INFORMATION TECHNOLOGY COMMITTEE

Wednesday, June 5, 2024
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Glenn Bosch, Chairman, called the meeting to order at 9:30 a.m.

Members present: Representatives Glenn Bosch, Josh Christy, Corey Mock*, Jonathan Warrey, Senators Keith Boehm, Randy A. Burckhard, Kyle Davison, Greg Kessel, Jonathan Sickler; Citizen Member Greg Hoffman

Members absent: Representatives Nathan Toman, Robin Weisz

Others present: Heather Morton*, National Conference of State Legislatures; Darin King*, Mark R. Hagerott, Curt Biller, Todd Pringle, and Jerry Rostad, North Dakota University System; Tabitha Teel, Brian Newby*, and Tracy Korsmo*, Information Technology Department
See Appendix A for additional persons present.
*Attended remotely

It was moved by Senator Burckhard, seconded by Senator Davison, and carried on a voice vote that the minutes of the March 27, 2024, meeting be approved as distributed.

STUDY OF ARTIFICIAL INTELLIGENCE
Department of Transportation
Mr. Michael Gerhart, Deputy Director of Administration, Department of Transportation, presented information (Appendix B) regarding artificial intelligence (AI) benefits and threats for the transportation infrastructure in the state, including AI used for transportation purposes and future plans for the use of AI technologies. He noted the department is:

- Engaged in multiple AI research projects with the North Dakota University System, including a project to study the use of machine learning and digital imagery for roadway and transportation infrastructure drone surveillance.

- Testing adaptive signal controllers that use AI to adjust traffic signal timings, based on real-time traffic conditions, to manage traffic congestion.

- Analyzing other potential AI uses, including the benefits of using AI to identify trends and preventative measures to reduce traffic accidents, identifying adverse road conditions so department staff know when to deploy road safety materials, and utilizing AI for citizen calls and information inquiries.

National Conference of State Legislatures
Ms. Heather Morton, Director of Financial Services, Technology, and Communications, National Conference of State Legislatures, presented information (Appendix C) regarding AI legislation proposed or enacted in other states. She noted:

- During 2023 legislative sessions, 28 states enacted AI-related legislation and, of the 46 states holding a 2024 legislative session, 43 states have enacted or are considering AI-related legislation.

- Common AI topics in other states include AI taxes, cybersecurity, oversight and governance, health use, elections, auditing requirements, child pornography, education, government use, private sector use, and criminal use.

- Colorado and Utah have passed legislation related to AI consumer protections which require online disclosure to consumers if a website or source is using AI.

- Multiple states have proposed or enacted legislation to regulate the use of AI and deep fakes for child pornography.

In response to a question from a committee member, Mr. Greg Hoffman, Interim Chief Information Officer, Information Technology Department, noted as the department was creating the state government AI usage guidance policy, the department also started maintaining an inventory of AI projects and state government systems that use AI. He noted because there are multiple definitions of AI, evaluating whether a project or system is using AI, and determining if the project or system should be added to the list, is challenging.

MAJOR PROJECT REPORTING

Mr. Justin Data, Director, Project Management Office, Information Technology Department, presented information (Appendix D) regarding major information technology (IT) project reporting, including the most recent quarterly status report (Appendix E), and project startup and closeout reports completed since March 2024 (Appendix F). He noted major projects with schedule or budget variances exceeding 20 percent and other project concerns, include:

- A 28 percent schedule variance for the Information Technology Department (ITD) statewide interoperability radio network project, primarily due to COVID-19 pandemic supply chain delays and vendor contract extensions.

- A 25 percent schedule variance for the Department of Environmental Quality's laboratory information system replacement project, primarily due to the need for additional system acceptance testing.

- A scope, risk, and overall project red status for the Department of Public Instruction's (DPI) child nutrition and food distribution system, primarily due to delays from the vendor. The Attorney General and DPI are working with the vendor to determine if the vendor is capable of completing the project or if the contract will be terminated.

A committee member suggested the committee receive an update regarding the child nutrition and food distribution system at the next meeting.

EDUCATION INFORMATION TECHNOLOGY UPDATES
North Dakota University System

Mr. Darin King, Vice Chancellor for IT/Chief Information Officer, North Dakota University System, presented information (Appendix G) regarding the most recent quarterly summary status report (Appendix H) and project startup and closeout reports (Appendix I) completed since March 2024.

Dr. Mark R. Hagerott, Chancellor, North Dakota University System; Mr. Curt Biller, Board Member, State Board of Higher Education; Dr. Todd Pringle, Director, Dakota Digital Academy; and Mr. Jerry Rostad, Vice Chancellor for Strategic Engagement and Strategy, North Dakota University System, presented information (Appendix J) regarding new higher education AI, data centers, and broadband-related initiatives.

Dr. Pringle noted:

- North Dakota has an opportunity to take advantage of growing demand for AI and data centers due to the state's energy and infrastructure capabilities.

- Data centers utilizing AI can provide economic development and workforce value to state agencies, the University System, local government entities, K-12 schools, and the private sector.

