

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1021

That the Senate recede from its amendments as printed on pages 1867-1870 of the House Journal and pages 1524-1527 of the Senate Journal and that Engrossed House Bill No. 1021 be amended as follows:

Page 1, line 2, replace "and" with "to amend and reenact sections 37-17.3-02.2 and 37-17.3-03 of the North Dakota Century Code, relating to the membership of the statewide interoperability executive committee and a state cost-share for radios purchased for the statewide interoperable radio network; to provide a legislative intent statement;"

Page 1, line 2, after "provide" insert "for"

Page 1, line 2, after "report" insert "to the legislative management; to provide for a transfer; to provide an exemption; and to provide for a legislative management study"

Page 1, remove lines 12 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$59,359,772	\$22,014,729	\$81,374,501
Operating expenses	69,552,998	35,804,366	105,357,364
Capital assets	8,295,000	(4,041,883)	4,253,117
Center for distance education	9,079,116	(9,079,116)	0
Statewide longitudinal data system	4,310,561	76,584	4,387,145
Educational technology council	1,121,472	(1,121,472)	0
Edutech	9,752,767	(106,994)	9,645,773
K-12 wide area network	4,534,278	633,692	5,167,970
Geographic information system	1,147,716	1,054,913	2,202,629
Health information technology office	5,315,509	(436,363)	4,879,146
Statewide interoperable radio network	<u>13,700,000</u>	<u>(1,370,000)</u>	<u>12,330,000</u>
Total all funds	\$186,169,189	\$43,428,456	\$229,597,645
Less estimated income	<u>165,636,855</u>	<u>35,395,479</u>	<u>201,032,334</u>
Total general fund	\$20,532,334	\$8,032,977	\$28,565,311
Full-time equivalent positions	344.30	57.70	402.00"

Page 2, replace lines 8 through 14 with:

"Electronic payment processing system	\$375,000	\$0
Health information network expansion	43,555,133	0
Statewide interoperable network loan	15,000,000	0
Cybersecurity	0	15,400,000
Statewide land parcel project	<u>0</u>	<u>1,150,000</u>
Total all funds	\$58,930,133	\$16,550,000
Less estimated income	<u>58,930,133</u>	<u>5,150,000</u>
Total general fund	\$0	\$11,400,000"

Page 2, after line 18, insert:

"SECTION 3. EXCEPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall make transfers of funds between line items in section 1 of this Act 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 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - INFORMATION TECHNOLOGY INITIATIVES. The estimated income line item in section 1 of this Act includes the sum of \$5,150,000 from the strategic investment and improvements fund for information technology initiatives, of which \$4,000,000 is for cybersecurity operating expenses and \$1,150,000 is for a geographic information system statewide land parcel project.

SECTION 5. EXEMPTION. The sum of \$43,555,133 of federal and other funds appropriated to the information technology department for the development of the health information network and care coordination project in chapter 46 of the 2017 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for the completion of the health information network and care coordination project during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 6. LEGISLATIVE MANAGEMENT STUDY - ACCESS TO LANDS.

1. During the 2019-20 interim, the legislative management shall study access to public and private lands for hunting, trapping, fishing, and related issues, including trespass violations and penalties, and provide recommendations regarding a land access database with the capability of electronic posting. At the direction of the legislative management, before August 1, 2020, the information technology department and game and fish department shall establish a trial electronic posting and hunter access information system in up to three counties. The information technology department and game and fish department may contract with a third party to assist with the electronic posting and hunter access information system development and operation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.
2. The legislative management shall appoint a committee for this study as follows:
 - a. The voting members of the committee, who must be appointed by the legislative management, are:
 - (1) Two members representing agriculture landowners;
 - (2) Two members representing sportsmen organizations; and
 - (3) Five members of the legislative assembly, including:
 - (a) One member of the majority party in the house of representatives;
 - (b) One member of the minority party in the house of representatives;
 - (c) One member of the majority party in the senate;

- (d) One member of the minority party in the senate; and
 - (e) One member from either party in either chamber to serve as the committee chairman.
- b. The nonvoting members of the committee are:
- (1) A representative of the North Dakota association of counties;
 - (2) The agriculture commissioner or the commissioner's designee;
 - (3) The director of the game and fish department or the director's designee;
 - (4) The chief information officer or the officer's designee; and
 - (5) A representative of the North Dakota state's attorneys' association.
3. A member of the committee who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council. A state employee who is a member of the committee is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the committee who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the committee. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the committee who is a member of the legislative assembly.

