 2004

473

911 EMERGENCY AND PUBLIC SAFETY COMMUNICATIONS 403.22

Subd. 4. **Local elected officials.** "Local elected officials" means any elected official of a local government.

Subd. 5. **Local government.** "Local government" means any county, home rule charter or statutory city, or town.

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

Subd. 7. **Plan.** "Plan" or "regionwide public safety radio system communication plan" means the plan adopted by the Metropolitan Radio Board for a regionwide public safety radio communications system.

Subd. 8. **Subsystems.** "Subsystems" or "public safety radio subsystems" means systems identified in the plan as subsystems interconnected by the 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.

Subd. 9. **System backbone.** "System backbone" or "backbone" means a public safety radio communication system that consists of a shared, 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 communication system plan under section 403.23, subdivision 6, and the statewide radio communication plan under section 403.36.

Subd. 10. **Second phase.** "Second phase" means the 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.

Subd. 11. **Third phase.** "Third phase" means an extension of the backbone system to serve the southeast and central districts of the State Patrol.

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

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

History: 1995 c 195 art 1 s 2; 2002 c 401 art 1 s 4,5; 1Sp2003 c 1 art 2 s 113,114,135; 2004 c 201 s 2-10

403.22 BOARD; MEMBERSHIP, ADMINISTRATION.

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.

Subd. 2. **Membership.** (a) The board consists of 21 members. Seventeen members shall be local officials and shall include:

(1) one county commissioner appointed by each respective county board from each of the 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 18th member shall be a member of the Metropolitan Council appointed by the council. The 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 the 21st member of the board.

(b) 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.

(c) 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.

Subd. 3. Officers. The officers of the board are: chair; vice-chair; secretary; and treasurer. The chair shall preside at all meetings of the board, and in the chair's absence, the vice-chair shall preside. The secretary shall keep a complete record of the minutes of each meeting. The treasurer shall keep the financial records of the board. The chair and vice-chair of the board shall be selected by a majority vote from the members of the board. The secretary and treasurer need not be members of the board.

Subd. 4. Contracts. Contracts and other written instruments of the board shall be signed by the chair or vice-chair and if the board has an executive director, by the executive director of the board pursuant to authority from the board.

Subd. 5. Bylaws. The board shall conduct its business in accordance with bylaws duly adopted by a majority of the board.

Subd. 6. 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, shall be favored by a majority of the voting power of the board in order to carry.

History: 1995 c 195 art 1 s 3; 1Sp2003 c 1 art 2 s 135; 2004 c 201 s 11,12

403.23 POWERS OF THE BOARD.

Subdivision 1. General. The board has the powers necessary and convenient to discharge the duties imposed on it by law, including those listed in this section.

Subd. 2. Planning. (a) The board shall review and, within 90 days of the effective date of Laws 1995, chapter 195, adopt the regionwide public safety radio system communication plan prepared by the Metropolitan Radio Systems Planning Committee pursuant to Laws 1993, chapter 313, section 3, subdivision 2, for using the 800 megahertz and other frequencies available for public safety use. The plan must include, at a minimum:

- (1) a system design recommended by the Minnesota commissioner of transportation for the first phase consisting of a shared regionwide infrastructure network;
- (2) a system design for subsequent phases; and
- (3) a plan for assignment of frequencies to the regional network and to each subsystem.

(b) No later than 30 days prior to adoption of the plan by the board, the board shall submit the plan to the Metropolitan Council for review in accordance with section 473.165, clause (1). The council may make comments to the board about the plan in

MINNESOTA STATUTES 2004

accordance with section 473.165, clause (2), except that the deadline for comments shall be made within 30 days after submission of the plan to the council.

(c) If, within the 30-day review period, the council has made no comment on the plan or has made no findings as provided in section 473.165, clause (2), the plan shall go into effect as of the date of adoption by the board.

(d) If, within the 30-day review period, the council has made findings as provided in section 473.165, clause (2), the board and the council shall follow the procedure provided in section 473.165, clause (2). The board may adopt revisions to the plan in the same manner as is provided in this subdivision for adoption of the plan.

Subd. 3. Application to FCC. Within 180 days from adoption of the regionwide public safety radio system communication plan, the commissioner of 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 NPSAC 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 NPSAC channels may be granted by the 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 must be used for the implementation of the plan. The 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 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 board, the commissioner of the Minnesota Department of Transportation, and local subsystem owners shall jointly colicense all subscriber equipment for the system backbone.

