

FIRST ENGROSSMENT

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2007

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home;
2 to amend and reenact sections 54-59-05 and 54-59-22 of the North Dakota Century Code,
3 relating to state agency information technology service requirements; to provide an exemption;
4 to provide a statement of legislative intent; and to provide for a report.

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 special funds derived from federal funds and
9 other income, to the veterans' home for the purpose of defraying the expenses of the veterans'
10 home, for the biennium beginning July 1, 2021, and ending June 30, 2023.

	Base Level	Adjustments or Enhancements	Appropriation
13 Salaries and wages	\$18,916,632	\$275,298	\$19,191,930
14 Operating expenses	5,083,731	455,602	5,539,333
15 Capital assets	405,733	349,738	755,471
16 Total all funds	\$24,406,096	\$1,080,638	\$25,486,734
17 Less estimated income	18,751,772	964,719	19,716,491
18 Total general fund	\$5,654,324	\$115,919	\$5,770,243
19 Full-time equivalent positions	120.72	(5.93)	114.79
20 <u>Salaries and wages</u>	<u>\$18,916,632</u>	<u>\$293,247</u>	<u>\$19,209,879</u>
21 <u>Operating expenses</u>	<u>5,083,731</u>	<u>480,602</u>	<u>5,564,333</u>
22 <u>Capital assets</u>	<u>405,733</u>	<u>349,738</u>	<u>755,471</u>
23 <u>Total all funds</u>	<u>\$24,406,096</u>	<u>\$1,123,587</u>	<u>\$25,529,683</u>
24 <u>Less estimated income</u>	<u>18,751,772</u>	<u>972,268</u>	<u>19,724,040</u>

1	Total general fund	\$5,654,324	\$151,319	\$5,805,643
2	Full-time equivalent positions	120.72	(5.93)	114.79

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

SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 biennium one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
8	Equipment	\$99,400	\$16,700
9	Strategic plan	25,000	0
10	Skilled care flooring project	138,700	0
11	Basic care flooring project	0	131,500
12	Thermostat replacements	0	131,500
13	Resident absences	0	25,000
14	Administrator's residence demolition	233,450	0
15	Security system upgrades	52,500	0
16	Memorial garden project	0	200,000
17	Total all funds	\$549,050	\$348,200
18	Less estimated income	524,050	348,200
19	Total general fund	\$25,000	\$0
20	Total all funds	\$549,050	\$373,200
21	Less estimated income	524,050	348,200
22	Total general fund	\$25,000	\$25,000

The 2021-23 biennium one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The veterans' home shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 3. ESTIMATED INCOME - SOLDIERS' HOME FUND - ADMINISTRATOR

HOUSING STIPEND. The estimated income line item in section 1 of this Act includes the sum of \$48,000 from the soldiers' home fund for the purpose of providing a \$2,000 monthly housing stipend to the veterans' home administrator for housing costs off the veterans' home campus.

SECTION 4. RESIDENT LEAVE OF ABSENCE - LEGISLATIVE INTENT - ONE-TIME

FUNDING. The operating expenses line item in section 1 of this Act includes the sum of \$25,000 from the general fund for defraying veterans' home resident costs while residents are absent from the veterans' home. This funding is considered a one-time funding item. It is the intent of the sixty-seventh legislative assembly that the veterans' home governing board increase the number of days a resident is authorized to be absent from the veterans' home without incurring a per diem cost from seven consecutive days to fourteen consecutive days. It is further the intent of the sixty-seventh legislative assembly that any future funding requests from the veterans' home for this purpose be requested from the Melvin Norgard memorial fund.

SECTION 5. AMENDMENT. Section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

54-59-05. Powers and duties of department. (Effective through July 31, 2023)

The department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the board of higher education and the veterans' home.
2. Shall provide network services in a way that ensures the network requirements of a single entity do not adversely affect the functionality of the whole network, facilitates open communications with the citizens of the state, minimizes the state's investment in human resources, accommodates an ever-increasing amount of traffic, supports rapid detection and resolution of problems, protects the network infrastructure from damage and security breaches, provides for the aggregation of data, voice, video, and multimedia into a statewide transport mechanism or backbone, and provides for the network support for the entity to carry out its mission.
3. May review and approve additional network services that are not provided by the department.
4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. With the exception of agreements entered related to the statewide interoperable radio network, an agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five

1 years. The department shall submit any intended financing proposal for the purchase
2 of software, equipment, or implementation services under this subsection, which is in
3 excess of one million dollars, to the legislative assembly or the budget section if the
4 legislative assembly is not in session before executing a financing agreement. Any
5 request considered by the budget section must comply with section 54-35-02.9. If the
6 legislative assembly or the budget section does not approve the execution of a
7 financing agreement, the department may not proceed with the proposed financing
8 arrangement. With the exception of financing for the statewide interoperable radio
9 network, the department may finance the purchase of software, equipment, or
10 implementation services only to the extent the purchase amount does not exceed
11 seven and one-half percent of the amount appropriated to the department during that
12 biennium.

