

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

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 provide for various transfers; and to amend and reenact section 7 of chapter 49 and section 8 of chapter 519 of the 2009 Session Laws, relating to statewide longitudinal data system expenditures and health information technology.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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, 2011, and ending June 30, 2013, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$42,564,943	\$3,038,443	\$45,603,386
Operating expenses	55,208,550	(2,056,359)	53,152,191
Capital assets	11,970,746	3,064,920	15,035,666
Center for distance education	6,187,917	461,321	6,649,238
Deferred maintenance	60,000	(60,000)	0
Statewide longitudinal data system	202,442	3,424,425	3,626,867
Educational technology council	974,986	100,417	1,075,403
EduTech	7,400,002	526,445	7,926,447
K-12 wide area network	4,776,970	299,022	5,075,992
Geographic information system	789,678	322,387	1,112,065
Health information technology office	8,350,000	5,609,238	13,959,238
Criminal justice information sharing	3,339,491	(358,097)	2,981,394
Federal stimulus funds	<u>80,000,000</u>	<u>(72,000,000)</u>	<u>8,000,000</u>
Total all funds	\$221,825,725	(\$57,627,838)	\$164,197,887
Less estimated income	<u>206,907,171</u>	<u>(61,830,488)</u>	<u>145,076,683</u>
Total general fund	\$14,918,554	\$4,202,650	\$19,121,204
Full-time equivalent positions	328.20	(1.90)	326.30

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
Criminal justice information sharing projects	\$269,748	\$200,000
K-12 wide area network	1,200,000	0
K-12 PowerSchool	353,600	0
Center for distance education	100,000	0
Statewide longitudinal database system	2,263,883	1,757,624
Federal fiscal stimulus	<u>2,263,883</u>	<u>8,000,000</u>
Total all funds	\$6,451,114	\$9,957,624
Less estimated income	<u>2,263,883</u>	<u>8,000,000</u>
Total general fund	\$4,187,231	\$1,957,624

The 2011-13 one-time funding amounts are not a part of the entity's base budget for the 2013-15 biennium. The information technology department shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. 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 1 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 projects.

SECTION 4. BANK OF NORTH DAKOTA TRANSFER. The industrial commission shall transfer, as requested by the health information technology office director, up to \$5,000,000 from the current earnings and accumulated profits of the Bank of North Dakota to the health information technology planning loan fund or to the health information technology loan fund, for the biennium beginning July 1, 2011, and ending June 30, 2013. The health information technology office director shall request transfers from the Bank only as necessary to meet cashflow needs of the fund and only upon certification by the health information technology office director of a demonstrated need for health information technology planning loans.

SECTION 5. AMENDMENT. Section 7 of chapter 49 of the 2009 Session Laws is amended and reenacted as follows:

SECTION 7. DEPARTMENT OF PUBLIC INSTRUCTION - STATEWIDE LONGITUDINAL DATA SYSTEM EXPENDITURES - APPROVAL. The department of public instruction may spend only 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~~2011, and ending June 30, ~~2011~~2013.

SECTION 6. AMENDMENT. Section 8 of chapter 519 of the 2009 Session Laws is amended and reenacted as follows:

SECTION 8. BANK OF NORTH DAKOTA TRANSFERS. The industrial commission shall transfer, during the period beginning with the effective date of this Act and ending June 30, ~~2011~~2013, as requested by the health information technology office director, up to \$8,000,000 from the current earnings and the accumulated undivided profits of the Bank of North Dakota to the health information technology loan fund to meet any required match for federal funds or to the electronic health information exchange fund to meet any required match for federal funds or for ongoing operating expenditures of the health information exchange or as directed, a portion to both funds to meet any required match for federal funds. ~~The health information technology office director shall request fund transfers from the Bank only as necessary to comply with federal requirements and to meet cash flow needs of the funds.~~

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 Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1021.

House Vote: Yeas 80 Nays 13 Absent 1

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State