CHAPTER 403

911 EMERGENCY AND PUBLIC SAFETY COMMUNICATIONS

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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 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. 9a. **Callback number.** "Callback number" means a number used by the public safety answering point to recontact the location from which the 911 call was placed.

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

Subd. 11. [Renumbered subd 20]

Subd. 11a. **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. 11b. **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. 12. [Renumbered subd 21]

Subd. 13. **Enhanced 911 service.** "Enhanced 911 service" means the use of automatic location identification or local location identification as part of local 911 service provided by an enhanced 911 system consisting of a common 911 network and database and customer data and network components connecting to the common 911 network and database.

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 firefighting, police, ambulance, medical, or other emergency services.

Subd. 15. MS 2012 [Repealed, 2014 c 212 art 2 s 5]

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

Subd. 16a. **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. 16b. **911 emergency telecommunications service provider.** "911 emergency telecommunications service provider" means a telecommunications service provider or other entity, determined by the commissioner to be capable of providing effective and efficient components of the 911 system, that provides all or portions of the network and database for automatically selectively routing 911 calls to the public safety answering point serving the caller's jurisdiction.

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) customer data and network components connecting to the common 911 network and database;

(2) common 911 network and database equipment, as appropriate, for automatically selectively routing 911 calls to the public safety answering point serving the caller's jurisdiction; and

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

Subd. 17a. MS 2020 [Renumbered subd 16b]

Subd. 17b. MS 2020 [Renumbered subd 17d]

Subd. 17c. **911 telecommunicator.** "911 telecommunicator" means a person employed by a public safety answering point, an emergency medical dispatch service provider, or both, who is qualified to answer incoming emergency telephone calls or provide for the appropriate emergency response either directly or through communication with the appropriate public safety answering point.

Subd. 17d. **Prepaid wireless telecommunications service.** "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows the caller to dial 911 to access the 911 system, which service must be paid for in advance and is:

(1) sold in predetermined units or dollars of which the number declines with use in a known amount; or

(2) provides unlimited use for a predetermined time period.

The inclusion of nontelecommunications services, including the download of digital products delivered electronically, content, and ancillary services, with a prepaid wireless telecommunications service does not preclude that service from being considered a prepaid wireless telecommunications service under this chapter.

Subd. 18. **Public safety agency.** "Public safety agency" means a functional division of a public agency which provides firefighting, 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. 19a. **Secondary public safety answering point.** "Secondary public safety answering point" means a communications facility that: (1) is operated on a 24-hour basis, in which a minimum of three public safety answering points (PSAPs) route calls for postdispatch or prearrival instructions; (2) receives calls directly from medical facilities to reduce call volume at the PSAPs; and (3) is able to receive 911 calls routed to it from a PSAP when the PSAP is unable to receive or answer 911 calls.

Subd. 19b. **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.

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. 20a. **Wireless telecommunications service.** "Wireless telecommunications service" means a commercial mobile radio service, as that term is defined in Code of Federal Regulations, title 47, section 20.3, including all broadband personal communication services, wireless radio telephone services, and geographic area specialized mobile radio licensees, that offer real-time, two-way voice service interconnected with the public switched telephone network.

Subd. 21. **Wireless telecommunications service provider.** "Wireless telecommunications service provider" means a provider of wireless telecommunications service.

Subd. 22. [Renumbered subd 9a]

Subd. 23. [Renumbered subd 11a]

Subd. 24. [Renumbered subd 11b]

Subd. 25. [Renumbered subd 16a]

Subd. 26. [Renumbered subd 19b]

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; 2005 c 136 art 10 s 3-6; 2006 c 260 art 6 s 2; 2013 c 143 art 13 s 10-12; 1Sp2019 c 5 art 2 s 10; 1Sp2021 c 11 art 2 s 21; 2022 c 55 art 1 s 175*

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. **Connected telecommunications service provider requirements.** Every owner and operator of a wire-line or wireless circuit switched or packet-based telecommunications system connected to the public switched telephone network 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 shall contract with the county or other governmental agencies operating public safety answering points and with the appropriate wire-line telecommunications service providers or other entities determined by the commissioner to be capable of providing effective and

efficient components of the 911 system for the operation, maintenance, enhancement, and expansion of the 911 system.

(b) The contract language or subsequent amendments to the contract must include a description of the services to be furnished to the county or other governmental agencies operating public safety answering points. 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.

(c) 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; 2005 c 136 art 10 s 7,8; 2006 c 260 art 6 s 3; 2014 c 212 art 2 s 1*

403.03 911 SERVICES TO BE PROVIDED.

Subdivision 1. **Emergency response services.** (a) Services available through a 911 system must 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.

(b) In addition to ensuring an appropriate response under paragraph (a), the 911 system shall include a referral to mental health crisis teams, where available.

Subd. 2. **Telephone cardiopulmonary resuscitation program.** (a) Every public safety answering point must maintain a telephone cardiopulmonary resuscitation program by either:

(1) providing each 911 telecommunicator with training in cardiopulmonary resuscitation; or

(2) transferring callers to another public safety answering point with 911 telecommunicators that have received training in cardiopulmonary resuscitation.

