

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota
2 Century Code, relating to information technology project feasibility studies; and to amend and
3 reenact sections 54-44.2-00.1, 54-44.2-02, 54-44.2-10, 54-44.2-11, and 54-44.2-12 of the North
4 Dakota Century Code, relating to information technology planning and activities.

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

6 **SECTION 1. AMENDMENT.** Section 54-44.2-00.1 of the 1997 Supplement to the
7 North Dakota Century Code is amended and reenacted as follows:

8 **54-44.2-00.1. Definitions.** As used in this chapter:

- 9 1. "Agency" does not include any agricultural commodity promotion group.
10 2. "Information technology" means computing and data communications systems and
11 their supporting infrastructure used in the acquisition, processing, management,
12 analysis, storage, and delivery of information.
13 ~~2.~~ 3. "Information technology services" means the equipment, software, and services
14 necessary for the acquisition, processing, management, analysis, storage, and
15 delivery of information.
16 ~~3.~~ 4. "~~Telephone Network~~ services" means the equipment, software, and services
17 necessary to transmit voice, data, or video ~~through the public telephone network.~~

NOTE: North Dakota Century Code Section 4-24-10 identifies these agricultural commodity promotion groups: Potato Council, Oilseed Council, Dry Bean Council, Barley Council, Soybean Council, Corn Utilization Council, Beekeepers Association, Turkey Federation, Milk Marketing Board, Dairy Promotion Commission, Wheat Commission, and Beef Commission.

18 **SECTION 2. AMENDMENT.** Section 54-44.2-02 of the 1997 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

- 1 **54-44.2-02. Information services division - Powers and duties.** The information
2 services division shall:
- 3 1. ~~Provide~~ Shall provide information technology services.
 - 4 2. ~~Provide telephone~~ Shall provide network services.
 - 5 3. ~~Have the authority to~~ May purchase or lease equipment or replace, including by
6 trade or resale, ~~present~~ equipment as may be necessary to carry out this chapter.
7 Each executive branch department, agency, or institution, except the institutions
8 under the control of the board of higher education, shall submit to the information
9 services division and the legislative council, or its designee, in accordance with
10 guidelines established by the division, a written request for the lease, purchase, or
11 other contractual acquisition of information technology services ~~or equipment~~. The
12 information services division shall review requests for conformance with the
13 requesting ~~organization's~~ entity's strategic plan and compliance with statewide
14 policies and standards. If the request is not in conformance or compliance, the
15 information services division may disapprove the request or require justification for
16 the departure from the strategic plan or statewide policy or standard. The division
17 shall inform the legislative council, or its designee, of any requests disapproved or
18 additional justification received relating to a request.
 - 19 4. ~~Provide~~ Shall provide information technology services, including assistance and
20 advisory service to the legislative and judicial branches. If the division is unable to
21 fulfill a request for service from the legislative or judicial branch, the service may be
22 procured by the legislative or judicial branch within the limits of legislative
23 appropriations.
 - 24 5. ~~Conduct~~ Shall conduct conferences and meetings with political subdivisions to
25 review and coordinate information technology services. The information services
26 division shall report ~~annually~~ to the legislative council or its designated committee
27 regarding the coordination of services with political subdivisions.
 - 28 6. ~~Have authority to~~ May request information on or review information technology
29 systems, applications, system development projects, and application development
30 projects of executive branch departments, agencies, and institutions.
 - 31 7. ~~Perform~~ Shall perform all other duties necessary to carry out this chapter.

NOTE: The lead-in language of each subsection is changed to recognize that not every subsection is a duty, i.e., "may" is appropriate. In subsection 2, "telephone services" is changed to "network services" due to the change in Section 1. In subsection 3, "equipment" is deleted because "information technology services" is defined to include equipment in Section 1. In subsection 5, "annually" is deleted to allow the report to be made when appropriate.

