

**FIRST ENGROSSMENT
with Senate Amendments**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 the~~
16 ~~attorney general or the attorney general's designee; the secretary of state or the secretary of~~
17 ~~state's designee; the tax commissioner or the commissioner's designee; the chief justice of the~~
18 ~~supreme court or the chief justice's designee; two members of the legislative assembly~~
19 ~~appointed by the legislative council; a minimum of eight members representing state agencies,~~
20 ~~appointed by the governor; and two members with technology management expertise~~
21 ~~representing private industry,~~ appointed by the governor. The appointees of the governor serve
22 at the pleasure of the governor. The governor shall designate the chairman of the committee.
23 Additional members may be asked to participate at the request of the chairman. The
24 department shall provide staff services to the committee. ~~Except for the commissioner of~~
25 ~~higher education and the representatives of state agencies who receive compensation for their~~
26 ~~duties as state officers or employees, members The members of the committee are~~
27 ~~representing private industry are~~ entitled to be compensated for time spent in attendance at
28 meetings of the committee and for other travel as approved by the chairman of the committee
29 at the rate of sixty-two dollars and fifty cents per day and are entitled to reimbursement for ~~their~~
30 actual and necessary expenses incurred in the same manner as other state officials. The
31 compensation and expenses are to be paid from appropriations for the department. The

1 committee shall advise the department regarding statewide information technology planning;
2 ~~including providing electronic government services for citizens and businesses, developing~~
3 ~~technology infrastructure to support economic development and workforce training, and~~
4 ~~developing other~~ budgeting, services of the information technology department, and statewide
5 information technology initiatives and policy.

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

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

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

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