

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1528

Page 1, line 1, after "sections" insert "15-10-44,"

Page 1, line 2, after the second "the" insert "retention of electronic mail for institutions under the control of the state board of higher education,"

Page 1, line 4, after "agency" insert "; to provide for a legislative management study; to provide an effective date"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Section 15-10-44 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-44. Higher education information technology - Board duties - Reports.**

1. The state board of higher education shall manage and regulate information technology planning and services for institutions under its control, including:
  - a. Development of information technology policies, standards, and guidelines in coordination with the information technology department.
  - b. Implementation of a process for project management oversight and reporting.
  - c. Integration of higher education information technology planning and reporting with the board's strategic planning process and annual performance and accountability report required by section 15-10-14.2.
  - d. Participation in internet2 or other advanced higher education or research-related networking projects as provided in section 54-59-08.
  - e. Development of an annual report concerning higher education information technology planning and services.
  - f. Requiring utilization by each institution under the control and supervision of the board of systemwide electronic mail services provided by the board for all public business electronic correspondence.
  - g. Development and implementation of an electronic mail retention policy for the board and institutions under the supervision and control of the board which requires retention of nonstudent employee electronic mail messages for at least ~~two years~~one year after the creation or receipt of the message unless the electronic mail message includes malware or regulated information as defined under section 54-59.1-01.
2. The state board of higher education shall collaborate with the information technology department to coordinate higher education information technology planning with statewide information technology planning.

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

Page 1, line 14, after the period insert "Data" does not include malware or regulated information as defined under section 54-59.1-01.

3. "Departmental agency" means an agency, not including a board or commission as defined by titles 4.1 and 43.

4."

Page 1, line 23, overstrike "3." and insert immediately thereafter "5."

Page 2, line 17, after "each" insert "departmental"

Page 2, line 17, replace "two years" with "one year"

Page 2, line 17, remove "office"

Page 2, line 18, remove "productivity software, limited to"

Page 2, line 18, remove "and personal file storage"

Page 2, line 19, replace "all supervisory positions" with "agency heads, state officers appointed by the governor under chapter 44-02, and elected executive branch officials"

Page 2, line 20, after "5." insert "Develop a training program for agencies regarding the management of state records.

6."

Page 2, line 21, replace "6. When the administrator deems appropriate, report" with:

"7. Receive reports of"

Page 2, line 22, replace "to" with ". Upon review of the report, the administrator shall"

Page 2, line 23, replace "Human" with "Recommend training for the noncompliant agency:

b. Submit the report to human"

Page 2, line 23, after "services" insert "for consultation"

Page 2, line 25, replace "b. The" with:

"c. Submit the report to the"

Page 2, line 28, replace "c. The" with:

"d. Submit the report to the"

Page 2, line 29, after "services" insert "or the agency's human resources department"

Page 4, line 3, after "Each" insert "departmental"

Page 4, line 3, remove "office productivity"

Page 4, line 4, remove "software, limited to"

Page 4, line 4, remove "all"

Page 4, line 5, replace "supervisory positions" with "agency heads, state officers appointed by the governor under chapter 44-02, and elected executive branch officials"

Page 4, line 22, after "and" insert ", if the administrator deems it necessary."

Page 4, line 23, remove "The employee's successor and the state archivist shall review the"

Page 4, remove lines 24 and 25

Page 5, line 4, replace "my" with "may"

Page 5, after line 13, insert:

**"SECTION 6. LEGISLATIVE MANAGEMENT STUDY - EXECUTIVE BRANCH BOARD AND COMMISSION POLICIES.**

1. During the 2023-24 interim, the legislative management shall consider studying the records management policies of state agencies, including boards and commissions. The study must include:
  - a. A review of policy uniformity and training resources;
  - b. An analysis of technological capabilities and limitations;
  - c. Evaluation of the feasibility of providing electronic mail and file service solutions for statewide public entities, including boards and commissions; and
  - d. An analysis of the development, implementation, enforcement, and auditing of records management policies and practices.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 7. EFFECTIVE DATE.** This Act becomes effective on July 1, 2023."

Re-number accordingly