

Sixty-ninth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2021

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 sections 54-59-14 and 54-59-15 of the North
3 Dakota Century Code, relating to the information technology operating fund; to provide for a
4 transfer; and to provide an exemption.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
7 as may be necessary, are appropriated out of any moneys in the general fund in the state
8 treasury, not otherwise appropriated, and from other funds derived from special funds and
9 federal funds, to the information technology department for the purpose of defraying the
10 expenses of the information technology department, for the biennium beginning July 1, 2025,
11 and ending June 30, 2027, as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13			
14	Salaries and wages	\$112,233,364	\$16,139,027
15	New and vacant FTE pool	0	8,403,424
16	Operating expenses	119,115,018	(96,380,424)
17	Capital assets	3,443,909	(3,312,874)
18	Statewide longitudinal data system	4,625,661	(504,904)
19	Edutech	10,348,826	(304,659)
20	K-12 wide area network	5,915,668	912,665
21	Geographic information system	1,109,786	48,157
22	Health information technology office	5,822,725	4,928,517
			10,751,242

1	Statewide interoperable radio network	<u>18,449,852</u>	<u>(2,236,315)</u>	<u>16,213,537</u>
2	Total all funds	\$281,064,809	(\$72,307,386)	\$208,757,423
3	Less other funds	<u>239,646,504</u>	<u>(82,764,058)</u>	<u>156,882,446</u>
4	Total general fund	\$41,418,305	\$10,456,672	\$51,874,977
5	Full-time equivalent positions	507.00	2.00	509.00

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

7 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
8 items included in the appropriation in section 1 of this Act which are not included in the entity's
9 base budget for the 2027-29 biennium and which the entity shall report to the appropriations
10 committees of the seventieth legislative assembly regarding the use of this funding:

11	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
12	Vulnerability software licenses	\$0	\$150,000	\$150,000
13	Health information technology office	<u>0</u>	<u>3,000,000</u>	<u>3,000,000</u>
14	Total	\$0	\$3,150,000	\$3,150,000

15 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
16 information technology department may not spend funds appropriated in the new and vacant
17 FTE pool line item in section 1 of this Act, but may request the office of management and
18 budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages
19 line item and other line items with salaries and wages in accordance with the guidelines and
20 reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative
21 assembly.

22 **SECTION 4. OTHER FUNDS - TRANSFER - HEALTH INFORMATION TECHNOLOGY**
23 **PLANNING LOAN FUND TO ELECTRONIC HEALTH INFORMATION EXCHANGE FUND.**

24 Notwithstanding section 6-09-43, the other funds line item in section 1 of this Act includes the
25 sum of \$3,000,000, or so much of the sum as may be necessary, which the Bank of North
26 Dakota shall transfer, as requested by the chief information officer, from the health information
27 technology planning loan fund to the electronic health information exchange fund for the
28 purpose of defraying the expenses of the health information technology office and the health
29 information network during the biennium beginning July 1, 2025, and ending June 30, 2027.

30 **SECTION 5. EXEMPTION - LINE ITEM TRANSFERS.** Notwithstanding section 54-16-04,
31 the director of the office of management and budget shall make transfers of funds between line

items in section 1 of this Act, except the new and vacant FTE pool line item, 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 6. AMENDMENT. Section 54-59-14 of the North Dakota Century Code is amended and reenacted as follows:

54-59-14. Information technology operating ~~account~~fund - Continuing appropriation - Report.

1. The department shall establish a state information technology operating ~~account~~fund in the state treasury to be used, ~~in accordance with legislative appropriation,~~ for procuring and maintaining information technology and network services and for providing information technology, and network services, ~~and central microfilm unit services~~ to state entities and network services to users of the state network.
2. Unless exempted by law, each agency or institution provided with information technology or network services shall pay to the department the charges for services provided as determined by the department. The department shall deposit the amounts received in the information technology operating ~~account~~ or the information technology development ~~account~~, as appropriate fund, which are appropriated to the department on a continuing basis for purposes provided under this section.
3. The department shall compile a report regarding the status of the information technology operating fund to be provided at each meeting of the budget section. The report must include information regarding expenditures paid from the fund for department administration, operations, and information technology projects by specific object code, the amount and category of services provided to state agencies and institutions and users of the state network from monies in the fund, and the balance remaining in the fund from the most recently completed quarter. The department shall present the mostly recently completed report to the appropriation committees of the legislative assembly each legislative session.

SECTION 7. AMENDMENT. Section 54-59-15 of the North Dakota Century Code is amended and reenacted as follows:

1 **54-59-15. Acceptance of funds.**

2 The department may accept federal or other funds, which must be deposited in the
3 information technology operating ~~account~~fund or other ~~accounts~~funds specified by the office of
4 management and budget and which may be spent subject to legislative appropriation. The
5 department may apply for any public or private grants available for the improvement of
6 information technology.

7 **SECTION 8. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
8 appropriations are not subject to the provisions of section 54-44.1-11 and any unexpended
9 appropriation authority remaining may be continued into the biennium beginning July 1, 2025,
10 and ending June 30, 2027:

- 11 1. The sum of \$45,000,000 appropriated from the federal coronavirus capital projects
12 fund for broadband infrastructure grants in section 9 of chapter 548 of the 2021
13 Special Session Session Laws and continued into the 2023-25 biennium in sections 9
14 and 10 of chapter 21 of the 2023 Session Laws.
- 15 2. The sum of \$12,000,000 appropriated from the strategic investment and
16 improvements fund, of which \$7,000,000 was for an enterprise digitization project and
17 \$5,000,000 was for a business gateway enterprise customer relationship management
18 program, in section 1 of chapter 21 of the 2023 Session Laws.
- 19 3. The sum of \$4,856,876 appropriated from the information technology operating fund
20 for governance, risk, and compliance costs and the department of public instruction
21 lighthouse project in section 1 of chapter 21 of the 2023 Session Laws.
- 22 4. The sum of \$147,762,480 appropriated from federal funds available as a result of the
23 Infrastructure Investment and Jobs Act for the broadband, equity, access, and
24 deployment program, digital equity program, and state and local cybersecurity grant
25 program in section 1 of chapter 21 of the 2023 Session Laws.
- 26 5. The sum of \$487,520 appropriated from the general fund as matching funds for the
27 state and local cybersecurity grant program in section 1 of chapter 21 of the 2023
28 Session Laws.
- 29 6. The sum of \$80,000,000 appropriated from the federal state fiscal recovery fund for
30 the statewide interoperable radio network project in section 4 of chapter 554 of the
31 2023 Session Laws.