

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2091

Introduced by

Industry, Business and Labor Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 44-04-18.5 of the North Dakota Century Code,
2 relating to open records exemptions for computer software programs developed by a state
3 agency and authorizing agreements for licensing of computer software programs; and to
4 declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 44-04-18.5 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **44-04-18.5. Confidentiality of computer Computer software programs exempt.**

9 Any computer software program or component of a computer software program developed or
10 acquired by a state agency, institution, department, or board and for which any the state
11 agency, institution, department, or board acquires a license, copyright, or a patent is
12 confidential exempt from section 44-04-18 and section 6 of article VI of the Constitution of
13 North Dakota. After receiving written approval from the governor, a state agency, institution,
14 department, or board may enter into agreements for the sale, licensing, and distribution of its
15 contracted, licensed, patented, or copyrighted computer software programs; take any needed
16 action, including legal action, to protect the state's interest in the computer software against
17 improper or unlawful use or infringement; and collect and enforce the collection of any sums
18 due for the licensing or sale of the computer software.

19 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.