

PUBLIC BUILDINGS

CHAPTER 562

HOUSE BILL NO. 1172
(Committee on State and Federal Government)
(At the request of the Office of Management and Budget)

TELECOMMUNICATION FUNCTIONS

AN ACT to create and enact a new section to chapter 54-23.2 and three new sections to chapter 54-44.2 of the North Dakota Century Code, relating to radio communication functions by the director of institutions and telecommunication functions by the office of central data processing; to amend and reenact sections 48-07-01, 48-07-02, 48-07-03, 48-07-04, 54-21-19, subsection 3 of section 54-44-11, and sections 54-44.2-00.1 and 54-44.2-02 of the North Dakota Century Code, relating to telecommunication functions by the office of central data processing; and to repeal section 48-07-05 and chapter 54-23.1 of the North Dakota Century Code, relating to responsibility of the director of institutions for state communications.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-07-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-07-01. Capitol telephone exchange - Establishment - Maintenance. The director of institutions office of central data processing shall maintain and operate a central telephone exchange in the state capitol.

SECTION 2. AMENDMENT. Section 48-07-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-07-02. Departments included in telephone exchange. All state offices and all of the departments, and agencies of state government housed in the state capitol shall use such the central telephone exchange for all telephone service. Each state office, department, or agency of state government, or state institution not housed in the capitol but located in the county of Burleigh, or the county of Morton, may use such the exchange if the head person in charge of such the office, department, agency, or institution and the director of institutions the office of central data processing jointly ~~shall~~ determine such service to be advantageous ~~thereto~~.

SECTION 3. AMENDMENT. Section 48-07-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-07-03. Telephone exchange - Rules and regulations made by director of institutions. The director of institutions shall have power to make and prescribe the office of central data processing may adopt rules and regulations necessary for the use, management, control, and operation of such the telephone exchange consistent with the provisions of this chapter.

SECTION 4. AMENDMENT. Section 48-07-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-07-04. Long distance telephone tolls-- Wide area telephone service. The director of institutions shall not be responsible for the collection or payment of tolls for long distance telephone calls to points outside of the state of North Dakota. Each office, department, agency, or institution, out of its appropriation for that purpose, shall pay tolls for out-of-state calls directly to the telephone company furnishing such service. The director of institutions is hereby authorized to the office of central data processing may contract for "wide area telephone service" within the state of North Dakota wide area telephone service for state government offices, departments, agencies, and institutions at the state capitol.

SECTION 5. AMENDMENT. Section 54-21-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-19. Director to furnish supplies and maintain capitol, state offices, and executive mansion and shall have authority - Authority to charge for services. The director of institutions shall provide all necessary fuel, electricity, insurance, janitorial, ~~telephone,~~ and other services necessary to maintain the state offices on the capitol grounds as well as all necessary furniture, fuel, electricity, express, freight, drayage, and all other necessary supplies for the executive mansion and the capitol grounds, and shall make all necessary repairs. Such The purchases shall must be in accordance with the provisions of chapter 54-44.4. The director shall charge an amount equal to the fair value of the office space and other services rendered to all departments which that receive and expend moneys from other than the general fund, except that for good cause the amounts charged may be waived by the director for a one-year period of time with such the waiver being subject to further annual renewals after proper application has been filed with the director.

SECTION 6. A new section to chapter 54-23.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Payment for law enforcement system. Each county shall pay the director of institutions for approximately fifty percent of the cost of the law enforcement telecommunications system, with charges to begin accruing on the first day the system becomes operational.

Payments must be made on the basis of the following schedule of charges:

1. Counties having a population of less than five thousand shall pay thirty dollars per month.
2. Counties having a population of five thousand or more but less than ten thousand shall pay sixty dollars per month.
3. Counties having a population of ten thousand or more but less than fifteen thousand shall pay ninety dollars per month.
4. Counties having a population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred twenty dollars per month.
5. Counties having a population of twenty-five thousand or more shall pay one hundred sixty dollars per month.

Other law enforcement agencies may participate in the law enforcement telecommunications system upon payment for their portion of this service at actual cost. The director of institutions may adjust payments for the law enforcement system. Adjustments to the rates to reflect changes in economic conditions and the general economy become effective on each July first following the review. Whenever the director considers an adjustment, the director shall consult with representatives of state and local units of government.