EduTech

Ms. Tabitha Teel, Director, EduTech, Information Technology Department, presented information (Appendix K) regarding the status of elementary and secondary education IT activities. She noted:

- EduTech supports the IT needs of K-12 schools, including approximately 124,000 students and 23,000 teachers, administrators, and staff.

- In 2023, EduTech provided cybersecurity education and science, technology, engineering, and mathematics education services to 6,068 students.

- Through May 2024, 52 of the state's 168 school districts are using the ClassLink education and data system, 20 districts are in the implementation phase, and 10 districts are in the planning phase.

EMERGENCY SERVICES COMMUNICATIONS COORDINATING COMMITTEE

Ms. Karen Kempert, Chairperson, Emergency Services Communications Coordinating Committee, presented information (Appendix L) regarding recommended changes to emergency services communications systems pursuant to North Dakota Century Code Section 57-40.6-12. She noted the Emergency Services Communications Coordinating Committee recommends the definition of "public safety telecommunicator" in Section 57-40.6-01 be amended to replace "an individual" with "a first responder."

REPORT FROM THE CHIEF INFORMATION OFFICER
Broadband Infrastructure Grant Program

Mr. Brian Newby, Broadband Program Director, Information Technology Department, presented an update (Appendix M) of funding spent and expected to be spent from the federal Coronavirus Capital Projects Fund for broadband infrastructure grants. He noted:

- Of the $45,000,000 appropriated from the Coronavirus Capital Projects Fund, ITD retained $38,680,527 for the broadband infrastructure grant program, including $37,251,986 to serve approximately 2,165 underserved and unserved locations and $1,428,541 for administrative costs, while the remaining $6,319,473 was transferred to the Department of Career and Technical Education for career academy costs.

- After telecommunication carriers provide broadband services to each known underserved and unserved location, a minimal amount of funds may remain in the Coronavirus Capital Projects Fund which may be eligible for transfer to the Department of Career and Technical Education.

Broadband, Equity, Access, and Deployment Grant Program

Mr. Newby presented an update (Appendix N) of funding spent and expected to be spent from federal funds derived from the Infrastructure Investment and Jobs Act for the broadband, equity, access, and deployment (BEAD) grant program and digital equity program. He noted ITD:

- Is in the challenge process phase of the BEAD grant program, will select grant recipients in fall 2024 or winter 2025, and anticipates submitting a final proposal for National Telecommunications and Information Administration approval in late 2024 or early 2025.

- Is concerned Internet service providers may not submit bids for BEAD grant funds due to a federal requirement that each provider match 25 percent of the federal funds with local or private funds.

- Was awarded $4.5 million to begin implementing digital equity program activities and expects the National Telecommunications and Information Administration to begin issuing grant awards to states in August 2024.

- Can spend unused funding from the BEAD grant program for the digital equity program but any amount of remaining BEAD grant funding will not be known until late 2024 or early 2025.

Distributed Ledger Technologies

Mr. Craig Felchle, Chief Technology Officer, Information Technology Department, presented a report (Appendix O) regarding implementation of distributed ledger technologies pursuant to Section 54-59-02.2. He noted there are no major distributed ledger technology projects in state government.

Statewide Longitudinal Data System Committee

Mr. Tracy Korsmo, Program Manager, and Mr. Sam Unruh, Data Scientist, Information Technology Department, presented a report (Appendix P) regarding the Statewide Longitudinal Data System (SLDS) pursuant to Section 54-59-36. Mr. Korsmo noted:

- SLDS receives data from DPI, the University System, Job Service North Dakota, and the North Dakota Education Standards and Practices Board.

- From 2007 to 2009, SLDS data indicated the average age of teachers leaving the profession was 55 while the average age from 2021 to 2023 was 42.

- SLDS has been expanded to include career and technical education data.

Other Department Initiatives

Ms. Kim Weis, Chief Data Officer, Information Technology Department, presented information (Appendix Q) regarding statewide data strategy and the lighthouse program. She noted:

- The lighthouse program began in the fall of 2022 and is intended to be a framework for governing and managing state government data and used as a strategic asset.

- In Phase 1 of the lighthouse program, ITD developed a comprehensive statewide data strategy to help executive branch state agencies better manage and utilize agency data and improve public services provided to citizens. The statewide data strategy was completed in early 2024.

- Phase 2 of the lighthouse program will involve work on 15 data-related projects in state government.

- ITD anticipates developing and implementing data strategies in multiple projects through early 2027 which will focus on the goals of establishing proper data governance systems, developing data infrastructure and architecture, increasing data literacy, and improving data consumption, products, and services.

In response to a question from a committee member, Ms. Weis noted existing laws and policies are sufficient for the development and regulation of data strategy in state government.

Mr. Bob Nutsch, Geospatial Technology Program Manager, Information Technology Department, presented an update (Appendix R) regarding ITD's geospatial program. He noted:

- ITD's geospatial program includes the geographic information system hub, which is a database of state agency data and a web infrastructure that supports agency operations and provides information for government and public use.

- The Governor issued an executive order in 2022 that created a State Geospatial Committee consisting of representatives from 14 executive branch agencies.

No further business appearing, Chairman Bosch adjourned the meeting at 2:56 p.m.

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Levi Kinnischtzke
Senior Fiscal Analyst

ATTACH:18