

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2021
(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 an appropriation; to provide a contingent appropriation; to provide a statement of legislative intent; to amend and reenact subsection 4 of section 54-59-05 of the North Dakota Century Code, relating to the powers and duties 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	\$25,715,694
Operating expenses	32,120,860
Capital assets	5,323,000
Division of independent study	5,625,480
Educational technology council	793,818
EduTech	2,540,348
Wide area network	7,436,223
Enterprise resource planning system (ConnectND)	20,000,000
Geographic information system	678,343
Prairie public broadcasting	1,337,138
Criminal justice information sharing	4,741,200
Total all funds - Base level	\$106,312,104
Less estimated income - Base level	98,117,301
Total general fund - Base level	\$8,194,803

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

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, 2005, and ending June 30, 2007, as follows:

Salaries and wages	\$27,796,097
Operating expenses	42,047,702
Capital assets	10,361,163
Division of independent study	5,807,639
Educational technology council	885,754
EduTech	2,652,348
Wide area network	7,542,211
Geographic information system	686,437
Criminal justice information sharing	<u>2,525,090</u>
Total all funds	\$100,304,441
Less estimated income	<u>90,547,543</u>
Total general fund appropriation	\$9,756,898

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

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

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

SECTION 7. TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer shall make transfers of funds between 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 the medicaid management information system. Any increase in full-time equivalent positions needed for this project must be reported to the director of the office of management and budget during the biennium beginning July 1, 2005, and ending June 30, 2007.

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

4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. An agreement to finance the purchase of software,

equipment, or implementation services may not exceed a period of ~~three~~ five years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the budget section of the legislative council or the legislative assembly before executing a financing agreement. If the budget section or the legislative assembly does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. The department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed seven and one-half percent of the amount appropriated to the department during that biennium.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2021 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 1 Absent 0

President of the Senate

Secretary of the Senate

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

Vote: Yeas 75 Nays 18 Absent 1

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at ___ o'clock _____ M.

Secretary of State