

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED HOUSE BILL NO. 1021

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the information
2 technology department; to create and enact a new section to chapter 15.1-02, a new section to
3 chapter 23-01, a new subsection to section 54-35-15.2, and a new section to chapter 54-59 of
4 the North Dakota Century Code, relating to the superintendent of public instruction, creation of
5 a health information technology steering committee, the powers and duties of the information
6 technology committee, and the borrowing authority of the information technology department;
7 and to declare an emergency.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

9 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
10 section represent the base level funding component appropriated to the information technology
11 department in section 3 of this Act as follows:

12 Salaries and wages	\$29,327,174
13 Operating expenses	48,908,146
14 Capital assets	10,361,163
15 Division of independent study	6,016,779
16 Educational technology council	886,597
17 EduTech	2,652,348
18 Wide area network	7,542,950
19 Geographic information system	686,980
20 Criminal justice information sharing	<u>2,525,090</u>
21 Total all funds - Base level	\$108,907,227
22 Less estimated income - Base level	<u>98,934,390</u>
23 Total general fund - Base level	\$9,972,837

1 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
2 amounts identified in this section represent the funding adjustments or enhancements to the
3 base funding level for the information technology department which are included in the
4 appropriation in section 3 of this Act as follows:

5	Salaries and wages	\$8,396,245
6	Operating expenses	8,154,766
7	Capital assets	1,784,087
8	Division of independent study	449,226
9	Educational technology council	249,977
10	EduTech	70,000
11	Wide area network	(3,476,024)
12	Geographic information system	111,333
13	Criminal justice information sharing	(172,642)
14	Statewide longitudinal data system	<u>228,116</u>
15	Total all funds - Adjustments/enhancements	\$15,795,084
16	Less estimated income - Adjustments/enhancements	<u>14,105,767</u>
17	Total general fund - Adjustments/enhancements	\$1,689,317

18 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
19 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
20 treasury, not otherwise appropriated, and from special funds derived from federal funds and
21 other income, to the information technology department for the purpose of defraying the
22 expenses of that agency, for the biennium beginning July 1, 2007, and ending June 30, 2009,
23 as follows:

24	Salaries and wages	\$37,723,419
25	Operating expenses	57,062,912
26	Capital assets	12,145,250
27	Division of independent study	6,466,005
28	Educational technology council	1,136,574
29	EduTech	2,722,348
30	Wide area network	4,066,926
31	Geographic information system	798,313

Sixtieth
Legislative Assembly

1	Criminal justice information sharing	2,352,448
2	Statewide longitudinal data system	<u>228,116</u>
3	Total all funds	\$124,702,311
4	Less estimated income	<u>113,040,157</u>
5	Total general fund appropriation	\$11,662,154

6 **SECTION 4. TRANSFERS.** Notwithstanding section 54-16-04, the director of the office
7 of management and budget shall make transfers of funds between the salaries and wages,
8 operating expenses, and capital assets line items in section 3 of this Act for the information
9 technology department as may be requested by the chief information officer as determined
10 necessary for the development and implementation of information technology projects.

11 **SECTION 5. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
12 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in
13 section 3 of this Act includes \$1,611,490 for the one-time funding items identified in this
14 section. This amount is not a part of the agency's base budget to be used in preparing the
15 2009-11 executive budget. The information technology department shall report to the
16 appropriations committees of the sixty-first legislative assembly on the use of this one-time
17 funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

18	Criminal justice information sharing initiative	\$1,151,490
19	Geographic information system data acquisition	100,000
20	Kindergarten through grade 12 video grants	190,000
21	Online North Dakota studies resources and curriculum	<u>170,000</u>
22	Total	\$1,611,490

23 **SECTION 6. LEGISLATIVE INTENT - FTE POSITIONS.** It is the intent of the sixtieth
24 legislative assembly that the twenty-eight new full-time equivalent positions identified as
25 project-specific and funded in section 3 of this Act may be filled while the project is being
26 developed and funding is available for the biennium beginning July 1, 2007, and ending
27 June 30, 2009.

