

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

SENATE BILL NO. 2021
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the information technology department; to provide a contingent appropriation; to provide for transfers; to provide for a legislative council study; to provide for a report; to provide a continuing appropriation; to amend and reenact section 15.1-02-18 of the North Dakota Century Code, relating to membership of the statewide longitudinal data system committee; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the information technology department for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$37,682,129	\$4,882,814	\$42,564,943
Operating expenses	57,062,912	(1,854,362)	55,208,550
Capital assets	12,145,250	(174,504)	11,970,746
Center for distance education	6,302,457	(14,540)	6,287,917
Deferred maintenance	0	60,000	60,000
Statewide longitudinal data system	227,954	(25,512)	202,442
Educational technology council	946,267	28,719	974,986
EduTech	2,722,348	5,031,254	7,753,602
K-12 wide area network	4,066,519	1,910,451	5,976,970
Geographic information system	698,149	91,529	789,678
Criminal justice information sharing	<u>1,200,706</u>	<u>2,408,533</u>	<u>3,609,239</u>
Total all funds	\$123,054,691	\$12,344,382	\$135,399,073
Less estimated income	<u>113,006,770</u>	<u>5,900,401</u>	<u>118,907,171</u>
Total general fund	\$10,047,921	\$6,443,981	\$16,491,902
Full-time equivalent positions	306.20	22.00	328.20

SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the information technology department, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Statewide longitudinal data system	\$2,263,883
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The information technology department may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. CONTINGENT GENERAL FUND APPROPRIATION - BUDGET SECTION APPROVAL. If the federal funds appropriated under section 2 of this Act are not available to provide the sum of \$2,263,883, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,263,883, or so much of the sum as may be necessary, to the information technology department for costs associated with a statewide longitudinal data system, for the biennium beginning July 1, 2009, and ending June 30, 2011. The information technology department may spend the general fund moneys only to the extent that federal funds are not available to provide the \$2,263,883 appropriated under section 2 of this Act and subject to approval by the budget section.

SECTION 4. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Criminal justice information sharing initiative	\$1,151,490	\$0
Geographic information system data acquisition	100,000	0
Kindergarten through grade 12 video grants	190,000	0
Online North Dakota studies resources and curriculum	170,000	0
Criminal justice information sharing projects	0	269,748
K-12 increased bandwidth	0	1,200,000
K-12 PowerSchool EduTech	0	353,600
Center for distance education software update	<u>0</u>	<u>100,000</u>
Total general fund	\$1,611,490	\$1,923,348

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The information technology department shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 5. DEFERRED MAINTENANCE - TRANSFERS. The information technology department is authorized to transfer from the deferred maintenance line to the centers for distance education special line, contained in section 1 of this Act, amounts necessary to address extraordinary repair needs. Any amounts transferred must be reported to the director of the office of management and budget.

SECTION 6. TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall make transfers of funds between the salaries and wages, operating expenses, and capital assets 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.

SECTION 7. DEPARTMENT OF PUBLIC INSTRUCTION - STATEWIDE LONGITUDINAL DATA SYSTEM EXPENDITURES - APPROVAL. The department of public instruction may spend only the federal funds appropriated in House Bill No. 1013 for costs associated with the statewide longitudinal data system upon approval of the expenditures by the information technology department, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. LEGISLATIVE COUNCIL STUDY - CRIMINAL JUSTICE INFORMATION SHARING INITIATIVE. During the 2009-10 interim, the legislative council shall consider studying the value of the information technology department's criminal justice information sharing initiative. The

legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 9. INFORMATION TECHNOLOGY DEPARTMENT OUTSOURCING - REPORT TO INFORMATION TECHNOLOGY COMMITTEE. The information technology department shall report to the information technology committee on:

1. The department's current level of outsourcing of its information technology services.
2. Nonessential information technology services that could be considered for outsourcing.
3. The number of the department's employees who have resigned from the department to provide information technology consulting services in the private sector and the number of which have been rehired by the department.
4. The department's efforts to assist in the creation of North Dakota technology-related companies.

The information technology committee shall incorporate the information received in its report to the legislative council.

SECTION 10. AMENDMENT. Section 15.1-02-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-18. Statewide longitudinal data system committee - Membership - Powers and duties - Report to interim committee - Continuing appropriation.

1. The statewide longitudinal data system committee consists of ~~the~~:
 - a. The chancellor of the board of higher education or chancellor's designee, ~~the~~.
 - b. The superintendent of public instruction or superintendent of public instruction's designee, ~~the~~.
 - c. The chief information officer or chief information officer's designee, ~~the~~.
 - d. The director of the department of career and technical education or the director's designee, ~~the~~.
 - e. The director of job service North Dakota or the director's designee, ~~the director~~.
 - f. The commissioner of ~~the department of~~ commerce or the ~~director's~~ commissioner's designee, ~~the~~.
 - g. The director of the department of human services or the director's designee, ~~and one person~~.
 - h. The director of the North Dakota educational technology council.
 - i. The director of the North Dakota council of educational leaders or the director's designee.
 - j. The director of the North Dakota workforce development council or the director's designee.
 - k. Two members of the legislative assembly appointed by the ~~governor~~ chairman of the legislative council.
2. The governor shall appoint the chair of the committee. The committee may appoint advisory committees that would serve in an advisory capacity to the committee.

- ~~2.~~ 3. The committee shall ~~plan and propose~~ manage a longitudinal data system which:
 - a. Provides for dissemination of management information to stakeholders and partners of state education, training, and employment systems; and
 - b. Uses data from educational and workforce systems as central sources of longitudinal data.
- ~~4.~~ 4. The information technology department, at the direction of the committee, shall maintain a statewide longitudinal data system among education, workforce, and training entities. The department and the committee may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system pursuant to the Family Educational Rights and Privacy Act (FERPA) [20 U.S.C. 1232g; 34 CFR 99].
- ~~3.~~ 5. The committee shall ~~recommend policies, procedures, and guidelines to protect the privacy and security of personal information as provided by state and federal law~~ set policy and adopt rules relating to access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to applicable federal and state privacy laws and interagency agreements and restrictions relating to confidential information required to conform to applicable federal and state privacy laws. The committee shall provide operational oversight for information sharing activities and make recommendations for and provide oversight of information sharing budgets. The committee may authorize studies to benefit and improve workforce training and education.
- ~~4.~~ 6. The committee shall provide a report to the information technology committee, interim committee on education issues, and interim committee on economic development ~~prior to the sixty first legislative assembly~~ on the status of the statewide longitudinal data system ~~plan~~. The report shall must include recommendations for further development, cost proposals, proposals for legislation, and data sharing governance, ~~including recommendations concerning the long term role and administration of the followup information in North Dakota for education and training program.~~
7. The committee may solicit and receive moneys from public and private sources and those funds are appropriated on a continuing basis for the support of the longitudinal data system.
8. The information technology department shall provide staff and other necessary support to the committee.

SECTION 11. EMERGENCY. Section 2 of this Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2021 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 85 Nays 5 Absent 4

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,

at ___ o'clock _____ M.

Secretary of State