13 5. Shall review requests for lease, purchase, or other contractual acquisition of
14 information technology as required by this subsection. Each executive branch agency
15 or institution, excluding the institutions under the control of the board of higher
16 education, shall submit to the department, in accordance with guidelines established
17 by the department, a written request for the lease, purchase, or other contractual
18 acquisition of information technology. The department shall review requests for
19 conformance with the requesting entity's information technology plan and compliance
20 with statewide policies and standards. If the request is not in conformance or
21 compliance, the department may disapprove the request or require justification for the
22 departure from the plan or statewide policy or standard.

23 6. Shall provide information technology, including assistance and advisory service, to the
24 executive, legislative, and judicial branches. If the department is unable to fulfill a
25 request for service from the legislative or judicial branch, the information technology
26 may be procured by the legislative or judicial branch within the limits of legislative
27 appropriations.

28 7. Shall request and review information, including project startup information
29 summarizing the project description, project objectives, business need or problem,
30 cost-benefit analysis, and project risks and a project closeout information summarizing
31 the project objectives achieved, project budget and schedule variances, and lessons

1 learned, regarding any major information technology project of an executive branch
2 agency. The department shall present the information to the information technology
3 committee on request of the committee.

4 8. May request and review information regarding any information technology project of
5 an executive branch agency with a total cost of between one hundred thousand and
6 five hundred thousand dollars as determined necessary by the department. The
7 department shall present the information to the information technology committee on
8 request of the committee.

9 9. Shall study emerging technology and evaluate its impact on the state's system of
10 information technology.

11 10. Shall develop guidelines for reports to be provided by each agency of the executive,
12 legislative, and judicial branches, excluding the institutions under the control of the
13 board of higher education, on information technology in those entities.

14 11. Shall collaborate with the state board of higher education on guidelines for reports to
15 be provided by institutions under control of the state board of higher education on
16 information technology in those entities.

17 12. Shall perform all other duties necessary to carry out this chapter.

18 13. May provide wide area network services to a state agency, city, county, school district,
19 or other political subdivision of this state. The information technology department may
20 not provide wide area network service to any private, charitable, or nonprofit entity
21 except the information technology department may continue to provide the wide area
22 network service the department provided to the private, charitable, and nonprofit
23 entities receiving services from the department on January 1, 2003.

24 14. Shall assure proper measures for security, firewalls, and internet protocol addressing
25 at the state's interface with other facilities.

26 15. Notwithstanding subsection 13, may provide wide area network services for a period
27 not to exceed four years to an occupant of a technology park associated with an
28 institution of higher education or to a business located in a business incubator
29 associated with an institution of higher education.

30 16. Shall advise and oversee cybersecurity strategy for all executive branch state
31 agencies, including institutions under the control of the state board of higher

1 education, counties, cities, school districts, or other political subdivisions. For
2 purposes of this subsection, the department shall consult with the attorney general
3 and the veterans' home on cybersecurity strategy.

- 4 17. Shall advise and consult with the legislative and judicial branches regarding
5 cybersecurity strategy.

6 **Powers and duties of department. (Effective after July 31, 2023)**

7 The department:

- 8 1. Shall provide, supervise, and regulate information technology of all executive branch
9 state entities, excluding the institutions under the control of the board of higher
10 education and the veterans' home.
- 11 2. Shall provide network services in a way that ensures the network requirements of a
12 single entity do not adversely affect the functionality of the whole network, facilitates
13 open communications with the citizens of the state, minimizes the state's investment in
14 human resources, accommodates an ever-increasing amount of traffic, supports rapid
15 detection and resolution of problems, protects the network infrastructure from damage
16 and security breaches, provides for the aggregation of data, voice, video, and
17 multimedia into a statewide transport mechanism or backbone, and provides for the
18 network support for the entity to carry out its mission.
- 19 3. May review and approve additional network services that are not provided by the
20 department.
- 21 4. May purchase, finance the purchase, or lease equipment, software, or implementation
22 services or replace, including by trade or resale, equipment or software as may be
23 necessary to carry out this chapter. An agreement to finance the purchase of software,
24 equipment, or implementation services may not exceed a period of five years. The
25 department shall submit any intended financing proposal for the purchase of software,
26 equipment, or implementation services under this subsection, which is in excess of
27 one million dollars, to the legislative assembly or the budget section if the legislative
28 assembly is not in session before executing a financing agreement. Any request
29 considered by the budget section must comply with section 54-35-02.9. If the
30 legislative assembly or the budget section does not approve the execution of a
31 financing agreement, the department may not proceed with the proposed financing

1 arrangement. The department may finance the purchase of software, equipment, or
2 implementation services only to the extent the purchase amount does not exceed
3 seven and one-half percent of the amount appropriated to the department during that
4 biennium.

