

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2043

Introduced by

Legislative Council

(Information Technology Committee)

1 A BILL for an Act to amend and reenact section 54-35-15.2, subsection 4 of section 54-59-05,
2 and sections 54-59-06, 54-59-07, 54-59-11, and 54-59-16 of the North Dakota Century Code,
3 relating to powers, duties, and responsibilities of the information technology committee and the
4 information technology department.

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

6 **SECTION 1. AMENDMENT.** Section 54-35-15.2 of the 1999 Supplement to the North
7 Dakota Century Code is amended and reenacted as follows:

8 **54-35-15.2. Information technology committee - Powers and duties.** The
9 information technology committee has continuing existence and may meet and conduct its
10 business during the legislative session and in the interim between sessions. The committee
11 shall:

- 12 1. Meet at least once each calendar quarter.
- 13 2. Receive a report from the chief information officer of the state at each meeting.
- 14 3. Review the business plan of the information technology department.
- 15 4. Address macro-level questions relating to the information technology department.
- 16 5. Review the activities of the information technology department.
- 17 6. Review statewide information technology standards.
- 18 7. Review the statewide information technology plan.
- 19 8. Conduct studies of information technology efficiency and security.
- 20 9. Make recommendations regarding established or proposed information technology
21 programs and information technology acquisition by the executive and judicial
22 branches.
- 23 10. ~~Review~~ Except as provided in subsection 11, review the cost-benefit analysis of
24 any major information technology project of an executive or judicial branch agency.

- 1 A major project is a project with a cost of two hundred fifty thousand dollars or
2 more in one biennium or a total cost of five hundred thousand dollars or more.
- 3 11. Review the cost-benefit analysis of any major project of the state board of higher
4 education or any institution under the control of the state board of higher education
5 if the project:
- 6 a. Significantly impacts the statewide wide area network, including the campus
7 access routers;
- 8 b. Impacts the statewide library system; or
- 9 c. Is an administrative project. An administrative project is a project that directly
10 collects, aggregates, modifies, stores, or reports institutional student,
11 financial, or human resources records or data and is provided primarily for
12 administrative purposes.
- 13 12. Perform periodic reviews to ensure that a major information technology project is
14 on its projected schedule and within its cost projections.

15 **SECTION 2. AMENDMENT.** Subsection 4 of section 54-59-05 of the 1999

16 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 17 4. May purchase, finance the purchase, or lease equipment or software or replace,
18 including by trade or resale, equipment or software as may be necessary to carry
19 out this chapter. Each executive branch agency or institution, except the
20 institutions under the control of the board of higher education, shall submit to the
21 department, in accordance with guidelines established by the department, a written
22 request for the lease, purchase, or other contractual acquisition of information
23 technology. The department shall review requests for conformance with the
24 requesting entity's information technology plan and compliance with statewide
25 policies and standards. If the request is not in conformance or compliance, the
26 department may disapprove the request or require justification for the departure
27 from the plan or statewide policy or standard.

28 **SECTION 3. AMENDMENT.** Section 54-59-06 of the 1999 Supplement to the North
29 Dakota Century Code is amended and reenacted as follows:

- 30 **54-59-06. Business plan.** The department shall develop and maintain a business
31 plan. The business plan must:

Fifty-seventh
Legislative Assembly

- 1 1. Define the department's overall organization, mission, and delivery of services.
- 2 2. Define the ~~strategies for improving personnel productivity and workflow processes~~
3 ~~of the department~~ department's short-term and long-term goals and objectives
4 based on customer needs.
- 5 3. ~~Determine how use of the statewide network will improve learning in the state.~~
6 Outline the strategies and activities necessary to meet the goals and objectives of
7 the department while improving the efficiency of the department and improving
8 service to customers.
- 9 4. ~~Determine how the statewide networks can provide network services for the~~
10 ~~benefit of Indian tribes, nonprofit organizations, and noncommercial public~~
11 ~~television stations licensed by the federal communications commission to operate~~
12 ~~in this state.~~ Define rates and funding mechanisms necessary to finance the
13 proposed activities of the department.
- 14 5. Define a method for evaluating progress toward the goals outlined in the business
15 plan.
- 16 6. Determine the specific strategies and processes to ensure that agencies share
17 information, systems, and the statewide network.
- 18 6. ~~Define the processes that will ensure that counties, cities, and school districts~~
19 ~~receive maximum benefit of the statewide network.~~
- 20 7. ~~Define a fair and equitable billing structure that provides for payback of the initial~~
21 ~~investments and ongoing operations of the statewide network.~~
- 22 8. 7. Address the processes that will be put in place to ensure that the department
23 exercises its powers and duties with minimal delay, cost, and procedural burden to
24 an entity receiving services from the department; to ensure that the department
25 provides prompt, high-quality services to an entity receiving services from the
26 department; to ensure that an entity receiving services from the department is
27 aware of the technology available and to ensure training on its use; and to foster
28 information technology innovation by state entities.
- 29 9. ~~Address the deployment of encryption and the administration of digital signatures.~~
- 30 10. ~~Address information and system backup and disaster recovery.~~

