

Sixty-second
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 provide for various transfers; ~~to provide legislative intent;~~ and to
3 amend and reenact section 7 of chapter 49 and section 8 of chapter 519 of the 2009 Session
4 Laws, relating to statewide longitudinal data system expenditures and health information
5 technology.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the information technology department for the purpose of defraying the
11 expenses of that agency, for the biennium beginning July 1, 2011, and ending June 30, 2013, as
12 follows:

| | | Adjustments or | |
|---------------------------------------|-------------------|---------------------|----------------------|
| | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 15 Salaries and wages | \$42,564,943 | \$3,038,443 | \$45,603,386 |
| 16 Operating expenses | 55,208,550 | (2,056,359) | 53,152,191 |
| 17 Capital assets | 11,970,746 | 3,064,920 | 15,035,666 |
| 18 Center for distance education | 6,187,917 | 461,321 | 6,649,238 |
| 19 Deferred maintenance | 60,000 | (60,000) | 0 |
| 20 Statewide longitudinal data system | 202,442 | 3,424,425 | 3,626,867 |
| 21 Educational technology council | 974,986 | 100,417 | 1,075,403 |
| 22 EduTech | 7,400,002 | 526,445 | 7,926,447 |
| 23 K-12 wide area network | 4,776,970 | 299,022 | 5,075,992 |
| 24 Geographic information system | 789,678 | 322,387 | 1,112,065 |

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| | | | | |
|---|--------------------------------------|--------------------|---------------------|--------------------|
| 1 | Health information technology office | 8,350,000 | 5,609,238 | 13,959,238 |
| 2 | Criminal justice information sharing | 3,339,491 | (358,097) | 2,981,394 |
| 3 | Federal stimulus funds | <u>80,000,000</u> | <u>(72,000,000)</u> | <u>8,000,000</u> |
| 4 | Total all funds | \$221,825,725 | (\$57,627,838) | \$164,197,887 |
| 5 | Less estimated income | <u>206,907,171</u> | <u>(61,830,488)</u> | <u>145,076,683</u> |
| 6 | Total general fund | \$14,918,554 | \$4,202,650 | \$19,121,204 |
| 7 | Full-time equivalent positions | 328.20 | (1.90) | 326.30 |

8 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

9 **SIXTY-THIRD LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
10 items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13
11 one-time funding items included in the appropriation in section 1 of this Act:

| 12 | <u>One-Time Funding Description</u> | <u>2009-11</u> | <u>2011-13</u> |
|----|---|------------------|------------------|
| 13 | Criminal justice information sharing projects | \$269,748 | \$200,000 |
| 14 | K-12 wide area network | 1,200,000 | 0 |
| 15 | K-12 PowerSchool | 353,600 | 0 |
| 16 | Center for distance education | 100,000 | 0 |
| 17 | Statewide longitudinal database system | 2,263,883 | 1,757,624 |
| 18 | Federal fiscal stimulus | <u>2,263,883</u> | <u>8,000,000</u> |
| 19 | Total all funds | \$6,451,114 | \$9,957,624 |
| 20 | Less estimated income | <u>2,263,883</u> | <u>8,000,000</u> |
| 21 | Total general fund | \$4,187,231 | \$1,957,624 |

22 The 2011-13 one-time funding amounts are not a part of the entity's base budget for the
23 2013-15 biennium. The information technology department shall report to the appropriations
24 committees of the sixty-third legislative assembly on the use of this one-time funding for the
25 biennium beginning July 1, 2011, and ending June 30, 2013.

26 **SECTION 3. TRANSFERS.** Notwithstanding section 54-16-04, the director of the office of
27 management and budget shall make transfers of funds between the salaries and wages,
28 operating expenses, and capital assets line items in section 1 of this Act for the information
29 technology department as may be requested by the chief information officer as determined
30 necessary for the development and implementation of information projects.

1 ~~—SECTION 4. LEGISLATIVE INTENT – BANK OF NORTH DAKOTA PACE PROGRAM. It is~~
2 ~~the intent of the sixty-second legislative assembly that the Bank of North Dakota PACE program~~
3 ~~be used to provide low interest loans to finance projects of up to a total of \$5,000,000-~~
4 ~~consistent with the mission of the health information technology planning loan fund and the~~
5 ~~health information technology loan fund.~~

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

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

16 **SECTION 7. DEPARTMENT OF PUBLIC INSTRUCTION - STATEWIDE**
17 **LONGITUDINAL DATA SYSTEM EXPENDITURES - APPROVAL.** The department of
18 public instruction may spend only the federal funds appropriated in House Bill
19 No. 1013 for costs associated with the statewide longitudinal data system upon
20 approval of the expenditures by the information technology department, for the
21 biennium beginning July 1, ~~2009~~2011, and ending June 30, ~~2011~~2013.

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

24 **SECTION 8. BANK OF NORTH DAKOTA TRANSFERS.** The industrial
25 commission shall transfer, during the period beginning with the effective date of this
26 Act and ending June 30, ~~2011~~2013, as requested by the health information technology
27 office director, up to \$8,000,000 from the current earnings and the accumulated
28 undivided profits of the Bank of North Dakota to the health information technology loan
29 fund to meet any required match for federal funds or to the electronic health
30 information exchange fund to meet any required match for federal funds or for ongoing
31 operating expenditures of the health information exchange or as directed, a portion to

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- 1 both funds to meet any required match for federal funds. ~~The health information-~~
- 2 ~~technology office director shall request fund transfers from the Bank only as necessary-~~
- 3 ~~to comply with federal requirements and to meet cash flow needs of the funds.~~