

**SENATE BILL NO. 2037**

Introduced by

Legislative Council

(Information Technology Committee)

1 A BILL for an Act to amend and reenact subdivision h of subsection 2 of section 12-60-24 and  
2 sections 54-35-15.2, 54-59-05, 54-59-11, 54-59-19, 54-59-20, and 54-59-21 of the North  
3 Dakota Century Code, relating to criminal history record checks, powers and duties of the  
4 information technology committee and the information technology department, information  
5 technology plans, the information technology department annual report, and access to the  
6 criminal justice information sharing system.

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

8 **SECTION 1. AMENDMENT.** Subdivision h of subsection 2 of section 12-60-24 of the  
9 North Dakota Century Code is amended and reenacted as follows:

10 h. The chief information officer of the information technology department for  
11 certain ~~employees~~ individuals under section 54-59-20.

12 **SECTION 2. AMENDMENT.** Section 54-35-15.2 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **54-35-15.2. Information technology committee - Powers and duties.** The  
15 information technology committee has continuing existence and may meet and conduct its  
16 business during the legislative session and in the interim between sessions. The committee  
17 shall:

- 18 1. Meet at least once each calendar quarter.
- 19 2. Receive a report from the chief information officer of the state at each meeting.
- 20 3. Review the business plan of the information technology department.
- 21 4. ~~Address~~ Review macro-level ~~questions~~ issues relating to the information  
22 technology ~~department~~.
- 23 5. Review the activities of the information technology department.
- 24 6. Review statewide information technology standards.

- 1           7. Review the statewide information technology plan.
- 2           8. ~~Conduct studies of~~ Review information technology efficiency and security.
- 3           9. ~~Make recommendations regarding~~ Review established or proposed information  
4           technology programs and information technology acquisition by the executive and  
5           judicial branches.
- 6           10. Except as provided in subsection 11, receive and review the information, including  
7           a project startup report summarizing the project description, project objectives,  
8           business need or problem, cost-benefit analysis of, and project risks and a project  
9           closeout report summarizing the project objectives achieved, project budget and  
10           schedule variances, and lessons learned, from the information technology  
11           department and the affected agency regarding any major information technology  
12           project of an executive, legislative, or judicial branch agency. A major project is a  
13           project with a ~~cost of two hundred fifty thousand dollars or more in one biennium or~~  
14           a total cost of ~~five~~ two hundred fifty thousand dollars or more.
- 15           11. ~~Review the~~ Receive and review information, including a project startup report  
16           summarizing the project description, project objectives, business need or problem,  
17           cost-benefit analysis of, and project risks and a project closeout report  
18           summarizing the project objectives achieved, project budget and schedule  
19           variances, and lessons learned, from the information technology department and  
20           the affected institution regarding any major project of the state board of higher  
21           education or any institution under the control of the state board of higher education  
22           if the project:
- 23           a. Significantly impacts the statewide wide area network, including the campus  
24           access routers;
- 25           b. Impacts the statewide library system; or
- 26           c. Is an administrative project. An administrative project is a project that directly  
27           collects, aggregates, modifies, stores, or reports institutional student,  
28           financial, or human resources records or data and is provided primarily for  
29           administrative purposes.
- 30           12. ~~Perform periodic reviews to ensure that a major information technology project is~~  
31           ~~on its projected schedule and within its cost projections.~~ Receive and review

1           information from the information technology department and the affected agency  
2           regarding any information technology project of an executive, legislative, or judicial  
3           branch agency with a total cost of between one hundred thousand and two  
4           hundred fifty thousand dollars as determined necessary by the information  
5           technology department.

6           **SECTION 3. AMENDMENT.** Section 54-59-05 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **54-59-05. Powers and duties of department.** The department:

- 9           1. Shall provide, supervise, and regulate information technology of all executive  
10           branch state entities, excluding the institutions under the control of the board of  
11           higher education.
- 12           2. Shall provide network services in a way that ensures the network requirements of a  
13           single entity do not adversely affect the functionality of the whole network,  
14           facilitates open communications with the citizens of the state, minimizes the state's  
15           investment in human resources, accommodates an ever-increasing amount of  
16           traffic, supports rapid detection and resolution of problems, protects the network  
17           infrastructure from damage and security breaches, provides for the aggregation of  
18           data, voice, video, and multimedia into a statewide transport mechanism or  
19           backbone, and provides for the network support for the entity to carry out its  
20           mission.
- 21           3. May review and approve additional network services that are not provided by the  
22           department.
- 23           4. May purchase, finance the purchase, or lease equipment, software, or  
24           implementation services or replace, including by trade or resale, equipment or  
25           software as may be necessary to carry out this chapter. An agreement to finance  
26           the purchase of software, equipment, or implementation services may not exceed a  
27           period of five years. The department shall submit any intended financing proposal  
28           for the purchase of software, equipment, or implementation services under this  
29           subsection, which is in excess of one million dollars, to the budget section of the  
30           legislative council or the legislative assembly before executing a financing  
31           agreement. If the budget section or the legislative assembly does not approve the