SECTION 7. AMENDMENT. Subsection 3 of section 54-44-11 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. The office of management and budget shall establish a state central data processing operating fund to be used for the procurement and maintenance of data processing equipment and supplies and telecommunications equipment and supplies and for providing data processing and telecommunication services to state departments and agencies.

SECTION 8. AMENDMENT. Section 54-44.2-00.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44.2-00.1. Definitions. As used in this chapter:

1. "Data processing" or "electronic data processing" means the systematic sequencing of operations performed by data processing equipment or programs, or both, upon data stored or entered in alphabetic, numeric, or alphanumeric format.

2. "Data processing equipment" means an electronic device or associated devices, except calculators and stand-alone noncommunicating word processors, which perform logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses and includes all compiling and related input, output, and storage, equipment, programs and procedures, and data processing communications facilities.
3. "Telecommunications" means the electronic exchange of voice, data, image, and video information.
4. "Transmission facilities" means terrestrial lines, and microwave, lightwave, and satellite facilities.
5. "Word processing" means the textual formatting, correcting, editing, and rearranging of language elements, designed to convey full messages in English syntax, through manipulation of electronic or magnetic impulses. "Word processors" are devices on which word processing can be carried out.

SECTION 9. AMENDMENT. Section 54-44.2-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-44.2-02. Office of central data processing - Powers and duties. The office of central data processing shall:

1. Provide systems design, programming, and other data processing services.
2. Design, plan, justify, and implement all data processing systems within and between state agencies which utilize the services of the office of central data processing.
3. Have the authority to purchase or lease such additional equipment or replace, including by trade or resale, present equipment as may be necessary to carry out the provisions of this chapter. Each executive branch department, agency, or institution, except the institutions under the control of the board of higher education, the job service North Dakota, and the office of adjutant general, shall submit to the director of central data processing for his approval or disapproval a written request for data processing services which require new data processing applications. A request shall also be submitted for modifications to existing data processing applications which are expected to increase the cost of operating such data processing applications by more than fifteen percent. The director of central data processing ~~shall have authority to may~~ approve or disapprove the lease, purchase, or other contractual acquisition of additional or new electronic data processing services or

equipment by executive branch agencies, except the institutions under the control of the board of higher education, the job service North Dakota, and the office of adjutant general. The director of central data processing may authorize a user agency to house and operate electronic data processing equipment.

4. Provide data processing assistance and advisory service to the legislative, executive, and judicial branches.
5. Establish and justify data processing activities and costs in order that effectiveness can be measured.
6. Perform all other duties necessary to carry out the provisions of this chapter.
- 7- Be authorized to establish Establish a data bank to eliminate the duplicate storage of common data and thereby develop more economical and efficient use of the data processing system. The data bank shall consist of data, except where data is restricted from such use by law and such confidentiality cannot be reasonably maintained in such data bank, contained within the files of all agencies, departments, and institutions being provided services by the office of central data processing. ~~in the event that~~ If the data bank contains data of use to other departments, agencies, and institutions, such data may be made available to such departments, agencies, and institutions after notice has been given to the agency, department, or institution from which the data was originally received.
- 8- 7. Analyze proposals for executive branch agency word processing equipment and facility acquisitions and make such comments and recommendations as it may believe necessary so that such equipment and facilities will be compatible with electronic data processing equipment and programs under the supervision of central data processing. The office of management and budget shall not approve vouchers for acquisition of word processing equipment and facilities by executive branch agencies unless such vouchers have attached to them the central data processing office's comments and recommendations.
8. Conduct conferences and meetings with various state agencies, departments, institutions, and political subdivisions to review proposals and provide information on improving telecommunications and transmission facilities in government.
9. Implement improvements in the state telecommunications and transmission facilities as are feasible and within the limitations of appropriated funds.

10. Adopt any rules determined to be necessary to establish standard procedures and practices in the development and use of telecommunications and transmission facilities provided by the office.
11. Perform all other duties necessary to carry out this chapter.