Subd. 4. Plan implementation. The board shall supervise the implementation of the regionwide public safety radio system communication plan adopted under subdivision 2 and must ensure that the system is built, owned, operated, and maintained in accordance with the plan. The board will work with the region 22 NPSAC committee to incorporate the board's adopted plan into federal communication system regulations.

Subd. 5. Required minimum level of service for local governments. Subject to system capacity and channel availability, the board shall ensure that all local governments, quasi-public service operations, and private entities in the metropolitan counties that are eligible to use radio frequencies reserved for public safety use have adequate communications capacity and intercommunications capability.

Subd. 6. Backbone and subsystems. In the regionwide public safety radio system communication plan, the board shall define the backbone consistent with the recommendations made by the commissioner of transportation and the subsystems of the system, the timing and phasing of system development, the geographic scope of the system, the timing and extent of participation in the system including participation by additional entities, and standards for system performance. System performance standards shall be developed in consultation with the commissioner of transportation. The initial backbone shall serve state and regional agencies and shall include capabilities for regionwide mutual aid and emergency medical services communications and potentially provide alternative routing for 911 services.

Subd. 7. Existing channel allocation. The board shall coordinate allocation of existing radio channels made available to the board by conversion to 800 megahertz or other public safety frequencies.

Subd. 8. **Cost apportionment.** The board shall determine how capital, operating, and administrative costs of the first phase system will be spread across users of the regionwide public safety radio communication system, including costs for additional participants.

Subd. 9. **Excess capacity allocation.** The board shall determine how excess capacity provided in the initial system design in the regionwide public safety radio communication system will be allocated.

Subd. 10. **System enhancement regulation.** The board shall determine 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 direct expense.

Subd. 11. **Standards.** The board is authorized to set or adopt performance and technical standards for operation of the backbone and subsystems and may modify standards as necessary to meet changing needs.

Subd. 12. **Use priorities.** The board shall establish priorities or protocols for use of the system.

Subd. 13. **First phase construction.** In order to implement the first phase backbone, the board shall contract with the state of Minnesota, through the commissioner of transportation for construction, ownership, operation, maintenance, and enhancement of these elements of the first phase backbone as defined in the plan. The commissioner, 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 first phase system network. In accordance with the terms of the contract entered into with the radio board under this subdivision, the Department of Transportation will own, operate, and maintain those elements identified by the radio board in the plan as the first phase. The state will finance and pay for its share of the first phase.

Subd. 14. **Executive director.** The board may employ and fix the duties and compensation of an executive director who shall supervise the implementation of the plan including the design, ownership, construction, and operation of the first phase system and shall administer the business affairs of the board. The executive director is eligible for membership in the Minnesota State Retirement System. Until funds to administer the board become available under subdivision 19, the Metropolitan Council shall provide to the board an executive director who will be a staff member of the council. The executive director shall serve at the pleasure of the board.

Subd. 15. **System use by nongovernmental entities.** The board may contract with entities in the metropolitan counties eligible to use the public safety channels other than local governments, to provide them with public safety radio communication service. The board may contract with eligible jurisdictions and entities outside the metropolitan counties for inclusion in the regionwide public safety radio communication system.

Subd. 16. **Minutes of board meetings.** The board shall keep proper minutes of all its proceedings which shall be open to public inspection at all reasonable times.

Subd. 17. **Accounting.** The board shall keep proper and adequate books of accounts showing all its receipts and disbursements by date, source, and amount. The board must be audited at least once each year. The board may elect to be audited by a certified public accountant or by the state auditor.

Subd. 18. **Insurance.** The board may obtain suitable, proper, and adequate public liability and workers' compensation insurance and other insurance as it deems necessary, including but not limited to, insurance against the liability of the board or its officers and employees for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property.

Subd. 19. **User fees.** In accordance with the plan authorized in subdivision 2, the board may establish and impose user fees on entities using the first phase system to cover the board's costs of implementing the plan and the costs of operating the first

phase system in the metropolitan area. The Metropolitan Council will collect the user fees.

