

Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007

HOUSE BILL NO. 1021
(Appropriations Committee)
(At the request of the Governor)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

SECTION 3. 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, 2007, and ending June 30, 2009, as follows:

Salaries and wages	\$37,723,419
Operating expenses	57,062,912
Capital assets	12,145,250
Division of independent study	6,466,005
Educational technology council	1,136,574
EduTech	2,722,348
Wide area network	4,066,926
Geographic information system	798,313
Criminal justice information sharing	2,352,448
Statewide longitudinal data system	228,116
Total all funds	\$124,702,311
Less estimated income	113,040,157
Total general fund appropriation	\$11,662,154

SECTION 4. 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 3 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 5. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$1,611,490 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The information technology department shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Criminal justice information sharing initiative	\$1,151,490
Geographic information system data acquisition	100,000
Kindergarten through grade 12 video grants	190,000
Online North Dakota studies resources and curriculum	170,000
Total	\$1,611,490

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

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

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

Statewide longitudinal data system committee - Report to interim committee.

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

education or the director's designee, the director of job service North Dakota or the director's designee, the director of the department of commerce or the director's designee, the director of the department of human services or the director's designee, and one person appointed by the governor. 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. The committee shall plan and propose 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.
3. The committee shall recommend policies, procedures, and guidelines to protect the privacy and security of personal information as provided by state and federal law.
4. 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 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.

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

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

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

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

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

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

repay the loan, the department shall request a deficiency appropriation from the legislative assembly to repay to loan.

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1021 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 87 Nays 6 Absent 1

Speaker of the House

Chief Clerk of the House

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

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,
at _____ o'clock _____ M.

Secretary of State