

2026 JOINT APPROPRIATIONS

SB 2404

2026 JOINT STANDING COMMITTEE MINUTES

Appropriations Committee
Brynhild Haugland Room, State Capitol

SB 2404
1/21/2026

A BILL for an Act to provide appropriations to the information technology department and public service commission; to provide contingent loan authorization; and to provide an effective date.

3:54 p.m. Co-Chairman Bekkedahl opened the meeting.

Members present: Co-Chairman Bekkedahl, Senators: Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Erbele, Magrum, Mathern, Meyer, Schaible, Sickler, Sorvaag, Thomas, Wanzek, Co-Chairman Vigesaa, Representatives: Anderson, Berg, Bosch, Brandenburg, Fisher, Ista, Kempenich, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, Pyle, Richter, Sanford, Stemen, Swiontek, Wagner, Warrey.

Discussion Topics:

- Information Technology Department
- Public Service Commission
- Litigation Funds
- Electrical Rates
- ADA Digital Accessibility
- Title II Web Accessibility Compliance
- Department of Justice Private Enforcement Action
- Platform Functionality
- Site Improve
- Regional Transmission Organizations
- Renewable Energy
- Federal Energy Regulatory Commission
- Midcontinent Independent System Operator

3:54 p.m. Senator Hogue introduced the bill.

3:58 p.m. Corey Mock, Chief Information Officer, ND Information Technology Department, testified in favor and submitted testimony #45453.

4:23 p.m. Derrick Hohbein, Chief Operating and Financial Officer for the North Dakota Public Employees Retirement System (NDPERS), testified in favor and submitted testimony #45423.

4:27 p.m. Matt Gardner, Executive Director, North Dakota League of Cities testified in favor.

4:36 p.m. Randy Christmann, Chair, Public Service Commission testified in favor and submitted testimony #45457.

4:54 p.m. Representative Stemen moved a Do Pass.

4:55 p.m. Representative Kempenich seconded the motion.

4:57 p.m. Roll Call Vote

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Randy Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jeff Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul Thomas	Y
Senator Terry Wanzek	Y

4:57 p.m. Motion passed 16-0-0.

4:57 p.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Zachary Ista	Y
Representative Keith Kempenich	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	Y
Representative Eric Murphy	Y
Representative Mike Nathe	Y
Representative Jon Nelson	Y
Representative Brandy Pyle	Y
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Greg Stemen	Y
Representative Steve Swiontek	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

4:57 p.m. Motion passed 23-0-0.

4:58 p.m. Senator Hogue and Representative Bosch will carry the bill.

Joint Appropriations Committee

SB 2404

01/21/2026

Page 3

4:59 p.m. Co-Chairman Bekkedahl closed the meeting.

Krystal Eberle, Committee Clerk

**REPORT OF STANDING COMMITTEE
SB 2404 ([25.1413.01000](#))**

Joint Appropriations Committee (Sen. Bekkedahl, Co-Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2404 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**REPORT OF STANDING COMMITTEE
SB 2404 ([25.1413.01000](#))**

Joint Appropriations Committee (Rep. Vigesaa, Co-Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2404 was placed on the Fourteenth order on the calendar.

TESTIMONY OF DERRICK HOHBEIN

Senate Bill 2404 – ADA Compliance

Good afternoon, Mr. Chairman and members of the committee.

My name is Derrick Hohbein, and I serve as the Chief Operating and Financial Officer for the North Dakota Public Employees Retirement System (NDPERS). I appear today in support of SB 2404, and appreciate the committee's time during this special session to address the critical need for compliance with the U.S. Department of Justice's final ruling requiring all public-facing digital content to meet Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standards by April 24, 2026. Failure to comply by this deadline could result in significant federal penalties or the suspension of federal funding.

NDPERS has identified three primary areas requiring focused attention:

- Member Portal
- Employer Portal
- Public Website

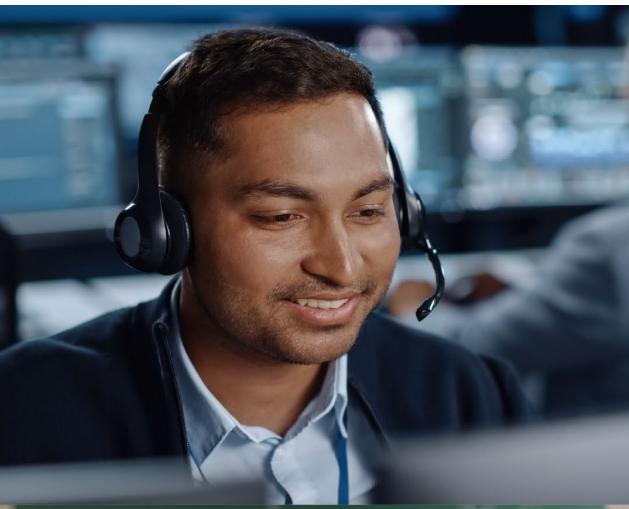
Our public website has historically been maintained in compliance with WCAG standards by our Public Information Manager. Moving forward, the primary compliance effort will involve ensuring that all newly uploaded documents meet WCAG 2.1 Level AA requirements.

