

March 24, 2005

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2021

Page 1, line 2, after the semicolon insert "to provide an appropriation to the industrial commission; to provide a contingent appropriation;" and after "reenact" insert "subsection 11 of section 28-32-01 and"

Page 1, line 3, after "to" insert "exclusion of certain policies, standards, and guidelines of the information technology department from compliance with the Administrative Agencies Practice Act and"

Page 2, line 3, replace "3,365,672" with "2,080,403"

Page 2, line 4, replace "16,792,816" with "9,926,842"

Page 2, line 6, replace "187,400" with "330,959"

Page 2, line 7, replace "(57,814)" with "300,118"

Page 2, line 9, replace "106,238" with "105,988"

Page 2, line 11, replace "8,219" with "8,094"

Page 2, line 13, replace "(2,360,110)" with "(2,041,200)"

Page 2, line 14, replace "\$1,855,446" with "(\$5,475,771)"

Page 2, line 15, replace "585,355" with "(7,569,758)"

Page 2, line 16, replace "1,270,091" with "2,093,987"

Page 2, line 23, replace "29,081,366" with "27,796,097"

Page 2, line 24, replace "48,913,676" with "42,047,702"

Page 2, line 26, replace "5,812,880" with "5,956,439"

Page 2, line 27, replace "736,004" with "1,093,936"

Page 2, line 29, replace "7,542,461" with "7,542,211"

Page 2, line 30, replace "686,562" with "686,437"

Page 2, line 31, replace "2,381,090" with "2,700,000"

Page 3, line 1, replace "108,167,550" with "100,836,333"

Page 3, line 2, replace "98,702,656" with "90,547,543"

Page 3, line 3, replace "9,464,894" with "10,288,790"

Page 3, after line 3, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the industrial commission for related costs of connections to internet2 for the state paleontologist in the heritage center, 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 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.

**SECTION 6. LEGISLATIVE INTENT - CRIMINAL JUSTICE INFORMATION SHARING.** It is the intent of the fifty-ninth legislative assembly that if federal homeland security funding or other federal funding becomes available, the information technology department shall use federal funds for the criminal justice information sharing initiative before the funding appropriated from the general fund and the unspent general fund moneys must be returned to the general fund."

Page 3, after line 10, insert:

**"SECTION 8. AMENDMENT.** Subsection 11 of section 28-32-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "Rule" means the whole or a part of an agency statement of general applicability which implements or prescribes law or policy or the organization, procedure, or practice requirements of the agency. The term includes the adoption of new rules and the amendment, repeal, or suspension of an existing rule. The term does not include:
  - a. A rule concerning only the internal management of an agency which does not directly or substantially affect the substantive or procedural rights or duties of any segment of the public.
  - b. A rule that sets forth criteria or guidelines to be used by the staff of an agency in the performance of audits, investigations, inspections, and settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if the disclosure of the statement would:
    - (1) Enable law violators to avoid detection;
    - (2) Facilitate disregard of requirements imposed by law; or
    - (3) Give a clearly improper advantage to persons who are in an adverse position to the state.
  - c. A rule establishing specific prices to be charged for particular goods or services sold by an agency.
  - d. A rule concerning only the physical servicing, maintenance, or care of agency-owned or agency-operated facilities or property.
  - e. A rule relating only to the use of a particular facility or property owned, operated, or maintained by the state or any of its subdivisions, if the

substance of the rule is adequately indicated by means of signs or signals to persons who use the facility or property.

- f. A rule concerning only inmates of a correctional or detention facility, students enrolled in an educational institution, or patients admitted to a hospital, if adopted by that facility, institution, or hospital.
- g. A form whose contents or substantive requirements are prescribed by rule or statute or are instructions for the execution or use of the form.
- h. An agency budget.
- i. An opinion of the attorney general.
- j. A rule adopted by an agency selection committee under section 54-44.7-03.
- k. Any material, including a guideline, interpretive statement, statement of general policy, manual, brochure, or pamphlet, which is explanatory and not intended to have the force and effect of law.
- l. A policy, standard, and guideline adopted by the information technology department under chapter 54-59, including any product and service standard and best practice standard, which does not materially affect the public and is not intended to have the force and effect of law, and with respect to access to or use of wide area network services, institutions under the control of the board of higher education, counties, cities, and school districts if the policy, standard, or guideline has been approved by the state information technology advisory committee."