SECTION 10. A new section to chapter 54-44.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Improvement of telecommunication systems. The office of central data processing shall plan, coordinate, develop, and implement modern systems of communications. The director of central data processing may approve or disapprove the lease, purchase, or other contractual acquisition of telecommunications and transmission facilities equipment by executive branch agencies, except for the institutions and entities under the jurisdiction of the board of higher education, if replacement will improve the effectiveness and efficiency of the state communications system. The institutions and entities under the jurisdiction of the board of higher education together with the office of central data processing shall make joint use of telecommunications and transmission facilities as will result in less cost to the state.

SECTION 11. A new section to chapter 54-44.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Communications advisory committee. A communications advisory committee shall advise and assist the director of the office of central data processing in the execution of the telecommunication systems responsibilities. The committee consists of the attorney general, superintendent of the highway patrol, adjutant general, chief engineer of the public service commission, director of the state radio system, commissioner of higher education, director of the office of management and budget, highway commissioner, registrar of motor vehicles, and representatives from the various law enforcement organizations and any other persons the committee may designate. The director of the office of management and budget, or the director's designee, is the chairman of the committee. The chairman is to call the meetings of the committee.

SECTION 12. A new section to chapter 54-44.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Acceptance of federal funds. Funds received by a state agency or institution from the government of the United States for the purpose of matching state funds for the purpose of improving normal or emergency telecommunication systems may be deposited in the central data processing operating fund, unless the funds have been specifically appropriated by the legislative assembly for some other

purpose or unless transfer would be contrary to the federal regulations governing the grant. The director of the office of central data processing may apply for any public or private grants available for the improvement of telecommunication systems.

SECTION 13. REPEAL. Section 48-07-05 and chapter 54-23.1 of the North Dakota Century Code are hereby repealed.

Approved March 20, 1987
Filed March 23, 1987

CHAPTER 563

SENATE BILL NO. 2069

(Legislative Council)

(Interim Legislative Procedure and Arrangements Committee)

CAPITOL GROUNDS PLANNING COMMISSION GIFT
ACCEPTANCE

AN ACT to create and enact a new section to chapter 48-10 of the North Dakota Century Code, relating to the powers and duties of the capitol grounds planning commission and its authority to accept gifts; to amend and reenact section 48-10-01 of the North Dakota Century Code, relating to the capitol grounds planning commission; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-10-01. Capitol grounds planning commission. There is hereby created a The capitol grounds planning commission to be known as "The Capitol Grounds Planning Commission" consisting consists of the governor as chairman and eight other members selected biennially in a manner as herein provided in this section. The governor shall appoint two citizen members, the president of the senate shall appoint three senators as members, and the speaker of the house of representatives shall appoint three representatives, as members, who, together with the governor, shall constitute. Appointment to the capitol grounds planning commission and serve is for a term of two years. The planning commission shall function for the purpose of conferring with qualified consultants retained by it to select sites for buildings to be constructed on the capitol grounds and otherwise developing and modifying long-term plans for the development of the capitol grounds and performing such other duties as may be prescribed by law. The planning commission shall approve or disapprove the basic style and exterior construction of any building or facility constructed upon the capitol grounds. Legislative and citizen members of the planning commission shall be are entitled to per diem payments and expenses in such amount and in the same manner as provided by law for members of the legislative council.

SECTION 2. A new section to chapter 48-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Powers and duties of the commission - Authority to accept gifts. The capitol grounds planning commission shall confer with the state council on the arts with respect to the artistic value of monuments, memorials, or works of art to be constructed on the capitol grounds and with qualified consultants retained by it to select sites for buildings, facilities, monuments, memorials, or works of art to be constructed on the capitol grounds. The commission shall develop and modify long-term plans for the development of the capitol grounds. The commission shall approve or disapprove the basic style and exterior construction of any building, facility, monument, memorial, or work of art constructed on the capitol grounds. Except as otherwise provided by this section, the commission has exclusive authority to accept or reject gifts of any type or class of property for exterior placement on the capitol grounds or for the improvement of the exterior construction of any building or facility on the capitol grounds. No construction or placement of an item on the capitol grounds may be undertaken without the approval of the commission, unless the construction or placement is authorized by the legislative assembly. If the legislative assembly by law or resolution authorizes the construction or placement of an item on the capitol grounds, the commission shall approve the site, basic style, and exterior construction of the item within a reasonable period of time. The commission shall perform any other duties as may be prescribed by law.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act.

Approved March 12, 1987
Filed March 16, 1987