

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1021

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the information  
2 technology department; to amend and reenact subsection 2 of section 54-46-08 of the North  
3 Dakota Century Code as amended in section 5 of House Bill No. 1528, as approved by the  
4 sixty-eighth legislative assembly, relating to final disposition of records; to provide a transfer; to  
5 provide an exemption; and to provide for a report.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
8 as may be necessary, are appropriated out of any moneys in the general fund in the state  
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
10 other income, to the information technology department for the purpose of defraying the  
11 expenses of the information technology department, for the biennium beginning July 1, 2023,  
12 and ending June 30, 2025, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
15 <del>Salaries and wages</del>	<del>\$101,734,629</del>	<del>\$13,403,736</del>	<del>\$115,138,365</del>
16 <del>Operating expenses</del>	<del>114,588,112</del>	<del>38,416,587</del>	<del>153,004,699</del>
17 <del>Capital assets</del>	<del>3,443,909</del>	<del>466,662</del>	<del>3,910,571</del>
18 <del>Statewide longitudinal data system</del>	<del>4,486,278</del>	<del>123,913</del>	<del>4,610,191</del>
19 <del>Edutech</del>	<del>9,691,939</del>	<del>1,297,519</del>	<del>10,989,458</del>
20 <del>K-12 wide area network</del>	<del>4,679,718</del>	<del>2,505,240</del>	<del>7,184,958</del>
21 <del>Geographic information system</del>	<del>1,101,806</del>	<del>123,641</del>	<del>1,225,447</del>
22 <del>Health information technology office</del>	<del>8,725,871</del>	<del>76,117</del>	<del>8,801,988</del>
23 <del>Statewide interoperable radio network</del>	<del>14,193,796</del>	<del>4,236,103</del>	<del>18,429,899</del>

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1	<del>Broadband infrastructure</del>	<del>0</del>	<del>148,250,000</del>	<del>148,250,000</del>
2	<del>Total all funds</del>	<del>\$262,646,058</del>	<del>\$208,899,518</del>	<del>\$471,545,576</del>
3	<del>Less estimated income</del>	<del>233,670,105</del>	<del>188,005,063</del>	<del>421,675,168</del>
4	<del>Total general fund</del>	<del>\$28,975,953</del>	<del>\$20,894,455</del>	<del>\$49,870,408</del>
5	<del>Full-time equivalent positions</del>	<del>479.00</del>	<del>28.00</del>	<del>507.00</del>
6	Salaries and wages	\$101,734,629	\$2,637,257	\$104,371,886
7	Operating expenses	114,588,112	34,416,587	149,004,699
8	Capital assets	3,443,909	466,662	3,910,571
9	Statewide longitudinal data system	4,486,278	1,096,400	5,582,678
10	Edutech	9,691,939	472,369	10,164,308
11	K-12 wide area network	4,679,718	1,682,892	6,362,610
12	Geographic information system	1,101,806	106,086	1,207,892
13	Health information technology office	8,725,871	16,240	8,742,111
14	Statewide interoperable radio network	14,193,796	4,207,673	18,401,469
15	Broadband infrastructure	0	148,250,000	148,250,000
16	Total all funds	\$262,646,058	\$193,352,166	\$455,998,224
17	Less estimated income	233,670,105	179,267,274	412,937,379
18	Total general fund	\$28,975,953	\$14,084,892	\$43,060,845
19	Full-time equivalent positions	479.00	28.00	507.00

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

**SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
24			
25	Cybersecurity	\$6,500,000	\$0
26	Health information technology office	6,000,000	3,000,000
27	Broadband infrastructure grants	45,000,000	0
28	North Dakota stockmen's association grant	401,000	0
29	<del>Enterprise digitization project</del>	<del>0</del>	<del>10,000,000</del>
30	Enterprise digitization project	0	7,000,000
31	Call center software upgrade project	0	3,000,000