1 execution of a financing agreement, the department may not proceed with the  
2 proposed financing arrangement. The department may finance the purchase of  
3 software, equipment, or implementation services only to the extent the purchase  
4 amount does not exceed seven and one-half percent of the amount appropriated to  
5 the department during that biennium.

6 5. Shall review requests for lease, purchase, or other contractual acquisition of  
7 information technology as required by this subsection. Each executive branch  
8 agency or institution, excluding the institutions under the control of the board of  
9 higher education, shall submit to the department, in accordance with guidelines  
10 established by the department, a written request for the lease, purchase, or other  
11 contractual acquisition of information technology. The department shall review  
12 requests for conformance with the requesting entity's information technology plan  
13 and compliance with statewide policies and standards. If the request is not in  
14 conformance or compliance, the department may disapprove the request or require  
15 justification for the departure from the plan or statewide policy or standard.

16 6. Shall provide information technology, including assistance and advisory service, to  
17 the executive, legislative, and judicial branches. If the department is unable to  
18 fulfill a request for service from the legislative or judicial branch, the information  
19 technology may be procured by the legislative or judicial branch within the limits of  
20 legislative appropriations.

21 7. Shall request and review information ~~on or review information technology,~~  
22 ~~applications, system development projects, and application development projects~~  
23 ~~of executive branch agencies, including project startup information summarizing~~  
24 the project description, project objectives, business need or problem, cost-benefit  
25 analysis, and project risks and a project closeout information summarizing the  
26 project objectives achieved, project budget and schedule variances, and lessons  
27 learned, regarding any major information technology project of an executive,  
28 legislative, or judicial branch agency, the state board of higher education, or any  
29 institution under the control of the state board of higher education as provided in  
30 section 54-35-15.2. The department shall present the information to the  
31 information technology committee on request of the committee.

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- 1           8.   May request and review information regarding any information technology project  
2                   of an executive, legislative, or judicial branch agency with a total cost of between  
3                   one hundred thousand and two hundred fifty thousand dollars as determined  
4                   necessary by the department. The department shall present the information to the  
5                   information technology committee on request of the committee.
- 6           9.   Shall study emerging technology and evaluate its impact on the state's system of  
7                   information technology.
- 8        ~~9.~~ 10. Shall develop guidelines for reports to be provided by each executive branch  
9                   agency, institution, or department, the institutions under the control of the board of  
10                  higher education, and agencies of the judicial and legislative branches on  
11                  information technology in those entities.
- 12    ~~10.~~ 11. Shall review the information technology management of executive branch agencies  
13                  or institutions.
- 14    ~~11.~~ 12. Shall perform all other duties necessary to carry out this chapter.
- 15    ~~12.~~ 13. May provide wide area network services to a state agency, city, county, school  
16                  district, or other political subdivision of this state. The information technology  
17                  department may not provide wide area network service to any private, charitable,  
18                  or nonprofit entity except the information technology department may continue to  
19                  provide the wide area network service the department provided to the private,  
20                  charitable, and nonprofit entities receiving services from the department on  
21                  January 1, 2003. The department shall file with the state auditor before  
22                  September 1, 2003, a description of the wide area network service the department  
23                  provided to each private, charitable, and nonprofit entity receiving services from the  
24                  department on January 1, 2003.
- 25    ~~13.~~ 14. Shall assure proper measures for security, firewalls, and internet protocol  
26                  addressing at the state's interface with other facilities.
- 27    ~~14.~~ 15. Notwithstanding subsection ~~42~~ 13, ~~the department~~ may provide wide area network  
28                  services for a period not to exceed four years to an occupant of a technology park  
29                  associated with an institution of higher education or to a business located in a  
30                  business incubator associated with an institution of higher education.

