

Sixtieth
Legislative Assembly
of North Dakota

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 and a new
3 section to chapter 54-59 of the North Dakota Century Code, relating to the superintendent of
4 public instruction and the borrowing authority of the information technology department; and to
5 declare an emergency.

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

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

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

22 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
23 amounts identified in this section represent the funding adjustments or enhancements to the

Sixtieth
Legislative Assembly

1 base funding level for the information technology department which are included in the
2 appropriation in section 3 of this Act as follows:

3 Salaries and wages	\$8,544,259
4 Operating expenses	8,154,766
5 Capital assets	1,784,087
6 Division of independent study	479,226
7 Educational technology council	19,977
8 EduTech	70,000
9 Wide area network	(3,476,024)
10 Geographic information system	11,333
11 Criminal justice information sharing	(172,642)
12 Statewide longitudinal data system	<u>228,116</u>
13 Total all funds - Adjustments/enhancements	\$15,643,098
14 Less estimated income - Adjustments/enhancements	<u>14,253,781</u>
15 Total general fund - Adjustments/enhancements	\$1,389,317

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

22 Salaries and wages	\$37,871,433
23 Operating expenses	57,062,912
24 Capital assets	12,145,250
25 Division of independent study	6,496,005
26 Educational technology council	906,574
27 EduTech	2,722,348
28 Wide area network	4,066,926
29 Geographic information system	698,313
30 Criminal justice information sharing	2,352,448
31 Statewide longitudinal data system	<u>228,116</u>

1	Total all funds	\$124,550,325
2	Less estimated income	<u>113,188,171</u>
3	Total general fund appropriation	\$11,362,154

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

9 **SECTION 5. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
10 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in
11 section 3 of this Act includes \$1,351,490 for the one-time funding items identified in this
12 section. This amount is not a part of the agency's base budget to be used in preparing the
13 2009-11 executive budget. The information technology department shall report to the
14 appropriations committees of the sixty-first legislative assembly on the use of this one-time
15 funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

16	Criminal justice information sharing initiative	\$1,151,490
17	Online North Dakota studies resources and curriculum	<u>200,000</u>
18	Total	\$1,351,490

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

24 **SECTION 7.** A new section to chapter 15.1-02 of the North Dakota Century Code is
25 created and enacted as follows:

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

27 1. The statewide longitudinal data system committee consists of the chancellor of the
28 board of higher education or chancellor's designee, the superintendent of public
29 instruction or superintendent of public instruction's designee, the chief information
30 officer or chief information officer's designee, the director of the department of
31 career and technical education or the director's designee, the director of job

1 service North Dakota or the director's designee, the director of the department of
2 commerce or the director's designee, the director of the department of human
3 services or the director's designee, and one person appointed by the governor.
4 The governor shall appoint the chair of the committee. The committee may
5 appoint advisory committees that would serve in an advisory capacity to the
6 committee.

7 2. The committee shall plan and propose a longitudinal data system which:
8 a. Provides for dissemination of management information to stakeholders and
9 partners of state education, training, and employment systems; and
10 b. Uses data from educational and workforce systems as central sources of
11 longitudinal data.

12 3. The committee shall recommend policies, procedures, and guidelines to protect
13 the privacy and security of personal information as provided by state and federal
14 law.

15 4. The committee shall provide a report to the information technology committee,
16 interim committee on education issues, and interim committee on economic
17 development prior to the sixty-first legislative assembly on the status of the
18 statewide longitudinal data system plan. The report shall include
19 recommendations for further development, cost proposals, proposals for
20 legislation, and data sharing governance, including recommendations concerning
21 the long-term role and administration of the followup information in North Dakota
22 for education and training program.

23 **SECTION 8.** A new section to chapter 54-59 of the North Dakota Century Code is
24 created and enacted as follows:

25 **Borrowing authority - E-rate funding - Emergency commission approval.**

26 Notwithstanding the limitations provided in section 54-59-05 and upon the approval of the
27 emergency commission, the department may borrow from the Bank of North Dakota an amount
28 necessary to pay telecommunications costs for connecting approved schools and libraries in
29 the event e-rate funding is not received by the department from the schools and libraries
30 division of the universal service administrative company. In addition to the principal repayment,
31 the Bank of North Dakota is entitled to receive interest on the loan at a rate equal to other state

1 agency borrowings. If at the end of the biennium a balance exists on any loan obtained
2 pursuant to this section and funds are not anticipated to be available from the schools and
3 libraries division of the universal service administrative company to repay the loan, the
4 department shall request a deficiency appropriation from the legislative assembly to repay to
5 loan.

6 **SECTION 9. EMERGENCY.** Funding of \$2,279,136 in the salaries and wages line
7 item, \$10,291,628 in the operating expenses line item, and \$993,575 in the capital assets line
8 item in section 3 of this Act relating to the department of human services' medicaid
9 management information system rewrite project is declared to be an emergency measure.