

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
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 54-35-15.1, 54-59-14, and 54-59-15 of
3 the North Dakota Century Code, relating to membership of the information technology
4 committee and the information technology operating fund; to provide for a transfer; and to
5 provide an exemption.

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 other funds derived from special funds and
10 federal funds, to the information technology department for the purpose of defraying the
11 expenses of the information technology department, for the biennium beginning July 1, 2025,
12 and ending June 30, 2027, as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$112,233,364	\$16,139,027	\$128,372,391
16 New and vacant FTE pool	0	8,403,424	8,403,424
17 Operating expenses	119,115,018	(96,380,424)	22,734,594
18 Capital assets	3,443,909	(3,312,874)	131,035
19 Statewide longitudinal data system	4,625,661	(504,904)	4,120,757
20 Edutech	10,348,826	(304,659)	10,044,167

Sixty-ninth
Legislative Assembly

1	K-12 wide area network	5,915,668	912,665	6,828,333
2	Geographic information system	1,109,786	48,157	1,157,943
3	Health information technology office	5,822,725	4,928,517	10,751,242
4	Statewide interoperable radio network	<u>18,449,852</u>	<u>(2,236,315)</u>	<u>16,213,537</u>
5	Total all funds	\$281,064,809	(\$72,307,386)	\$208,757,423
6	Less other funds	<u>239,646,504</u>	<u>(82,764,058)</u>	<u>156,882,446</u>
7	Total general fund	\$41,418,305	\$10,456,672	\$51,874,977
8	Full-time equivalent positions	507.00	2.00	509.00

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

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

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

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The

information technology department may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item and other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - TRANSFER - HEALTH INFORMATION TECHNOLOGY

PLANNING LOAN FUND TO ELECTRONIC HEALTH INFORMATION EXCHANGE FUND.

Notwithstanding section 6-09-43, the other funds line item in section 1 of this Act includes the sum of \$3,000,000, or so much of the sum as may be necessary, which the Bank of North Dakota shall transfer, as requested by the chief information officer, from the health information technology planning loan fund to the electronic health information exchange fund for the

1 purpose of defraying the expenses of the health information technology office and the health
2 information network during the biennium beginning July 1, 2025, and ending June 30, 2027.

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

9 **SECTION 6. AMENDMENT.** Section 54-35-15.1 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **54-35-15.1. Information technology committee - Appointment.**

12 The legislative management, during each biennium, shall appoint an information technology
13 committee in the same manner as the legislative management appoints other interim
14 committees. The legislative management shall appoint six members of the house of
15 representatives and five members of the senate to the committee. The chief information officer
16 of the state ~~is an~~ and an individual with information technology-related experience from the
17 department of health and human services, appointed by the commissioner of the department of
18 health and human services, are ex officio, nonvoting ~~member~~ members of the committee. The
19 legislative management shall designate the chairman of the committee. The committee shall
20 operate according to the statutes and procedure governing the operation of other legislative
21 management interim committees.

22 **SECTION 7. AMENDMENT.** Section 54-59-14 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-59-14. Information technology operating ~~account~~ fund - Continuing appropriation -**
25 **Report.**

26 1. The department shall establish a state information technology operating ~~account~~ fund
27 in the state treasury to be used, ~~in accordance with legislative appropriation,~~ for
28 procuring and maintaining information technology and network services and for
29 providing information technology, and network services, ~~and central microfilm unit~~
30 ~~services~~ to state entities and network services to users of the state network.

- 1 2. Unless exempted by law, each agency or institution provided with information
2 technology or network services shall pay to the department the charges for services
3 provided as determined by the department. The department shall deposit the amounts
4 received in the information technology operating ~~account~~ or the information technology-
5 development ~~account~~, as appropriate fund, which are appropriated to the department
6 on a continuing basis for purposes provided under this section.
- 7 3. The department shall compile a report regarding the status of the information
8 technology operating fund to be provided at each meeting of the budget section. The
9 report must include information regarding expenditures paid from the fund for
10 department administration, operations, and information technology projects by specific
11 object code, the amount and category of services provided to state agencies and
12 institutions and users of the state network from monies in the fund, and the balance
13 remaining in the fund from the most recently completed quarter. The department shall
14 present the mostly recently completed report to the appropriation committees of the
15 legislative assembly each legislative session.

16 **SECTION 8. AMENDMENT.** Section 54-59-15 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **54-59-15. Acceptance of funds.**

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

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

- 28 1. The sum of \$45,000,000 appropriated from the federal coronavirus capital projects
29 fund for broadband infrastructure grants in section 9 of chapter 548 of the 2021
30 Special Session Session Laws and continued into the 2023-25 biennium in sections 9
31 and 10 of chapter 21 of the 2023 Session Laws.

- 1 2. The sum of \$12,000,000 appropriated from the strategic investment and
2 improvements fund, of which \$7,000,000 was for an enterprise digitization project and
3 \$5,000,000 was for a business gateway enterprise customer relationship management
4 program, in section 1 of chapter 21 of the 2023 Session Laws.
- 5 3. The sum of \$4,856,876 appropriated from the information technology operating fund
6 for governance, risk, and compliance costs and the department of public instruction
7 lighthouse project in section 1 of chapter 21 of the 2023 Session Laws.
- 8 4. The sum of \$147,762,480 appropriated from federal funds available as a result of the
9 Infrastructure Investment and Jobs Act for the broadband, equity, access, and
10 deployment program, digital equity program, and state and local cybersecurity grant
11 program in section 1 of chapter 21 of the 2023 Session Laws.
- 12 5. The sum of \$487,520 appropriated from the general fund as matching funds for the
13 state and local cybersecurity grant program in section 1 of chapter 21 of the 2023
14 Session Laws.
- 15 6. The sum of \$80,000,000 appropriated from the federal state fiscal recovery fund for
16 the statewide interoperable radio network project in section 4 of chapter 554 of the
17 2023 Session Laws.