

**HOUSE BILL NO. 1461**

Introduced by

Representatives Skarphol, Monson

Senators Grindberg, Robinson, Wardner

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota  
2 Century Code, relating to higher education information technology; and to amend and reenact  
3 sections 54-35-15.2, 54-59-05, 54-59-09, and 54-59-11 of the North Dakota Century Code,  
4 relating to powers and duties of the information technology committee and the information  
5 technology department, information technology standards, and information technology plans.

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

7 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is  
8 created and enacted as follows:

9 **Higher education information technology - Board duties - Reports.**

- 10 1. The state board of higher education shall manage and regulate information  
11 technology planning and services for institutions under its control, including:  
12 a. Development of information technology policies, standards, and guidelines in  
13 coordination with the information technology department.  
14 b. Implementation of a process for project management oversight and reporting.  
15 c. Integration of higher education information technology planning and reporting  
16 with the board's strategic planning process and annual performance and  
17 accountability report required by section 15-10-14.2.  
18 d. Participation in internet2 or other advanced higher education or  
19 research-related networking projects as provided in section 54-59-08.  
20 e. Development of an annual report concerning higher education information  
21 technology planning and services.  
22 2. The state board of higher education shall collaborate with the information  
23 technology department to coordinate higher education information technology  
24 planning with statewide information technology planning.

1           3. The state board of higher education shall provide advice to the information  
2           technology department regarding the development of policies, standards, and  
3           guidelines relating to access to or use of wide area network services as provided  
4           by section 54-59-09.

5           4. The state board of higher education shall present information regarding higher  
6           education information technology planning, services, and major projects to the  
7           information technology committee on request of the committee.

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

10           **54-35-15.2. Information technology committee - Powers and duties.** The  
11 information technology committee has continuing existence and may meet and conduct its  
12 business during the legislative session and in the interim between sessions. The committee  
13 shall:

- 14           1. Meet at least once each calendar quarter.
- 15           2. Receive a report from the chief information officer of the state at each meeting.
- 16           3. Review the business plan of the information technology department.
- 17           4. Address macro-level questions relating to the information technology department.
- 18           5. Review the activities of the information technology department.
- 19           6. Review statewide information technology standards.
- 20           7. Review the statewide information technology plan.
- 21           8. Conduct studies of information technology efficiency and security.
- 22           9. Make recommendations regarding established or proposed information technology  
23 programs and information technology acquisition by the executive and judicial  
24 branches.
- 25           10. Except as provided in subsection 11, review the cost-benefit analysis of any major  
26 information technology project of an executive or judicial branch agency. A major  
27 project is a project with a cost of two hundred fifty thousand dollars or more in one  
28 biennium or a total cost of five hundred thousand dollars or more.
- 29           11. Review the cost-benefit analysis of any major project of the state board of higher  
30 education or any institution under the control of the state board of higher education  
31 if the project:

- 1           a. Significantly impacts the statewide wide area network, including the campus  
2           access routers; or  
3           b. Impacts the statewide library system; ~~or~~  
4           e. ~~Is an administrative project. An administrative project is a project that directly~~  
5           ~~collects, aggregates, modifies, stores, or reports institutional student,~~  
6           ~~financial, or human resources records or data and is provided primarily for~~  
7           ~~administrative purposes.~~
- 8           12. Perform periodic reviews to ensure that a major information technology project is  
9           on its projected schedule and within its cost projections.
- 10          13. Receive information from the state board of higher education regarding higher  
11          education information technology planning, services, and major projects.

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

14           **54-59-05. Powers and duties of department.** The department:

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

1           the purchase of software, equipment, or implementation services may not exceed a  
2           period of five years. The department shall submit any intended financing proposal  
3           for the purchase of software, equipment, or implementation services under this  
4           subsection, which is in excess of one million dollars, to the budget section of the  
5           legislative council or the legislative assembly before executing a financing  
6           agreement. If the budget section or the legislative assembly does not approve the  
7           execution of a financing agreement, the department may not proceed with the  
8           proposed financing arrangement. The department may finance the purchase of  
9           software, equipment, or implementation services only to the extent the purchase  
10          amount does not exceed seven and one-half percent of the amount appropriated to  
11          the department during that biennium.

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

21          6. Shall provide information technology, including assistance and advisory service, to  
22          the executive, legislative, and judicial branches. If the department is unable to  
23          fulfill a request for service from the legislative or judicial branch, the information  
24          technology may be procured by the legislative or judicial branch within the limits of  
25          legislative appropriations.

