

Introduced by

1 A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota
2 Century Code, relating to the legislative council information technology committee; and to
3 amend and reenact section 54-35-15, subsections 3 and 5 of section 54-44.2-02, sections
4 54-44.2-09, 54-44.2-10, 54-44.2-11, and 54-44.2-12 of the North Dakota Century Code, relating
5 to the legislative council's information technology program, the information services division,
6 and information technology activities.

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

8 **SECTION 1.** A new section to chapter 54-35 of the North Dakota Century Code is
9 created and enacted as follows:

10 **Information technology committee - Appointment.** The legislative council, during
11 each biennium, shall appoint an information technology committee in the same manner as the
12 council appoints other interim committees. [The council shall appoint at least five members of
13 the house of representatives, one of whom must have served on the appropriations committee,
14 and four members of the senate, one of whom must have served on the appropriations
15 committee.] The council shall designate the chairman of the committee. The committee shall
16 operate according to the statutes and procedure governing the operation of other legislative
17 council interim committees.

NOTE: This section is based on Oregon Revised Statutes Section 171.852, which creates Oregon's Joint Legislative Committee on Information Management and Technology. Oregon's committee consists of four representatives, at least two of whom have served on the Joint Ways and Means Committee, and three senators, at least one of whom has served on the Joint Ways and Means Committee. The Oregon House has 60 members and the Oregon Senate has 30 members.

18 **SECTION 2.** A new section to chapter 54-35 of the North Dakota Century Code is
19 created and enacted as follows:

- 1 **Information technology committee - Powers and duties.** The information
2 technology committee has continuing existence and may meet and conduct its business during
3 the legislative session and in the interim between sessions. The committee shall:
- 4 1. Establish statewide goals and policy regarding information systems and
5 technology, including telecommunications.
 - 6 2. Conduct studies of information technology efficiency and security.
 - 7 3. Review the activities of the information services division.
 - 8 4. Make recommendations regarding established or proposed information technology
9 programs and information technology acquisitions.
 - 10 5. Study emerging technology and evaluate its impact on the state's system of
11 information technology, and report and make recommendations to the legislative
12 council and the legislative assembly regarding information technology in state
13 government.
 - 14 6. Develop guidelines for reports to be provided by each executive branch agency or
15 institution, the institutions under the control of the state board of higher education,
16 and agencies of the judicial and legislative branches on information technology in
17 those entities.
 - 18 7. Review the information technology management of executive branch agencies or
19 institutions, institutions under the control of the state board of higher education,
20 and agencies of the judicial and legislative branches as determined necessary by
21 the council, or its designee.
 - 22 8. Perform quality assurance reviews of information technology systems or
23 applications of executive branch agencies or institutions, institutions under the
24 control of the state board of higher education, and agencies of the judicial and
25 legislative branches, as determined necessary by the council, or its designee. A
26 quality assurance review may include evaluating compliance with system or
27 application requirements, data integrity, security, controls, audit trails, backup and
28 recovery methods, and the effectiveness and appropriateness of the system in
29 achieving its intended purpose, as applicable.
 - 30 9. Monitor the implementation of information technology systems development
31 projects and application development projects for conformance with the agency's

1 strategic plan and compliance with statewide policies and standards as determined
2 necessary by the council, or its designee.

NOTE: Subsections 1 through 4 track Oregon Revised Statutes Section 171.855 with respect to responsibilities of the committee. Subsections 5 through 9 are taken from North Dakota Century Code Section 54-35-15, subsections 4 through 8, in order to place responsibilities for reviewing and studying information technology specifically with the committee.

