



**Testimony Of Terry Effertz
Executive Director
TechND**

My name is Terry Effertz, the executive director of TechND¹, and I'm here today standing in opposition to HB 1086. We were against the bill in the initial form and still oppose the bill in its amended form. NDIT has explained this as a "clean-up" bill, but upon closer inspection, there are unintended consequences and outside factors that impact this decision that ultimately make it a good idea for this committee to give the bill a "Do Not Pass" recommendation, including:

- This bill codifies NDIT's exemption to the administrative rulemaking process.
- The bill would allow NDIT to develop policies, standards and guidelines, removing involvement from OMB. This oversight would then be given to the legislative information technology committee.
- Continues to require all executive agencies and others to comply with the standards of NDIT, but grants the CIO the sole exemption authority. And then, regarding email services and desktop support services, the bill broadens exemption authority to "the information technology department", not just CIO.
- This bill may allow NDIT to force agencies and institutions currently exempt from NDIT policies under their purview, some of which much prefer to operate outside of the NDIT service framework.

Further, TechND questions whether a bill with such wide-ranging implications should be passed by the legislature when OMB is being run by an interim leader. During the last hearing OMB pointed out that their office and NDIT have specialties and "stay in their lane," but it is very possible that our next OMB director may have experience or interest in this field and may be qualified to weigh-in on hosting waivers or drafting standards and policy.

Between the combination of bills put forth by NDIT this session, TechND questions whether the department is setting themselves up to monetize their services and compete with private industry. We encourage this committee to examine the separation of power issues and at the very least change this bill into a study to examine the current NDIT rules and how their waiver and rulemaking process can be improved. At this time, we urge this committee to recommend "Do Not Pass" on HB 1086.

¹ TechND was created in 2000 by North Dakota business, government and education leaders who recognized the need to strengthen the state's information technology infrastructure and reposition the state as a national leader in IT. The organization has since expanded its focus to include members from the technology industry as a whole. TechND has over 60 member organizations, with representatives from both the public and private sector.