

HOUSE BILL NO. 1038

Introduced by

Representatives Nathe, Bosch, Hagert, Lefor, Mitskog, O'Brien, Schreiber-Beck, Stemen,
Vigesaa

Senators Axtman, Bekkedahl, Hogue

1 A BILL for an Act to provide an appropriation to the department of commerce for an uncrewed
2 aerial vehicle replacement program and a state radar data pathfinder program; to provide for a
3 report; and to declare an emergency.

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

5 **SECTION 1. APPROPRIATION - DEPARTMENT OF COMMERCE - STRATEGIC**

6 **INVESTMENT AND IMPROVEMENTS FUND - UNCREWED AERIAL VEHICLE**

7 **REPLACEMENT PROGRAM - LEGISLATIVE MANAGEMENT REPORT - ONE-TIME**

8 **FUNDING.** There is appropriated out of any moneys in the strategic investment and

9 improvements fund in the state treasury, not otherwise appropriated, the sum of \$15,000,000, or
10 so much of the sum as may be necessary, to the department of commerce for the purpose of
11 administering an uncrewed aerial vehicle replacement program, for the period beginning with
12 the effective date of this Act, and ending June 30, 2027. This funding is considered a one-time
13 funding item.

14 1. The department of commerce shall collaborate with the uncrewed aircraft systems test
15 site established in section 54-60-28 and state agencies, including institutions under
16 the control of the state board of higher education, to replace uncrewed aerial vehicles
17 owned by the state which do not comply with requirements of the federal National
18 Defense Authorization Act and the American Security Drone Act of 2023. A state
19 agency owning an uncrewed aerial vehicle before January 1, 2025, is eligible to
20 receive a new uncrewed aerial vehicle that is in compliance with federal requirements
21 and is of equivalent capability to the agency's existing uncrewed aerial vehicle. The
22 department of commerce shall purchase each uncrewed aerial vehicle based on the
23 needs of the agency and a recommendation from the uncrewed aircraft systems test

1 site and provide the uncrewed aerial vehicle to the agency. The department of
2 commerce shall use a portion of the funding provided in this section to pay for training
3 needed for agency staff to operate the new uncrewed aerial vehicle. The department
4 of commerce and uncrewed aircraft systems test site shall give priority to state
5 agencies willing to share uncrewed aerial vehicles rather than purchasing multiple
6 uncrewed aerial vehicles.

7 2. Any uncrewed aerial vehicle replaced under this section must be remitted to the
8 uncrewed aircraft systems test site for proper decommissioning and disposal pursuant
9 to federal and state regulations, which may include the sale of uncrewed aerial
10 vehicles to the United States department of homeland security at market rates for use
11 in the counter unmanned aircraft system program. The department of commerce shall
12 remit any funding received under this section to the state treasurer for deposit in the
13 general fund.

14 3. The department of commerce shall maintain an inventory of uncrewed aerial vehicles
15 purchased for state agencies under this section and encourage state agencies to use
16 the state beyond visual line of sight program. The uncrewed aircraft systems test site
17 shall provide guidance to state agencies regarding the integration of uncrewed aerial
18 vehicles into the beyond visual line of sight system and proper maintenance schedules
19 for uncrewed aerial vehicles. The uncrewed aircraft systems test site shall establish a
20 centralized system for state agencies to register uncrewed aerial vehicles and
21 authorized operators for accessing the beyond visual line of sight system and shall
22 provide operational support when state agencies use uncrewed aircraft systems test
23 site integrated platforms.

24 4. During the 2025-26 interim, the department of commerce shall compile information
25 from state agencies and provide a report to the legislative management by June 30,
26 2026, regarding the status of the program, funding spent on uncrewed aerial vehicle
27 replacements and training costs, the number of uncrewed aerial vehicles replaced in
28 each state agency, the number of uncrewed aerial vehicles sold or disposed, and any
29 future needs for each state agency to be compliant with the federal National Defense
30 Authorization Act and the American Security Drone Act of 2023.

1 **SECTION 2. APPROPRIATION - DEPARTMENT OF COMMERCE - STRATEGIC**
2 **INVESTMENT AND IMPROVEMENTS FUND - STATE RADAR DATA PATHFINDER**

3 **PROGRAM - LEGISLATIVE MANAGEMENT REPORT - ONE-TIME FUNDING.** There is
4 appropriated out of any moneys in the strategic investment and improvements fund in the state
5 treasury, not otherwise appropriated, the sum of \$11,000,000, or so much of the sum as may be
6 necessary, to the department of commerce for the purpose of administering a state radar data
7 pathfinder program, for the period beginning with the effective date of this Act, and ending
8 June 30, 2027. This funding is considered a one-time funding item.

9 1. The department of commerce shall collaborate with the uncrewed aircraft systems test
10 site established in section 54-60-28 in administering the state radar data pathfinder
11 program and participating in the federal radar data pathfinder program administered by
12 the federal aviation administration. The department of commerce shall use funding
13 appropriated in this section to:

- 14 a. Support the integration of federal radar data with state uncrewed aircraft systems
15 and the beyond visual line of sight program.
- 16 b. Develop and implement security control protocols that meet federal aviation
17 administration radar data requirements to ensure compliance with national
18 security standards.
- 19 c. Enhance uncrewed aircraft systems and radar data infrastructure in the state.
- 20 d. Increase the safety and effectiveness of the operations of the uncrewed aircraft
21 systems test site.
- 22 e. Provide state agencies with training and technical resources to use federal radar
23 data securely while using the beyond visual line of sight program.

24 2. During the 2025-26 interim, the department of commerce shall provide a report to the
25 legislative management and the governor by June 30, 2026, regarding the status of
26 the state radar data pathfinder program, integration of the state program with the
27 federal aviation administration radar data pathfinder program, expenditures to date,
28 and the effect of the program on uncrewed aircraft system operations, safety, and data
29 security in the state.

30 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.