In contrast, our member and employer portals have not undergone accessibility compliance scans since their inception in 2010. To meet the April 2026 deadline, the Board approved a contract with our business system vendor at its October 29, 2025 meeting to upgrade these portals. The estimated effort and cost are as follows:

- Member Portal: 1,994 hours at a cost of \$188,713
- Employer Portal: 1,301 hours at a cost of \$115,939

Because this requirement emerged after the conclusion of the most recent Legislative Session, we were unable to request dedicated funding for this initiative. Today, we are requesting an increase in our appropriation authority—without additional funding—of \$304,652 to cover this work effort. NDPERS is a special-funded agency and does not receive any general fund revenue.

This concludes my testimony. I would be happy to answer any questions the committee may have.



ADA Accessibility Overview

NORTH
Dakota
Be Legendary.

Information Technology

ADA Digital Accessibility

Americans with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination on the basis of disability.

- Title II: State and Local Government Activities
 - Rule: 89 FR 31320, published April 24, 2024
 - Mandates that state and local governments ensure their websites and mobile applications are accessible to individuals with disabilities.
 - Technical standard: WCAG 2.1 Level AA (2018)
 - Updated Technical standard: WCAG 2.2 Level AA (2022)

ADA Digital Accessibility

Compliance deadlines (by population size)

- More than 50,000: April 24, 2026
- 50,000 or less: April 26, 2027
- Special District Governments: April 26, 2027

ADA Digital Accessibility

Services needed for Title II Web Accessibility Compliance

- Audit: a formal, manual evaluation where tools and/or technical experts find accessibility issues
- Remediation: a manual process where a technical expert fixes issues
- Training: team members / employees learn how to make accessible web content

ADA Digital Accessibility

Department of Justice (DOJ) Private Enforcement Actions

- DOJ typically enforces ADA through lawsuits, which typically are resolved through settlement agreements
- DOJ actively enforced website accessibility through settlement agreements between 2010 and 2016; new settlements extending this application began in 2021/2022
- Settlements establish best practices for meeting ADA compliance; these settlements are the most detailed federal guidance to meet compliance expectations

ADA Digital Accessibility

Digital Content Impacted

- Website platforms, including content and functionality
 - Keyboard operability
 - Descriptive and programmatic labels
 - Sufficient color contrast
 - Closed captions on videos
 - Accessible online forms
 - Dynamic compatibilities, such as orientation, reflow (zoom), and text spacing

ADA Digital Accessibility

Digital Content Impacted

- Mobile and business applications
 - Includes third-party integrations, portals, dashboards, and other services
- Call centers and communication services
 - Touch-tone and voice operated routing services
- Documents and records
 - .PDF forms and documents
 - Use of understandable language

ADA Digital Accessibility

Common Remediation Needs

- Missing or insufficient alternative text (alt text)
- Missing form field labels
- Missing name, role, states, or values from interactive components
- Missing or broken navigation links
- Inability to navigate by keyboard
- Missing page languages
- Missing closed captions from videos
- Missing or insufficient page titles

ADA Digital Accessibility

Requirements to Support Compliance

- Automated Testing
 - DOJ has required automated website accessibility testing to be integrated as a routine part of content development and assessment
- Consultation and evaluation
 - Independent consultant who is knowledgeable on digital accessibility and web standards; evaluation includes technical audits and user testing
- Training
 - Website accessibility training for all persons who design, develop, maintain, manage, or have responsibility for digital assets

ADA Digital Accessibility

Requirements to Support Compliance (continued)

- Recordkeeping and Reporting
 - DOJ has required organizations to track, record, and report back on actions taken, as well as the results of the efforts

Interim Funding Request

- **Siteimprove Contract**

- \$500,000 – January 1st, 2026 – December 31st, 2027

<u>Modules</u>	<u>Quantity</u>	<u>Limit</u>
Crawl	50,000.00	Stored Pages
Accessibility	1.00	Check Results
Prepublish	1.00	Each
Quality Assurance	1.00	Check Results
SEO Audit	1.00	Check Results
Policy	1.00	Check Results
PDF-check of documents	100,000.00	Checked PDFs
Traffic Analytics	1.00	Each
AI Remediate	10.00	Yearly Suggestions