Subd. 20. **Technical Operations Committee.** The board shall establish a Technical Operations Committee composed of representatives of the following functional categories to advise it in carrying out its purposes:

- (1) Minnesota Department of Public Safety;
- (2) Minnesota Department of Transportation;
- (3) sheriffs;
- (4) police;
- (5) fire protection;
- (6) emergency medical service;
- (7) public works;
- (8) civil defense;
- (9) Metro 911 Telephone Board;
- (10) entities using 800 megahertz prior to initiation of the regional system;
- (11) managers or purchasing agents possessing expertise from a general perspective;
- (12) representatives of local units of government; and
- (13) regionwide public safety radio communication system users.

The members of the Technical Operations Committee serve without compensation. The chair of the Technical Operations Committee is an ex officio member of the radio board.

Subd. 21. **Contracts.** The board may enter into contracts necessary to carry out its responsibilities.

Subd. 22. **Property.** The board may acquire by purchase, lease, gift, or grant, property, both real and personal, and interests in property necessary for the accomplishment of its purposes and may sell or otherwise dispose of property which it no longer requires.

Subd. 23. **Gifts; grants.** The board may apply for, accept, and disburse gifts, grants, or loans from the United States, the state, or from any person for any of its purposes. It may enter into an agreement required for the gifts, grants, or loans and may hold, use, and dispose of money or property received according to the terms of the gift, grant, or loan.

Subd. 24. **Authority to litigate.** The board may sue and be sued.

History: 1995 c 195 art 1 s 4; 1996 c 463 s 46; 1997 c 143 s 17; 1997 c 202 art 3 s 28; 1Sp2003 c 1 art 2 s 135; 2004 c 201 s 13

403.24 ADVERSE INTERESTS OF BOARD MEMBERS.

As provided in section 471.87, no member of the board shall have any personal or financial interest in any sale, lease, or other contract made by the board. Any violation of section 471.87 may make the sale, lease, or other contract voidable by the board. Upon conviction for a violation of section 471.87, a board member is automatically disqualified from further service on the board.

History: 1995 c 195 art 1 s 5; 1Sp2003 c 1 art 2 s 135

403.25 COMPENSATION OF BOARD MEMBERS.

Subdivision 1. **Per diem and expenses.** Except as provided in subdivision 2, and unless otherwise prohibited by law, each board member of the radio board shall be reimbursed for actual and necessary expenses incurred in the performance of duties. The chair shall be paid a per diem in the same amount as is provided in section 15.0575, subdivision 3, for attending meetings, monthly, executive, and special, and board members shall be paid a per diem in the same amount as is provided in section 15.0575, subdivision 3, for attending meetings, monthly, executive, and special. A board

member who receives a per diem from the board member's county or city shall not be paid a per diem for the same day by the board for attending meetings of the board. The annual budget of the board shall provide, as a separate account, anticipated expenditures for per diem, travel, and associated expenses for the chair and members, and compensation or reimbursement shall be made to the chair or members only when budgeted.

Subd. 2. **Limitation.** A board member whose annual public salary is \$25,000 or more shall only be reimbursed for expenses related to travel.

History: 1995 c 195 art 1 s 6; 1Sp2003 c 1 art 2 s 135

403.26 FINANCE.

Subdivision 1. **Budget preparation; review and approval.** (a) The board shall prepare a proposed budget by August 1 of each year. The budget shall include operating revenues and expenditures for operation, administration, and maintenance. In addition, the budget must show for each fiscal year of the state biennium:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year, all in such detail and form as the council may prescribe; and

(3) the estimated source and use of pass-through funds.

(b) As early as practicable before August 15 of each year, the board shall hold a public hearing on a draft of the proposed budget. Along with the draft, the board shall publish a report on user charges. The report must include an estimated analysis of the changes in user charges, rates, and fees that will be required by the board's budget. Not less than 14 days before the hearing, the board shall publish notice of the hearing in a newspaper having general circulation in the metropolitan area, stating the date, time, and place of hearing, and the place where the proposed budget and report on user charges may be examined by any interested person.

(c) Following the hearing, the board shall publish a report of the hearing that summarizes the comments received and board's response. The council shall approve or disapprove the entire budget by October 1 of each year. The council may disapprove only if the budget does not have adequate reserves to meet debt service. If the council disapproves the budget in accordance with this subdivision, the board shall, by November 1, resubmit to the council for approval, a budget which meets the requirements for council approval as provided in this subdivision. The council shall approve or disapprove the entire resubmitted budget by December 1.