(b) Training in cardiopulmonary resuscitation must, at a minimum, include:

(1) use of an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction that has been recommended by an academic institution or a nationally recognized organization specializing in medical dispatch and, if the public safety answering point has a medical director, approved by that medical director; and

(2) appropriate continuing education, as determined by the evidence-based protocol for providing cardiopulmonary resuscitation instruction and, if the public safety answering point has a medical director, approved by that medical director.

(c) A public safety answering point that transfers callers to another public safety answering point must, at a minimum:

(1) use an evidence-based protocol for the identification of a person in need of cardiopulmonary resuscitation;

(2) provide each 911 telecommunicator with appropriate training and continuing education to identify a person in need of cardiopulmonary resuscitation through the use of an evidence-based protocol; and

(3) ensure that any public safety answering point to which calls are transferred uses 911 telecommunicators who meet the training requirements under paragraph (b).

(d) Each public safety answering point shall conduct ongoing quality assurance of its telephone cardiopulmonary resuscitation program.

Subd. 3. **Monitoring and enforcing training requirements.** The Statewide Emergency Communications Board shall adopt protocols to ensure that operators of every public safety answering point comply with subdivision 2.

Subd. 4. **Liability exemption.** (a) If a caller refuses or is otherwise unwilling or unable to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction, the 911 telecommunicator is not required to provide cardiopulmonary resuscitation instruction and is immune from civil liability for any damages resulting from the fact that such instruction was not provided.

(b) Telephone cardiopulmonary resuscitation instruction is a general duty to the public rather than a special duty owed to individuals, and a 911 telecommunicator must exercise judgment and discretion in performing actions including but not limited to:

(1) determining whether a particular situation requires instituting the cardiopulmonary resuscitation program;

(2) determining whether a caller refuses or is otherwise unable or unwilling to provide cardiopulmonary resuscitation or receive telephone cardiopulmonary resuscitation instruction;

(3) using and appropriately adapting an evidence-based protocol or script for providing cardiopulmonary resuscitation instruction based on individual callers and emergency situations presented by callers; and

(4) determining when to transfer a caller to another public safety answering point with 911 telecommunicators that have received training in cardiopulmonary resuscitation.

History: *1977 c 311 s 3; 2009 c 128 s 1; 2009 c 159 s 106; 1Sp2019 c 5 art 2 s 11; 1Sp2021 c 11 art 2 s 22; 2023 c 25 s 178*

403.04 MS 2000 [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.

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 7580.

Subd. 3. **Agreements for service.** Each county or any other governmental agency shall contract with the state for the recurring and nonrecurring costs associated with operating and maintaining 911 emergency communications systems. If requested by the county or other governmental agency, the county or agency is entitled to be a party to any contract between the state and any wire-line telecommunications service

provider or 911 emergency telecommunications service provider providing components of the 911 system within the county.

History: *1977 c 311 s 5; 2002 c 372 s 7; 2005 c 136 art 10 s 9; 2006 c 260 art 6 s 4; 2014 c 212 art 2 s 2; 2022 c 55 art 1 s 176*

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, the 911-related administrative expenses of the commissioner, and the most recent forecast of revenues and expenditures for the 911 emergency telecommunications service account, including a separate projection of E911 fees from prepaid wireless customers and projections of year-end fund balances. 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; 2013 c 143 art 13 s 13*

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 Emergency Services 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 Communications Act of 1934, United States Code, title 47, section 222, subsection (g).

Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone numbers provided to a 911 system under subdivision 3 are private data and may be used only:

(1) to identify the location or identity, or both, of a person calling a 911 public safety answering point; or

(2) by a public safety answering point to notify the public of an emergency.

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.

(b) For purposes of this subdivision, "emergency" means a situation in which property or human life is in jeopardy and the prompt notification of the public by the public safety answering point is essential.

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.

(e) A telecommunications service provider that participates in or cooperates with the public safety answering point in notifying the public of an emergency, as authorized under subdivision 4, is immune from liability arising out of the notification except for willful or wanton misconduct.

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; 2005 c 136 art 10 s 10; 2007 c 54 art 8 s 1,2; 1Sp2021 c 11 art 2 s 23; 2022 c 55 art 1 s 177*

403.08 WIRELESS TELECOMMUNICATIONS SERVICE PROVIDER.

Subdivision 1. MS 2000 [Repealed by amendment, 2002 c 372 s 10]

Subd. 2. MS 2000 [Repealed by amendment, 2002 c 372 s 10]

Subd. 3. MS 2000 [Repealed by amendment, 2002 c 372 s 10]

Subd. 4. MS 2000 [Repealed by amendment, 2002 c 372 s 10]

Subd. 5. MS 2000 [Repealed by amendment, 2002 c 372 s 10]

Subd. 6. MS 2000 [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. Each wireless telecommunications service provider shall annually 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.

Subd. 8. MS 2004 [Repealed, 2006 c 260 art 6 s 21]

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.

