

Fifty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1043

Introduced by

Legislative Council

(Information Technology Committee)

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

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

7 **SECTION 1. AMENDMENT.** Subsection 4 of section 54-59-05 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9 4. May purchase, finance the purchase, or lease equipment ~~or~~, software, or  
10 implementation services or replace, including by trade or resale, equipment or  
11 software as may be necessary to carry out this chapter. An agreement to finance  
12 the purchase of software, equipment, or implementation services may not exceed  
13 a period of three years. The department shall submit any intended financing  
14 proposal for the purchase of software, equipment, or implementation services  
15 under this subsection, which is in excess of one million dollars, to the budget  
16 section of the legislative council before executing a financing agreement. If the  
17 budget section does not approve the execution of a financing agreement, the  
18 department may not proceed with the proposed financing arrangement. The  
19 department may finance the purchase of software, equipment, or implementation  
20 services only to the extent the purchase amount does not exceed seven and  
21 one-half percent of the amount appropriated to the department during that  
22 biennium ~~for equipment~~. Each executive branch agency or institution, except the  
23 institutions under the control of the board of higher education, shall submit to the  
24 department, in accordance with guidelines established by the department, a written

1 request for the lease, purchase, or other contractual acquisition of information  
2 technology. The department shall review requests for conformance with the  
3 requesting entity's information technology plan and compliance with statewide  
4 policies and standards. If the request is not in conformance or compliance, the  
5 department may disapprove the request or require justification for the departure  
6 from the plan or statewide policy or standard.

7 **SECTION 2. AMENDMENT.** Section 54-59-07 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **54-59-07. State information technology advisory committee.** The state information  
10 technology advisory committee consists of the chief information officer ~~or the officer's designee,~~  
11 ~~who is a nonvoting member; the director of the department of commerce division of economic~~  
12 ~~development and finance or the director's designee; the commissioner of higher education or~~  
13 ~~the commissioner's designee; the chairman of the information technology council of North~~  
14 ~~Dakota or a designee; the director of the North Dakota workforce development council or a~~  
15 ~~designee; the chairman of the educational technology council or a designee; and eight; two~~  
16 ~~members of the legislative assembly appointed by the legislative council; a minimum of eight~~  
17 ~~members representing state agencies, appointed by the governor; and one member with~~  
18 ~~technology management expertise representing private industry, appointed by the governor.~~  
19 Two of the eight members representing state agencies must be chosen from agencies headed  
20 by elected officials. The appointees of the governor serve at the pleasure of the governor. The  
21 governor shall designate the chairman of the committee. Additional members may be asked to  
22 participate at the request of the chairman. The department shall provide staff services to the  
23 committee. ~~Except for the commissioner of higher education and the representatives of state~~  
24 ~~agencies who receive compensation for their duties as state officers or employees, members~~  
25 The member of the committee ~~are~~ representing private industry is entitled to be compensated  
26 for time spent in attendance at meetings of the committee and for other travel as approved by  
27 the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and ~~are~~ is  
28 entitled to reimbursement for their actual and necessary expenses incurred in the same manner  
29 as other state officials. The compensation and expenses are to be paid from appropriations for  
30 the department. The committee shall advise the department regarding statewide information  
31 technology planning, including providing electronic government services for citizens and

1 ~~businesses, developing technology infrastructure to support economic development and~~  
2 ~~workforce training, and developing other~~ budgeting, services of the information technology  
3 department, and statewide information technology initiatives and policy.

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

6         **54-59-11. Information technology plans.** Each executive branch state agency or  
7 institution, including the institutions under the control of the board of higher education, shall  
8 prepare an information technology plan, subject to approval by the department. The plan must  
9 be submitted to the department by ~~March~~ July fifteenth of each even-numbered year. The plan  
10 must be prepared based on guidelines developed by the department; must provide the  
11 information technology goals, objectives, and activities of the entity for the current biennium  
12 and the next two bienniums; and must include information regarding the information technology  
13 assets owned, leased, or employed by the entity. Each entity required to file a plan shall  
14 provide interim updates to its plan if major information technology changes occur which affect  
15 its plan. The department shall review each entity's plan for compliance with statewide  
16 information technology policies and standards and may require an entity to change its plan to  
17 comply with statewide policies or standards or to resolve conflicting directions among plans.  
18 Agencies of the judicial and legislative branches shall file their information technology plans  
19 with the department by ~~March~~ July fifteenth of each even-numbered year. Each state entity  
20 shall prepare its budget request for the next biennium based on its information technology plan.  
21 The agency's budget request and the governor's budget recommendation must include  
22 supporting information describing in detail how the information technology plan relates to the  
23 budget request and recommendation. Any budget adjustment by the budget office must  
24 include the corresponding change to the plan. Based on the plans, the department shall  
25 prepare a statewide information technology plan and distribute copies of that plan to members  
26 of the legislative assembly as requested by the legislative council or its designee. The  
27 statewide information technology plan must be developed with emphasis on long-term strategic  
28 goals and objectives.

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

1           **54-59-14. Information technology operating account.** The department shall  
2 establish a state information technology operating account in the state treasury to be used, in  
3 accordance with legislative appropriation, for procuring and maintaining information technology;  
4 and network services, ~~and central microfilm unit equipment and supplies,~~ and for providing  
5 information technology, network services, and central microfilm unit services to state entities  
6 and network services to users of the state network. Unless exempted by law, each agency or  
7 institution provided with information technology or network services shall pay to the department  
8 the charges as determined by the department. The department shall deposit the amounts  
9 received in the information technology operating account or the information technology  
10 development account, as appropriate.