

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2037

Page 1, line 1, after "15-10" insert "and a new section to chapter 54-59"

Page 1, line 2, after "technology" insert "and information technology planning"

Page 5, line 20, after "systems" insert an underscored comma

Page 5, line 27, after "the" insert "state information technology", remove the overstrike over "advisory", and after "committee" insert "and the information technology committee"

Page 12, line 23, overstrike "the public employees retirement system, the retirement"

Page 12, line 24, overstrike "and investment office," and remove "the oil and gas division and the geological survey"

Page 12, line 25, remove "of the industrial commission, the public service commission, the water commission,"

Page 13, line 3, after the period insert "An exemption granted under this section before the effective date of this Act may continue in effect until July 1, 2006. This chapter does not require or permit the public employees retirement system or the retirement and investment office to engage in activities or make expenditures that may affect their compliance with the qualification statutes and regulations promulgated by the internal revenue service."

SECTION 12. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Information technology planning - Exemptions - Appeals.

1. The department shall establish specific standards, policies, and guidelines to support the future vision of migrating to a small number of operating system platforms. The standards and guidelines must be developed through the enterprise architecture process in accordance with section 54-59-09.
2. An agency or institution information technology plan required by section 54-59-11 must include data regarding business application assets, including age, and a planned replacement cycle. The department shall develop a long-term plan for the cost-effective, needs-based replacement of all critical business applications over a period of ten years or more. The process must include participation of affected agencies and institutions and must incorporate the standards, policies, and guidelines developed by the enterprise architecture process. The state information technology advisory committee shall prioritize application replacement projects in accordance with section 54-59-02.1. An agency or institution implementing a replacement application shall comply with the standards, policies, and

guidelines developed under section 54-59-09 and shall obtain the services as provided by section 54-59-22. This subsection does not require the consolidation of business applications.

3. If an agency request for an exemption from the requirements of section 54-59-22 is denied by the office of management and budget, the agency may submit to the state information technology advisory committee any information it considers necessary to support its request for an exemption. The state information technology advisory committee may request the office of management and budget to reconsider the request for the exemption. If the office of management and budget denies the request for reconsideration or again denies the exemption, the agency may appeal to the governor. The governor may approve or deny the request. If the governor denies a request for an exemption, the agency may appeal to the legislative council's information technology committee. If an exemption is granted, the legislative assembly, at the next regular session of the legislative assembly, shall consider extending the exemption. If the legislative assembly does not extend the exemption, the exemption may not extend beyond the adjournment of that session of the legislative assembly.

4. If an industry regulated by a state agency incurs or anticipates incurring additional costs or permitting delays as a result of the effect on the regulating state agency of specific standards, policies, or guidelines established by the department under chapter 54-59, the industry may submit to the state information technology advisory committee a request for an exemption for the regulating state agency. The request must include any information the industry considers necessary to support its request for an exemption. The chief information officer shall request advice from the state information technology committee regarding the exemption. If the chief information officer denies a request for an exemption, the industry may appeal to the legislative council's information technology committee for the regulating state agency. The information technology committee may approve or deny the request. If the committee denies a request for an exemption, the industry may appeal to the governor. If the information technology committee or the governor approves an exemption, the exemption is effective for a period of up to ten years unless changes in technology require reconsideration of the exemption."

Renumber accordingly