(d) Before December 15 of each year, the board shall, by resolution, adopt a final budget. The board shall file its final budget with the council on or before December 20 of each year. The council shall file the budgets with the secretary of the senate and the clerk of the house of representatives not later than January 1 of each year. Before adoption, the board must submit any budget amendment which would affect debt service reserves to the council for review. The council has 15 days to approve or disapprove the amendment. The council shall disapprove the budget amendment only if the budget does not have adequate reserves to meet debt service.

(e) Except in an emergency, for which procedures must be established by the board, the board and its officers, agents, and employees may not spend money for any purpose, other than debt service, without an appropriation by the board, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. After obtaining the approval of the council, the board may amend the budget at any

time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose. The council shall disapprove only if the amended budget does not have adequate reserves to meet debt service.

Subd. 2. Program evaluation. The budget procedure of the board must include a substantive assessment and evaluation of the effectiveness of each significant part of the regionwide public safety radio communication system implementation plan adopted by the board with, to the extent possible, quantitative information on the status, progress, costs, benefits, and effects of each program.

The board shall transmit the evaluation to the Metropolitan Council annually.

Subd. 3. Council report to legislature. Biennially the council shall submit a report to the legislature detailing the board's activities and finances for the previous year, the extent to which the system has been expanded beyond the metropolitan area, and the appropriateness of transferring responsibility for the Metropolitan Radio Board to a state agency.

Subd. 4. Resale of services or capacity prohibited. Neither the council, the board, or any local government unit may resell any service or capacity of this system to a nonpublic entity, except for those private entities eligible to hold Federal Communications Commission licenses in the public safety and special emergency radio services, as defined in Code of Federal Regulations, title 47, part 90 (1994).

History: 1995 c 195 art 1 s 7; 1Sp2003 c 1 art 2 s 135

403.27 REVENUE BONDS; OBLIGATIONS.

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 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 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) 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

(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.

Subd. 2. Procedure. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues, except as otherwise provided in sections 403.21 to 403.34 and the council shall have the same powers and duties as a municipality and its governing body in issuing bonds under chapter 475. The bonds may be sold at any price and at public or private sale as determined by the council.

The bonds shall be payable from and secured by a pledge of the emergency telephone service fee provided in chapter 403 and shall not represent or constitute a general obligation or debt of the council and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any debt limitation.

Subd. 3. **Limitations.** (a) The principal amount of the bonds issued pursuant to subdivision 1, exclusive of any original issue discount, shall not exceed the amount of \$10,000,000 plus the amount the council determines necessary to pay the costs of issuance, fund reserves, debt service, and pay for any bond insurance or other credit enhancement.

(b) In addition to the amount authorized under paragraph (a), the council may issue bonds under subdivision 1 in a principal amount of \$3,306,300, plus the amount the council determines necessary to pay the cost of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph may not be used to finance portable or subscriber radio sets.

(c) In addition to the amount authorized under paragraphs (a) and (b), the council may issue bonds under subdivision 1 in a principal amount of \$18,000,000, plus the amount the council determines necessary to pay the costs of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph must be used to pay up to 50 percent of the cost to a local government unit of building a subsystem and may not be used to finance portable or subscriber radio sets. The bond proceeds may be used to make improvements to an existing 800 MHz radio system that will interoperate with the regionwide public safety radio communication system, provided that the improvements conform to the board's plan and technical standards. The council must time the sale and issuance of the bonds so that the debt service on the bonds can be covered by the additional revenue that will become available in the fiscal year ending June 30, 2005, generated under section 403.11 and appropriated under section 403.30.

(d) In addition to the amount authorized under paragraphs (a) to (c), the council may issue bonds under subdivision 1 in a principal amount of up to \$27,000,000, plus the amount the council determines necessary to pay the costs of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph are appropriated to the commissioner of public safety for phase three of the public safety radio communication system. In anticipation of the receipt by the commissioner of public safety of the bond proceeds, the Metropolitan Radio Board may advance money from its operating appropriation to the commissioner of public safety to pay for design and preliminary engineering for phase three. The commissioner of public safety must return these amounts to the Metropolitan Radio Board when the bond proceeds are received.