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; 2005 c 136 art 10 s 11; 2006 c 260 art 6 s 5; 2014 c 212 art 2 s 3*

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 (c).

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; 2015 c 21 art 1 s 74*

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; account.** (a) Each customer of a wireless or wire-line switched or packet-based telecommunications service provider connected to the public switched telephone network that furnishes service capable of originating a 911 emergency telephone call is assessed a fee based upon the number of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, to offset administrative and staffing costs of the commissioner related to managing the 911 emergency telecommunications service program, to make distributions provided for in section 403.113, and to offset 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.

(c) The fee may not be more than 95 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 management and budget, 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, except that the fee imposed under this subdivision does not apply to prepaid wireless telecommunications service, which is instead subject to the fee imposed under section 403.161, subdivision 1, paragraph (a).

(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) Competitive local exchanges carriers holding certificates of authority from the Public Utilities Commission are eligible to receive payment for recurring 911 services.

Subd. 1a. **Fee collection declaration.** If the commissioner disputes the accuracy of a fee submission or if no fees are submitted by a wireless, wire-line, or packet-based telecommunications service provider, the wireless, wire-line, or packet-based telecommunications service provider shall submit a sworn declaration signed by an officer of the company certifying, under penalty of perjury, that the information provided with the fee submission is true and correct. The sworn declaration must specifically describe and affirm that the 911 fee computation is complete and accurate. When a wireless, wire-line, or packet-based telecommunications service provider fails to provide a sworn declaration within 90 days of notice by the commissioner that the fee submission is disputed, the commissioner may estimate the amount due from the wireless, wire-line, or packet-based telecommunications service provider and refer that amount for collection under section 16D.04.

Subd. 1b. **Examination of fees.** If the commissioner determines that an examination is necessary to document the fee submission and sworn declaration in subdivision 1a, the wireless, wire-line, or packet-based telecommunications service provider must contract with an independent certified public accountant to conduct an examination of fees. The examination must be conducted in accordance with attestation audit standards.

Subd. 2. MS 2000 [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 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. 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 911 emergency telecommunications service providers and 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 invoices.** An invoice for services provided for in the contract with a wireless or wire-line telecommunications service provider must be submitted to the commissioner no later than 90 days after commencing a new or additional eligible 911 service. Each applicable contract must provide that, if certified expenses under the contract deviate from estimates in the contract by more than ten percent, the commissioner may reduce the level of service without incurring any termination fees.

Subd. 3b. **Declaration.** If the commissioner disputes an invoice, the wireless and wire-line telecommunications service providers shall submit a declaration under section 16A.41 signed by an officer of the company with the invoices for payment of service described in the service provider's 911 contract. The sworn declaration must specifically describe and affirm that the 911 service contracted for is being provided and the costs invoiced for the service are true and correct. When a wireless or wire-line

telecommunications service provider fails to provide a sworn declaration within 90 days of notice by the commissioner that the invoice is disputed, the disputed amount of the invoice must be disallowed.

Subd. 3c. **Audit.** If the commissioner determines that an audit is necessary to document the invoice and sworn declaration 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. 3d. **Eligible telecommunications carrier; requirement.** No wireless communications provider may provide telecommunications services under a designation of eligible telecommunications carrier, as provided under Minnesota Rules, part 7811.1400, until and unless the commissioner of public safety certifies to the chair of the public utilities commission that the wireless telecommunications provider is not in arrears in amounts owed to the 911 emergency telecommunications service account in the special revenue fund.

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.

Subd. 6. **Report.** (a) Each wireless telecommunications service provider shall semiannually report to the commissioner, based on the mobile telephone number, both the total number of prepaid wireless telecommunications subscribers sourced to Minnesota and the total number of wireless telecommunications subscribers sourced to Minnesota. The report must be filed on the same schedule as Federal Communications Commission Form 477.

(b) The commissioner shall make a standard form available to all wireless telecommunications service providers for submitting information required to compile the report required under this subdivision.

(c) The information provided to the commissioner under this subdivision is considered trade secret information under section 13.37 and may only be used for purposes of administering this chapter.

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; 2005 c 136 art 10 s 12-14; 2006 c 260 art 6 s 6-10; 2007 c 54 art 8 s 3-5; 2009 c 101 art 2 s 109; 2013 c 143 art 13 s 14-16; 2014 c 212 art 2 s 4; 1Sp2021 c 11 art 2 s 24; 2023 c 25 s 179,180*

403.113 ENHANCED 911 SERVICE COSTS; FEE.

Subdivision 1. **Fee.** A portion of the fee collected under section 403.11 must be used 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.

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. 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. MS 2000 [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; 2005 c 136 art 10 s 15; 2006 c 260 art 6 s 11,12*

403.12 Subdivision 1. MS 2000 [Repealed, 2002 c 372 s 21]

Subd. 2. MS 1984 [Repealed, 1Sp1986 c 3 art 1 s 51]

Subd. 3. MS 1984 [Repealed, 1Sp1986 c 3 art 1 s 51]

403.13 MS 2000 [Repealed, 2002 c 372 s 21]

403.14 MS 2000 [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 callback 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.** 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 work space is less than 40,000 square feet, located on a single floor and on a single contiguous property;

(2) an employer's work space is less than 7,000 square feet, located on multiple floors and on a single contiguous property; or

(3) an employer's work space 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; 2023 c 25 s 181*

PREPAID WIRELESS FEES

403.16 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 403.16 to 403.164, the terms defined in this section have the meanings given them.