SECTION 7. LEGISLATIVE MANAGEMENT STUDY - INFORMATION TECHNOLOGY UNIFICATION INITIATIVE. During the 2019-20 interim, the legislative management shall study the information technology department's transition to the run-grow-transform model and the information technology unification initiative. The study must include a review of changes in fees, services, operations, processes, and systems. The legislative management shall reports its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 8. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY UNIFICATION INITIATIVE - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. It is the intent of the sixty-sixth legislative assembly that the information technology department provide direction to the executive branch agencies in the governor's cabinet not included in the information technology unification initiative pilot project regarding information technology strategic planning and operations. It is further the intent of the sixty-sixth legislative assembly that the sixty-seventh legislative assembly implement the findings and recommendations resulting from the information technology unification initiative pilot project.

SECTION 9. INFORMATION TECHNOLOGY DEPARTMENT REVIEW - REPORT TO LEGISLATIVE MANAGEMENT. During the 2019-20 interim, the information technology department shall conduct a review of service rates charged to state agencies, including rate structure and agency billing. The information technology

department shall report the results of its review to the legislative management by September 1, 2020.

SECTION 10. LEGISLATIVE MANAGEMENT STUDY - STATEWIDE INTEROPERABLE RADIO NETWORK. During the 2019-20 interim, the legislative management shall study consolidated emergency and interoperable public safety communications system governance and funding options. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 11. AMENDMENT. Section 37-17.3-02.2 of the North Dakota Century Code is amended and reenacted as follows:

37-17.3-02.2. North Dakota statewide interoperability executive committee. (Effective through July 31, 2023)

1. The statewide interoperability executive committee consists of:
 - a. The director of state radio or a designee;
 - b. The director of the division of homeland security or a designee;
 - c. The superintendent of the highway patrol or a designee;
 - d. The adjutant general or a designee;
 - e. The director of the department of transportation or a designee;
 - f. A representative of the North Dakota sheriff's and deputies association;
 - g. A representative of the North Dakota emergency managers association;
 - h. A representative of the North Dakota fire chiefs association;
 - i. A representative of the North Dakota emergency medical services association;
 - j. A representative of the North Dakota police chiefs association;
 - k. A representative of the North Dakota peace officers association;
 - l. A representative of the North Dakota 911 association;
 - m. A representative of the North Dakota association of counties;
 - n. A representative of the North Dakota league of cities;
 - o. The North Dakota chief information officer or a designee;
 - ~~n.p.~~ The North Dakota Indian affairs commission executive director or a designee; and
 - ~~o.q.~~ One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management;
 - r. The director of the game and fish department or a designee; and

- s. The state health officer or a designee.
- 2. The committee shall elect a chairman and vice chairman for terms of two years upon its initial meeting. ~~The adjutant general shall call and convene the initial meeting.~~
- 3. The committee shall prepare recommendations regarding a statewide ~~integrated interoperable radio system network~~ with due consideration for all stakeholders reliant upon the statewide interoperable radio communication system network.
- 4. The committee may adopt rules governing the connection or integration of public safety answering points to the statewide interoperable radio network.

North Dakota statewide interoperability executive committee. (Effective after July 31, 2023)

- 1. The statewide interoperability executive committee consists of:
 - a. The director of state radio or a designee;
 - b. The director of the division of homeland security or a designee;
 - c. The superintendent of the highway patrol or a designee;
 - d. The adjutant general or a designee;
 - e. The director of the department of transportation or a designee;
 - f. A representative of the North Dakota sheriff's and deputies association;
 - g. A representative of the North Dakota emergency managers association;
 - h. A representative of the North Dakota fire chiefs association;
 - i. A representative of the North Dakota emergency medical services association;
 - j. A representative of the North Dakota police chiefs association;
 - k. A representative of the North Dakota peace officers association;
 - l. A representative of the North Dakota 911 association; and
 - m. A representative of the North Dakota association of counties;
 - n. A representative of the North Dakota league of cities;
 - o. The North Dakota chief information officer or a designee;
 - p. The executive director of the North Dakota Indian affairs commission or a designee;
 - q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management;

- r. The director of the game and fish department or a designee; and
 - s. The state health officer or a designee.
2. The committee shall elect a chairman and vice chairman for terms of two years upon its initial meeting. ~~The adjutant general shall call and convene the initial meeting.~~
 3. The committee shall prepare recommendations regarding a statewide ~~integrated interoperable radio system network~~ with due consideration for all stakeholders reliant upon ~~the statewide interoperable radio communication system network~~.
 4. The committee may adopt rules governing the connection or integration of public safety answering points to the statewide interoperable radio network.