3 **SECTION 3. AMENDMENT.** Section 54-35-15 of the 1997 Supplement to the North
4 Dakota Century Code is amended and reenacted as follows:

5 **54-35-15. Information technology program - Staff - Powers and duties.**

- 6 1. The legislative council, or its designee, shall provide information technology
7 research and staff services to the legislative branch. The services must be
8 provided in accordance with the existing statutory authority of the legislative council
9 and within the framework of its other staff services.
- 10 2. The legislative council staff office shall provide information technology services,
11 and the council, or its designee, may hire such additional staff as are necessary,
12 and set compensation for any additional staff within the limits of legislative
13 appropriations.
- 14 3. The council, or its designee, shall structure the provision of information technology
15 services and assistance to the legislative assembly; and shall receive such
16 cooperation and assistance from other state agencies as it may reasonably
17 request.
- 18 4. ~~The council, or its designee, shall study emerging technology and evaluate its~~
19 ~~impact on the state's system of information technology, and report and make~~
20 ~~recommendations to the legislative council and the legislative assembly regarding~~
21 ~~information technology in state government.~~
- 22 5. ~~The council, or its designee, shall develop guidelines for reports to be provided by~~
23 ~~each executive branch agency, institution, or department, the institutions under the~~
24 ~~control of the board of higher education, and agencies of the judicial and legislative~~
25 ~~branches on information technology in those entities.~~
- 26 6. ~~The council, or its designee, shall review the information technology management~~
27 ~~of executive branch agencies, institutions, or departments, institutions under the~~

1 ~~control of the board of higher education, and agencies of the judicial and legislative~~
2 ~~branches as determined necessary by the council or its designee.~~

3 7. ~~The council, or its designee, shall perform information systems reviews and audits~~
4 ~~of information technology systems or applications of executive branch state~~
5 ~~agencies, institutions, and departments, institutions under the control of the state~~
6 ~~board of higher education, and agencies of the judicial and legislative branches, as~~
7 ~~determined necessary by the council, or its designee. The reviews and audits may~~
8 ~~include evaluating compliance with system or application requirements, data~~
9 ~~integrity, security, controls, audit trails, backup and recovery methods, and the~~
10 ~~effectiveness and appropriateness of the system in achieving its intended purpose,~~
11 ~~as applicable.~~

12 8. ~~The council, or its designee, shall monitor the implementation of information~~
13 ~~technology systems development projects and application development projects for~~
14 ~~conformance with the agency's strategic plan and compliance with statewide~~
15 ~~policies and standards as determined necessary by the council, or its designee,~~
16 ~~and report any nonconformance or noncompliance discovered to the council or its~~
17 ~~designated committee.~~

18 9. ~~As used in this section, "information technology" means computing and data~~
19 ~~communications systems and their supporting infrastructure used in the~~
20 ~~acquisition, processing, management, analysis, storage, and delivery of~~
21 ~~information.~~

22 **SECTION 4. AMENDMENT.** Subsections 3 and 5 of section 54-44.2-02 of the 1997
23 Supplement to the North Dakota Century Code are amended and reenacted as follows:

24 3. Have the authority to purchase or lease equipment or replace, including by trade or
25 resale, ~~present~~ equipment as may be necessary to carry out this chapter. Each
26 executive branch department, agency, or institution, except the institutions under
27 the control of the state board of higher education, shall submit to the information
28 services division and the legislative ~~council, or its designee~~ council's information
29 technology committee, in accordance with guidelines established by the division, a
30 written request for the lease, purchase, or other contractual acquisition of
31 information technology services ~~or equipment~~. The information services division

1 shall review requests for conformance with the requesting ~~organization's~~ entity's
2 strategic plan and compliance with statewide policies and standards. If the request
3 is not in conformance or compliance, the information services division may
4 disapprove the request or require justification for the departure from the strategic
5 plan or statewide policy or standard. The division shall inform the legislative
6 ~~council, or its designee,~~ council's information technology committee of any
7 requests disapproved or additional justification received relating to a request.

8 5. Conduct conferences and meetings with political subdivisions to review and
9 coordinate information technology services. The information services division shall
10 report ~~annually~~ to the legislative ~~council or its designated~~ council's information
11 technology committee regarding the coordination of services with political
12 subdivisions.

