



INFORMATION TECHNOLOGY COMMITTEE

Wednesday, September 7, 2022
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Glenn Bosch, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Glenn Bosch, Sebastian Ertelt*, Corey Mock, Nathan Toman, Robin Weisz; Senators Cole Conley, Kyle Davison, Richard Marcellais*; Citizen Member Shawn Riley

Members absent: Representative Keith Kempenich; Senators Dave Oehlke, Kristin Roers

Others present: John Bjornson and Cody Malloy, Legislative Council, Bismarck
See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Representative Mock, seconded by Senator Davison, and carried on a voice vote that the minutes of the May 26, 2022, meeting be approved as distributed.

STUDY OF GOVERNMENT CYBERSECURITY

Mr. Michael Gregg, Chief Information Security Officer, Information Technology Department, presented a report ([Appendix B](#)) regarding all disclosed cybersecurity incidents, including the status of the cybersecurity incident and any response or remediation to mitigate the cybersecurity incident, pursuant to North Dakota Century Code Chapter 54-59.1. He noted:

- The Information Technology Department (ITD) prevents or detects more than 4.5 billion cybersecurity threats on the statewide technology access for government and education network (STAGEnet) each year.
- Due to the volume of cybersecurity incidents, cybersecurity analyst workload has increased, resulting in staff resignations and the need for additional cybersecurity analysts to reduce the amount of work performed by each analyst.

Mr. Gregg presented an update ([Appendix C](#)) regarding the June 2022 joint state cybersecurity operation center activities. He noted the participating states built a list of more than 150 indicators of network compromises, exchanged cybersecurity threat information, and shared cybersecurity threat prevention best practices.

STUDY OF INFORMATION TECHNOLOGY UNIFICATION

Ms. Pamela Anderson, Project Manager III, Information Technology Department, presented a report ([Appendix D](#)) regarding efficiencies gained and cost-savings realized as a result of the 2021-23 biennium information technology (IT) unification initiative pursuant to Section 10 of Senate Bill No. 2021 (2021). She noted:

- IT unification has increased communication, transparency, collaboration, and productivity, and IT planning and strategy and has saved the state time and money.
- IT unification has resulted in the formation of a public safety team consisting of representatives of ITD, Department of Corrections and Rehabilitation, Highway Patrol, and Department of Emergency Services.
- State agencies have incurred no additional costs due to IT unification for work agreed upon before IT unification.
- An example of success as a result of IT unification is that the Office of Management and Budget started a centralized print migration project that will benefit agencies that use centralized printing services.

In response to a question from a committee member, Mr. Shawn Riley, Chief Information Officer, Information Technology Department, noted ITD will not seek authorization from the 2023 Legislative Assembly to transfer full-time equivalent (FTE) IT positions from other agencies to ITD for IT unification.

A committee member noted while there are hardware, software, and process improvements that may need monitoring in the future, the process of transferring FTE IT positions through the IT unification process has been thoroughly studied for multiple years and there may no longer be a need to study IT unification.

LARGE PROJECT REPORTING

Mr. Justin Data, Director, Project Management Office, Information Technology Department, presented information ([Appendix E](#)) regarding large IT project reporting, including the 2022 second quarter summary status report ([Appendix F](#)) and project startup and closeout reports completed since May 2022 ([Appendix G](#)).

EDUCATION INFORMATION TECHNOLOGY UPDATES

Mr. Darin King, Vice Chancellor for IT/Chief Information Officer, North Dakota University System, presented information ([Appendix H](#)) regarding the 2022 second quarter summary status report on large IT projects ([Appendix I](#)) and any large IT projects that may be requested for the 2023-25 biennium, including estimated project costs and completion dates. He noted the University System may request from the 2023 Legislative Assembly \$1 million for ITD endpoint protection software, \$800,000 for a University System security operations center, including 2 FTE security analyst positions, and \$3 million for increasing software contract maintenance costs.

STATEWIDE INTEROPERABLE RADIO NETWORK

Mr. Duane Schell, Chief Technology Officer, Information Technology Department, presented information ([Appendix J](#)) regarding a detailed breakdown of projected ongoing maintenance costs of the statewide interoperable radio network (SIRN). He noted the estimated operating expenses for the network are approximately \$6.4 million to \$9.3 million during fiscal years 2023, 2024, and 2025, as follows:

Operating Expenses	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	Total
Network connectivity	\$1,300,000	\$1,370,000	\$1,550,000	\$4,220,000
Tower leasing costs	3,200,000	4,520,000	4,900,000	12,620,000
Labor costs	1,100,000	1,320,000	1,380,000	3,800,000
Vendor maintenance	840,000	1,010,000	1,470,000	3,320,000
Total estimated expenses	\$6,440,000	\$8,220,000	\$9,300,000	\$23,960,000

In response to a question from a committee member, Mr. Schell noted between 135 and 138 towers will be included in SIRN, of which the state owns 45 towers. He indicated the state incurs lease expenses for the privately owned towers.