Page 3, line 27, replace "5" with "9"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2021 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
<b>Information Technology Department</b>				
Total all funds	\$109,640,934	\$108,167,550	\$794,567	\$108,962,117
Less estimated income	98,830,575	98,702,656	(29,329)	98,673,327
General fund	\$10,810,359	\$9,464,894	\$823,896	\$10,288,790
<b>Industrial Commission</b>				
Total all funds	\$0	\$0	\$100,000	\$100,000
Less estimated income				
General fund	\$0	\$0	\$100,000	\$100,000
<b>Bill Total</b>				
Total all funds	\$109,640,934	\$108,167,550	\$894,567	\$109,062,117
Less estimated income	98,830,575	98,702,656	(29,329)	98,673,327
General fund	\$10,810,359	\$9,464,894	\$923,896	\$10,388,790

**Senate Bill No. 2021 - Information Technology Department - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$29,200,029	\$29,081,366	(\$1,285,269)	\$27,796,097
Operating expenses	48,913,676	48,913,676	(6,865,974)	42,047,702
Capital assets	10,361,163	10,361,163		10,361,163
Division of Independent Study	5,827,909	5,812,880	143,559	5,956,439
Educational Technology Council	1,755,189	736,004	357,932	1,093,936
EduTech	2,652,348	2,652,348		2,652,348
Wide area network	7,543,414	7,542,461	(250)	7,542,211
Geographic information	687,206	686,562	(125)	686,437

system				
Criminal justice information sharing	2,700,000	2,381,090	318,910	2,700,000
Contingent appropriation			<u>8,125,784</u>	<u>8,125,784</u>
Total all funds	\$109,640,934	\$108,167,550	\$794,567	\$108,962,117
Less estimated income	<u>98,830,575</u>	<u>98,702,656</u>	<u>(29,329)</u>	<u>98,673,327</u>
General fund	\$10,810,359	\$9,464,894	\$823,896	\$10,288,790
FTE	265.20	265.20	0.00	265.20

### Dept. 112 - Information Technology Department - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	RESTORES FUNDING FOR THE EDUCATIONAL TECHNOLOGY COUNCIL <sup>1</sup>	RESTORES FUNDING FOR THE CRIMINAL JUSTICE INFORMATION SHARING INITIATIVE <sup>2</sup>	ADDS FUNDING FOR A NORTH DAKOTA STUDIES TEXTBOOK PROPOSAL <sup>3</sup>	REMOVES FUNDING RELATING TO MEDICAID MANAGEMENT INFORMATION SYSTEM PROJECT AND PROVIDES A CONTINGENT APPROPRIATION <sup>4</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$25,459)				(\$1,259,810)	(\$1,285,269)
Operating expenses					(6,865,974)	(6,865,974)
Capital assets						
Division of Independent Study	(5,241)			\$148,800		143,559
Educational Technology Council	(250)	\$358,182				357,932
EduTech						
Wide area network	(250)					(250)
Geographic information system	(125)					(125)
Criminal justice information sharing			\$318,910			
Contingent appropriation					<u>8,125,784</u>	<u>8,125,784</u>
Total all funds	(\$31,325)	\$358,182	\$318,910	\$148,800	\$0	\$794,567
Less estimated income	<u>(29,329)</u>					<u>(29,329)</u>
General fund	(\$1,996)	\$358,182	\$318,910	\$148,800	\$0	\$823,896
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment increases funding for Educational Technology Council grants to schools by \$358,182, from \$435,000 to \$793,182. The amendment provides funding for the following grant initiatives:

- \$22,000 for Internet2 membership.
- \$200,000 for classroom transformation grants.
- \$50,000 for atomic learning licenses.
- \$86,182 for Internet2 educational support.

The Senate reduced funding for Educational Technology Council grants to schools by \$1,018,182, from \$1,453,182 to \$435,000.

<sup>2</sup> This amendment restores funding of \$318,910 from the general fund which was removed by the Senate for the criminal justice information sharing initiative. The amendment also adds a section of legislative intent providing that if federal funds become available the department should use the federal funds for the initiative before the funding appropriated from the general fund.

<sup>3</sup> This amendment increases funding for the Division of Independent Study by \$148,800 from the general fund for the purpose of developing, publishing, and distributing a North Dakota studies textbook and workbook, including civic education for grades 4 and 8.

<sup>4</sup> This amendment provides that the funding and FTE positions associated with the replacement of the Medicaid management information system is contingent upon the approval of the project by the Legislative Assembly.

This amendment also adds a section to amend subsection 11 of North Dakota Century Code Section 28-32-01 to provide that certain policies, standards, and guidelines of the Information Technology Department are exempt from compliance with the Administrative Agencies Practice Act.

### Senate Bill No. 2021 - Industrial Commission - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Operating expenses			\$40,000	\$40,000
Capital assets			<u>60,000</u>	<u>60,000</u>
Total all funds	\$0	\$0	\$100,000	\$100,000
Less estimated income				

General fund	\$0	\$0	\$100,000	\$100,000
FTE	0.00	0.00	0.00	0.00

**Dept. 405 - Industrial Commission - Detail of House Changes**

	ADDS FUNDING FOR COSTS ASSOCIATED WITH INTERNET2 <sup>1</sup>	TOTAL HOUSE CHANGES
Operating expenses	\$40,000	\$40,000
Capital assets	<u>60,000</u>	<u>60,000</u>
Total all funds	\$100,000	\$100,000
Less estimated income	<hr/>	<hr/>
General fund	\$100,000	\$100,000
FTE	0.00	0.00

<sup>1</sup> This amendment provides a \$100,000 general fund appropriation to the Industrial Commission for the costs associated with connecting the state paleontologist located in the Heritage Center to Internet2.