1 **SECTION 3. AMENDMENT.** Section 54-44.2-10 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **54-44.2-10. Information technology planning.** Each executive branch state agency,
4 institution, or department, including the institutions under the control of the board of higher
5 education, shall prepare an information technology strategic plan, subject to approval by the
6 information services division. The plan must be submitted to the information services division
7 and the legislative council by January fifteenth of each even-numbered year. The plan must be
8 prepared based on guidelines developed by the information services division in consultation
9 with the legislative council; must provide the information technology goals, objectives, and
10 activities of the ~~organization~~ entity for the current biennium and the next five years two
11 bienniums; and must include a ~~detailed~~ list of information technology assets owned, leased, or
12 employed by the ~~agency, institution, or department~~ entity. Each ~~agency, institution, or~~
13 ~~department~~ entity shall provide interim updates to its plan if major information technology
14 changes occur which affect its plan. The information services division shall review each
15 ~~agency's, institution's, or department's~~ entity's strategic plan for compliance with statewide
16 information technology policies and standards and may require an ~~agency, institution, or~~
17 ~~department~~ entity to change its strategic plan to comply with statewide policies or standards or
18 to resolve conflicting directions among plans. Agencies of the judicial and legislative branches
19 shall file their information technology strategic plans with the information services division and
20 the legislative council by January fifteenth of each even-numbered year. Each agency,
21 institution, or department shall prepare its budget request for the next biennium based on its
22 information technology strategic plan. Based on the plans prepared by agencies, institutions,
23 and departments, the information services division shall prepare a statewide information
24 technology strategic plan and distribute copies of that plan to members of the legislative
25 assembly as requested by the legislative council or its designee.

NOTE: North Dakota Century Code Section 1-01-49 does not define "organization" as including a governmental entity. "Five years" is replaced with references to bienniums because that is a clearer way of identifying the periods desired. "Detailed" is deleted to

eliminate discrepancies between this requirement and the guidelines developed by the Information Services Division and the Legislative Council.

1 **SECTION 4. AMENDMENT.** Section 54-44.2-11 of the 1997 Supplement to the North
2 Dakota Century Code is amended and reenacted as follows:

3 **54-44.2-11. Information technology coordination - Report to legislative council.**

4 The director of the information services division and the commissioner of the board of higher
5 education shall meet at least twice each year to plan and coordinate their information
6 technology systems and services. The director and commissioner shall consider areas in which
7 joint or coordinated information technology systems and services may result in more efficient
8 and effective state government operations. The director and commissioner shall report their
9 findings and recommendations to the legislative council or its designated committee ~~before~~
10 ~~November of each year.~~

NOTE: Reference to the date the report is given is deleted to allow flexibility in determining when the report should be given.

11 **SECTION 5. AMENDMENT.** Section 54-44.2-12 of the 1997 Supplement to the North
12 Dakota Century Code is amended and reenacted as follows:

13 **54-44.2-12. Information technology management reviews - Report to legislative**
14 ~~audit and fiscal review committee~~ **council.** The information services division shall review the
15 information technology management of executive branch state agencies, institutions, or
16 departments, including the institutions under the control of the board of higher education, as
17 determined by the director of the information services division. The review must include an
18 evaluation of the ~~organization's~~ entity's planning effectiveness, conformance to its strategic
19 plan, compliance with statewide policies and standards, asset quality, and training methods,
20 and for an ~~organization~~ entity that contracts for information technology services, an analysis of
21 the ~~organization's~~ entity's contract management system and the contractor's compliance with
22 contract provisions. If an agency, institution, or department is found not to be in compliance
23 with statewide policies and standards and does not agree to come into compliance, the
24 information services division ~~may~~ shall report the issue to the legislative ~~audit and fiscal review~~
25 ~~committee.~~ ~~The information services division shall report recurring issues of noncompliance to~~
26 ~~the legislative audit and fiscal review~~ council or its designated committee.

NOTE: North Dakota Century Code Section 1-01-49 does not define "organization" as including a government entity. A reference to the Legislative Audit and Fiscal Review

Committee is replaced with the Legislative Council to maintain continuity with the involvement of the committee responsible for reviewing information technology.

1 **SECTION 6.** A new section to chapter 54-44.2 of the North Dakota Century Code is
2 created and enacted as follows:

3 **Information technology projects - Feasibility studies - Use of funds.** The
4 information services division, in consultation with the legislative council, shall establish
5 guidelines for an agency or institution to use in determining whether an information technology
6 project requires a feasibility study and analysis before proceeding with the project. The agency
7 or institution shall report the results of the feasibility study to the information services division
8 and the legislative council. The information services division, in consultation with the legislative
9 council, shall prepare an analysis of the project and make the final determination as to whether
10 the agency or institution may proceed with the project. If the determination is that the agency or
11 institution may not proceed with the project, the agency or institution may not expend any funds
12 appropriated for the project without the approval of the information services division after
13 consultation with the legislative council.