

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2049

Introduced by

State and Local Government Committee

(At the request of the Information Technology Department)

1 A BILL for an Act to amend and reenact sections 54-35-15.2, 54-59-01, subsection 8 of section
2 54-59-05, and section 54-59-32 of the North Dakota Century Code, relating to executive
3 steering committees of major information technology projects.

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

5 **SECTION 1. AMENDMENT.** Section 54-35-15.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-35-15.2. Information technology committee - Powers and duties.**

8 The information technology committee has continuing existence and may meet and conduct
9 its business during the legislative session and in the interim between sessions. The committee
10 shall:

- 11 1. Meet at least once each calendar quarter.
- 12 2. Receive a report from the chief information officer of the state at each meeting.
- 13 3. Review the business plan of the information technology department.
- 14 4. Review macro-level issues relating to information technology.
- 15 5. Review the activities of the information technology department.
- 16 6. Review statewide information technology standards.
- 17 7. Review the statewide information technology plan.
- 18 8. Review information technology efficiency and security.
- 19 9. Review established or proposed information technology programs and information
20 technology acquisition by the executive and judicial branches.
- 21 10. Except as provided in subsection 11, receive and review information, including a
22 project startup report summarizing the project description, project objectives, business

1 need or problem, cost-benefit analysis, and project risks and a project closeout report
2 summarizing the project objectives achieved, project budget and schedule variances,
3 and lessons learned, from the information technology department and the affected
4 agency regarding any major information technology project of an executive branch
5 agency. For the purposes of this subsection, a major project is aan information
6 technology project with a total cost of five hundred thousand dollars that meets one or
7 more of the following criteria, as determined by the chief information officer:

8 a. An estimated total cost, as defined by the information technology department, of
9 five million dollars or more;

10 b. Requires one year or longer to reach operational status; or

11 c. Requires oversight due to its potential benefits, risks, public impact, visibility, or
12 another significant reason.

13 11. a. Receive and review information, including a project startup report summarizing
14 the project description, project objectives, business need or problem, cost-benefit
15 analysis, and project risks and a project closeout report summarizing the project
16 objectives achieved, project budget and schedule variances, and lessons
17 learned, from the state board of higher education regarding any major project of
18 the state board of higher education or any institution under the control of the state
19 board of higher education if the project:

20 (1) Significantly impacts the statewide wide area network, including the campus
21 access routers;

22 (2) Impacts the statewide library system; or

23 (3) Is an administrative project. An administrative project is a project that
24 directly collects, aggregates, modifies, stores, or reports institutional
25 student, financial, or human resources records or data and is provided
26 primarily for administrative purposes.

27 b. For the purposes of this subsection, a major project is a project with a total cost
28 of five hundred thousand dollars or more.

29 12. Receive and review information from the information technology department and the
30 affected agency regarding any information technology project of an executive branch
31 agency with a total cost of between one hundred thousand and five hundred-

1 ~~thousand~~million dollars as determined necessary by the information technology
2 department.

3 13. Receive a report from the chief information officer before October first of each
4 even-numbered year regarding proposed major information technology projects and
5 other information technology issues for the next biennium.

6 14. Receive and review information, including a project startup report summarizing the
7 project description, project objectives, business need or problem, cost-benefit
8 analysis, and project risks and a project closeout report summarizing the project
9 objectives achieved, project budget and schedule variances, and lessons learned,
10 from the affected legislative or judicial branch agency regarding any information
11 technology project of the legislative or judicial branch with a total cost of five ~~hundred-~~
12 ~~thousand~~million dollars or more.

13 15. Receive information from the state board of higher education regarding higher
14 education information technology planning, services, and major projects.

15 **SECTION 2. AMENDMENT.** Section 54-59-01 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-59-01. Definitions.**

18 As used in this chapter:

- 19 1. "Agency" or "entity" does not include any agricultural commodity promotion group or
20 any occupational or professional board.
- 21 2. "Cybersecurity" means processes or capabilities, wherein, systems, communications,
22 and information are protected and defended against damage, unauthorized use or
23 modification, and exploitation.
- 24 3. "Cybersecurity strategy" means a vision, plan of action, or guiding principles. Unless
25 otherwise defined in this chapter, the term does not mean an associated operational
26 plan.
- 27 4. "Department" means the information technology department.
- 28 5. "Information technology" means the use of hardware, software, services, and
29 supporting infrastructure to manage and deliver information using voice, data, and
30 video.

- 1 6. "Major information technology project" means a project that meets one or more of the
2 following criteria, as determined by the chief information officer:
3 a. An estimated total cost, as defined by the department, of five million dollars or
4 more;
5 b. Requires one year or longer to reach operational status; or
6 c. Requires oversight due to its potential benefits, risks, public impact, visibility, or
7 other significant reason.
8 7. "Network services" means the equipment, software, and services necessary to
9 transmit voice, data, or video.

10 **SECTION 3. AMENDMENT.** Subsection 8 of section 54-59-05 of the North Dakota Century
11 Code is amended and reenacted as follows:

- 12 8. May request and review information regarding any information technology project of
13 an executive branch agency with a total cost of between one hundred thousand and
14 five hundred ~~thousand~~million dollars as determined necessary by the department. The
15 department shall present the information to the information technology committee on
16 request of the committee.

17 **SECTION 4. AMENDMENT.** Section 54-59-32 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **54-59-32. Major information technology projects - ~~Appointment of executive steering~~**
20 **~~committees~~Oversight.**

- 21 1. An executive branch state agency, excluding institutions under the control of the state
22 board of higher education, proposing to conduct a major information technology
23 project ~~as described in subsection 10 of section 54-35-15.2,~~ the department, and the
24 office of management and budget, in consultation with the attorney general, shall
25 collaborate on the procurement, contract negotiation, and contract administration of
26 the project. The agency, the department, and the office of management and budget, in
27 consultation with the attorney general, shall approve the solicitation, contract, or
28 agreement, and any amendments relating to the project before submission to the
29 ~~executive steeringoversight~~ committee as provided in subsection 3.

- 1 2. The procurement officer and primary project manager for a major information
2 technology project must meet the qualifications established by the department and the
3 office of management and budget.
- 4 3. An ~~executive steeringoversight~~ committee must be appointed to oversee ~~each~~ a major
5 information technology project. The ~~agency project sponsor~~chief information officer
6 shall ~~serve as~~appoint a chairman of the committee. The ~~executive steeringoversight~~
7 committee ~~must consist of~~may include the director of the office of management and
8 budget or a designee of the director, the chief information officer or a designee of the
9 officer, the head of the agency contracting for the project or a designee, the project
10 sponsor, and a large project oversight analyst designated by the chief information
11 officer. The ~~executive steeringoversight~~ committee shall monitor the overall status of
12 the project and ~~review~~make recommendations to the head of the agency contracting
13 for the project or a designee, and the project sponsor, regarding project decisions,
14 including negotiation and execution of contracts, approval of project budgets,
15 implementation of project schedules, assessment of project quality, and consideration
16 of scope changes. ~~Any project decision declared by a member of the committee to be~~
17 ~~a major project decision requires at least four affirmative votes.~~
- 18 4. An agreement or contract, including an amendment, revision, or scope change, for a
19 major information technology project may not be entered unless signed by the head of
20 the contracting agency or a designee and the chief information officer or a designee of
21 the officer.