Subd. 2. **Consumer.** "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.

Subd. 3. **Department.** "Department" means the Department of Revenue.

Subd. 4. **Prepaid wireless E911 fee.** "Prepaid wireless E911 fee" means the fee that is required to be collected by a seller from a consumer as established in section 403.161, subdivision 1, paragraph (a).

Subd. 5. **Prepaid wireless telecommunications access Minnesota fee.** "Prepaid wireless telecommunications access Minnesota fee" means the fee that is required to be collected by a seller from a consumer as established in section 403.161, subdivision 1, paragraph (b).

Subd. 6. **Provider.** "Provider" means a person that provides prepaid wireless telecommunications service under a license issued by the Federal Communications Commission.

Subd. 7. **Retail transaction.** "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

Subd. 8. **Seller.** "Seller" means a person who sells prepaid wireless telecommunications service to another person.

History: *2013 c 143 art 13 s 17*

403.161 PREPAID WIRELESS FEES IMPOSED; COLLECTION; REMITTANCE.

Subdivision 1. **Fees imposed.** (a) A prepaid wireless E911 fee of 80 cents per retail transaction is imposed on prepaid wireless telecommunications service until the fee is adjusted as an amount per retail transaction under subdivision 7.

(b) A prepaid wireless telecommunications access Minnesota fee, in the amount of the monthly charge provided for in section 237.52, subdivision 2, is imposed on each retail transaction for prepaid wireless telecommunications service until the fee is adjusted as an amount per retail transaction under subdivision 7.

(c) A prepaid wireless 988 fee, in the amount of the monthly charge provided for in section 145.561, subdivision 4, paragraph (b), is imposed on each retail transaction for prepaid wireless telecommunications service until the fee is adjusted as an amount per retail transaction under subdivision 7.

Subd. 2. **Exemption.** The fees established under subdivision 1 are not imposed on a minimal amount of prepaid wireless telecommunications service that is sold with a prepaid wireless device and is charged a single nonitemized price, and a seller may not apply the fees to such a transaction. For purposes of this subdivision, a minimal amount of service means an amount of service denominated as either ten minutes or less or $5 or less.

Subd. 3. **Fee collected.** The prepaid wireless E911, telecommunications access Minnesota, and 988 fees must be collected by the seller from the consumer for each retail transaction occurring in this state. The amount of each fee must be combined into one amount, which must be separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller.

Subd. 4. **Sales and use tax treatment.** For purposes of this section, a retail transaction conducted in person by a consumer at a business location of the seller must be treated as occurring in this state if that business location is in this state, and any other retail transaction must be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of the sales and use tax as specified in section 297A.669, subdivision 3, paragraph (c).

Subd. 5. **Remittance.** The prepaid wireless E911, telecommunications access Minnesota, and 988 fees are the liability of the consumer and not of the seller or of any provider, except that the seller is liable to remit all fees as provided in section 403.162.

Subd. 6. **Exclusion for calculating other charges.** The combined amount of the prepaid wireless E911, telecommunications access Minnesota, and 988 fees collected by a seller from a consumer must not be

included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

Subd. 7. **Fee changes.** (a) The prepaid wireless E911, telecommunications access Minnesota, and 988 fees must be proportionately increased or reduced upon any change to the fee imposed under section 403.11, subdivision 1, paragraph (c), the fee imposed under section 237.52, subdivision 2, or the fee imposed under section 145.561, subdivision 4, as applicable.

(b) The department shall post notice of any fee changes on its website at least 30 days in advance of the effective date of the fee changes. It is the responsibility of sellers to monitor the department's website for notice of fee changes.

(c) Fee changes are effective 60 days after the first day of the first calendar month after the commissioner of public safety or the Public Utilities Commission, as applicable, changes the fee.

History: *2013 c 143 art 13 s 18; 2023 c 25 s 182; 2023 c 70 art 4 s 84-88*

403.162 ADMINISTRATION OF PREPAID WIRELESS E911 FEES.

Subdivision 1. **Remittance.** Prepaid wireless E911, telecommunications access Minnesota, and 988 fees collected by sellers must be remitted to the commissioner of revenue at the times and in the manner provided by chapter 297A with respect to the general sales and use tax. The commissioner of revenue shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply in chapter 297A.

Subd. 2. **Seller's fee retention.** A seller may deduct and retain three percent of prepaid wireless E911, telecommunications access Minnesota, and 988 fees collected by the seller from consumers.

Subd. 3. **Department of Revenue provisions.** The audit, assessment, appeal, collection, refund, penalty, interest, enforcement, and administrative provisions of chapters 270C and 289A that are applicable to the taxes imposed by chapter 297A apply to any fee imposed under section 403.161.

