

INFORMATION TECHNOLOGY-RELATED STATUTORY PROVISIONS

This memorandum provides information regarding statutory provisions relating to the Information Technology Committee and the Information Technology Department.

INFORMATION TECHNOLOGY COMMITTEE - STATUTORY PROVISIONS

North Dakota Century Code (NDCC) Section 54-35-15.1 requires the Legislative Council, during each biennium, to appoint an Information Technology Committee in the same manner as the Council appoints other interim committees. The committee is to consist of six members of the House of Representatives and five members of the Senate. The Chief Information Officer of the state serves as an ex officio nonvoting member of the committee.

The following is a summary of statutory responsibilities and duties of the Information Technology Committee. A copy of the NDCC sections is attached as Appendix A.

NDCC Section	Responsibilities and Duties
54-35-15.2	Requires the Information Technology Committee to: <ul style="list-style-type: none"> • Meet at least once each calendar quarter • Receive a report from the Chief Information Officer of the state at each meeting • Review the business plan of the Information Technology Department • Address macro-level questions relating to the Information Technology Department • Review the activities of the Information Technology Department • Review statewide information technology standards • Review the statewide information technology plan • Conduct studies of information technology efficiency and security • Make recommendations regarding established or proposed information technology programs and information technology acquisition by the executive and judicial branches • Review the cost-benefit analysis of any major information technology project of an executive or judicial branch agency. A major project is a project with a cost of \$250,000 or more in one biennium or a total cost of \$500,000 or more. • Review the cost-benefit analysis of any major information technology project of the State Board of Higher Education or any institution under the control of the State Board of Higher Education. A major project is a project that significantly impacts the statewide wide area network, impacts the statewide library system, or is an administrative project. • Perform periodic reviews to ensure major information technology projects are on projected schedule and within cost projections
54-35-15.3	Authorizes the committee to review any information technology project or information technology plan and provides that if the committee determines that a project or plan is at risk of failing to achieve its intended results, the committee may recommend to the Office of Management and Budget the suspension of the expenditure of money appropriated for a project or plan. The Office of Management and Budget may suspend the expenditure authority if the department agrees with the recommendation of the committee.
54-35-15.4	Authorizes the committee to request the State Auditor to conduct an information technology compliance review . The review may consist of an audit of an agency's information technology management, information technology planning, compliance with information technology plans, and compliance with information technology standards and policies or an audit of statewide compliance with specific information technology standards and policies. (In a letter dated July 1, 2003, the State Auditor indicated information technology compliance reviews would be performed only at the request of the Information Technology Committee, and any requests for compliance reviews by the Information Technology Committee would divert audit resources away from current duties of information technology auditors. A copy of the letter is attached as Appendix B.)

INFORMATION TECHNOLOGY DEPARTMENT - STATUTORY PROVISIONS

North Dakota Century Code Chapter 54-59 establishes an Information Technology Department. The following is a summary of statutory provisions relating to the Information Technology Department. A copy of the NDCC sections is attached as Appendix C.

NDCC Section	Responsibilities and Duties
54-59-02	Identifies the responsibilities of the Information Technology Department , including wide area network services, computer support services, host software development, statewide communications services, standards for providing information to other state agencies and the public through the Internet, technology planning, process redesign, and quality assurance. The department may not exercise its powers and duties in a manner that competes or otherwise interferes with the provision of telecommunications service to a private, charitable, or nonprofit entity by a privately or cooperatively owned telecommunications company.
54-59-02.1	Requires the Information Technology Department to appoint an advisory committee for the purposes of prioritizing major computer software projects and establishing policies, standards, and guidelines for executive branch state agencies, excluding the institutions under control of the State Board of Higher Education and agencies of the judicial and legislative branches with respect to the purchase of computer software and computer systems. The Chief Information Officer is to submit recommendations of the advisory committee regarding major software projects to the Information Technology Committee for consideration by the committee and the drafting of appropriate legislation to implement the recommendations. The judicial and legislative branches are to annually notify the advisory committee on their major computer software projects and priorities.
54-59-03	Requires the Governor to appoint the Chief Information Officer of the state
54-59-04	Identifies the duties for the Chief Information Officer
54-59-05	Provides for the powers and duties of the Information Technology Department , including to: <ul style="list-style-type: none"> • Provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the State Board of Higher Education • Provide network services • Review and approve additional network services that are not provided by the department • Purchase, finance the purchase, or lease equipment, software, or implementation services or replace equipment or software as necessary to carry out NDCC Chapter 54-59. An agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five years, and the department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services which is in excess of \$1 million to the Budget Section or the Legislative Assembly prior to executing a financing agreement. The department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed 7.5 percent of the amount appropriated to the department during that biennium. • Review and approve the acquisition of information technology for all executive branch state entities, excluding the institutions under the control of the State Board of Higher Education • Provide information technology, including assistance and advisory service, to the executive, legislative, and judicial branches • Request information on or review information technology applications, system development projects, and application development projects of executive branch agencies • Study emerging technology and evaluate its impact on the state's system of information technology • Develop guidelines for reports to be provided by each executive branch agency, institution, or department; the institutions under the control of the State Board of Higher Education; and agencies of the judicial and legislative branches on information technology in those entities • Review the information technology management of executive branch agencies or institutions • Perform all other duties necessary to carry out NDCC Chapter 54-59 • Provide wide area network services to state agencies, cities, counties, school districts, and other political subdivisions and not provide wide area network services to any private, charitable, or nonprofit entities • Assure proper measures for security, firewalls, and Internet protocol addressing • Provide wide area network services for a period not to exceed four years to occupants of technology parks and businesses in business incubators associated with higher education institutions
54-59-06	Requires the Information Technology Department to develop and maintain a business plan

