

**SENATE BILL NO. 2073**

Introduced by

State and Local Government Committee

(At the request of the Information Technology Department)

1 A BILL for an Act to amend and reenact section 54-59-05 of the North Dakota Century Code,  
2 relating to information technology standards and services.

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

4 **SECTION 1. AMENDMENT.** Section 54-59-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **54-59-05. Powers and duties of department. (Effective through July 31, 2023)**

7 The department:

- 8 1. Shall provide, supervise, and regulate information technology of all executive branch  
9 state entities, excluding the institutions under the control of the state board of higher  
10 education and the veterans' home.
- 11 2. Shall provide network services in a way that ensures the network requirements of a  
12 single entity do not adversely affect the functionality of the whole network, facilitates  
13 open communications with the citizens of the state, minimizes the state's investment in  
14 human resources, accommodates an ever-increasing amount of traffic, supports rapid  
15 detection and resolution of problems, protects the network infrastructure from damage  
16 and security breaches, provides for the aggregation of data, voice, video, and  
17 multimedia into a statewide transport mechanism or backbone, and provides for the  
18 network support for the entity to carry out its mission.
- 19 3. May review and approve additional network services that are not provided by the  
20 department.
- 21 4. May purchase, finance the purchase, or lease equipment, software, or implementation  
22 services or replace, including by trade or resale, equipment or software as may be  
23 necessary to carry out this chapter. With the exception of agreements entered related  
24 to the statewide interoperable radio network, an agreement to finance the purchase of

1 software, equipment, or implementation services may not exceed a period of five  
2 years. The department shall submit any intended financing proposal for the purchase  
3 of software, equipment, or implementation services under this subsection, which is in  
4 excess of one million dollars, to the legislative assembly or the budget section if the  
5 legislative assembly is not in session before executing a financing agreement. Any  
6 request considered by the budget section must comply with section 54-35-02.9. If the  
7 legislative assembly or the budget section does not approve the execution of a  
8 financing agreement, the department may not proceed with the proposed financing  
9 arrangement. With the exception of financing for the statewide interoperable radio  
10 network, the department may finance the purchase of software, equipment, or  
11 implementation services only to the extent the purchase amount does not exceed  
12 seven and one-half percent of the amount appropriated to the department during that  
13 biennium.

14 5. Shall review requests for lease, purchase, or other contractual acquisition of  
15 information technology as required by this subsection. Each executive branch agency  
16 or institution, excluding the institutions under the control of the board of higher  
17 education, shall submit to the department, in accordance with guidelines established  
18 by the department, a written request for the lease, purchase, or other contractual  
19 acquisition of information technology. The department shall review requests for  
20 conformance with the requesting entity's information technology plan and compliance  
21 with statewide policies and standards. If the request is not in conformance or  
22 compliance, the department may disapprove the request or require justification for the  
23 departure from the plan or statewide policy or standard.

24 6. Shall provide information technology, including assistance and advisory service, to the  
25 executive, legislative, and judicial branches. If the department is unable to fulfill a  
26 request for service from the legislative or judicial branch, the information technology  
27 may be procured by the legislative or judicial branch within the limits of legislative  
28 appropriations.

29 7. Shall request and review information, including project startup information  
30 summarizing the project description, project objectives, business need or problem,  
31 cost-benefit analysis, and project risks and a project closeout information summarizing

- 1           the project objectives achieved, project budget and schedule variances, and lessons  
2           learned, regarding any major information technology project of an executive branch  
3           agency. The department shall present the information to the information technology  
4           committee on request of the committee.
- 5           8. May request and review information regarding any information technology project of  
6           an executive branch agency with a total cost of between one hundred thousand and  
7           five hundred thousand dollars as determined necessary by the department. The  
8           department shall present the information to the information technology committee on  
9           request of the committee.
- 10          9. Shall study emerging technology and evaluate its impact on the state's system of  
11          information technology.
- 12          10. Shall develop guidelines for reports to be provided by each agency of the executive,  
13          legislative, and judicial branches, excluding the institutions under the control of the  
14          board of higher education, on information technology in those entities.
- 15          11. Shall collaborate with the state board of higher education on guidelines for reports to  
16          be provided by institutions under control of the state board of higher education on  
17          information technology in those entities.
- 18          12. Shall perform all other duties necessary to carry out this chapter.
- 19          13. May provide wide area network services to a state agency, city, county, school district,  
20          or other political subdivision of this state. The information technology department may  
21          not provide wide area network service to any private, charitable, or nonprofit entity  
22          except the information technology department may continue to provide the wide area  
23          network service the department provided to the private, charitable, and nonprofit  
24          entities receiving services from the department on January 1, 2003.
- 25          14. Shall assure proper measures for security, firewalls, and internet protocol addressing  
26          at the state's interface with other facilities.
- 27          15. Notwithstanding subsection 13, may provide wide area network services for a period  
28          not to exceed four years to an occupant of a technology park associated with an  
29          institution of higher education or to a business located in a business incubator  
30          associated with an institution of higher education.

