

April 6, 2017

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1178

Page 1, line 1, after "to" insert "create and enact a new section to chapter 37-17.3 of the North Dakota Century Code, relating to the creation of a statewide interoperable radio network fund, to"

Page 1, line 1, after "reenact" insert "subsection 1 of section 37-17.3-02.2, subsection 4 of section 54-59-05,"

Page 1, line 2, after the second "the" insert "statewide interoperability executive committee, the powers and duties of the information technology department, the"

Page 1, line 3, after the first "fee" insert a comma

Page 1, line 3, after the second "fee" insert "; to authorize borrowing authority; to provide an appropriation; to provide statements of legislative intent; to provide for a budget section report; and to provide an expiration date"

Page 1, after line 4, insert:

"**SECTION 1.** A new section to chapter 37-17.3 of the North Dakota Century Code is created and enacted as follows:

**Statewide interoperable radio network fund.**

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

**SECTION 2. AMENDMENT.** Subsection 1 of section 37-17.3-02.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The statewide interoperability executive committee consists of:
  - a. The director of state radio or a designee;

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

**SECTION 3. AMENDMENT.** Subsection 4 of section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

- 4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. ~~An~~With the exception of agreements entered related to the statewide interoperable radio network, an agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the budget section of the legislative management or the legislative assembly before executing a financing agreement. If the budget section or the legislative assembly does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. ~~The~~With the exception of financing for the statewide interoperable radio network, the department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed seven and one-half percent of the amount appropriated to the department during that biennium."

Page 1, line 22, remove "dedicated to the political subdivision obligation to"

Page 1, line 23, remove "the statewide interoperability radio network and"

Page 1, line 23, remove "governing joint powers"

Page 1, remove line 24

Page 2, line 1, replace "interoperability radio network" with "state treasurer for deposit in the statewide interoperable radio network fund in accordance with section 1 of this Act for implementing a statewide interoperable radio network"

Page 3, after line 28, insert:

**"SECTION 6. STATEWIDE INTEROPERABLE RADIO NETWORK IMPLEMENTATION - FUTURE EXPENDITURES.** During the 2017-18 interim, the information technology department shall begin implementation of a statewide interoperable radio network based on findings in the North Dakota statewide interoperable network feasibility study and its recommendations as adopted by the statewide interoperability executive committee. Current and future appropriations and local government contributions for improvement or expansion of state or local public safety land mobile radio systems must be expended in a manner consistent with the recommendations of the statewide interoperability executive committee and only for solutions that are determined by the committee to be interoperable and functional with the statewide system.

**SECTION 7. LOAN AUTHORIZATION - APPROPRIATION - STATEWIDE INTEROPERABLE RADIO NETWORK - BUDGET SECTION REPORTS.** The information technology department may obtain a loan, subject to budget section approval, from the Bank of North Dakota in an amount not to exceed \$15,000,000, the sum of which is appropriated to the information technology department, for the purpose of defraying the expenses of the statewide interoperable radio network for the biennium beginning July 1, 2017, and ending June 30, 2019. The term of the loan may not exceed six years. The loan authorized in this section must be repaid from funds available in the statewide interoperable radio network fund. During the 2017-18 interim, the information technology department shall provide status reports to the budget section regarding the implementation and progress of the statewide interoperable radio network.

**SECTION 8. LEGISLATIVE INTENT - RADIO FREQUENCIES.** By September 30, 2018, all North Dakota entities operating a public-safety answering point shall relinquish legal rights to any radio frequency required for the statewide interoperable radio network trunk system, allowing these frequencies to be utilized by the state of North Dakota for the use of this network.

**SECTION 9. LEGISLATIVE INTENT - STATEWIDE INTEROPERABLE RADIO NETWORK CONSOLIDATION.** It is the intent of the sixty-fifth legislative assembly that during the 2017-18 interim, the information technology department and statewide interoperability executive committee make efforts to consolidate certain functions within the statewide interoperable radio network.

**SECTION 10. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that date is ineffective."

Re-number accordingly