NDCC Section	Responsibilities and Duties
54-59-07	Establishes a State Information Technology Advisory Committee to advise the Information Technology Department regarding statewide information technology planning and budgeting, services of the department, and statewide information technology initiatives and policy and shall review reports on major information technology projects as required by NDCC Chapter 54-59
54-59-08	Requires each state agency and institution that desires access to wide area network services and each county, city, and school district that desires access to wide area network services to transmit voice, data, or video outside that county, city, or school district to obtain those services from the Information Technology Department
54-59-09	Requires the Information Technology Department and the Office of Management and Budget to develop statewide information technology policies, standards, and guidelines . The policies, standards, and guidelines must recognize the uniqueness of certain agencies and be reviewed by the State Information Technology Advisory Committee. Unless exempted by the Chief Information Officer, all executive branch agencies shall comply with the policies and standards.
54-59-10	Requires each agency or institution to appoint an information technology coordinator to maintain a liaison with the Information Technology Department
54-59-11	Requires each executive branch state agency or institution, including institutions under the control of the State Board of Higher Education, to prepare an information technology plan and submit the plan for approval to the Information Technology Department by July 15 of each even-numbered year. The Information Technology Department is to review each entity's plan for compliance with statewide information technology policies and standards. Each agency's budget request is to be based on the agency's information technology plan. Any budget adjustment by the Office of Management and Budget must include the corresponding change to the plan. Based on the plans, the Information Technology Department is to prepare a statewide information technology plan with emphasis on long-term strategic goals and objectives and distribute the plan to members of the Legislative Assembly.
54-59-12	Requires the Information Technology Department to cooperate with state entities to provide access to any computer data base or electronically filed or stored information and the Chief Information Officer to conduct meetings with political subdivisions and the commissioner of the State Board of Higher Education to review and coordinate information technology . The Chief Information Officer is to report to the Legislative Council regarding coordination of services with political subdivisions and higher education.
54-59-13	Repealed
54-59-14	Authorizes the Information Technology Department to establish a state information technology operating account
54-59-15	Authorizes the Information Technology Department to accept federal or other funds
54-59-16	Provides for the confidentiality of records
54-59-17	Establishes an Educational Technology Council for coordinating educational technology initiatives for elementary and secondary education
54-59-18	Provides for the powers and duties for the Educational Technology Council
54-59-19	Requires the Information Technology Department to prepare and present an annual report to the Information Technology Committee, the Budget Section, and the Legislative Audit and Fiscal Review Committee and identifies the report contents
54-59-20	Requires the Information Technology Department to obtain security background information for all individuals who have unescorted physical access to the facilities or other security-sensitive areas
54-59-21	Establishes a Criminal Justice Information Sharing Board to set policy relating to the collection, storage, and sharing of criminal justice information; provide operational oversight for criminal justice sharing activities; and approve and provide oversight of criminal justice sharing budgets
54-59-22	Requires each state agency and institution, excluding the legislative and judicial branches, institutions under the control of the State Board of Higher Education, Public Employees Retirement System, and Retirement and Investment Office, Attorney General's office, and any entity exempted by the Office of Management and Budget, to obtain information technology services , including electronic mail, file and print server administration, storage, application server, and hosting services, through a delivery system established by the Information Technology Department in conjunction with the Office of Management and Budget
54-59-23	Requires executive, legislative, or judicial branch agencies, except for institutions under the control of the State Board of Higher Education, to report to the State Information Technology Advisory Committee regarding the plan for and status of any information technology project that is estimated to cost more than \$250,000