Subd. 4. **Security.** The bonds may be secured by a bond resolution or a trust indenture entered into by the council with a corporate trustee within or outside the state which shall define the fee pledged for the payment and security of the bonds and for payment of all necessary and reasonable debt service expenses until all the bonds referred to in subdivision 1 are fully paid or discharged in accordance with law. The pledge shall be a valid charge on the emergency telephone service fee provided in chapter 403. No mortgage or security interest in any tangible real or personal property shall be granted to the bondholders or the trustee, but they shall have a valid security interest in the revenues and bond proceeds received by the council and pledged to the payment of the bonds as against the claims of all persons in tort, contract, or otherwise, irrespective of whether the parties have notice and without possession or filing as provided in the Uniform Commercial Code, or any other law, subject however to the rights of the holders of any general obligation bonds issued under section 403.32. In the bond resolution or trust indenture, the council may make covenants as it determines to be reasonable for the protection of the bondholders.

Neither the council, nor any council member, officer, employee, or agent of the council, nor any person executing the bonds shall be liable personally on the bonds by reason of their issuance. The bonds are not payable from, and are not a charge upon, any funds other than the revenues and bond proceeds pledged to their payment. The council is not subject to any liability on the bonds and has no power to obligate itself to pay or to pay the bonds from funds other than the revenues and bond proceeds pledged. No holder of bonds has the right to compel any exercise of the taxing power

of the council, except any deficiency tax levy the council covenants to certify under section 403.31, or any other public body, to the payment of principal of or interest on the bonds. No holder of bonds has the right to enforce payment of principal or interest against any property of the council or other public body other than that expressly pledged for the payment of the bonds.

History: 1995 c 195 art 1 s 8; 1999 c 248 s 12; 2002 c 401 art 1 s 6,7; 2003 c 127 art 12 s 21; 1Sp2003 c 1 art 2 s 115,116,135; 1Sp2003 c 21 art 10 s 11; 2004 c 201 s 14

403.28 DEPOSITORIES.

The Metropolitan Council shall, from time to time, designate one or more national or state banks, or trust companies authorized to do banking business, as official depositories for money of the board and shall require the board's treasurer to deposit all or a part of such money in those institutions. The designation shall be in writing and shall set forth all the terms and conditions upon which the deposits are made and shall be signed by the chair and treasurer and made a part of the minutes of the board. Any bank or trust company designated shall qualify as a depository by furnishing a corporate surety bond or collateral in the amounts required by section 118A.03. No bond or collateral shall be required to secure any deposit insofar as it is insured under federal law.

History: 1995 c 195 art 1 s 9; 1996 c 399 art 2 s 12; 1Sp2003 c 1 art 2 s 135

403.29 MONEY; ACCOUNTS; INVESTMENTS.

Subdivision 1. **Treasurer's duties.** All money received by the Metropolitan Council under section 403.23, subdivision 19, shall be deposited or invested by the board's treasurer and disposed of as the board may direct in accordance with its budget, provided that any money that has been pledged or dedicated by the Metropolitan Council to the payment of obligations or interest on them or expenses incident to them, or for any other specific purpose authorized by law, shall be paid by the board's treasurer into the fund to which they have been pledged.

Subd. 2. **Funds and accounts established.** The Metropolitan Council shall establish funds and accounts as may be necessary or convenient to handle the receipts and disbursements of the board in an orderly fashion.

Subd. 3. **Depositories; investments.** The money on hand in the funds and accounts may be deposited in the official depositories of the Metropolitan Council or invested as provided in this subdivision. The amount not currently needed or required by law to be kept in cash on deposit, may be invested in obligations authorized for the investment of public funds by section 118A.04. The money may also be held under certificates of deposit issued by any official depository of the Metropolitan Council.

Subd. 4. **Use of bond proceeds.** The use of proceeds of all bonds issued by the Metropolitan Council for the purposes enumerated in section 403.27, subdivision 1, other than investment of all money on hand in any sinking fund or funds of the council, shall be governed by the provisions of chapter 475, the provisions of resolutions authorizing the issuance of the bonds, and by the trust indenture.

History: 1995 c 195 art 1 s 10; 1996 c 399 art 2 s 10; 1Sp2003 c 1 art 2 s 135

403.30 APPROPRIATION; TRANSFERS; BUDGET.

Subdivision 1. **Standing appropriation; costs covered.** For each fiscal year beginning with the fiscal year commencing July 1, 1997, the amount necessary to pay the following costs is appropriated to the commissioner of public safety from the 911 emergency telecommunications service account established under section 403.11:

- (1) debt service costs and reserves for bonds issued pursuant to section 403.27;
- (2) repayment of the right-of-way acquisition loans;
- (3) costs of design, construction, maintenance of, and improvements to those elements of the first, second, and third phases that support mutual aid communications and emergency medical services;

(4) recurring charges for leased sites and equipment for those elements of the first, second, and third phases that support mutual aid and emergency medical communication services; or

(5) aid to local units of government for sites and equipment in support of mutual aid and emergency medical communications services.