28 **SECTION 7. VIDEO SUPPORT SERVICES - NORTH DAKOTA UNIVERSITY**
29 **SYSTEM ASSISTANCE.** Section 3 of this Act includes the sum of \$300,110 to be provided by
30 the North Dakota university system for the cost of two full-time equivalent positions and related
31 operating expenses to provide support for video services in school districts.

1 **SECTION 8.** A new section to chapter 15.1-02 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Statewide longitudinal data system committee - Report to interim committee.**

- 4 1. The statewide longitudinal data system committee consists of the chancellor of the
5 board of higher education or chancellor's designee, the superintendent of public
6 instruction or superintendent of public instruction's designee, the chief information
7 officer or chief information officer's designee, the director of the department of
8 career and technical education or the director's designee, the director of job
9 service North Dakota or the director's designee, the director of the department of
10 commerce or the director's designee, the director of the department of human
11 services or the director's designee, and one person appointed by the governor.
12 The governor shall appoint the chair of the committee. The committee may
13 appoint advisory committees that would serve in an advisory capacity to the
14 committee.
- 15 2. The committee shall plan and propose a longitudinal data system which:
- 16 a. Provides for dissemination of management information to stakeholders and
17 partners of state education, training, and employment systems; and
- 18 b. Uses data from educational and workforce systems as central sources of
19 longitudinal data.
- 20 3. The committee shall recommend policies, procedures, and guidelines to protect
21 the privacy and security of personal information as provided by state and federal
22 law.
- 23 4. The committee shall provide a report to the information technology committee,
24 interim committee on education issues, and interim committee on economic
25 development prior to the sixty-first legislative assembly on the status of the
26 statewide longitudinal data system plan. The report shall include
27 recommendations for further development, cost proposals, proposals for
28 legislation, and data sharing governance, including recommendations concerning
29 the long-term role and administration of the followup information in North Dakota
30 for education and training program.

1 **SECTION 9.** A new section to chapter 23-01 of the North Dakota Century Code is
2 created and enacted as follows:

3 **North Dakota health information technology steering committee.** The North
4 Dakota health information technology steering committee consists of the state health officer or
5 the state health officer's designee, the governor or the governor's designee, the executive
6 director of the department of human services or the executive director's designee, individuals
7 appointed by the governor to represent state government interests, and individuals appointed
8 by the state health officer to represent health information technology stakeholders.

9 **SECTION 10.** A new subsection to section 54-35-15.2 of the North Dakota Century
10 Code is created and enacted as follows:

11 Receive and review information, including a project startup report summarizing the
12 project description, project objectives, business need or problem, cost-benefit
13 analysis, and project risks and a project closeout report summarizing the project
14 objectives achieved, project budget and schedule variances, and lessons learned,
15 from the affected legislative or judicial branch agency regarding any information
16 technology project of the legislative or judicial branch with a total cost of two
17 hundred fifty thousand dollars or more.

18 **SECTION 11.** A new section to chapter 54-59 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Borrowing authority - E-rate funding - Emergency commission approval.**
21 Notwithstanding the limitations provided in section 54-59-05 and upon the approval of the
22 emergency commission, the department may borrow from the Bank of North Dakota an amount
23 necessary to pay telecommunications costs for connecting approved schools and libraries in
24 the event e-rate funding is not received by the department from the schools and libraries
25 division of the universal service administrative company. In addition to the principal repayment,
26 the Bank of North Dakota is entitled to receive interest on the loan at a rate equal to other state
27 agency borrowings. If at the end of the biennium a balance exists on any loan obtained
28 pursuant to this section and funds are not anticipated to be available from the schools and
29 libraries division of the universal service administrative company to repay the loan, the
30 department shall request a deficiency appropriation from the legislative assembly to repay to
31 loan.

1 **SECTION 12. EMERGENCY.** Funding of \$2,279,136 in the salaries and wages line
2 item, \$10,291,628 in the operating expenses line item, and \$993,575 in the capital assets line
3 item in section 3 of this Act relating to the department of human services' medicaid
4 management information system rewrite project is declared to be an emergency measure.