- **Estimated Future Contract**

- **Approximate enterprise license rate ~\$750,000 / year**

Interim Funding Request

- **Sample Vendor Pool quote (onshore pricing)**
 - 1,000 pages
 - Est cost: \$85,000 - \$94,000
 - Est duration: 9 weeks
 - 5,000 pages
 - Est cost: \$275,000 - \$300,000
 - Est duration: 11 weeks
 - 10,000 pages
 - Est cost: \$504,000 - \$555,000
 - Est duration: 19 weeks

Interim Funding Request

- **NDIT Application Developers**
 - 359 applications identified in current inventory
 - May not be all-inclusive
 - Actual remediation work unknown; minimum 10 hours per application for auditing + initial remediation
 - \$700,000 estimated cost for initial planning and remediation efforts

Interim Funding Request

▪ Siteimprove (Year 1)	\$200,000
▪ Siteimprove (Year 2)	\$300,000
▪ 3rd Party Remediation Efforts	\$300,000
▪ State Developed Applications	<u>\$700,000</u>
▪ Total Appropriation Request	<u>\$1,500,000</u>

Senate Bill 2404

Presented by: **Randy Christmann, Chair**
Public Service Commission

Before: **Joint Appropriations**
Senator Brad Bekkedahl, Chairman
Representative Don Vigesaa, Chairman

Date: **January 21, 2026**

TESTIMONY

Mr. Chair and members of the committee, I'm Commissioner Randy Christmann, Chair of the Public Service Commission, and I am here in support of Senate Bill 2404.

The Commission continues to increase engagement on rulemaking and litigation with federal agencies to ensure reliable, safe, secure, and low-cost energy for consumers. We need to ensure the agency has adequate resources to review and identify the critical issues negatively impacting North Dakota and actively engage in protecting North Dakota from federal agency overreach. This requires early and aggressive intervention, comments, and sometimes litigation under extremely short time constraints. State Utility Commissions have a special standing during Federal Energy Regulatory Commission (FERC) proceedings.

It is essential the Commission intervene on federal litigation to ensure North Dakota's interests and voices are heard in the discussions on energy generation mix, resource planning and pricing, and grid reliability.

The impact of the regional transmission organizations (RTO's) that operate in North Dakota (Southwest Power Pool (SPP) and Midcontinent Independent System Operator (MISO)) have grown dramatically over the course of the last couple decades. Our transmission utilities have no good alternative but to join in one or the other, and in doing so they turn over operational control of their own transmission systems.

With that control, the RTO's make many of the decisions regarding buildout of electric transmission lines, many of which are built to interconnect remote renewable generation projects. It is the RTO's that decide how the costs for these projects will be allocated.

Right now, well in excess of \$100 billion of transmission lines are being planned for the next few years, and much of it is being built to meet renewable energy goals of other states or individual utilities. The problem is that the RTO's can assign a share of those costs to ND utilities, at which point the PSC has no choice but to allow the utility to recover those costs from ND consumers.

The ND PSC has filed a complaint case against MISO with the FERC over MISO's transmission buildout called Tranche 2.1. Tranche 2.1 will cost in excess of \$20 billion. (Tranche 1 was > \$10 billion. At least 3 more tranches will be developed.) In order to make a convincing legal case, we need to work with consultants and legal contractors with subject matter expertise.

The costs for this intervention are mounting much faster than anticipated. It takes a legal firm who specializes in this type of FERC litigation to do so effectively. Those firms are hard to find and are costly, as are their advising consultants. This

case has already used up the PSC's entire intervention funding for this biennium, and it has not yet even had a hearing which the FERC may or may not require.

FERC could render a decision on our case any day, or their decision could remain pending for a long time. Another possibility is that they may schedule an oral hearing. If they schedule a hearing, we need to ramp up preparation with the legal team we have retained in a hurry. If FERC renders a decision without a hearing, it is reasonable to be prepared for an appeal, regardless of which side prevails. The first step in the appeal process of a FERC decision is a request for rehearing before FERC, and that must take place within 30 days. Obviously, whenever an initial decision is released there will be a lot of expensive action in a very short time frame, and North Dakota's case will be disadvantaged if we are spending some of those days working through the Emergency Commission process.

Looking to the specific language of the bill, I feel the need to highlight a small technical error on line 20 of the first page. I believe that should read June 30, 2027, not 2025 as it currently reads.

The funding and authority provided to the PSC in this bill provides the resources we anticipate needing to continue pursuing the best interests of our North Dakota consumers. I appreciate your support in this endeavor and will stand for any questions you may have.