This appropriation shall be used to pay annual debt service costs and reserves for bonds issued pursuant to section 403.27 prior to use of fee money to pay other costs eligible under this subdivision. In no event shall the appropriation for each fiscal year exceed an amount equal to four cents a month for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including cellular and other nonwire access services, in the fiscal year. Beginning July 1, 2004, this amount will increase to 13 cents a month.

Subd. 2. Radio board budget. The Metropolitan Council shall transmit the annual budget of the radio board to the commissioner of public safety no later than December 15 of each year. The commissioner shall include all eligible costs approved by the radio board for the regionwide public safety communication system in the commissioner's request for legislative appropriations from the 911 emergency telecommunications service fee account.

Subd. 3. Monthly appropriation transfers. Each month, before the 25th day of the month, the commissioner shall transmit to the Metropolitan Council 1/12 of its total approved appropriation for the regionwide public safety communication system.

Subd. 4. Implementation of phases three to six. To implement phases three to six of the statewide public safety radio communication system, the commissioner of public safety shall contract with the commissioner of transportation to construct, own, operate, maintain, and enhance the elements of phases three to six identified in the plan developed under section 403.36. 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 phases three to six of the system.

History: 1Sp2003 c 1 art 2 s 117,135

403.31 OPERATING COSTS.

Subdivision 1. Allocation of operating costs. The current costs of the board in implementing the regionwide public safety radio communication plan system and the first and second phase systems shall be allocated among and paid by the following users, all in accordance with the regionwide public safety radio system communication plan adopted by the board:

- (1) the state of Minnesota for its operations using the system in the metropolitan counties;
- (2) all local government units using the system; and
- (3) other eligible users of the system.

Subd. 2. Payments to radio board; amounts due board when payable. Charges payable to the board by users of the system may be made payable at those times during each year as the board determines, but those dates shall be fixed with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges.

Subd. 3. Component municipalities obligations to board. Each local government and other eligible users of the first or second phase system shall pay to the board all sums charged to it under this section, at the times and in the manner determined by the board. The governing body of each local government shall take all action that may be necessary to provide the funds required for these payments and to make them when due.

Subd. 4. **Powers of government units.** To accomplish any duty imposed on it by the council or radio board, the governing body of every local government in the metropolitan area may exercise the powers granted any municipality by chapters 117, 412, 429, 475, and by sections 115.46, 444.075, and 471.59.

Subd. 5. **Deficiency tax levies.** If the governing body of any local government using the first or second phase system fails to meet any payment to the board under subdivision 1 when due, the Metropolitan Council may certify to the auditor of the county in which the government unit is located the amount required for payment of the amount due with interest at six percent per year. The auditor shall levy and extend the amount due, with interest, as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. This tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds of the tax, when collected, shall be paid by the county treasurer to the board and credited to the government unit for which the tax was levied.

Subd. 6. **Operating costs of phases three to six.** (a) The ongoing costs of the commissioner in operating phases three to six of the statewide public safety radio communication system shall be allocated among and paid by the following users, all in accordance with the statewide public safety radio communication system plan developed by the planning committee under section 403.36:

- (1) the state of Minnesota for its operations using the system;
- (2) all local government units using the system; and
- (3) other eligible users of the system.

(b) Each local government and other eligible users of phases three to six of the system shall pay to the commissioner all sums charged under this section, at the times and in the manner determined by the commissioner. The governing body of each local government shall take all action that may be necessary to provide the funds required for these payments and to make the payments when due.