SECTION 12. AMENDMENT. Section 37-17.3-03 of the North Dakota Century Code is amended and reenacted as follows:

37-17.3-03. Political subdivisions may furnish receiving and transmitting sets for enforcement purposes.

1. Each county and organized city within the state may furnish to its law enforcement, firefighters, and emergency medical personnel the appropriate ~~radio or radio systems personal and vehicular radios that can access the state statewide interoperable radio system network~~. Each mobile radio that is programmed to access the ~~state statewide interoperable radio system network~~ must be registered with the ~~division of state radio and assigned a unit number~~. A one-time fee of ten dollars for registering and assigning unit numbers must be paid to the director on all newly added radios by the ~~appropriate governmental entity approved by the statewide interoperability executive committee~~. Agencies with registered radios must ~~validate assigned unit numbers annually~~. The chief information officer shall establish a process to register and audit users of the statewide interoperable radio network.
2. The information technology department may provide a state cost-share for each radio purchased under this section. The state cost share for each radio is one thousand five hundred dollars unless the cost of the radio is less than one thousand five hundred dollars in which case the state cost-share is the cost of the radio."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1021 - Information Technology Department - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$59,359,772	\$59,559,558	\$21,814,943	\$81,374,501	\$81,374,501	
Operating expenses	69,552,998	89,091,647	16,265,717	105,357,364	103,357,364	\$2,000,000
Capital assets	8,295,000	4,253,117		4,253,117	4,253,117	
Center for Distance Education	9,079,116					
Statewide longitudinal data system	4,310,561	4,383,351	3,794	4,387,145	4,387,145	

Educational Technology Council	1,121,472					
EduTech	9,752,767	9,620,038	25,735	9,645,773	9,645,773	
K-12 wide area network	4,534,278	5,165,952	2,018	5,167,970	5,167,970	
Geographic information system	1,147,716	1,052,028	1,150,601	2,202,629	2,202,629	
Health information technology office	5,315,509	4,876,840	2,306	4,879,146	4,879,146	
Statewide Interoperability Radio Network	13,700,000	12,330,000		12,330,000	12,330,000	
Total all funds	\$186,169,189	\$190,332,531	\$39,265,114	\$229,597,645	\$227,597,645	\$2,000,000
Less estimated income	165,636,855	167,162,949	33,869,385	201,032,334	199,032,334	2,000,000
General fund	\$20,532,334	\$23,169,582	\$5,395,729	\$28,565,311	\$28,565,311	\$0
FTE	344.30	303.00	99.00	402.00	402.00	0.00

Department 112 - Information Technology Department - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases ¹	Adds Funding for FTE Cybersecurity Positions ²	Restores Funding for Salaries and Wages ³	Adds Funding for IT Unification ⁴	Adds One-Time Funding for Cybersecurity ⁵	Adds One-Time Funding for a GIS Project ⁶
Salaries and wages	\$1,047,804	\$740,415	\$1,215,501	\$18,811,223		
Operating expenses		130,590		8,835,127	\$7,300,000	
Capital assets						
Center for Distance Education						
Statewide longitudinal data system	3,794					
Educational Technology Council						
EduTech	25,735					
K-12 wide area network	2,018					
Geographic information system	601					\$1,150,000
Health information technology office	2,306					
Statewide Interoperability Radio Network						
Total all funds	\$1,082,258	\$871,005	\$1,215,501	\$27,646,350	\$7,300,000	\$1,150,000
Less estimated income	1,073,035	0	0	27,646,350	4,000,000	1,150,000
General fund	\$9,223	\$871,005	\$1,215,501	\$0	\$3,300,000	\$0
FTE	0.00	3.00	0.00	96.00	0.00	0.00

	Total Conference Committee Changes
Salaries and wages	\$21,814,943
Operating expenses	16,265,717
Capital assets	
Center for Distance Education	
Statewide longitudinal data system	3,794
Educational Technology Council	
EduTech	25,735
K-12 wide area network	2,018
Geographic information system	1,150,601
Health information technology office	2,306
Statewide Interoperability Radio Network	
Total all funds	\$39,265,114
Less estimated income	33,869,385
General fund	\$5,395,729
FTE	99.00

¹ Funding of \$1,082,258, of which \$9,223 is from the general fund and \$1,073,035 is from other funds, is added for 2019-21 biennium salary increases of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and 2.5 percent on July 1, 2020. Of the amount added from other funds, \$328,977 of special funds relates to increases in health insurance premiums for FTE included in the information technology unification initiative, the same as the Senate version. The House provided for salary increases of 2 percent each year of the biennium.

