

**SECOND ENGROSSMENT
with Conference Committee Amendments
REENGROSSED 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 statewide interoperable
4 radio network; to provide for a legislative management study; to provide an appropriation; to
5 provide for a transfer; and to 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. Statewide interoperable radio broadcasting system network.**

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

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

22 **37-17.3-02.2. North Dakota statewide interoperability executive committee. (Effective**
23 **through July 31, 2023)**

24 1. The statewide interoperability executive committee consists of:

Sixty-sixth
Legislative Assembly

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

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

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

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

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

1 **37-17.3-03. Political subdivisions may furnish receiving and transmitting sets for**
2 **enforcement purposes - State cost-share.**

- 3 1. Each county and organized city within the state may furnish to its law enforcement,
4 firefighters, and emergency medical personnel the appropriate radio ~~or radio systems~~
5 that can access the ~~state~~statewide interoperable radio system~~network~~. Each mobile-
6 radio that is programmed to access the ~~state~~statewide interoperable radio
7 ~~system~~network must be registered with the division of state radio and assigned a unit
8 numberapproved by the statewide interoperability executive committee. A one-time fee
9 of ten dollars for registering and assigning unit numbers must be paid to the director
10 on all newly added radios by the appropriate governmental entity. Agencies with
11 registered radios must validate assigned unit numbers annuallyThe chief information
12 officer shall establish a process to register and audit users of the statewide
13 interoperable radio network.
- 14 2. The information technology department may provide a state cost-share for each radio
15 purchased under this section. The state cost-share for each radio is one thousand five
16 hundred dollars unless the cost of the radio is less than one thousand five hundred
17 dollars in which case the state cost-share is the cost of the radio.

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

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

22 **SECTION 5. LEGISLATIVE MANAGEMENT STUDY - STATEWIDE INTEROPERABLE -**
23 **RADIO NETWORK.** During the 2019-20 interim, the legislative management shall consider
24 studying consolidated emergency and interoperable public safety communications system
25 governance and funding options. The legislative management shall report its findings and
26 recommendations, together with any legislation required to implement the recommendations, to
27 the sixty-seventh legislative assembly.

28 **SECTION 6. LINE OF CREDIT.** The Bank of North Dakota shall extend a line of credit not
29 to exceed \$80,000,000 to the information technology department at the prevailing interest rate
30 charged to North Dakota governmental entities. The information technology department shall
31 repay the line of credit from funds available in the statewide interoperable radio network fund or

1 other funds over a period not to exceed twenty years from the date of issuance of the line of
2 credit, as appropriated by the legislative assembly. The information technology department may
3 access the line of credit, as necessary, to provide funding as authorized by the legislative
4 assembly for statewide interoperable radio network projects.

5 **SECTION 7. TRANSFER - BANK OF NORTH DAKOTA PROFITS - STATEWIDE**
6 **INTEROPERABLE RADIO NETWORK FUND.** The industrial commission shall transfer the
7 sum of \$20,000,000 from the current earnings and accumulated undivided profits of the Bank of
8 North Dakota to the statewide interoperable radio network fund, during the period beginning
9 with the effective date of this Act, and ending June 30, 2021.

10 **SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the strategic
11 investment and improvements fund, not otherwise appropriated, the sum of \$20,000,000, out of
12 any moneys in the statewide interoperable radio network fund, not otherwise appropriated, the
13 sum of \$20,000,000, and from proceeds of a Bank of North Dakota line of credit, the sum of
14 \$80,000,000, or so much of the sums as may be necessary, to the information technology
15 department for the purpose of statewide interoperable radio network projects, for the period
16 beginning with the effective date of this Act, and ending June 30, 2021.

17 **SECTION 9. EMERGENCY.** Sections 6, 7, and 8 of this Act are declared to be an
18 emergency measure.