1           **SECTION 4. AMENDMENT.** Section 54-59-11 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **54-59-11. Information technology plans.** Each executive branch state agency or  
4 institution, including the institutions under the control of the board of higher education, shall  
5 prepare an information technology plan, subject to ~~approval~~ acceptance by the department.  
6 The plan must be submitted to the department by July fifteenth of each even-numbered year.  
7 The plan must be prepared based on guidelines developed by the department; must provide the  
8 information technology goals, objectives, and activities of the entity for the current biennium and  
9 the next two bienniums; and must include ~~information regarding an asset management plan~~  
10 relating to the inventory of information technology assets owned, leased, or employed by the  
11 entity. Each entity required to file a plan shall provide interim updates to its plan if major  
12 information technology changes occur which affect its plan. The department shall review each  
13 entity's plan for compliance with statewide information technology policies and standards and  
14 may require an entity to change its plan to comply with statewide policies or standards or to  
15 resolve conflicting directions among plans. Agencies of the judicial and legislative branches  
16 shall file their information technology plans with the department by July fifteenth of each  
17 even-numbered year. Each ~~state~~ entity required to file a plan shall prepare its budget request  
18 for the next biennium based on its information technology plan. The agency's budget request  
19 and the governor's budget recommendation must include supporting information describing in  
20 detail how the information technology plan relates to the budget request and recommendation.  
21 Any budget adjustment by the budget office must include the corresponding change to the plan.  
22 Based on the plans, the department shall prepare a statewide information technology plan and  
23 distribute copies of that plan to members of the legislative assembly as requested by the  
24 legislative council or its designee. The statewide information technology plan must be  
25 developed with emphasis on long-term strategic goals ~~and~~ objectives, and accomplishments.  
26 The statewide information technology plan must contain:

- 27           1. A list of major projects started, ongoing, and completed during the biennium,  
28           including related budgeted and actual costs and the estimated implementation date  
29           for each project as well as the actual implementation date for completed projects.  
30           2. Information regarding evaluations of cost-benefit analyses for completed projects.

1           3. Information regarding the information technology plans, including the department's  
2           plan review process, the number of plans reviewed, and the number of plans  
3           accepted.

4           4. A description of the benefits to the state resulting from its investment in information  
5           technology.

6           **SECTION 5. AMENDMENT.** Section 54-59-19 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8           **54-59-19. Information technology department annual report.** The department shall  
9 prepare and present an annual report to the information technology committee. In addition to  
10 the presentation of the annual report to the information technology committee, the department  
11 shall present a summary of the annual report to the budget section and to the legislative audit  
12 and fiscal review committee. The report must contain:

13           1. ~~A list of major projects started, ongoing, and completed during the year including~~  
14           ~~related budgeted and actual costs and the estimated implementation date for each~~  
15           ~~project as well as the actual implementation date for completed projects.~~

16           2. A list of all projects for which financing agreements have been executed.

17           3. ~~Information regarding evaluations of cost benefit analyses for completed projects.~~

18           4. 2. A comparison of the department's rates charged for services compared to rates  
19           charged for comparable services in other states and in the private sector.

20           5. ~~Information regarding the information technology plans including the department's~~  
21           ~~plan review process, the number of plans reviewed, and the number of plans~~  
22           ~~approved.~~

23           6. ~~A description of the benefits to the state resulting from its investment in information~~  
24           ~~technology.~~

25           3. Information regarding the delivery of services to agencies, including service  
26           dependability, agency complaints, and information technology department  
27           responsiveness.

28           **SECTION 6. AMENDMENT.** Section 54-59-20 of the North Dakota Century Code is  
29 amended and reenacted as follows:

30           ~~54-59-20. Employees of the department– Security background information.~~ The  
31 chief information officer shall require as a condition of employment with the department that

1 individuals who have unescorted physical access to the facilities or other security sensitive  
2 areas of the department designated by the chief information officer submit to a criminal history  
3 record check in accordance with section 12-60-24. The chief information officer may require as  
4 a condition of contracting with the department or other state agency or department with respect  
5 to an information technology project that any individual employed by the contractor or a  
6 subcontractor to perform the work under the contract submit to a criminal history record check  
7 in accordance with section 12-60-24.

8 **SECTION 7. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **54-59-21. Criminal justice information sharing board - Membership - Duties and**  
11 **powers.** The criminal justice information sharing board consists of the chief justice of the  
12 supreme court or the chief justice's designee, the attorney general or the attorney general's  
13 designee, and the chief information officer of the state. The chief information officer is chairman  
14 of the board. The information technology department shall provide staff support to the board.  
15 The board shall set policy relating to the collection, storage, and sharing of criminal justice  
16 information and the systems necessary to perform those functions. The board shall provide  
17 operational oversight for criminal justice information sharing activities and shall approve and  
18 provide oversight of criminal justice information sharing budgets. Only entities within the  
19 criminal justice system and those entities approved by the board may access the criminal  
20 justice information sharing system. The board may appoint an executive committee and an  
21 advisory committee that would serve in an advisory capacity to the board.