² Funding of \$871,005 is added from the general fund for 3 FTE cybersecurity positions, of which \$740,415 is for salaries and wages and \$130,590 is for operating expenses to provide a total of 8 FTE cybersecurity positions, the same as the Senate version. The House approved 5 cybersecurity positions.

³ Funding of \$1,215,501 from the general fund is restored for salaries and wages removed by the House relating to underfunding salaries and wages, the same as approved by the Senate.

⁴ Funding of \$27,646,350 of special funds and 96.00 FTE positions are transferred from the Department of Trust Lands (2 FTE), Department of Human Services (48 FTE), Adjutant General - Department of Emergency Services (4 FTE), Parks and Recreation Department (1 FTE), and Department of Transportation (41 FTE) to the Information Technology Department for the information technology unification initiative. Of the \$27,646,350, \$18,266,327 is for the FTE positions, \$544,896 is for temporary salaries, and \$8,835,127 is for related operating expenses, the same as approved by the Senate. The House did not approve funding for the unification initiative.

⁵ One-time funding of \$7.3 million, of which \$3.3 million is from the general fund and \$4 million is from the strategic investment and improvements fund, is added for cybersecurity operating expenses to provide a total one-time appropriation of \$15.4 million for cybersecurity operating expenses. The Senate provided a one-time appropriation of \$11.4 million from the general fund for cybersecurity operating expenses. The House approved a one-time appropriation of \$8.4 million from the general fund.

⁶ One-time funding of \$1.15 million is added from the strategic investment and improvements fund for a geographic information system statewide land parcel project, the same as the Senate. The House did not provide funding for these projects.

The Conference Committee did not approve a \$2 million one-time appropriation from the strategic investment and improvements fund for a legacy lift project previously approved by the Senate. The House did not provide funding for this project.

This amendment also:

- Adds a section to allow the Office of Management and Budget to transfer funds between line items in Section 1 as requested by the Chief Information Officer, the same as the Senate.
- Adds a section identifying \$5.15 million of one-time funding from the strategic investment and improvements fund for information technology initiatives, of which \$4 million is for cybersecurity operating expenses and \$1.15 million is for a geographic information system statewide land parcel project. The Senate provided total funding of \$3.15 million from the strategic investment and improvements fund.
- Adds a section providing an exemption for the \$43,555,133 of federal and other funds appropriated to the Information Technology Department by the 2017 Legislative Assembly for the development of the health information network and care coordination project, the same as the Senate.
- Adds a section to provide for a Legislative Management study regarding access to lands for hunting, trapping, fishing, and related issues and to provide recommendations regarding a land access database. The Senate also provided for a land access study.
- Adds a section to provide for a Legislative Management study regarding the information technology unification initiative. The study must include a review of changes in fees, services, operations, processes, and systems. The Senate did not provide for this study.
- Adds a section providing legislative intent that the Information Technology Department provide direction to the executive branch agencies in the Governor's Cabinet not included in the information technology unification initiative pilot project regarding information technology strategic planning and operations. It is further the intent of the Legislative Assembly that the 67th Legislative Assembly implement the findings and recommendations resulting from the information technology unification initiative pilot project. The Senate did not include this section.
- Adds a section to require the Information Technology Department to conduct a review of service rates charged to state agencies, including rate structure and agency billing. The Information Technology Department is required to report the results of its review to the Legislative Management by September 1, 2020. The Senate did not include this section.
- Adds a section providing for a Legislative Management study of the consolidation of emergency and interoperable public safety communication system governance and funding options. The Senate did not include this section.

- Adds a section to amend the membership of the Statewide Interoperability Executive Committee. The Senate did not include this section.
- Adds a section relating to a state cost-share for each radio purchase for the statewide interoperable radio network. The Senate did not include this section.