Mr. Schell noted ITD may request \$4.3 million of additional funding from the 2023 Legislative Assembly for estimated SIRN operating expenses during the 2023-25 biennium, as follows:

Revenue or Expense Description	Estimated Revenues or Expenses
Available funding in the SIRN fund	\$18,500,000
Estimated additional 911 fee revenue during fiscal years 2023, 2024, and 2025	13,500,000
Total estimated revenue through the 2023-25 biennium available for operating expenses	\$32,000,000
Estimated operating expenses during fiscal years 2023, 2024, and 2025	(\$23,960,000)
Estimated fiscal year 2023 loan interest repayment based on a 4 percent interest rate	(2,200,000)
Estimated fiscal year 2024 loan interest repayment based on a 4 percent interest rate	(3,200,000)
Estimated fiscal year 2025 loan interest repayment based on a 4 percent interest rate	(5,900,000)
Risk contingency for additional operating expenses that may be incurred	(1,000,000)
Total estimated expenses	(\$36,260,000)
Estimated expenses exceeding estimated revenues	(\$4,260,000)

EMERGENCY SERVICES COMMUNICATIONS COORDINATING COMMITTEE

Mr. Schell presented information ([Appendix K](#)) regarding an Emergency Services Communication Coordinating Committee report ([Appendix L](#)) pursuant to Section 57-40.6-12. He noted:

- Of the 54 counties and cities that assess a fee on telecommunication services, 14 jurisdictions are charging \$1.00 per telecommunication device per month and 39 jurisdictions are charging \$1.50 per telecommunication device per month.
- The Emergency Services Communication Coordinating Committee is required by Section 57-40.6-12 to recommend to the Legislative Management changes to the operating standards for emergency services

communications and periodically evaluate Chapter 57-40.6 in order to recommend changes to the Legislative Management. There are no anticipated recommendations for the Legislative Management for the 2023 legislative session.

2023 LEGISLATIVE SESSION

2023-25 Biennium Budget

Mr. Riley presented information ([Appendix M](#)) regarding any legislation ITD may request during the 2023 legislative session. He noted technology requests during the 2023 legislative session may include proposals to address concerns from ITD and state agencies that use ITD services relating to how to close workforce gaps, enabling decisionmaking, managing risk, and how to improve citizen and business engagement.

Mr. Greg Hoffman, Deputy Chief Information Officer, Information Technology Department, presented information ([Appendix N](#)) regarding ITD's 2023-25 biennium budget request and any optional adjustment requests. He noted:

- ITD's 2023-25 biennium budget request is not yet finalized but the request will include a proposal to add 2 FTE positions for the customer success management program to assist agencies with strategic planning, technology research and updates, and communication between ITD and other agencies for collaboration on IT projects and best practices.
- Other potential requests for funding may be for enterprise digitization of aging technologies in multiple state agencies, vulnerability assessment software, Department of Public Instruction and Department of Health and Human Services programs, operational inflationary increases, and requests for additional FTE positions to meet demand from state agencies for IT projects and services.

Infrastructure Investment and Jobs Act

Mr. Hoffman presented information ([Appendix O](#)) regarding an update of potential funding ITD may receive as a result of the federal Infrastructure Investment and Jobs Act (IIJA). He noted:

- ITD anticipates approximately \$122 million of federal funding may be available as a result of IIJA during the 2021-23 and 2023-25 bienniums, of which \$5 million is for a broadband equity, access, and deployment (BEAD) planning grant program, \$100 million is for the BEAD program that will be distributed to each state for broadband projects, \$500,000 is for a digital equity grant program, and \$16.5 million is for a state and local cybersecurity grant program.
- Funding available as a result of IIJA is in addition to the \$45 million appropriated by the Legislative Assembly during the November 2021 special legislative session from the federal Coronavirus Capital Projects Fund to ITD for broadband infrastructure grants, which was made available as a result of the federal American Rescue Plan Act.

INFORMATION TECHNOLOGY REVIEWS

Mr. Joshua C. Gallion, State Auditor, presented information regarding the status of IT reviews of ITD and the University System pursuant to Section 54-35-15.4. He noted:

- The State Auditor's office has contracted with a third-party vendor, Secure Yeti, to conduct IT reviews of ITD and the University System.
- The reviews are estimated to be completed before the 2023 legislative session.
- Completion of the IT reviews has been delayed due to communication and network access delays from ITD.

LEGISLATIVE BRANCH INFORMATION TECHNOLOGY EXPANSION

Mr. John Bjornson, Director, Legislative Council, presented information regarding the status of the legislative branch IT expansion approved in Senate Bill No. 2001 (2021). He noted:

- Of the 8 FTE IT positions added by the 2021 Legislative Assembly, 7 FTE positions have been filled, including 4 FTE developer positions, 2 FTE administrator positions, and 1 FTE IT specialist position.
- The legislative branch website is being redesigned, and the estimated deployment date is October 2022.
- The Legislative Council IT staff have migrated all Legislative Council staff from the nd.gov email tenant to the ndlegis.gov email tenant and are in the process of migrating members of the Legislative Assembly.
- The migration of legislator email accounts is approximately 9 months behind schedule due to communication delays and collaboration issues from ITD.

