

April 2, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2021

Page 1, line 2, after the first semicolon insert "to provide a contingent appropriation;", after the second semicolon insert "to provide for a legislative council study; to provide statements of legislative intent;", after the third semicolon insert "to create and enact a new subsection to section 54-59-05 of the North Dakota Century Code, relating to the powers of the information technology department;" and remove "and"

Page 1, line 4, after "committee" insert "; and to declare an emergency"

Page 1, line 14, replace "6,462,653" with "4,882,814" and replace "44,144,782" with "42,564,943"

Page 1, line 19, replace "2,238,371" with "(25,512)" and replace "2,466,325" with "202,442"

Page 1, line 22, replace "1,910,451" with "1,310,451" and replace "5,976,970" with "5,376,970"

Page 1, line 24, replace "2,508,533" with "2,408,533" and replace "3,709,239" with "3,609,239"

Page 2, line 1, replace "16,288,104" with "11,744,382" and replace "139,342,795" with "134,799,073"

Page 2, line 2, replace "7,974,129" with "8,205,993" and replace "120,980,899" with "121,212,763"

Page 2, line 3, replace "8,313,975" with "3,538,389" and replace "18,361,896" with "13,586,310"

Page 2, after line 4, insert:

**"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 only spend the general fund moneys 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."

Page 2, line 14, replace "369,748" with "269,748"

Page 2, line 15, replace "1,200,000" with "600,000"

Page 2, remove line 16

Page 2, line 18, replace "2,606,386" with "969,748"

Page 3, replace lines 3 through 30 with:

**"SECTION 7. DEPARTMENT OF PUBLIC INSTRUCTION - STATEWIDE LONGITUDINAL DATA SYSTEM EXPENDITURES - APPROVAL.** The department of public instruction may only spend 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 - REVENUES FOR THE 2009-11 BIENNIUM.** The information technology department shall monitor its revenue collections by funding source for the 2009-11 biennium and provide a report on revenue collections for the biennium to date by funding source to the appropriations committees of the sixty-second legislative assembly.

**SECTION 10. LEGISLATIVE INTENT - OUTSOURCING.** It is the intent of the sixty-first legislative assembly that the information technology department outsource 10 percent of its information technology services during the 2009-11 biennium and 20 percent of its information technology services during the 2011-13 biennium.

**SECTION 11. 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 appointed by the governor~~.
  - 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.
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. 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 follow-up 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 12.** A new subsection to section 54-59-05 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding any other provision of law, may enter a contract with an information technology vendor to provide professional services to the department for a term of up to five years. However, the department may not renew any such contract with a vendor under this subsection beyond a total of five years.

**SECTION 13. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 5

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98040.0204 FN 3**

**A copy of the statement of purpose of amendment is attached.**