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1	Governance, risk, and compliance costs	0	5,456,876
2	<del>Customer relationship management program</del>	<del>0</del>	<del>6,500,000</del>
3	<del>Universal vulnerability management project</del>	<del>0</del>	<del>3,000,000</del>
4	<u>Customer relationship management program</u>	<u>0</u>	<u>5,000,000</u>
5	<u>Universal vulnerability management project</u>	<u>0</u>	<u>1,000,000</u>
6	Capitol security upgrade and fiber replacement project	0	2,499,467
7	<del>Inflationary increases</del>	<del>0</del>	<del>7,825,000</del>
8	<del>Broadband, equity, access, and deployment program</del>	<del>0</del>	<del>148,250,000</del>
9	<del>Total all funds</del>	<del>\$57,901,000</del>	<del>\$186,531,343</del>
10	<del>Less estimated income</del>	<del>57,901,000</del>	<del>180,081,343</del>
11	<del>Total general fund</del>	<del>\$0</del>	<del>\$6,450,000</del>
12	<u>Inflationary increases</u>	<u>0</u>	<u>7,325,000</u>
13	<u>Statewide longitudinal data system</u>	<u>0</u>	<u>1,075,000</u>
14	<u>Broadband, equity, access, and deployment program</u>	<u>0</u>	<u>147,762,480</u>
15	<u>State and local cybersecurity grant program</u>	<u>0</u>	<u>487,520</u>
16	<u>Total all funds</u>	<u>\$57,901,000</u>	<u>\$183,606,343</u>
17	<u>Less estimated income</u>	<u>57,901,000</u>	<u>179,093,823</u>
18	<u>Total general fund</u>	<u>\$0</u>	<u>\$4,512,520</u>

19 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget  
 20 for the 2025-27 biennium. The information technology department shall report to the  
 21 appropriations committees of the sixty-ninth legislative assembly on the use of this one-time  
 22 funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

23 ~~SECTION 3. ADDITIONAL INCOME -- APPROPRIATION. All federal funds received by the~~  
 24 ~~information technology department in excess of those funds appropriated in section 1 of this Act~~  
 25 ~~are appropriated to the information technology department for the biennium beginning July 1,~~  
 26 ~~2023, and ending June 30, 2025.~~

27 **SECTION 3. ESTIMATED INCOME - TRANSFER - HEALTH INFORMATION**  
 28 **TECHNOLOGY PLANNING LOAN FUND TO ELECTRONIC HEALTH INFORMATION**  
 29 **EXCHANGE FUND.** Notwithstanding section 6-09-43, the estimated income line item in  
 30 section 1 of this Act includes the sum of \$3,000,000, or so much of the sum as may be  
 31 necessary, which the Bank of North Dakota shall transfer, as requested by the chief information

1 officer, from the health information technology planning loan fund to the electronic health  
2 information exchange fund for the purpose of defraying the expenses of the health information  
3 technology office and the health information network during the biennium beginning July 1,  
4 2023, and ending June 30, 2025.

5 **SECTION 4. EXEMPTION - LINE ITEM TRANSFERS.** Notwithstanding section 54-16-04,  
6 the director of the office of management and budget shall make transfers of funds between line  
7 items in section 1 of this Act for the information technology department as may be requested by  
8 the chief information officer as determined necessary for the development and implementation  
9 of information technology projects. The department shall notify the legislative council of any  
10 transfers made pursuant to this section.

11 **SECTION 5. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS**  
12 **FUND.** The estimated income line item in section 1 of this Act includes the sum of  
13 ~~\$16,500,000~~\$15,000,000 from the strategic investment and improvements fund, of which  
14 ~~\$10,000,000~~\$7,000,000 is for the enterprise digitization project, \$3,000,000 is for the call center  
15 software upgrade project. and ~~\$6,500,000~~\$5,000,000 is for the customer relationship  
16 management program.

17 **SECTION 6. ESTIMATED INCOME - FEDERAL STATE FISCAL RECOVERY FUND.** The  
18 estimated income line item in section 1 of this Act includes the sum of ~~\$2,499,467~~\$3,499,467  
19 from federal funds derived from the state fiscal recovery fund, of which \$2,499,467 is for the  
20 capitol security software upgrade and fiber replacement project and \$1,000,000 is for the  
21 universal vulnerability management project.

22 **SECTION 7. ESTIMATED INCOME - CHOICE READY DASHBOARD EXPANSION**  
23 **PROJECT.** The estimated income line item in section 1 of this Act includes the sum of  
24 \$4,856,876 from the information technology department operating service fund for department  
25 of public instruction-related projects, of which \$300,000 is for a choice ready dashboard  
26 expansion project to allow schools to monitor student progress for graduation and report the  
27 results to the department of public instruction.

