Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

SENATE BILL NO. 2091

(Industry, Business and Labor Committee)

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

44-04-18.5. ~~Confidentiality of computer~~ Computer software programs exempt. Any computer software program or component of a computer software program contracted, developed, or acquired by a state agency, institution, department, or board and for which ~~any~~ the state agency, institution, department, or board acquires a license, copyright, or ~~a~~ patent is ~~confidential~~ exempt from section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. After receiving written approval from the governor, a state agency, institution, department, or board may enter into agreements for the sale, licensing, and distribution of its contracted, licensed, patented, or copyrighted computer software programs. A state agency, institution, department, or board may take any needed action, including legal action, to protect the state's interest in the computer software against improper or unlawful use or infringement and may collect and enforce the collection of any sums due for the licensing or sale of the computer software.

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

_____   _____
President of the Senate   Speaker of the House

_____   _____
Secretary of the Senate   Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2091 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas   43   Nays   2   Absent   4

_____   _____
President of the Senate   Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas   96   Nays   0   Absent   1

_____   _____
Speaker of the House   Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

_____
Governor

Filed in this office this _____ day of _____, 1997,

at ____ o'clock _____ M.

_____
Secretary of State