

**FIRST ENGROSSMENT  
with Conference Committee Amendments**

**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 an appropriation; to provide a contingent appropriation; to  
3 provide a statement of legislative intent; to amend and reenact subsection 4 of section  
4 54-59-05 of the North Dakota Century Code, relating to the powers and duties of the  
5 information technology department; and to 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	\$25,715,694
11 Operating expenses	32,120,860
12 Capital assets	5,323,000
13 Division of independent study	5,625,480
14 Educational technology council	793,818
15 EduTech	2,540,348
16 Wide area network	7,436,223
17 Enterprise resource planning system (ConnectND)	20,000,000
18 Geographic information system	678,343
19 Prairie public broadcasting	1,337,138
20 Criminal justice information sharing	<u>4,741,200</u>
21 Total all funds - Base level	\$106,312,104
22 Less estimated income - Base level	<u>98,117,301</u>
23 Total general fund - Base level	\$8,194,803

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

5	Salaries and wages	\$2,080,403
6	Operating expenses	9,926,842
7	Capital assets	5,038,163
8	Division of independent study	182,159
9	Educational technology council	91,936
10	EduTech	112,000
11	Wide area network	105,988
12	Enterprise resource planning system (ConnectND)	(20,000,000)
13	Geographic information system	8,094
14	Prairie public broadcasting	(1,337,138)
15	Criminal justice information sharing	(2,216,110)
16	Total all funds - Adjustments/enhancements	(\$6,007,663)
17	Less estimated income - Adjustments/enhancements	(7,569,758)
18	Total general fund - Adjustments/enhancements	\$1,562,095

19           **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the  
20 funds as may be necessary, are appropriated out of any moneys in the general fund in the state  
21 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
22 other income, to the information technology department for the purpose of defraying the  
23 expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007,  
24 as follows:

25	Salaries and wages	\$27,796,097
26	Operating expenses	42,047,702
27	Capital assets	10,361,163
28	Division of independent study	5,807,639
29	Educational technology council	885,754
30	EduTech	2,652,348
31	Wide area network	7,542,211

Fifty-ninth  
Legislative Assembly

1	Geographic information system	686,437
2	Criminal justice information sharing	<u>2,525,090</u>
3	Total all funds	\$100,304,441
4	Less estimated income	<u>90,547,543</u>
5	Total general fund appropriation	\$9,756,898

6           **SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the  
7 general fund in the state treasury, not otherwise appropriated, the sum of \$125,000, or so much  
8 of the sum as may be necessary, to the secretary of state for a portion of the costs associated  
9 with migrating the agency's information technology data base from the AS/400 to a current  
10 platform, for the biennium beginning July 1, 2005, and ending June 30, 2007.

11           **SECTION 5. CONTINGENT APPROPRIATION.** If the fifty-ninth legislative assembly  
12 authorizes the replacement of the department of human services' medicaid management  
13 information system, there is appropriated out of special funds derived from other income, not  
14 otherwise appropriated, the sum of \$8,125,784 to the information technology department for  
15 costs associated with development and implementation of the system, for the biennium  
16 beginning July 1, 2005, and ending June 30, 2007. The information technology department is  
17 authorized ten additional full-time equivalent positions for the project; however, the positions  
18 are only authorized until the development and implementation of the system is completed.

19           **SECTION 6. CRIMINAL JUSTICE INFORMATION SHARING AND EDUCATIONAL**  
20 **TECHNOLOGY COUNCIL.** If federal homeland security funding or other federal funding  
21 becomes available, the first \$175,000 must be used to complete all proposed criminal justice  
22 information sharing initiative projects totaling \$418,910. The next \$50,000 must be used to  
23 replace funding from the general fund appropriated for the criminal justice information sharing  
24 initiative projects with the savings being made available to the educational technology council  
25 for additional classroom video and classroom transformation grants. Any remaining funds must  
26 be used to replace funding appropriated from the general fund with the funds from the general  
27 fund remaining unspent.

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

1 of the medicaid management information system. Any increase in full-time equivalent positions  
2 needed for this project must be reported to the director of the office of management and budget  
3 during the biennium beginning July 1, 2005, and ending June 30, 2007.

4 **SECTION 8. AMENDMENT.** Subsection 4 of section 54-59-05 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 4. May purchase, finance the purchase, or lease equipment, software, or  
7 implementation services or replace, including by trade or resale, equipment or  
8 software as may be necessary to carry out this chapter. An agreement to finance  
9 the purchase of software, equipment, or implementation services may not exceed  
10 a period of ~~three~~ five years. The department shall submit any intended financing  
11 proposal for the purchase of software, equipment, or implementation services  
12 under this subsection, which is in excess of one million dollars, to the budget  
13 section of the legislative council or the legislative assembly before executing a  
14 financing agreement. If the budget section or the legislative assembly does not  
15 approve the execution of a financing agreement, the department may not proceed  
16 with the proposed financing arrangement. The department may finance the  
17 purchase of software, equipment, or implementation services only to the extent the  
18 purchase amount does not exceed seven and one-half percent of the amount  
19 appropriated to the department during that biennium.

20 **SECTION 9. EMERGENCY.** Section 8 of this Act is declared to be an emergency  
21 measure.