

Sixty-ninth
Legislative Assembly of North Dakota
Introduced by

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2049

State and Local Government Committee

(At the request of the Information Technology Department)

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

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

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

8 **54-35-15.2. Information technology committee – Powers and duties.**

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

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

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

- 11 a. Has an estimated total cost, as defined by the information technology
12 department, of five million dollars or more; or
13 b. Requires one year or longer to reach operational status; or
14 c. Requires oversight due to its potential benefits, risks, public impact,
15 visibility, or other significant reason.

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

- 24 (1) Significantly impacts the statewide wide area network, including
25 the campus access routers;
26 (2) Impacts the statewide library system; or
27 (3) Is an administrative project. An administrative project is a project
28 that directly collects, aggregates, modifies, stores, or reports
29 institutional student, financial, or human resources records or data
30 and is provided primarily for administrative purposes.

31 b. For the purposes of this subsection, a major project is a project with a-

1 total cost of five hundred thousand dollars or more.

2 12. Receive and review information from the information technology
3 department and the affected agency regarding any information
4 technology project of an executive branch agency with a total cost of
5 between one hundred thousand and five ~~hundred thousand~~million dollars
6 as determined necessary by the information technology department.

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

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

19 15. Receive information from the state board of higher education regarding
20 higher education information technology planning, services, and major
21 projects.

22 **SECTION 2. AMENDMENT.** Subsection 8 of section 54-59-05 of the North
23 Dakota Century Code is amended and reenacted as follows:

24 **54-59-05. Powers and duties of department.**

25 8. May request and review information regarding any information
26 technology project of an executive branch agency with a total cost of
27 between one hundred thousand and five ~~hundred thousand~~million dollars
28 as determined necessary by the department. The department shall
29 present the information to the information technology committee on
30 request of the committee.

31

1 **SECTION 3. AMENDMENT.** Section 54-59-01 of the North Dakota Century
2 Code is amended and reenacted as follows:

3 **54-59-01. Definitions.**

4 7. “Major information technology project” means a project that meets one or
5 more of the following criteria, as determined by the chief information
6 officer:

7 a. Has an estimated total cost, as defined by the department, of five
8 million dollars or more; or

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

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

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

14 **54-59-32. Major information technology projects - ~~Appointment of~~**
15 **~~executive steering committees~~Oversight.**

16 1. An executive branch state agency, excluding institutions under the control
17 of the state board of higher education, proposing to conduct a major
18 information technology project ~~as described in subsection 10 of section~~
19 ~~54-35-15.2~~, the department, and the office of management and budget, in
20 consultation with the attorney general, shall collaborate on the
21 procurement, contract negotiation, and contract administration of the
22 project. The agency, the department, and the office of management and
23 budget, in consultation with the attorney general, shall approve the
24 solicitation, contract, or agreement, and any amendments relating to the
25 project before submission to the ~~executive steering~~oversight committee as
26 provided in subsection 3.

27 2. The procurement officer and primary project manager for a major
28 information technology project must meet the qualifications established by
29 the department and the office of management and budget.

30 3. An ~~executive steering~~oversight committee must be appointed to oversee
31 ~~each~~a major information technology project. The ~~agency project-~~

1 ~~sponsor~~chief information officer shall ~~serve as~~appoint a chairman of the
2 committee. The ~~executive steering~~oversight committee ~~must consist of~~may
3 include the director of the office of management and budget or a designee
4 of the director, the chief information officer or a designee of the officer, ~~a~~
5 ~~representative appointed by the chief information officer,~~ the head of the
6 agency contracting for the project or a designee, ~~a representative~~
7 ~~appointed by the head of the agency contracting for the project,~~ the project
8 sponsor, and a large project oversight analyst designated by the chief
9 information officer. The ~~executive steering~~oversight committee shall
10 monitor the overall status of the project ~~and review~~and make
11 recommendations to the head of the agency contracting for the project or
12 a designee, and the project sponsor, regarding project decisions, ~~including~~
13 negotiation and execution of contracts, approval of project budgets,
14 implementation of project schedules, assessment of project quality, and
15 consideration of scope changes. ~~Any project decision declared by a~~
16 ~~member of the committee to be a major project decision requires at least~~
17 ~~four affirmative votes.~~

18 4. An agreement or contract, including an amendment, revision, or scope
19 change, for a major information technology project may not be entered
20 unless signed by the head of the contracting agency or a designee and
21 the chief information officer or a designee of the officer.