Subd. 4. **Procedures for resale transactions.** The commissioner of revenue shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction. These procedures must substantially coincide with the procedures for documenting sale for resale transactions as provided in chapter 297A.

Subd. 5. **Fees deposited.** (a) The commissioner of revenue shall, based on the relative proportion of the prepaid wireless E911 fee, the prepaid wireless telecommunications access Minnesota fee, and the prepaid wireless 988 fee imposed per retail transaction, divide the fees collected in corresponding proportions. Within 30 days of receipt of the collected fees, the commissioner shall:

(1) deposit the proportion of the collected fees attributable to the prepaid wireless E911 fee in the 911 emergency telecommunications service account in the special revenue fund;

(2) deposit the proportion of collected fees attributable to the prepaid wireless telecommunications access Minnesota fee in the telecommunications access fund established in section 237.52, subdivision 1; and

(3) deposit the proportion of the collected fees attributable to the prepaid wireless 988 fee in the 988 special revenue account established in section 145.561, subdivision 3.

(b) The commissioner of revenue may deduct and deposit in a special revenue account an amount not to exceed two percent of collected fees. Money in the account is annually appropriated to the commissioner of revenue to reimburse its direct costs of administering the collection and remittance of prepaid wireless E911 fees, prepaid wireless telecommunications access Minnesota fees, and prepaid wireless 988 fees.

History: *2013 c 143 art 13 s 19; 2014 c 308 art 11 s 6; 2023 c 70 art 4 s 89-91*

403.163 LIABILITY PROTECTION FOR SELLERS AND PROVIDERS.

(a) A provider or seller of prepaid wireless telecommunications service is not liable for damages to any person resulting from or incurred in connection with providing any lawful assistance in good faith to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state.

(b) In addition to the protection from liability provided by paragraph (a), section 403.08, subdivision 11, applies to sellers and providers.

History: *2013 c 143 art 13 s 20*

403.164 EXCLUSIVITY OF PREPAID WIRELESS E911 FEE.

The prepaid wireless E911 fee imposed by section 403.161 is the only E911 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge may be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for E911 funding purposes, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

History: *2013 c 143 art 13 s 21*

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*

403.21 DEFINITIONS.

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

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

Subd. 2. MS 2012 [Renumbered subd 7a]

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 ten-county metropolitan area: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, and Washington Counties.

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. MS 2012 [Repealed, 2013 c 32 s 12]

Subd. 7. **Plan.** "Plan" or "regionwide public safety radio system communication plan" means a plan adopted by a regional radio board.

Subd. 7a. **Statewide Radio Board.** "Statewide Radio Board," "radio board," or "board" means the Statewide Radio Board established under section 403.36 and where the Statewide Radio Board has affirmatively elected to become a Statewide Emergency Communication Board as provided in section 403.382 it shall mean the Statewide Emergency Communication Board as the successor to the Statewide Radio Board.

Subd. 8. **Subsystems.** "Subsystems" or "public safety radio subsystems" means systems identified in the plan or a plan developed under section 403.36 as subsystems interconnected by the system backbone and operated by 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 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 ten-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 and shall include any successor organization to the regional radio board.

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; 2005 c 136 art 10 s 16; 2006 c 260 art 6 s 13-16; 2013 c 32 s 1-3,11; 1Sp2021 c 11 art 2 s 25,26*

403.22 MS 2004 [Repealed, 2006 c 260 art 6 s 21]

403.23 MS 2004 [Repealed, 2006 c 260 art 6 s 21]

403.24 MS 2004 [Repealed, 2006 c 260 art 6 s 21]

403.25 MS 2004 [Repealed, 2006 c 260 art 6 s 21]

403.26 MS 2004 [Repealed, 2006 c 260 art 6 s 21]

403.27 REVENUE BONDS; OBLIGATIONS.

Subdivision 1. **Authorization.** After consulting with the commissioner of management and budget, 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.

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.

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 of 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; 2005 c 136 art 10 s 17,18; 2009 c 101 art 2 s 109*

403.275 STATE 911 REVENUE BONDS.

Subdivision 1. **Bonding authority.** (a) The commissioner of management and budget, if requested by a vote of at least two-thirds of all the members of the Statewide Radio Board, shall sell and issue state revenue bonds for the following purposes:

(1) to pay the costs of the statewide public safety radio communication system backbone identified in the plan under section 403.36 and those elements that the Statewide Radio Board determines are of regional or statewide benefit and support mutual aid and emergency medical services communication, including, but not limited to, costs of master controllers of the backbone;

(2) to pay the costs of issuance, debt service, and bond insurance or other credit enhancements, and to fund reserves; and

(3) to refund bonds issued under this section.

(b) The amount of bonds that may be issued for the purposes of paragraph (a), clause (1), will be set from time to time by law; the amount of bonds that may be issued for the purposes of paragraph (a), clauses (2) and (3), is not limited.

(c) The bond proceeds may be used to pay up to 50 percent of the cost to a local government unit of building a subsystem. 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 Statewide Radio Board's plan and technical standards. The bond proceeds may not be used to pay for portable or subscriber radio sets.