1 **SECTION 4. AMENDMENT.** Section 54-59-07 of the 1999 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **54-59-07. ~~Statewide wide area network~~ State information technology advisory**
4 **committee.** The ~~statewide wide area network~~ state information technology advisory committee
5 consists of the chief information officer or the officer's designee, who is a nonvoting member;
6 the ~~state court administrator~~ director of the department of economic development and finance
7 or the ~~administrator's~~ director's designee, ~~with the approval of the chief justice of the supreme~~
8 ~~court~~; the commissioner of higher education or the commissioner's designee; the chairman of
9 the information technology council of North Dakota or a designee; the director of the North
10 Dakota workforce development council or a designee; the chairman of the educational
11 telecommunications council or a designee; and ~~nine~~ eight members appointed by the governor.
12 The governor shall appoint two members representing state agencies, one member
13 representing a ~~county~~, ~~one member representing a city~~ workforce training advisory board, ~~two~~
14 ~~members~~ one member representing ~~elementary or secondary education~~ city or county
15 government; one member representing the greater North Dakota association, one member
16 representing noncommercial public television stations licensed by the federal communications
17 commission to operate in this state, and ~~two members from private industry who are~~
18 knowledgeable in the deployment of major technology projects one member representing
19 Indian tribes, and one member representing the hospital telemedicine industry. The ~~governor's~~
20 ~~appointees from private industry serve two year terms, and other~~ appointees of the governor
21 serve at the pleasure of the governor. The governor shall designate the chairman of the
22 committee. The department shall provide staff services to the committee. Except for the
23 commissioner of higher education and the representatives of state agencies who receive
24 compensation for their duties as state officers or employees, members of the committee are
25 entitled to be compensated for time spent in attendance at meetings of the committee and for
26 other travel as approved by the chairman of the committee at the rate of sixty-two dollars and
27 fifty cents per day and are entitled to reimbursement for their actual and necessary expenses
28 incurred in the same manner as other state officials. The compensation and expenses are to
29 be paid from appropriations for the department. The committee shall advise the department
30 ~~with respect to planning and implementation of wide area network services provided by the~~
31 ~~department~~ regarding statewide information technology planning, including providing electronic

1 government services for citizens and businesses, developing technology infrastructure to
2 support economic development and work force training, and developing other statewide
3 information technology initiatives and policy.

4 **SECTION 5. AMENDMENT.** Section 54-59-11 of the 1999 Supplement to the North
5 Dakota Century Code is 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 ~~January~~ March fifteenth of each even-numbered year. The
10 plan 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 ~~a list of~~ information regarding the information
13 technology assets owned, leased, or employed by the entity. Each entity required to file a plan
14 shall provide interim updates to its plan if major information technology changes occur which
15 affect 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 ~~January~~ March 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. ~~Any state agency or institution, county, city, school district, or other entity~~
29 ~~that uses the statewide network or is a user of services of the department shall file a plan that~~
30 ~~includes and identifies all requirements for voice, data, or video.~~

1 **SECTION 6. AMENDMENT.** Section 54-59-16 of the 1999 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **54-59-16. Confidentiality.** The department may receive from various agencies and
4 various agencies may provide to the department any information from the agencies necessary
5 to effect the purposes of this chapter without regard to the confidential nature of the
6 information. Each agency shall notify the department regarding the confidential nature of any
7 information submitted to the department. The department is subject to the same restrictions
8 and penalties regarding the dissemination of this information as the entity involved. Except for
9 a request for access authorized by section 54-10-22.1 or a request to access information
10 collected to carry out section 54-59-09, 54-59-11, or 54-59-13, the department shall refer a
11 request for access to or inspection of information provided by an agency to that agency for
12 response. Referral to the agency satisfies any responsibility of the department to provide that
13 information under open records requirements. Upon court order the department shall provide
14 access to or inspection of this information in accordance with restrictions of that entity involved
15 governing dissemination of that information.