26          7. Shall request information on or review information technology, applications, system  
27          development projects, and application development projects of executive branch  
28          agencies.

29          8. Shall study emerging technology and evaluate its impact on the state's system of  
30          information technology.

- 1           9.    Shall develop guidelines for reports to be provided by each agency of the  
2           executive ~~branch agency, institution, or department,~~ legislative, and judicial  
3           branches, excluding the institutions under the control of the board of higher  
4           education, ~~and agencies of the judicial and legislative branches~~ on information  
5           technology in those entities.
- 6           10. Shall collaborate with the state board of higher education on guidelines for reports  
7           to be provided by institutions under control of the state board of higher education  
8           on information technology in those entities.
- 9           11.    Shall review the information technology management of executive branch agencies  
10          or institutions.
- 11        ~~44.~~ 12.    Shall perform all other duties necessary to carry out this chapter.
- 12        ~~42.~~ 13.    May provide wide area network services to a state agency, city, county, school  
13          district, or other political subdivision of this state. The information technology  
14          department may not provide wide area network service to any private, charitable,  
15          or nonprofit entity except the information technology department may continue to  
16          provide the wide area network service the department provided to the private,  
17          charitable, and nonprofit entities receiving services from the department on  
18          January 1, 2003. The department shall file with the state auditor before  
19          September 1, 2003, a description of the wide area network service the department  
20          provided to each private, charitable, and nonprofit entity receiving services from the  
21          department on January 1, 2003.
- 22        ~~43.~~ 14.    Shall assure proper measures for security, firewalls, and internet protocol  
23          addressing at the state's interface with other facilities.
- 24        ~~44.~~ 15.    Notwithstanding subsection ~~42~~ 13, ~~the department~~ may provide wide area network  
25          services for a period not to exceed four years to an occupant of a technology park  
26          associated with an institution of higher education or to a business located in a  
27          business incubator associated with an institution of higher education.

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

30           **54-59-09. Information technology standards.** Based on information from state  
31    agencies and institutions, the department and the office of management and budget shall

1 develop statewide information technology policies, standards, and guidelines. The policies,  
2 standards, and guidelines must recognize the uniqueness of certain agencies and state which  
3 agencies are included or exempted from the policies, standards, and guidelines. The policies,  
4 standards, and guidelines must be reviewed by the state information technology advisory  
5 committee. Unless an exemption is granted by the chief information officer, each executive  
6 branch state agency and institution, excluding the institutions under the control of the board of  
7 higher education ~~with respect to academic and research uses of information technology~~, shall  
8 comply with the policies and standards developed by the department and the office of  
9 management and budget. Unless an exemption is granted by the chief information officer, each  
10 entity receiving wide area network services provided by the department shall comply with the  
11 policies and standards developed by the department with respect to access to or use of wide  
12 area network services.

13 **SECTION 5. AMENDMENT.** Section 54-59-11 of the North Dakota Century Code is  
14 amended and reenacted as follows:

15 **54-59-11. Information technology plans.** Each executive branch state agency or  
16 institution, ~~including~~ excluding the institutions under the control of the board of higher  
17 education, shall prepare an information technology plan, subject to approval by the department.  
18 The plan must be submitted to the department by July fifteenth of each even-numbered year.  
19 The plan must be prepared based on guidelines developed by the department; must provide the  
20 information technology goals, objectives, and activities of the entity for the current biennium and  
21 the next two bienniums; and must include information regarding the information technology  
22 assets owned, leased, or employed by the entity. Each entity required to file a plan shall  
23 provide interim updates to its plan if major information technology changes occur which affect  
24 its plan. The department shall review each entity's plan for compliance with statewide  
25 information technology policies and standards and may require an entity to change its plan to  
26 comply with statewide policies or standards or to resolve conflicting directions among plans.  
27 Agencies of the judicial and legislative branches shall file their information technology plans  
28 with the department by July fifteenth of each even-numbered year. Each state entity shall  
29 prepare its budget request for the next biennium based on its information technology plan. The  
30 agency's budget request and the governor's budget recommendation must include supporting  
31 information describing in detail how the information technology plan relates to the budget

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1 request and recommendation. Any budget adjustment by the budget office must include the  
2 corresponding change to the plan. Based on the plans, the department shall prepare a  
3 statewide information technology plan and distribute copies of that plan to members of the  
4 legislative assembly as requested by the legislative council or its designee. The statewide  
5 information technology plan must be developed with emphasis on long-term strategic goals and  
6 objectives.