13 **SECTION 5. AMENDMENT.** Section 54-44.2-09 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **54-44.2-09. Information technology policies and standards.** The information
16 services division, based on information from state agencies, institutions, and departments, and
17 in consultation with the legislative ~~council~~ council's information technology committee, shall
18 develop statewide information technology policies, and standards, ~~and guidelines~~. Unless an
19 exception is granted by the information services division, each executive branch state agency,
20 institution, or department, excluding the institutions under the control of the state board of
21 higher education, shall comply with the policies and standards developed by the information
22 services division.

23 **SECTION 6. AMENDMENT.** Section 54-44.2-10 of the 1997 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

25 **54-44.2-10. Information technology planning.** Each executive branch state agency,
26 institution, or department, including the institutions under the control of the state board of higher
27 education, shall prepare an information technology strategic plan, subject to approval by the
28 information services division. The plan must be submitted to the information services division
29 and the legislative ~~council~~ council's information technology committee by January fifteenth of
30 each even-numbered year. The plan must be prepared based on guidelines developed by the
31 information services division in consultation with the legislative ~~council~~ council's information

1 technology committee; must provide the information technology goals, objectives, and activities
2 of the ~~organization~~ entity for the current biennium and the next five years two bienniums; and
3 must include a ~~detailed~~ list of information technology assets owned, leased, or employed by the
4 ~~agency, institution, or department~~ entity. Each ~~agency, institution, or department~~ entity shall
5 provide interim updates to its plan if major information technology changes occur which affect
6 its plan. The information services division shall review each ~~agency's, institution's, or~~
7 ~~department's~~ entity's strategic plan for compliance with statewide information technology
8 policies and standards and may require an ~~agency, institution, or department~~ entity to change
9 its strategic plan to comply with statewide policies or standards or to resolve conflicting
10 directions among plans. Agencies of the judicial and legislative branches shall file their
11 information technology strategic plans with the information services division and the legislative
12 ~~council~~ council's information technology committee by January fifteenth of each even-numbered
13 year. Each agency, institution, or department shall prepare its budget request for the next
14 biennium based on its information technology strategic plan. Based on the plans prepared by
15 agencies, institutions, and departments, the information services division shall prepare a
16 statewide information technology strategic plan and distribute copies of that plan to members of
17 the legislative assembly as requested by the legislative council or its designee.

18 **SECTION 7. AMENDMENT.** Section 54-44.2-11 of the 1997 Supplement to the North
19 Dakota Century Code is amended and reenacted as follows:

20 **54-44.2-11. Information technology coordination - Report to legislative council.**

21 The director of the information services division and the commissioner of the state board of
22 higher education shall meet at least twice each year to plan and coordinate their information
23 technology systems and services. The director and commissioner shall consider areas in which
24 joint or coordinated information technology systems and services may result in more efficient
25 and effective state government operations. The director and commissioner shall report their
26 findings and recommendations to the legislative ~~council or its designated~~ council's information
27 technology committee before November of each year.

28 **SECTION 8. AMENDMENT.** Section 54-44.2-12 of the 1997 Supplement to the North
29 Dakota Century Code is amended and reenacted as follows:

30 **54-44.2-12. Information technology management reviews - Report to legislative**
31 **~~audit and fiscal review committee~~ council.** The information services division shall review the

1 information technology management of executive branch state agencies, institutions, or
2 departments, including the institutions under the control of the state board of higher education,
3 as determined by the director of the information services division. The review must include an
4 evaluation of the ~~organization's~~ entity's planning effectiveness, conformance to its strategic
5 plan, compliance with statewide policies and standards, asset quality, and training methods,
6 and for an ~~organization~~ entity that contracts for information technology services, an analysis of
7 the ~~organization's~~ entity's contract management system and the contractor's compliance with
8 contract provisions. If an agency, institution, or department is found not to be in compliance
9 with statewide policies and standards and does not agree to come into compliance, the
10 information services division ~~may~~ shall report the issue to the legislative ~~audit and fiscal review~~
11 ~~committee~~. ~~The information services division shall report recurring issues of noncompliance to~~
12 ~~the legislative audit and fiscal review~~ council's information technology committee.