

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2038

Introduced by

Legislative Council

(Information Technology Committee)

1 A BILL for an Act to create and enact a new subsection to section 54-35-15.2 of the North
2 Dakota Century Code, relating to powers and duties of the information technology committee;
3 and to amend and reenact sections 54-59-02.1, 54-59-07, and 54-59-09 of the North Dakota
4 Century Code, relating to major information technology projects, the state information
5 technology advisory committee, and information technology standards.

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

7 **SECTION 1.** A new subsection to section 54-35-15.2 of the North Dakota Century
8 Code is created and enacted as follows:

9 Receive a report from the chief information officer regarding the recommendations
10 of the state information technology advisory committee relating to the prioritization
11 of proposed major information technology projects and other information
12 technology issues.

13 **SECTION 2. AMENDMENT.** Section 54-59-02.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **54-59-02.1. ~~Department shall establish certain standards for agencies—Advisory~~**
16 **~~committee—Exceptions~~ Prioritization of proposed major information technology**
17 **projects.** The department shall ~~appoint an advisory committee consisting of representatives of~~
18 ~~state agencies for the purposes of prioritizing major computer software projects and~~
19 ~~establishing policies, standards, and guidelines~~ submit information regarding proposed major
20 information technology projects for executive branch state agencies, departments, and
21 institutions, excluding institutions under control of the state board of higher education and
22 agencies of the judicial and legislative branches ~~with respect to the purchase of computer~~
23 ~~software and computer systems~~ to the state information technology advisory committee. The
24 committee shall review the projects and rank those projects that receive the committee's

1 affirmative recommendation. The chief information officer shall submit recommendations of the
2 ~~advisory~~ committee regarding the prioritization of major software information technology
3 projects to the information technology committee ~~for consideration by the committee and the~~
4 ~~drafting of appropriate legislation to implement the recommendations, the office of management~~
5 and budget, and the appropriations committees of the legislative assembly. The judicial and
6 legislative branches shall ~~annually~~ biennially the ~~advisory~~ committee on their major
7 ~~computer software~~ information technology projects and priorities. ~~The chief information officer~~
8 ~~may exempt an agency from the policies, standards, and guidelines established by the~~
9 ~~committee to address situations unique to that agency.~~

10 **SECTION 3. AMENDMENT.** Section 54-59-07 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **54-59-07. State information technology advisory committee.** The state information
13 technology advisory committee consists of the chief information officer; the commissioner of
14 higher education or the commissioner's designee; the attorney general or the attorney general's
15 designee; the secretary of state or the secretary of state's designee; the tax commissioner or
16 the commissioner's designee; the chief justice of the supreme court or the chief justice's
17 designee; two members of the legislative assembly appointed by the legislative council; a
18 minimum of eight members representing state agencies, appointed by the governor; and two
19 members with technology management expertise representing private industry, appointed by
20 the governor. 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. The members of the committee representing private industry are entitled to be
24 compensated for time spent in attendance at meetings of the committee and for other travel as
25 approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per
26 day and are entitled to reimbursement for actual and necessary expenses incurred in the same
27 manner as other state officials. The compensation and expenses are to be paid from
28 appropriations for the department. The committee shall advise the department regarding
29 statewide information technology planning and budgeting, services of the information
30 technology department, and statewide information technology initiatives and policy and shall
31 review reports on major information technology projects as required by this chapter and

1 policies, standards, and guidelines developed by the department. The chief information officer
2 shall submit recommendations of the committee regarding information technology issues to the
3 information technology committee for its consideration.

4 **SECTION 4. AMENDMENT.** Section 54-59-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-59-09. Information technology standards.** Based on information from state
7 agencies and institutions, the department and the office of management and budget shall
8 develop statewide information technology policies, standards, and guidelines. The policies,
9 standards, and guidelines must recognize the uniqueness of certain agencies and state which
10 agencies are included or exempted from the policies, standards, and guidelines. The policies,
11 standards, and guidelines must be reviewed by the state information technology advisory
12 committee. ~~Unless an exemption is granted by the chief information officer, each~~ Each
13 executive branch state agency and institution, excluding the institutions under the control of the
14 board of higher education with respect to academic and research uses of information
15 technology, shall comply with the policies and standards developed by the department and the
16 office of management and budget unless the chief information officer exempts an agency from
17 the policies, standards, and guidelines to address situations unique to that agency. Unless an
18 exemption is granted by the chief information officer, each entity receiving wide area network
19 services provided by the department shall comply with the policies and standards developed by
20 the department with respect to access to or use of wide area network services.