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

HOUSE BILL NO. 1021
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the information technology department; to amend and reenact sections 37-17.3-02.2 and 37-17.3-03 of the North Dakota Century Code, relating to the membership of the statewide interoperability executive committee and a state cost-share for radios purchased for the statewide interoperable radio network; to provide a legislative intent statement; to provide for a report to the legislative management; to provide for a transfer; to provide an exemption; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the information technology department for the purpose of defraying the expenses of the information technology department, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$59,359,772	$22,014,729	$81,374,501
Operating expenses	69,552,998	35,804,366	105,357,364
Capital assets	8,295,000	(4,041,883)	4,253,117
Center for distance education	9,079,116	(9,079,116)	0
Statewide longitudinal data system	4,310,561	76,584	4,387,145
Educational technology council	1,121,472	(1,121,472)	0
Edutech	9,752,767	(106,994)	9,645,773
K-12 wide area network	4,534,278	633,692	5,167,970
Geographic information system	1,147,716	1,054,913	2,202,629
Health information technology office	5,315,509	(436,363)	4,879,146
Statewide interoperable radio network	13,700,000	(1,370,000)	12,330,000
Total all funds	$186,169,189	$43,428,456	$229,597,645
Less estimated income	165,636,855	35,395,479	201,032,334
Total general fund	$20,532,334	$8,032,977	$28,565,311
Full-time equivalent positions	344.30	57.70	402.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

One-Time Funding Description	2017-19	2019-21
Electronic payment processing system	$375,000	$0
Health information network expansion	43,555,133	0
Statewide interoperable network loan	15,000,000	0
Cybersecurity	0	15,400,000
Statewide land parcel project	0	1,150,000
Total all funds	$58,930,133	$16,550,000
Less estimated income	58,930,133	5,150,000
Total general fund	$0	$11,400,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The information technology department shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. EXCEPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall make transfers of funds between line items in section 1 of this Act for the information technology department as may be requested by the chief information officer as determined necessary for the development and implementation of information technology projects. The department shall notify the legislative council of any transfers made pursuant to this section.

SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - INFORMATION TECHNOLOGY INITIATIVES. The estimated income line item in section 1 of this Act includes the sum of $5,150,000 from the strategic investment and improvements fund for information technology initiatives, of which $4,000,000 is for cybersecurity operating expenses and $1,150,000 is for a geographic information system statewide land parcel project.

SECTION 5. EXEMPTION. The sum of $43,555,133 of federal and other funds appropriated to the information technology department for the development of the health information network and care coordination project in chapter 46 of the 2017 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the completion of the health information network and care coordination project during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 6. LEGISLATIVE MANAGEMENT STUDY - ACCESS TO LANDS.

1. During the 2019-20 interim, the legislative management shall study access to public and private lands for hunting, trapping, fishing, and related issues, including trespass violations and penalties, and provide recommendations regarding a land access database with the capability of electronic posting. At the direction of the legislative management, before August 1, 2020, the information technology department and game and fish department shall establish a trial electronic posting and hunter access information system in up to three counties. The information technology department and game and fish department may contract with a third party to assist with the electronic posting and hunter access information system development and operation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

2. The legislative management shall appoint a committee for this study as follows:

    a. The voting members of the committee, who must be appointed by the legislative management, are:

        (1) Two members representing agriculture landowners;

        (2) Two members representing sportsmen organizations; and

        (3) Five members of the legislative assembly, including:

            (a) One member of the majority party in the house of representatives;

            (b) One member of the minority party in the house of representatives;

            (c) One member of the majority party in the senate;

            (d) One member of the minority party in the senate; and

(e) One member from either party in either chamber to serve as the committee chairman.

b. The nonvoting members of the committee are:

(1) A representative of the North Dakota association of counties;

(2) The agriculture commissioner or the commissioner's designee;

(3) The director of the game and fish department or the director's designee;

(4) The chief information officer or the officer's designee; and

(5) A representative of the North Dakota state's attorneys' association.

3. A member of the committee who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council. A state employee who is a member of the committee is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the committee who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the committee. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the committee who is a member of the legislative assembly.

SECTION 7. LEGISLATIVE MANAGEMENT STUDY - INFORMATION TECHNOLOGY UNIFICATION INITIATIVE. During the 2019-20 interim, the legislative management shall study the information technology department's transition to the run-grow-transform model and the information technology unification initiative. The study must include a review of changes in fees, services, operations, processes, and systems. The legislative management shall reports its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 8. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY UNIFICATION INITIATIVE - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. It is the intent of the sixty-sixth legislative assembly that the information technology department provide direction to the executive branch agencies in the governor's cabinet not included in the information technology unification initiative pilot project regarding information technology strategic planning and operations. It is further the intent of the sixty-sixth legislative assembly that the sixty-seventh legislative assembly implement the findings and recommendations resulting from the information technology unification initiative pilot project.

SECTION 9. INFORMATION TECHNOLOGY DEPARTMENT REVIEW - REPORT TO LEGISLATIVE MANAGEMENT. During the 2019-20 interim, the information technology department shall conduct a review of service rates charged to state agencies, including rate structure and agency billing. The information technology department shall report the results of its review to the legislative management by September 1, 2020.

SECTION 10. LEGISLATIVE MANAGEMENT STUDY - STATEWIDE INTEROPERABLE RADIO NETWORK. During the 2019-20 interim, the legislative management shall study 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 11. 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;
   r. The director of the game and fish department or a designee; and
   s. The state health officer or a designee.
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 ~~a~~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; ~~and~~

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;

p. The executive director of the North Dakota Indian affairs commission or a designee;

q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management;

r. The director of the game and fish department or a designee; and

s. The state health officer or a designee.

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 ~~a~~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 12. 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.

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~~personal and vehicular radios 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. 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~~approved by the statewide interoperability executive committee. ~~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.

_____	_____
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. 1021.

House Vote:	Yeas 85	Nays 7	Absent 2
Senate Vote:	Yeas 46	Nays 0	Absent 1

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Chief Clerk of the House

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.

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Secretary of State