

## FIRST ENGROSSMENT

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2021

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 provide for transfers; to provide a continuing appropriation; and to  
3 amend and reenact section 15.1-02-18 of the North Dakota Century Code, relating to  
4 membership of the statewide longitudinal data system committee.

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

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

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$37,682,129	\$6,462,653	\$44,144,782
15 Operating expenses	57,062,912	(1,854,362)	55,208,550
16 Capital assets	12,145,250	(174,504)	11,970,746
17 Center for distance education	6,302,457	(14,540)	6,287,917
18 Deferred maintenance	0	60,000	60,000
19 Statewide longitudinal data system	227,954	2,238,371	2,466,325
20 Educational technology council	946,267	28,719	974,986
21 EduTech	2,722,348	5,031,254	7,753,602
22 K-12 wide area network	4,066,519	1,910,451	5,976,970
23 Geographic information system	698,149	91,529	789,678
24 Criminal justice information sharing	<u>1,200,706</u>	<u>2,508,533</u>	<u>3,709,239</u>

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1	Total all funds	\$123,054,691	\$16,288,104	\$139,342,795
2	Less estimated income	<u>113,006,770</u>	<u>7,974,129</u>	<u>120,980,899</u>
3	Total general fund	\$10,047,921	\$8,313,975	\$18,361,896
4	Full-time equivalent positions	306.20	22.00	328.20

5           **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**  
6 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time  
7 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the  
8 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

9	<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
10	Criminal justice information sharing initiative	\$1,151,490	\$0
11	Geographic information system data acquisition	100,000	0
12	Kindergarten through grade 12 video grants	190,000	0
13	Online North Dakota studies resources and curriculum	170,000	0
14	Criminal justice information sharing projects	0	369,748
15	K-12 increased bandwidth	0	1,200,000
16	K-12 PowerSchool EduTech	0	936,638
17	Center for distance education software update	<u>0</u>	<u>100,000</u>
18	Total general fund	\$1,611,490	\$2,606,386

19 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the  
20 2011-13 biennium. The information technology department shall report to the appropriations  
21 committees of the sixty-second legislative assembly on the use of this one-time funding for the  
22 biennium beginning July 1, 2009, and ending June 30, 2011.

23           **SECTION 3. DEFERRED MAINTENANCE - TRANSFERS.** The information  
24 technology department is authorized to transfer from the deferred maintenance line to the  
25 centers for distance education special line, contained in section 1 of this Act, amounts  
26 necessary to address extraordinary repair needs. Any amounts transferred must be reported to  
27 the director of the office of management and budget.

28           **SECTION 4. TRANSFERS.** Notwithstanding section 54-16-04, the director of the office  
29 of management and budget shall make transfers of funds between the salaries and wages,  
30 operating expenses, and capital assets line items in section 1 of this Act for the information

1 technology department as may be requested by the chief information officer as determined  
2 necessary for the development and implementation of information technology projects.

3 **SECTION 5. AMENDMENT.** Section 15.1-02-18 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15.1-02-18. Statewide longitudinal data system committee - Membership - Powers**  
6 **and duties - Report to interim committee - Continuing appropriation.**

- 7 1. The statewide longitudinal data system committee consists of ~~the~~:
- 8 a. The chancellor of the board of higher education or chancellor's designee,~~the~~
  - 9 b. The superintendent of public instruction or superintendent of public  
10 instruction's designee,~~the~~
  - 11 c. The chief information officer or chief information officer's designee,~~the~~
  - 12 d. The director of the department of career and technical education or the  
13 director's designee,~~the~~
  - 14 e. The director of job service North Dakota or the director's designee,~~the~~  
15 director.
  - 16 f. The commissioner of the department of commerce or the director's  
17 commissioner's designee,~~the~~
  - 18 g. The director of the department of human services or the director's designee,  
19 and one person.
  - 20 h. The director of the North Dakota educational technology council.
  - 21 i. The director of the North Dakota council of educational leaders or the  
22 director's designee.
  - 23 j. The director of the North Dakota workforce development council or the  
24 director's designee.
  - 25 k. Two members of the legislative assembly appointed by the governor  
26 chairman of the legislative council.
- 27 2. The governor shall appoint the chair of the committee. The committee may  
28 appoint advisory committees that would serve in an advisory capacity to the  
29 committee.
- 30 ~~2.~~ 3. The committee shall ~~plan and propose~~ manage a longitudinal data system which:

- 1           a. Provides for dissemination of management information to stakeholders and  
2           partners of state education, training, and employment systems; and  
3           b. Uses data from educational and workforce systems as central sources of  
4           longitudinal data.
- 5           4. The information technology department, at the direction of the committee, shall  
6           maintain a statewide longitudinal data system among education, workforce, and  
7           training entities. The department and the committee may, subject to federal and  
8           state privacy laws, enter interagency agreements, including agreements  
9           designating authorized representatives of the educational agencies participating in  
10           the system pursuant to the Family Educational Rights and Privacy Act (FERPA)  
11           [20 U.S.C. 1232g; 34 CFR 99].
- 12       ~~3.~~ 5. ~~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 set policy and adopt rules relating to access to and the collection, storage, and~~  
15       ~~sharing of information and the systems necessary to perform those functions,~~  
16       ~~subject to applicable federal and state privacy laws and interagency agreements~~  
17       ~~and restrictions relating to confidential information required to conform to~~  
18       ~~applicable federal and state privacy laws. The committee shall provide operational~~  
19       ~~oversight for information sharing activities and make recommendations for and~~  
20       ~~provide oversight of information sharing budgets. The committee may authorize~~  
21       ~~studies to benefit and improve workforce training and education.~~
- 22       4. 6. The committee shall provide a report to the information technology committee,  
23       interim committee on education issues, and interim committee on economic  
24       development ~~prior to the sixty first legislative assembly~~ on the status of the  
25       statewide longitudinal data system ~~plan~~. The report ~~shall~~ must include  
26       recommendations for further development, cost proposals, proposals for  
27       legislation, and data sharing governance, ~~including recommendations concerning~~  
28       ~~the long term role and administration of the followup information in North Dakota~~  
29       ~~for education and training program.~~

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- 1           7. The committee may solicit and receive moneys from public and private sources  
2           and those funds are appropriated on a continuing basis for the support of the  
3           longitudinal data system.
- 4           8. The information technology department shall provide staff and other necessary  
5           support to the committee.