In response to a question from a committee member, Mr. Cody Malloy, Information Technology Manager, Legislative Council, noted hardware was purchased earlier this year but was not useable for multiple months due to network access delays from ITD.

REPORT FROM THE CHIEF INFORMATION OFFICER Annual Report

Mr. Riley presented information ([Appendix P](#)) regarding the ITD annual report pursuant to Section 54-59-19. He noted major objectives of ITD described in the report include deploying a world class government experience, securing all government-held data in North Dakota, and delivering the most efficient government services in America.

Records Management

Mr. Schell, Mr. Hoffman, and Ms. Aimee Bader, State Records Administrator, Information Technology Department, presented information ([Appendix Q](#)) regarding state records management requirements of Chapter 54-46. Ms. Bader noted:

- Section 54-46-03 establishes the Chief Information Officer or an individual designated by the Chief Information Officer to serve as the State Records Administrator who is responsible for establishing and administering the records management program for the executive branch, including the efficient and economical creation, utilization, maintenance, retention, and final disposition of state records.
- A records retention schedule is maintained in the executive branch records management system, which consists of the general schedule that contains retention policies for records commonly used by all executive branch state agencies as well as agency-specific records retention schedules.
- A records management task force consisting of the State Archivist, State Auditor, Attorney General, and State Records Administrator approve changes to records retention schedules and are responsible for reviewing historical, fiscal, and legal values to record series submitted by executive branch state agencies.
- Each year, executive branch agencies must report and certify to the State Records Administrator certain records have been disposed of according to retention requirements on the general schedule and agency-specific schedules; however, the task force does not review the content of records being disposed.
- Email by itself is not a record but the data contained in the email may be considered a record.

In response to a question from a committee member, Ms. Bader noted email records are classified under electronic communications on the general schedule but due to recent events regarding the deletion of emails, the records management task force is working to update the electronic communications policy.

In response to questions from committee members, Mr. Schell noted:

- Because state agencies are the owners of record data, they are responsible for content review of records being disposed.
- When agencies are disposing records, it is not yet possible to have a program that would search all record content to determine if certain records should be maintained.
- When an executive branch state employee terminates employment and the state agency requests the former employee's email account be deleted, Microsoft's policy is that there are 30 days available to review data in the email account before the account is permanently deleted.

In response to a question from a committee member, Mr. Malloy noted legislative branch emails are on a legal hold and are stored permanently.

In response to a question from a committee member, Mr. Kinnischtzke noted while the records management duties of the State Records Administrator under Chapter 54-46 relate only to the executive branch, Section 54-46-06 requires the State Records Administrator to provide similar records management services to the legislative and judicial branches upon request.

Strategic and Business Continuity Planning

Mr. Data presented information ([Appendix R](#)) regarding ITD's strategic and business continuity planning, including ITD's business plan pursuant to Section 54-35-15.2(3). He noted ITD will focus on closing workforce gaps, enabling decisionmaking, managing risk, and citizen and business engagement during the 2023-25 biennium.

Statewide Information Technology Plan

Mr. Data presented information ([Appendix S](#)) regarding the statewide IT plan pursuant to Section 54-35-15.2(7). He noted:

- The statewide IT plan is compiled to identify long-term strategic goals, objectives, and accomplishments and although the deadline for each agency to submit their IT plan to ITD for inclusion in the statewide IT plan was August 15, 2022, some agencies are authorized extensions through September 2022.
- The statewide IT plan will be published in November or December 2022.

State Information Technology Advisory Committee Recommendations

Mr. Hoffman presented information ([Appendix T](#)) regarding the status of a report on recommendations of the State Information Technology Advisory Committee (SITAC) regarding large software projects for consideration pursuant to Section 54-59-02.1 and recommendations of SITAC regarding prioritization of proposed major IT projects for the 2023-25 biennium pursuant to Section 54-35-15.2(13). He noted:

- Through September 7, 2022, 11 agencies have submitted requests for 24 major IT projects totaling \$237.2 million during the 2023-25 biennium and additional projects may be requested.
- SITAC will prioritize major IT projects in October 2022.

Health Information Technology Initiatives

Ms. Shila Blend, Director, Health Information Technology, Information Technology Department, presented information ([Appendix U](#)) regarding health IT initiatives, including transfers from the health information technology planning loan fund to the electronic health information exchange fund. She noted:

- Through September 7, 2022, ITD has requested the transfer of \$3 million from the health IT planning loan fund to the electronic health information exchange fund and an additional transfer may be requested before the end of the 2021-23 biennium.
- ITD is working with the Centers for Medicare and Medicaid Services to establish a cost allocation methodology for the North Dakota health information network that will be retroactive for costs incurred since October 1, 2020.

OTHER

It was moved by Representative Mock, seconded by Senator Davison, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and to present the report to the Legislative Management.

No further business appearing, Chairman Bosch adjourned the meeting at 2:48 p.m.

Levi Kinnischtzke
Senior Fiscal Analyst

ATTACH:21