Subd. 2. **Procedure; certain costs of issuance.** (a) The commissioner may sell and issue the bonds on the terms and conditions the commissioner determines to be in the best interests of the state. The bonds may be sold at public or private sale. The commissioner may enter any agreements or pledges the commissioner determines necessary or useful to sell the bonds that are not inconsistent with sections 403.21 to 403.40. Sections 16A.672 to 16A.675 apply to the bonds. The commissioner may issue all or part of the bonds as tax credit bonds or as interest subsidy bonds under section 16A.647 or a combination of the two. Except for amounts appropriated to pay the costs of investment banking and banking services under section 16A.647,

the proceeds of the bonds issued under this section must be credited to a special 911 revenue bond proceeds account in the state treasury.

(b) Before the proceeds are received in the 911 revenue bond proceeds account, the commissioner of management and budget may transfer to the account from the 911 emergency telecommunications service account amounts not exceeding the expected proceeds from the next bond sale. The commissioner of management and budget shall return these amounts to the 911 emergency telecommunications service account by transferring proceeds when received. The amounts of these transfers are appropriated from the 911 emergency telecommunications service account and from the 911 revenue bond proceeds account.

Subd. 3. **Revenue sources.** The debt service on the bonds is payable only from the following sources:

(1) revenue credited to the 911 emergency telecommunications service account from the fee imposed and collected under section 237.491 or 403.11, subdivision 1, or from any other source; and

(2) other revenues pledged to the payment of the bonds.

Subd. 4. **Refunding bonds.** The commissioner may issue bonds to refund outstanding bonds issued under subdivision 1, including the payment of any redemption premiums on the bonds and any interest accrued or to accrue to the first redemption date after delivery of the refunding bonds. The proceeds of the refunding bonds may, in the discretion of the commissioner, be applied to the purchases or payment at maturity of the bonds to be refunded, or the redemption of the outstanding bonds on the first redemption date after delivery of the refunding bonds and may, until so used, be placed in escrow to be applied to the purchase, retirement, or redemption. Refunding bonds issued under this subdivision must be issued and secured in the manner provided by the commissioner.

Subd. 5. **Not a general or moral obligation.** Bonds issued under this section are not public debt, and the full faith, credit, and taxing powers of the state are not pledged for their payment. The bonds may not be paid, directly in whole or in part from a tax of statewide application on any class of property, income, transaction, or privilege. Payment of the bonds is limited to the revenues explicitly authorized to be pledged under this section. The state neither makes nor has a moral obligation to pay the bonds if the pledged revenues and other legal security for them is insufficient.

Subd. 6. **Trustee.** The commissioner may contract with and appoint a trustee for bond holders. The trustee has the powers and authority vested in it by the commissioner under the bond and trust indentures.

Subd. 7. **Pledges.** Any pledge made by the commissioner is valid and binding from the time the pledge is made. The money or property pledged and later received by the commissioner is immediately subject to the lien of the pledge without any physical delivery of the property or money or further act, and the lien of any pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the commissioner, whether or not those parties have notice of the lien or pledge. Neither the order nor any other instrument by which a pledge is created need be recorded.

Subd. 8. **Bonds; purchase and cancellation.** The commissioner, subject to agreements with bondholders that may then exist, may, out of any money available for the purpose, purchase bonds of the commissioner at a price not exceeding (1) if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, or (2) if the bonds are not redeemable, the redemption price applicable on the first date after the purchase upon which the bonds become subject to redemption plus accrued interest to that date.

Subd. 9. **State pledge against impairment of contracts.** The state pledges and agrees with the holders of any bonds that the state will not limit or alter the rights vested in the commissioner to fulfill the terms of

any agreements made with the bondholders, or in any way impair the rights and remedies of the holders until the bonds, together with interest on them, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged. The commissioner may include this pledge and agreement of the state in any agreement with the holders of bonds issued under this section.

History: *2005 c 136 art 10 s 19; 2009 c 101 art 2 s 109; 2010 c 189 s 44*

403.28 MS 2004 [Repealed, 2006 c 260 art 6 s 21]

403.29 USE OF BOND PROCEEDS.

Subdivision 1. MS 2004 [Repealed, 2006 c 260 art 6 s 21]

Subd. 2. MS 2004 [Repealed, 2006 c 260 art 6 s 21]

Subd. 3. MS 2004 [Repealed, 2006 c 260 art 6 s 21]

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.

Subdivision 1. **Standing appropriation; costs covered.** The amount necessary to pay debt service costs and reserves for bonds issued by the Metropolitan Council under section 403.27 or by the commissioner of management and budget under section 403.275 is appropriated from the 911 emergency telecommunications service account established under section 403.11 to the commissioner of management and budget. The commissioner of management and budget shall transmit the necessary amounts to the Metropolitan Council as requested by the council.

This appropriation shall be used to pay annual debt service costs and reserves for bonds issued pursuant to section 403.27 or 403.275 prior to use of fee money to pay other costs or to support other appropriations.

