

**Sixty-sixth Legislative Assembly of North Dakota  
In Regular Session Commencing Thursday, January 3, 2019**

HOUSE BILL NO. 1435  
(Representatives Bosch, Heinert, Nathe, Porter)  
(Senators Cook, Schaible, Wardner)

AN ACT to amend and reenact sections 37-17.3-02, 37-17.3-02.2, and 37-17.3-03 of the North Dakota Century Code, and section 10 of chapter 247 of the 2017 Session Laws, relating to the governance, purchase, financing, and operation of the statewide interoperable radio network; to provide for a legislative management study; to provide an appropriation; to provide for a transfer; and to declare an emergency.

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

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

**37-17.3-02. ~~State~~Statewide interoperable radio broadcasting systemnetwork.**

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

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

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

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;
  - m. A representative of the North Dakota association of counties;
  - n. A representative of the North Dakota league of cities;
  - o. The North Dakota chief information officer or a designee;
  - ~~n.p.~~ The North Dakota Indian affairs commission executive director or a designee; and
  - ~~o.q.~~ One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management.
2. The committee shall elect a chairman and vice chairman for terms of two years upon its initial meeting. ~~The adjutant general shall call and convene the initial meeting.~~
  3. The committee shall prepare recommendations regarding a statewide integrated interoperable radio system network with due consideration for all stakeholders reliant upon at the statewide interoperable radio communication system network.
  4. The committee may adopt rules governing the connection or integration of public safety answering points to the statewide interoperable radio network.

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

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;
  - m. A representative of the North Dakota association of counties;
  - n. A representative of the North Dakota league of cities; and
  - ~~m.o.~~ The North Dakota chief information officer or a designee;
  - p. The executive director of the North Dakota Indian affairs commission or a designee; and

- q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management.
2. The committee shall elect a chairman and vice chairman for terms of two years upon its initial meeting. ~~The adjutant general shall call and convene the initial meeting.~~
3. The committee shall prepare recommendations regarding a statewide ~~integrated~~interoperable radio system~~network~~ with due consideration for all stakeholders reliant upon ~~the statewide interoperable radio communication system~~network.
4. The committee may adopt rules governing the connection or integration of public safety answering points to the statewide interoperable radio network.

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

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

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

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

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

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

**SECTION 6. LINE OF CREDIT.** The Bank of North Dakota shall extend a line of credit not to exceed \$80,000,000 to the information technology department at the prevailing interest rate charged to North Dakota governmental entities. The information technology department shall repay the line of credit from funds available in the statewide interoperable radio network fund or other funds over a period not to exceed twenty years from the date of issuance of the line of credit, as appropriated by the legislative assembly. The information technology department may access the line of credit, as necessary, to provide funding as authorized by the legislative assembly for statewide interoperable radio network projects.

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

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

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

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1435 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:        Yeas 86                      Nays 6                      Absent 2

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:        Yeas 47                      Nays 0                      Absent 0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State