28 **SECTION 8. AMENDMENT.** Subsection 2 of section 54-46-08 of the North Dakota Century  
29 Code as amended in section 5 of House Bill No. 1528, as approved by the sixty-eighth  
30 legislative assembly, is amended and reenacted as follows:

2. Each departmental agency shall maintain, for at least one year, data contained in electronic mail accounts ~~and personal file storage~~, for agency heads, state officers appointed by the governor under chapter 44-02, and elected executive branch officials.

**SECTION 9. EXEMPTION - BROADBAND INFRASTRUCTURE GRANTS.** The amount of \$45,000,000 appropriated from federal funds derived from the coronavirus capital projects fund for the broadband infrastructure grants program in section 9 of chapter 548 of the 2021 Special Session Session Laws is not subject to section 54-44.1-11 and is available for the program during the biennium beginning July 1, 2023, and ending June 30, 2025. The information technology department shall approve any grant application that includes the use or implementation of fiber-optic cable in the proposed service area unless fiber-optic cable currently serves the proposed service area.

**SECTION 10. EXEMPTION - BROADBAND INFRASTRUCTURE GRANTS - FEDERAL CORONAVIRUS CAPITAL PROJECTS FUND - TRANSFER OF APPROPRIATION AUTHORITY - LEGISLATIVE MANAGEMENT REPORT.**

1. Notwithstanding section 9 of this Act, on October 1, 2023, the office of management and budget shall transfer any uncommitted federal coronavirus capital projects fund appropriation authority from the information technology department to the department of career and technical education for the purpose of defraying inflationary costs of existing projects approved under the statewide area career center initiative grant program during the 2021-23 biennium for the biennium beginning July 1, 2023, and ending June 30, 2025. The appropriation authority transferred in this subsection may be spent by the department of career and technical education only if approval is received from the federal government.
2. If any funding in the federal coronavirus capital projects fund is available pursuant to subsection 1 of this section, the office of management and budget shall submit a state plan amendment to the United States Department of the Treasury to request a modification of the planned use of moneys in the federal coronavirus capital projects fund. If the federal government does not approve the state plan amendment to allow the department of career and technical education to use moneys in the federal coronavirus capital projects fund for multipurpose community facility inflationary costs,

1 the office of management and budget shall transfer the uncommitted federal  
2 coronavirus capital projects fund appropriation authority to the information technology  
3 department for the purpose of providing broadband infrastructure grants pursuant to  
4 section 9 of this Act.

5 3. If the state plan amendment is approved, the department of career and technical  
6 education must distribute the funding transferred from the federal coronavirus capital  
7 projects fund to existing career academy projects proportionally based on funding  
8 allocations provided to each project during the 2021-23 biennium. If funding approved  
9 in this section is provided for a career academy project and the funding becomes  
10 uncommitted during the 2023-25 biennium, the department of career and technical  
11 education may redistribute the funding for existing projects under the program during  
12 the biennium beginning July 1, 2023, and ending June 30, 2025.

13 4. The department of career and technical education shall report to the legislative  
14 management during the 2023-24 interim and to the appropriations committees of the  
15 sixty-ninth legislative assembly regarding the amount of inflationary funding provided  
16 for each project and the construction status of each project.

17 5. The office of management and budget shall report to the legislative management  
18 regarding any appropriation authority transferred under this section.

19 **SECTION 11. EXEMPTION - NORTH DAKOTA STOCKMEN'S ASSOCIATION**

20 **BRANDING INSPECTION SYSTEM.** The amount of \$401,000 appropriated from federal funds  
21 derived from the state fiscal recovery fund for the purpose of providing a grant to the North  
22 Dakota stockmen's association for conversion of a paper-based brand inspection program to an  
23 electronic system in subsection 23 of section 1 of chapter 550 of the 2021 Special Session  
24 Session Laws is not subject to section 54-44.1-11 and is available for the program during the  
25 biennium beginning July 1, 2023, and ending June 30, 2025.

26 **SECTION 12. EMERGENCY.** Sections 9 and 10 of this Act are declared to be an  
27 emergency measure.