History: 1995 c 195 art 1 s 12; 2002 c 401 art 1 s 9-11; 1Sp2003 c 1 art 2 s 118,135; 1Sp2003 c 21 art 4 s 11

403.32 SALE OF GENERAL OBLIGATION BONDS.

Subdivision 1. **Amount; purposes.** The Metropolitan Council may by resolution authorize the issuance of general obligation bonds of the council, in an amount outstanding and undischarged at any time not more than \$3,000,000, for which its full faith and credit and taxing powers shall be pledged for the council's share of the first phase. The Metropolitan Council may also issue general obligation bonds to refund outstanding obligations issued under this section. The amount of refunding bonds that may be issued from time to time shall not be subject to the dollar limitation contained in this subdivision nor the refunding bonds be included in computing the amount of bonds that may be issued within that dollar limitation.

Subd. 2. **Sale, terms, security.** The Metropolitan Council shall sell and issue the bonds in the manner provided in chapter 475 and shall have the same powers and duties as a municipality issuing bonds under that law, except that the approval of a majority of the electors shall not be required and the net debt limitations shall not apply. The bonds shall be secured in accordance with section 475.61, subdivision 1, and any taxes required for their payment shall be levied by the council, shall not affect the amount or rate of taxes which may be levied by the council for other purposes, and shall be levied without limitation of rate or amount upon all taxable property in the transit taxing district and transit area as provided in section 473.446, subdivision 1.

Subd. 3. **Temporary loans.** The Metropolitan Council may, after the authorization of bonds under this section, provide funds immediately required for the purposes of subdivision 1 by effecting temporary loans upon terms as it shall by resolution determine, evidenced by notes due in not exceeding 24 months from their date, payable to the order of the lender or to the bearer, to be repaid with interest from the proceeds

of the bonds when issued and delivered to the purchaser. The temporary loans may be made without public advertisement.

History: 1995 c 195 art 1 s 13; 1Sp2003 c 1 art 2 s 135

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 radio board 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 board in its implementation of the regional public safety radio plan by identification of local service needs and objectives.

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

(d) The board 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 board 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 board.

History: 1995 c 195 art 1 s 14; 1Sp2003 c 1 art 2 s 135

403.34 OPTIONAL LOCAL USE OF REGIONAL SYSTEM.

Subdivision 1. **Options.** Use of the regional public safety radio system by local governments, quasi-public service organizations, and private entities eligible to use the system shall be optional and no local government or other eligible user of the system shall be required to abandon or modify current public safety radio communication systems or purchase new equipment until the local government or other eligible user elects to join the system. Public safety radio communication service to local governments and other eligible users who do not initially join the system shall not be interrupted. No local government or other eligible users who do not join the system shall be charged a user fee for the use of the system.

Subd. 2. **Requirements to join.** Local governments and other entities eligible to join the regional public safety radio system which elect to join the system must do so in accordance with and meet the requirements of the provisions of the plan adopted by the radio board as provided in section 403.23, subdivision 2.

History: 1995 c 195 art 1 s 15; 1Sp2003 c 1 art 2 s 135

403.35 CONTINUATION OF ENHANCEMENTS TO REGIONAL SYSTEM.

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.

History: 1999 c 238 art 2 s 76; 1Sp2003 c 1 art 2 s 135; 2004 c 201 s 15

403.36 STATEWIDE RADIO BOARD.

Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and chair 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 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;
- (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

(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.

(c) 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 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 meeting.** The board shall convene upon the call of the chair or any six members of the board.

Subd. 1e. **Implement plan and establish statewide system.** The Statewide Radio Board has overall responsibility for the statewide, shared radio and communication system project plan. The commissioner of public safety shall implement the plan adopted by the Statewide Radio Board. The commissioner of public safety 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.

Subd. 1f. **Advisory groups.** (a) The 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 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 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;

(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 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 communication system; and

(4) 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 communication transmission needs and second to any other communications transmission needs of either the public or private sector.

(b) The 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 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.

Subd. 3. Local financing. A local unit of government that receives state funds for integration with the statewide, shared, trunked radio and communication system must have a plan approved by the Statewide Radio Board and must comply with the standards and guidelines contained in the project plan. The Statewide Radio Board must review and approve all local and regional planning initiatives for connectivity to the system to assure compatibility, interoperability and integration support with the system and plan standards. As part of the review the 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. In conjunction with each biennial budget process, the 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. 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 of those efforts.

History: 2002 c 401 art 1 s 12; 1Sp2003 c 1 art 2 s 119,135; 2004 c 201 s 16

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.

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.

History: 2004 c 201 s 17

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.

History: 2004 c 201 s 18

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 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.

History: 2004 c 201 s 19

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.

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.

History: 2004 c 201 s 20