

HOUSE BILL NO. 1435

Introduced by

Representatives Bosch, Heinert, Nathe, Porter

Senators Cook, Schaible, Wardner

1 A BILL for an Act to amend and reenact sections 37-17.3-02, 37-17.3-02.2, and 37-17.3-03 of
2 the North Dakota Century Code, and section 10 of chapter 247 of the 2017 Session Laws,
3 relating to the governance, purchase, financing, and operation of the state radio broadcasting
4 system; to provide for a legislative management study; to provide an appropriation; and to
5 declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 37-17.3-02 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **37-17.3-02. State radio broadcasting system.**

10 The ~~director~~ chief information officer of the information technology department may
11 purchase the necessary apparatus and equipment to construct or establish a radio broadcasting
12 system for this state ~~that~~ which enables seamless interoperable communications from local,
13 state, and federal levels. However, the chief information officer may not use state funds
14 including resources from the statewide interoperable radio network fund for dispatch consoles,
15 connectivity, and associated necessary software, equipment, or services to support a public
16 safety answering point unless these items are intended for use by a state agency or state
17 department. The director is charged with the operation and maintenance of the system.

18 **SECTION 2. AMENDMENT.** Section 37-17.3-02.2 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **37-17.3-02.2. North Dakota statewide interoperability executive committee. (Effective**
21 **through July 31, 2023)**

22 1. The statewide interoperability executive committee consists of:

23 a. The director of state radio or a designee;

24 b. The director of the division of homeland security or a designee;

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- 1 c. The superintendent of the highway patrol or a designee;
- 2 d. The adjutant general or a designee;
- 3 e. The director of the department of transportation or a designee;
- 4 f. A representative of the North Dakota sheriff's and deputies association;
- 5 g. A representative of the North Dakota emergency managers association;
- 6 h. A representative of the North Dakota fire chiefs association;
- 7 i. A representative of the North Dakota emergency medical services association;
- 8 j. A representative of the North Dakota police chiefs association;
- 9 k. A representative of the North Dakota peace officers association;
- 10 l. A representative of the North Dakota 911 association;
- 11 m. A representative of the North Dakota association of counties;
- 12 n. A representative of the North Dakota league of cities;
- 13 o. The North Dakota chief information officer or a designee;
- 14 ~~n.p.~~ The North Dakota Indian affairs commission executive director or a designee;
- 15 and
- 16 ~~o.q.~~ One member of the North Dakota house of representatives and one member of
- 17 the North Dakota senate appointed by the legislative management.
- 18 2. The committee shall elect a chairman and vice chairman for terms of two years upon
- 19 its initial meeting. The adjutant general shall call and convene the initial meeting.
- 20 3. The committee shall prepare recommendations regarding a statewide integrated radio
- 21 system with due consideration for all stakeholders reliant upon a radio communication
- 22 system.
- 23 4. The committee may adopt rules governing the connection or integration of public
- 24 safety answering points to the state radio broadcasting system.

25 **North Dakota statewide interoperability executive committee. (Effective after July 31,**
26 **2023)**

- 27 1. The statewide interoperability executive committee consists of:
 - 28 a. The director of state radio or a designee;
 - 29 b. The director of the division of homeland security or a designee;
 - 30 c. The superintendent of the highway patrol or a designee;
 - 31 d. The adjutant general or a designee;

- 1 e. The director of the department of transportation or a designee;
- 2 f. A representative of the North Dakota sheriff's and deputies association;
- 3 g. A representative of the North Dakota emergency managers association;
- 4 h. A representative of the North Dakota fire chiefs association;
- 5 i. A representative of the North Dakota emergency medical services association;
- 6 j. A representative of the North Dakota police chiefs association;
- 7 k. A representative of the North Dakota peace officers association;
- 8 l. A representative of the North Dakota 911 association;
- 9 m. A representative of the North Dakota association of counties;
- 10 n. A representative of the North Dakota league of cities; and
- 11 m.o. The North Dakota chief information officer or a designee;
- 12 p. The executive director of the North Dakota Indian affairs commission or a
- 13 designee; and
- 14 q. One member of the North Dakota house of representatives and one member of
- 15 the North Dakota senate appointed by the legislative management.
- 16 2. The committee shall elect a chairman and vice chairman for terms of two years upon
- 17 its initial meeting. The adjutant general shall call and convene the initial meeting.
- 18 3. The committee shall prepare recommendations regarding a statewide integrated radio
- 19 system with due consideration for all stakeholders reliant upon a radio communication
- 20 system.
- 21 4. The committee may adopt rules governing the connection or integration of public
- 22 safety answering points to the state radio broadcasting system.

23 **SECTION 3. AMENDMENT.** Section 37-17.3-03 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **37-17.3-03. Political subdivisions may furnish receiving and transmitting sets for**
26 **enforcement purposes - State cost-share.**

- 27 1. Each county and organized city within the state may furnish to its law enforcement,
- 28 firefighters, and emergency medical personnel the appropriate radio or radio systems
- 29 that can access the state radio system. Each mobile radio that is programmed to
- 30 access the state radio system must be registered with the division of state radio and
- 31 assigned a unit number. A one-time fee of ten dollars for registering and assigning unit

1 numbers must be paid to the director on all newly added radios by the appropriate
2 governmental entity. Agencies with registered radios must validate assigned unit
3 numbers annually.

4 2. The information technology department may provide a state cost-share for each radio
5 purchased under this section. The state cost-share for each radio is one thousand five
6 hundred dollars unless the cost of the radio is less than one thousand five hundred
7 dollars in which case the state cost-share is the cost of the radio.

8 **SECTION 4. AMENDMENT.** Section 10 of chapter 247 of the 2017 Session Laws is
9 amended and reenacted as follows:

10 **SECTION 10. EXPIRATION DATE.** ~~This~~ Sections 3, 6, 7, 8, and 9 of this Act ~~is~~ are
11 effective through July 31, 2023, and after that date ~~is~~ are ineffective.

12 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - INTEROPERABLE STATEWIDE**
13 **RADIO SYSTEM.** During the 2019-20 interim, the legislative management shall consider
14 studying consolidated emergency and interoperable public safety communications system
15 governance and funding options. The legislative management shall report its findings and
16 recommendations, together with any legislation required to implement the recommendations, to
17 the sixty-seventh legislative assembly.

18 **SECTION 6. LINE OF CREDIT - APPROPRIATION.** The Bank of North Dakota shall extend
19 a line of credit not to exceed \$80,000,000 at a rate of one and one-half percent over the three
20 month London interbank offered rate, but may not exceed three percent, to the information
21 technology department. The information technology department shall repay the line of credit
22 from funds available in the statewide interoperable radio network fund or other funds, as
23 appropriated by the legislative assembly. The information technology department may access
24 the line of credit, as necessary, to provide funding as authorized by the legislative assembly for
25 statewide interoperable radio network projects.

26 **SECTION 7. APPROPRIATION.** There is appropriated out of any moneys in the strategic
27 investment and improvements fund, not otherwise appropriated, the sum of \$40,000,000, or so
28 much of the sum as may be necessary, to the information technology department for the
29 purpose of statewide interoperable radio network projects, for the biennium beginning July 1,
30 2019, and ending June 30, 2021.

31 **SECTION 8. EMERGENCY.** Section 6 of this Act is declared to be an emergency measure.