5 5. Shall review requests for lease, purchase, or other contractual acquisition of
6 information technology as required by this subsection. Each executive branch agency
7 or institution, excluding the institutions under the control of the board of higher
8 education, shall submit to the department, in accordance with guidelines established
9 by the department, a written request for the lease, purchase, or other contractual
10 acquisition of information technology. The department shall review requests for
11 conformance with the requesting entity's information technology plan and compliance
12 with statewide policies and standards. If the request is not in conformance or
13 compliance, the department may disapprove the request or require justification for the
14 departure from the plan or statewide policy or standard.

15 6. Shall provide information technology, including assistance and advisory service, to the
16 executive, legislative, and judicial branches. If the department is unable to fulfill a
17 request for service from the legislative or judicial branch, the information technology
18 may be procured by the legislative or judicial branch within the limits of legislative
19 appropriations.

20 7. Shall request and review information, including project startup information
21 summarizing the project description, project objectives, business need or problem,
22 cost-benefit analysis, and project risks and a project closeout information summarizing
23 the project objectives achieved, project budget and schedule variances, and lessons
24 learned, regarding any major information technology project of an executive branch
25 agency. The department shall present the information to the information technology
26 committee on request of the committee.

27 8. May request and review information regarding any information technology project of
28 an executive branch agency with a total cost of between one hundred thousand and
29 five hundred thousand dollars as determined necessary by the department. The
30 department shall present the information to the information technology committee on
31 request of the committee.

- 1 9. Shall study emerging technology and evaluate its impact on the state's system of
2 information technology.
- 3 10. Shall develop guidelines for reports to be provided by each agency of the executive,
4 legislative, and judicial branches, excluding the institutions under the control of the
5 board of higher education, on information technology in those entities.
- 6 11. Shall collaborate with the state board of higher education on guidelines for reports to
7 be provided by institutions under control of the state board of higher education on
8 information technology in those entities.
- 9 12. Shall perform all other duties necessary to carry out this chapter.
- 10 13. May provide wide area network services to a state agency, city, county, school district,
11 or other political subdivision of this state. The information technology department may
12 not provide wide area network service to any private, charitable, or nonprofit entity
13 except the information technology department may continue to provide the wide area
14 network service the department provided to the private, charitable, and nonprofit
15 entities receiving services from the department on January 1, 2003.
- 16 14. Shall assure proper measures for security, firewalls, and internet protocol addressing
17 at the state's interface with other facilities.
- 18 15. Notwithstanding subsection 13, may provide wide area network services for a period
19 not to exceed four years to an occupant of a technology park associated with an
20 institution of higher education or to a business located in a business incubator
21 associated with an institution of higher education.
- 22 16. Shall advise and oversee cybersecurity strategy for all executive branch state
23 agencies, including institutions under the control of the state board of higher
24 education, counties, cities, school districts, or other political subdivisions. For
25 purposes of this subsection, the department shall consult with the attorney general
26 and the veterans' home on cybersecurity strategy.
- 27 17. Shall advise and consult with the legislative and judicial branches regarding
28 cybersecurity strategy.

29 **SECTION 6. AMENDMENT.** Section 54-59-22 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **54-59-22. Required use of electronic mail, file and print server administration,**
2 **database administration, application server, and hosting services.**

3 Each state agency and institution, excluding the legislative and judicial branches, the
4 institutions under the control of the state board of higher education, the attorney general, [the](#)
5 [veterans' home](#), and any entity exempted by the office of management and budget after
6 advisement by the information technology department, shall obtain electronic mail, file and print
7 server administration, database administration, storage, application server, and hosting services
8 through a delivery system established by the information technology department in conjunction
9 with the office of management and budget. The office of management and budget, after
10 receiving advice from the information technology department, shall establish policies and
11 guidelines for the delivery of services, including the transition from existing systems to
12 functional consolidation, with consideration given to the creation of efficiencies, cost-savings,
13 and improved quality of service.

14 **SECTION 7. EXEMPTION - SKILLED CARE FLOORING PROJECT.** The \$138,700
15 appropriated from the soldiers' home fund for a skilled care flooring project in section 1 of
16 chapter 7 of the 2019 Session Laws is not subject to section 54-44.1-11 and any unspent funds
17 may be continued and is available for defraying the expenses of completing the project during
18 the biennium beginning July 1, 2021, and ending June 30, 2023.

19 **SECTION 8. EXEMPTION - EQUIPMENT.** The amount of \$20,700 appropriated from the
20 soldiers' home fund in the capital assets line item for a dryer in section 1 of chapter 7 of the
21 2019 Session Laws is not subject to section 54-44.1-11 and is available for the purchase of a
22 dryer for the biennium beginning July 1, 2021, and ending June 30, 2023.

23 **SECTION 9. EXEMPTION - ADMINISTRATOR'S RESIDENCE - CAPITAL ASSETS.** Of the
24 \$233,450 appropriated from the soldiers' home fund in the administrator's residence line item
25 for the demolition of the administrator's residence in section 1 of chapter 7 of the 2019 Session
26 Laws, \$54,925 is not subject to section 54-44.1-11 and is available for the purpose of defraying
27 capital assets costs of the veterans' home for the biennium beginning July 1, 2021, and ending
28 June 30, 2023.