

Introduced by

1 A BILL for an Act to amend and reenact subsection 4 of section 54-59-05 and sections  
2 54-59-06, 54-59-07, 54-59-11, and 54-59-16 of the North Dakota Century Code, relating to  
3 powers, duties, and responsibilities of the information technology department.

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

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 54-59-05 of the 1999 Supplement  
6 to the North Dakota Century Code is amended and reenacted as follows:

7 4. May purchase, finance the purchase, or lease equipment or software or replace,  
8 including by trade or resale, equipment or software as may be necessary to carry  
9 out this chapter. Each executive branch agency or institution, except the  
10 institutions under the control of the board of higher education, shall submit to the  
11 department, in accordance with guidelines established by the department, a written  
12 request for the lease, purchase, or other contractual acquisition of information  
13 technology. The department shall review requests for conformance with the  
14 requesting entity's information technology plan and compliance with statewide  
15 policies and standards. If the request is not in conformance or compliance, the  
16 department may disapprove the request or require justification for the departure  
17 from the plan or statewide policy or standard.

18 **SECTION 2. AMENDMENT.** Section 54-59-06 of the 1999 Supplement to the North  
19 Dakota Century Code is amended and reenacted as follows:

20 **54-59-06. Business plan.** The department shall develop and maintain a business  
21 plan. The business plan must:

22 1. Define the department's overall organization, mission, and delivery of services.

- 1           2.    ~~Define the strategies for improving personnel productivity and workflow processes~~  
2            ~~of the department~~ department's short-term and long-term goals and objectives  
3            based on customer needs.
- 4           3.    ~~Determine how use of the statewide network will improve learning in the state.~~  
5            Outline the strategies and activities necessary to meet the goals and objectives of  
6            the department while improving the efficiency of the department and improving  
7            service to customers.
- 8           4.    ~~Determine how the statewide networks can provide network services for the benefit~~  
9            ~~of Indian tribes, nonprofit organizations, and noncommercial public television~~  
10           ~~stations licensed by the federal communications commission to operate in this~~  
11           ~~state.~~ Define rates and funding mechanisms necessary to finance the proposed  
12           activities of the department.
- 13           5.    Define a method for evaluating progress toward the goals outlined in the business  
14           plan.
- 15           6.    Determine the specific strategies and processes to ensure that agencies share  
16           information, systems, and the statewide network.
- 17           6.    ~~Define the processes that will ensure that counties, cities, and school districts~~  
18           ~~receive maximum benefit of the statewide network.~~
- 19           7.    ~~Define a fair and equitable billing structure that provides for payback of the initial~~  
20           ~~investments and ongoing operations of the statewide network.~~
- 21           8.    7.    Address the processes that will be put in place to ensure that the department  
22           exercises its powers and duties with minimal delay, cost, and procedural burden to  
23           an entity receiving services from the department; to ensure that the department  
24           provides prompt, high-quality services to an entity receiving services from the  
25           department; to ensure that an entity receiving services from the department is  
26           aware of the technology available and to ensure training on its use; and to foster  
27           information technology innovation by state entities.
- 28           9.    ~~Address the deployment of encryption and the administration of digital signatures.~~
- 29           10.   ~~Address information and system backup and disaster recovery.~~

30           **SECTION 3. AMENDMENT.** Section 54-59-07 of the 1999 Supplement to the North  
31           Dakota Century Code is amended and reenacted as follows:

1           **54-59-07. ~~Statewide wide area network~~ State information technology advisory**  
2 **committee.** ~~The statewide wide area network committee consists of the chief information~~  
3 ~~officer or the officer's designee, who is a nonvoting member; the state court administrator or the~~  
4 ~~administrator's designee, with the approval of the chief justice of the supreme court; the~~  
5 ~~commissioner of higher education or the commissioner's designee; and nine members~~  
6 ~~appointed by the governor. The governor shall appoint two members representing state~~  
7 ~~agencies, one member representing a county, one member representing a city, two members~~  
8 ~~representing elementary and secondary education, one member representing noncommercial~~  
9 ~~public television stations licensed by the federal communications commission to operate in this~~  
10 ~~state, and two members from private industry who are knowledgeable in the deployment of~~  
11 ~~major technology projects. The governor's appointees from private industry serve two year~~  
12 ~~terms, and other appointees of the governor serve at the pleasure of the governor. The~~  
13 ~~governor shall designate the chairman of the committee. The department shall provide staff~~  
14 ~~services to the committee. Except for the commissioner of higher education and the~~  
15 ~~representatives~~ The chief information officer shall appoint a state information technology  
16 advisory committee to advise the department regarding statewide information technology  
17 planning including providing electronic government services for citizens and businesses,  
18 developing technology infrastructure to support economic development and work force training,  
19 and developing other statewide information technology initiatives and policy. The chief  
20 information officer shall designate the chairman of the committee. The committee must consist  
21 of the chief information officer, the chairman of the educational telecommunications council, the  
22 chief information officer appointed by the board of higher education, and two representatives of  
23 state agencies that provide electronic government services to the public. The chief information  
24 officer may appoint additional members. Any member of the committee who is not a  
25 representative of a state agencies who receive compensation for their duties as state officers or  
26 employees, members of the committee are agency is entitled to be compensated for time spent  
27 in attendance at meetings of the committee and for other travel as approved by the chairman of  
28 the committee at the rate of sixty-two dollars and fifty cents per day and ~~are~~ is entitled to  
29 reimbursement for ~~their~~ actual and necessary expenses incurred in the same manner as other  
30 state officials. The compensation and expenses are to be paid from appropriations for the

1 department. ~~The committee shall advise the department with respect to planning and~~  
2 ~~implementation of wide area network services provided by the department.~~

3 **SECTION 4. AMENDMENT.** Section 54-59-11 of the 1999 Supplement to the North  
4 Dakota Century Code is amended and reenacted as follows:

5 **54-59-11. Information technology plans.** Each executive branch state agency or  
6 institution, including the institutions under the control of the board of higher education, shall  
7 prepare an information technology plan, subject to approval by the department. The plan must  
8 be submitted to the department by ~~January~~ March fifteenth of each even-numbered year. The  
9 plan must be prepared based on guidelines developed by the department; must provide the  
10 information technology goals, objectives, and activities of the entity for the current biennium and  
11 the next two bienniums; and must include ~~a list of~~ information regarding the information  
12 technology assets owned, leased, or employed by the entity. Each entity required to file a plan  
13 shall provide interim updates to its plan if major information technology changes occur which  
14 affect its plan. The department shall review each entity's plan for compliance with statewide  
15 information technology policies and standards and may require an entity to change its plan to  
16 comply with statewide policies or standards or to resolve conflicting directions among plans.  
17 Agencies of the judicial and legislative branches shall file their information technology plans  
18 with the department by ~~January~~ March fifteenth of each even-numbered year. Each state entity  
19 shall prepare its budget request for the next biennium based on its information technology plan.  
20 The agency's budget request and the governor's budget recommendation must include  
21 supporting information describing in detail how the information technology plan relates to the  
22 budget request and recommendation. Any budget adjustment by the budget office must include  
23 the corresponding change to the plan. Based on the plans, the department shall prepare a  
24 statewide information technology plan and distribute copies of that plan to members of the  
25 legislative assembly as requested by the legislative council or its designee. The statewide  
26 information technology plan must be developed with emphasis on long-term strategic goals and  
27 objectives. ~~Any state agency or institution, county, city, school district, or other entity that uses~~  
28 ~~the statewide network or is a user of services of the department shall file a plan that includes~~  
29 ~~and identifies all requirements for voice, data, or video.~~

30 **SECTION 5. AMENDMENT.** Section 54-59-16 of the 1999 Supplement to the North  
31 Dakota Century Code is amended and reenacted as follows:

1           **54-59-16. Confidentiality.** The department may receive from various agencies and  
2 various agencies may provide to the department any information from the agencies necessary  
3 to effect the purposes of this chapter without regard to the confidential nature of the information.  
4 The department is subject to the same restrictions and penalties regarding the dissemination of  
5 this information as the entity involved. Information collected to carry out sections 54-59-09,  
6 54-59-11, and 54-59-13 is exempt as defined in section 44-04-17.1. Except for a request for  
7 access authorized by section 54-10-22.1 or a request to access information collected to carry  
8 out section 54-59-09, 54-59-11, or 54-59-13, the department shall refer a request for access to  
9 or inspection of information provided by an agency to that agency for response. Referral to the  
10 agency satisfies any responsibility of the department to provide that information under open  
11 records requirements. Upon court order the department shall provide access to or inspection of  
12 this information in accordance with restrictions of that entity involved governing dissemination of  
13 that information.