

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1043

Introduced by

Legislative Council

(Information Technology Committee)

1 A BILL for an Act to amend and reenact section 54-44.6-01, subsection 4 of section 54-59-05,
2 and sections 54-59-11 and 54-59-14 of the North Dakota Century Code, relating to forms
3 management, the powers and duties of the information technology department, information
4 technology plans, and the information technology operating account; and to repeal section
5 54-59-07 of the North Dakota Century Code, relating to the state information technology
6 advisory committee.

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

8 **SECTION 1. AMENDMENT.** Section 54-44.6-01 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **54-44.6-01. Declaration of legislative intent.** The legislative assembly finds and
11 declares that there is a need to minimize the governmental paperwork burden for state and
12 local government entities, individuals, businesses, and others; that the costs of collecting,
13 maintaining, using, and disseminating information are constantly escalating due to the
14 increasingly voluminous and complex nature of state statutes and regulations; that there is a
15 need to coordinate, integrate, and to the extent practicable and appropriate, make uniform the
16 information policies and practices in North Dakota; and that the governmental paperwork
17 burden can best be eased by establishing a statewide forms management program within the
18 ~~office of management and budget~~ information technology department.

19 **SECTION 2. AMENDMENT.** Subsection 4 of section 54-59-05 of the North Dakota
20 Century Code is amended and reenacted as follows:

21 4. May purchase, finance the purchase, or lease equipment ~~or~~, software, or
22 implementation services or replace, including by trade or resale, equipment or
23 software as may be necessary to carry out this chapter. An agreement to finance
24 the purchase of software, equipment, or implementation services may not exceed a

1 period of three years. The department shall submit any intended financing
2 proposal for the purchase of software, equipment, or implementation services
3 under this subsection, which is in excess of one million dollars, to the budget
4 section of the legislative council before executing a financing agreement. If the
5 budget section does not approve the execution of a financing agreement, the
6 department may not proceed with the proposed financing arrangement. The
7 department may finance the purchase of software, equipment, or implementation
8 services only to the extent the purchase amount does not exceed ten percent of
9 the amount appropriated to the department during that biennium ~~for equipment~~.
10 Each executive branch agency or institution, except the institutions under the
11 control of the board of higher education, shall submit to the department, in
12 accordance with guidelines established by the department, a written request for the
13 lease, purchase, or other contractual acquisition of information technology. The
14 department shall review requests for conformance with the requesting entity's
15 information technology plan and compliance with statewide policies and standards.
16 If the request is not in conformance or compliance, the department may disapprove
17 the request or require justification for the departure from the plan or statewide
18 policy or standard.

19 **SECTION 3. AMENDMENT.** Section 54-59-11 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **54-59-11. Information technology plans.** Each executive branch state agency or
22 institution, including the institutions under the control of the board of higher education, shall
23 prepare an information technology plan, subject to approval by the department. The plan must
24 be submitted to the department by ~~March~~ July fifteenth of each even-numbered year. The plan
25 must be prepared based on guidelines developed by the department; must provide the
26 information technology goals, objectives, and activities of the entity for the current biennium and
27 the next two bienniums; and must include information regarding the information technology
28 assets owned, leased, or employed by the entity. Each entity required to file a plan shall
29 provide interim updates to its plan if major information technology changes occur which affect
30 its plan. The department shall review each entity's plan for compliance with statewide
31 information technology policies and standards and may require an entity to change its plan to

1 comply with statewide policies or standards or to resolve conflicting directions among plans.
2 Agencies of the judicial and legislative branches shall file their information technology plans
3 with the department by ~~March~~ July fifteenth of each even-numbered year. Each state entity
4 shall prepare its budget request for the next biennium based on its information technology plan.
5 The agency's budget request and the governor's budget recommendation must include
6 supporting information describing in detail how the information technology plan relates to the
7 budget request and recommendation. Any budget adjustment by the budget office must include
8 the corresponding change to the plan. Based on the plans, the department shall prepare a
9 statewide information technology plan and distribute copies of that plan to members of the
10 legislative assembly as requested by the legislative council or its designee. The statewide
11 information technology plan must be developed with emphasis on long-term strategic goals and
12 objectives.

13 **SECTION 4. AMENDMENT.** Section 54-59-14 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **54-59-14. Information technology operating account.** The department shall
16 establish a state information technology operating account in the state treasury to be used, in
17 accordance with legislative appropriation, for procuring and maintaining information technology;
18 and network services, ~~and central microfilm unit equipment and supplies,~~ and for providing
19 information technology, network services, and central microfilm unit services to state entities
20 and network services to users of the state network. Unless exempted by law, each agency or
21 institution provided with information technology or network services shall pay to the department
22 the charges as determined by the department. The department shall deposit the amounts
23 received in the information technology operating account or the information technology
24 development account, as appropriate.

25 **SECTION 5. REPEAL.** Section 54-59-07 of the North Dakota Century Code is
26 repealed.