Subd. 2. MS 2004 [Repealed, 2006 c 260 art 6 s 21]

Subd. 3. MS 2004 [Repealed, 2005 c 136 art 10 s 21]

Subd. 4. MS 2004 [Repealed, 2006 c 260 art 6 s 21]

History: *1Sp2003 c 1 art 2 s 117,135; 2005 c 136 art 10 s 20; 2009 c 101 art 2 s 109*

403.31 OPERATING COSTS.

Subdivision 1. **Allocation of operating costs.** (a) The ongoing costs of the commissioner not otherwise appropriated in operating 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 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 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 necessary to provide the money required for these payments and to make the payments when due.

Subd. 2. **Payments; 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, and 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. MS 2006 [Repealed, 2007 c 54 art 8 s 7]

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; 2007 c 54 art 8 s 6*

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 chapter, 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; 2022 c 55 art 1 s 178*

403.33 MS 2012 [Repealed, 2013 c 32 s 12]

403.34 OPTIONAL LOCAL USE OF STATEWIDE SYSTEM.

Subdivision 1. **Options.** Use of the statewide 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 statewide 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 board as provided in section 403.36.

History: *1995 c 195 art 1 s 15; 1Sp2003 c 1 art 2 s 135; 2006 c 260 art 6 s 18*

403.35 MS 2004 [Repealed, 2006 c 260 art 6 s 21]

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 state chief information officer;

(4) the commissioner of natural resources;

(5) the chief of the Minnesota State Patrol;

(6) the chair of the Metropolitan Council;

(7) two elected city officials, one from the ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the League of Minnesota Cities;

(8) two elected county officials, one from the ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Association of Minnesota Counties;

(9) two sheriffs, one from the ten-county metropolitan area and one from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs' Association;

(10) two chiefs of police, one from the ten-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Chiefs' of Police Association;

(11) two fire chiefs, one from the ten-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota State Fire Chiefs Association;

(12) two representatives of emergency medical service providers, one from the ten-county metropolitan area and one from Greater Minnesota, appointed by the governor after considering recommendations made by the Minnesota Ambulance Association;

(13) the chair of the Metropolitan Emergency Services Board; and

(14) 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. MS 2008 [Repealed, 2009 c 59 art 5 s 25]

Subd. 1g. **State Interoperability Executive Committee.** (a) In addition to responsibilities provided for in subdivision 1e, the Statewide Radio Board is designated as Minnesota's State Interoperability Executive Committee.

(b) As Minnesota's State Interoperability Executive Committee, the Statewide Radio Board shall:

(1) develop and maintain a statewide plan for local and private public safety communications interoperability that integrates with the Minnesota emergency operation plan;

(2) develop and adopt guidelines and operational standards for local and private public safety communications interoperability within Minnesota;

(3) promote coordination and cooperation among local, state, federal, and Tribal public safety agencies in addressing statewide public safety communications interoperability within Minnesota;

(4) advise the commissioner of the Department of Public Safety on public safety communications interoperability and on the allocation and use of funds made available to Minnesota to support public safety communications interoperability;

(5) to the extent permitted by federal law, Federal Communications Commission regulations, and the National Telecommunications and Information Administration, develop guidelines and standards for the efficient use of interoperability frequencies on all frequency spectrums assigned to public safety users; and

(6) to the extent permitted by federal law and treaties with Canada, develop guidelines and standards that support interoperability with adjoining states and provinces of Canada along Minnesota's northern border.

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;

(4) an interoperability committee to make recommendations on the statewide plan for local and private public safety communications interoperability and on guidelines and operational standards necessary to promote public safety communications interoperability within Minnesota; and

(5) a policy for the lease of excess space or capacity on systems constructed under the project plan, consistent with section 174.70, subdivision 2, with priority given first to local units of government for public safety 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 Department of Information Technology Services:

(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 of representatives 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; 2005 c 156 art 5 s 21,23; 2006 c 230 s 1; 2006 c 260 art 6 s 19,20; 2009 c 59 art 5 s 12,13; 2009 c 101 art 2 s 109; 2013 c 134 s 27,30; 2013 c 142 art 3 s 36; 2021 c 31 art 2 s 16; 1Sp2021 c 11 art 2 s 27; 2025 c 20 s 265*

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 necessary to oversee the planning, implementation, and maintenance of the ARMER system 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; 2013 c 32 s 4*

403.38 STATEWIDE ARMER 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 the ARMER system 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; 2013 c 32 s 5*

403.382 STATEWIDE EMERGENCY COMMUNICATION BOARD.

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

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

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

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

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

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

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

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

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

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

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

History: *2013 c 32 s 6*

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. Where the governing bodies of the participating units of government of a regional radio board have approved an amendment to the regional radio board's joint powers agreement authorizing the incorporation of a federally recognized Indian Tribe into the joint powers agreement, the federally recognized Indian Tribe may be incorporated into the joint powers agreement upon the adoption of the joint powers agreement by the Tribe's governing body. 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 Code of Federal Regulations, title 47, part 90, 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, receive, and administer grants on behalf of one or more public safety entities operating within the counties who are a party to the joint powers agreement.

