

House Government and Veterans Affairs Committee  
Chairman, Jim Kasper  
North Dakota State Capital, Bismarck ND  
February 4<sup>th</sup>, 2021  
HOUSE BILL NO. 1417

My name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Executive Director, I serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today. Thank you for this opportunity.

Today, I am in full support of HB 1417, as it relates to a very important partnership between the State of North Dakota and our 5 Tribal Nations. As now know Cyber security is by far one of the most important defenses we have today in North Dakota and in this country. I have witnesses firsthand the number of Cyber Security attacks brought on by other countries and hackers that have stolen resources, assets and used data as hostage for payment. As challenging as it is, I believe we here in North Dakota are fortunate that we have the best Cyber Security Agency is the Nation.

As we continue to share resources and jurisdictions with our 5 Tribal Nations, we know they the Tribes are not immune to the countless Cyber attacks daily. For example, North Dakota Public Schools located within Tribal boundaries have been hacked in various ways. We have also seen attempts to hack into Tribal accounts for Oil and Gas assets and resources.

Mr. Chairman and members of the committee I ask you today to consider in amending section 54-59-05 of the North Dakota Century Code, as it relates to the powers and duties of the information technology department. The ultimate goal here is to allow the State-IDT, to enter into Memorandums of Agreements (MOA's) or Understanding (MOU's) with our 5 Tribal Nations. If the Tribes choose to enter

into the MOA's-MOU's, these agreements would ultimately and most importantly help protect Tribal data, assets, and money.

Below are the changes to the section 54-59-05 of the North Dakota Century Code. This concludes my testimony and I'll stand for any questions.

Thank you.

18. Notwithstanding chapter 54 - 40.2, may enter a memorandum of understanding with other state, local, tribal, or territorial governments of the United States for purposes of ensuring the confidentiality, availability, and integrity of state, local, and **tribal** information systems and data, including consulting, developing cybersecurity strategy, prevention of cybersecurity incidents, and response strategies to cybersecurity incidents. The department may charge an amount equal to the cost of the services rendered by the department to all agencies that receive and expend moneys from other than the general fund.

19. Notwithstanding chapter 54 - 40.2, may enter a mutual aid agreement with other state, local, **tribal**, or territorial governments of the United States agreeing to the reciprocal exchange of resources and services for mutual benefit of the parties related to cybersecurity efforts for the purposes of responding to or mitigating active cybersecurity incidents. The department may receive in - kind benefits that reduce cybersecurity risks to information technology or shall charge an amount equal to the cost of the services rendered by the department to all agencies that receive and expend moneys from other than the general fund.