Subd. 4. **Scope.** Nothing in this section shall limit a regional radio board organized under section 471.59 from expanding the scope of the joint powers agreement to include the joint or cooperative exercise of powers consistent with section 471.59 related to other public safety purposes which may include the joint and cooperative exercise of powers among less than all members of the regional radio board. An amendment to the joint powers agreement expanding the scope of the agreement must be approved by the governing bodies of each of the members of the regional radio board.

History: *2004 c 201 s 19; 2013 c 32 s 7; 2022 c 55 art 1 s 179*

403.392 REGIONAL EMERGENCY COMMUNICATION BOARDS.

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

Subd. 2. **Powers of regional emergency communication board.** Where a regional radio board has elected to become a regional emergency communication board, the board shall have the powers provided

for in sections 403.39 and 471.59. The board must provide for the following powers in its joint power agreement:

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

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

History: *2013 c 32 s 8*

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 one or more advisory groups for the purpose of advising on the plan, design, implementation, and administration of statewide interoperable public safety communications with representatives from each region of implementation to advise on, at least, the following topical areas specified for each committee:

(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 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;

(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; and

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

History: *2004 c 201 s 20; 2013 c 32 s 9*

MISCELLANEOUS

403.51 AUTOMATIC EXTERNAL DEFIBRILLATION; REGISTRATION.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Automatic external defibrillator" or "AED" means an electronic device designed and manufactured to operate automatically or semiautomatically for the purpose of delivering an electrical current to the heart of a person in sudden cardiac arrest.

(c) "AED registry" means a registry of AEDs that requires a maintenance program or package, and includes, but is not limited to: the Minnesota AED Registry, the National AED Registry, iRescU, or a manufacturer-specific program.

(d) "Person" means a natural person, partnership, association, corporation, or unit of government.

(e) "Public access AED" means an AED that is intended, by its markings or display, to be used or accessed by the public for the benefit of the general public that may be in the vicinity or location of that AED. It does not include an AED that is owned or used by a hospital, clinic, business, or organization that is intended to be used by staff and is not marked or displayed in a manner to encourage public access.

(f) "Maintenance program or package" means a program that will alert the AED owner when the AED has electrodes and batteries due to expire or replaces those expiring electrodes and batteries for the AED owner.

(g) "Public safety agency" means local law enforcement, county sheriff, municipal police, Tribal agencies, state law enforcement, fire departments, including municipal departments, industrial fire brigades, and nonprofit fire departments, joint powers agencies, and licensed ambulance services.

(h) "Mobile AED" means an AED that (1) is purchased with the intent of being located in a vehicle, including, but not limited to, public safety agency vehicles; or (2) will not be placed in stationary storage, including, but not limited to, an AED used at an athletic event.

(i) "Private-use AED" means an AED that is not intended to be used or accessed by the public for the benefit of the general public. This may include, but is not limited to, AEDs found in private residences.

Subd. 2. **Registration.** A person who purchases or obtains a public access AED shall register that device with an AED registry within 30 working days of receiving the AED.

Subd. 3. **Required information.** A person registering a public access AED shall provide the following information for each AED:

(1) AED manufacturer, model, and serial number;

(2) specific location where the AED will be kept; and

(3) the title, address, and telephone number of a person in management at the business or organization where the AED is located.

Subd. 4. **Information changes.** The owner of a public access AED shall notify the owner's AED registry of any changes in the information that is required in the registration within 30 working days of the change occurring.

Subd. 5. **Public access AED requirements.** A public access AED:

(1) may be inspected during regular business hours by a public safety agency with jurisdiction over the location of the AED;

(2) must be kept in the location specified in the registration; and

(3) must be reasonably maintained, including replacement of dead batteries and pads/electrodes, and comply with all manufacturer's recall and safety notices.

Subd. 6. **Removal of AED.** An authorized agent of a public safety agency with jurisdiction over the location of the AED may direct the owner of a public access AED to comply with this section. The authorized agent of the public safety agency may direct the owner of the AED to remove the AED from its public access location and to remove or cover any public signs relating to that AED if it is determined that the AED is not ready for immediate use.

Subd. 7. **Private-use AEDs.** The owner of a private-use AED is not subject to the requirements of this section but is encouraged to maintain the AED in a consistent manner.

Subd. 8. **Mobile AEDs.** The owner of a mobile AED is not subject to the requirements of this section but is encouraged to maintain the AED in a consistent manner.

Subd. 9. **Signs.** A person acquiring a public-use AED is encouraged but is not required to post signs bearing the universal AED symbol in order to increase the ease of access by the public to the AED in the event of an emergency. A person may not post any AED sign or allow any AED sign to remain posted upon being ordered to remove or cover any AED signs by an authorized agent of a public safety agency.

Subd. 10. **Emergency response plans.** The owner of one or more public access AEDs shall develop an emergency response plan appropriate for the nature of the facility the AED is intended to serve.

Subd. 11. **Civil liability.** This section does not create any civil liability on the part of an AED owner or preclude civil liability under other law. Section 645.241 does not apply to this section.

History: *2014 c 291 art 6 s 27*