- 1       16. Shall advise and oversee cybersecurity strategy for all executive branch state  
2           agencies, including institutions under the control of the state board of higher  
3           education, counties, cities, school districts, or other political subdivisions. For  
4           purposes of this subsection, the department shall consult with the attorney general on  
5           cybersecurity strategy.
- 6       17. Shall advise and consult with the legislative and judicial branches regarding  
7           cybersecurity strategy.
- 8       18. Notwithstanding chapter 54-40.2, may enter a memorandum of understanding with  
9           other state, local, tribal, or territorial governments of the United States for purposes of  
10          ensuring the confidentiality, availability, and integrity of state, local, and tribal  
11          information systems and data, including consulting, developing cybersecurity strategy,  
12          prevention of cybersecurity incidents, and response strategies to cybersecurity  
13          incidents. The department may charge an amount equal to the cost of the services  
14          rendered by the department to all agencies that receive and expend moneys from  
15          other than the general fund.
- 16      19. Notwithstanding chapter 54-40.2, may enter a mutual aid agreement with other state,  
17          local, tribal, or territorial governments of the United States agreeing to the reciprocal  
18          exchange of resources and services for mutual benefit of the parties related to  
19          cybersecurity efforts for the purposes of responding to or mitigating active  
20          cybersecurity incidents. The department may receive in-kind benefits that reduce  
21          cybersecurity risks to information technology or shall charge an amount equal to the  
22          cost of the services rendered by the department to all agencies that receive and  
23          expend moneys from other than the general fund.

24       **Powers and duties of department. (Effective after July 31, 2023)**

25       The department:

- 26      1. Shall provide, supervise, and regulate information technology of all executive branch  
27          state entities, excluding the institutions under the control of the state board of higher  
28          education and the veterans' home.
- 29      2. Shall provide network services in a way that ensures the network requirements of a  
30          single entity do not adversely affect the functionality of the whole network, facilitates  
31          open communications with the citizens of the state, minimizes the state's investment in

1 human resources, accommodates an ever-increasing amount of traffic, supports rapid  
2 detection and resolution of problems, protects the network infrastructure from damage  
3 and security breaches, provides for the aggregation of data, voice, video, and  
4 multimedia into a statewide transport mechanism or backbone, and provides for the  
5 network support for the entity to carry out its mission.

6 3. May review and approve additional network services that are not provided by the  
7 department.

8 4. May purchase, finance the purchase, or lease equipment, software, or implementation  
9 services or replace, including by trade or resale, equipment or software as may be  
10 necessary to carry out this chapter. An agreement to finance the purchase of software,  
11 equipment, or implementation services may not exceed a period of five years. The  
12 department shall submit any intended financing proposal for the purchase of software,  
13 equipment, or implementation services under this subsection, which is in excess of  
14 one million dollars, to the legislative assembly or the budget section if the legislative  
15 assembly is not in session before executing a financing agreement. Any request  
16 considered by the budget section must comply with section 54-35-02.9. If the  
17 legislative assembly or the budget section does not approve the execution of a  
18 financing agreement, the department may not proceed with the proposed financing  
19 arrangement. The department may finance the purchase of software, equipment, or  
20 implementation services only to the extent the purchase amount does not exceed  
21 seven and one-half percent of the amount appropriated to the department during that  
22 biennium.

23 5. Shall review requests for lease, purchase, or other contractual acquisition of  
24 information technology as required by this subsection. Each executive branch agency  
25 or institution, excluding the institutions under the control of the board of higher  
26 education, shall submit to the department, in accordance with guidelines established  
27 by the department, a written request for the lease, purchase, or other contractual  
28 acquisition of information technology. The department shall review requests for  
29 conformance with the requesting entity's information technology plan and compliance  
30 with statewide policies and standards. If the request is not in conformance or

- 1 compliance, the department may disapprove the request or require justification for the  
2 departure from the plan or statewide policy or standard.
- 3 6. Shall provide information technology, including assistance and advisory service, to the  
4 executive, legislative, and judicial branches. If the department is unable to fulfill a  
5 request for service from the legislative or judicial branch, the information technology  
6 may be procured by the legislative or judicial branch within the limits of legislative  
7 appropriations.
- 8 7. Shall request and review information, including project startup information  
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11 the project objectives achieved, project budget and schedule variances, and lessons  
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- 15 8. May request and review information regarding any information technology project of  
16 an executive branch agency with a total cost of between one hundred thousand and  
17 five hundred thousand dollars as determined necessary by the department. The  
18 department shall present the information to the information technology committee on  
19 request of the committee.
- 20 9. Shall study emerging technology and evaluate its impact on the state's system of  
21 information technology.
- 22 10. Shall develop guidelines for reports to be provided by each agency of the executive,  
23 legislative, and judicial branches, excluding the institutions under the control of the  
24 board of higher education, on information technology in those entities.
- 25 11. Shall collaborate with the state board of higher education on guidelines for reports to  
26 be provided by institutions under control of the state board of higher education on  
27 information technology in those entities.
- 28 12. Shall perform all other duties necessary to carry out this chapter.
- 29 13. May provide wide area network services to a state agency, city, county, school district,  
30 or other political subdivision of this state. The information technology department may  
31 not provide wide area network service to any private, charitable, or nonprofit entity

- 1           except the information technology department may continue to provide the wide area  
2           network service the department provided to the private, charitable, and nonprofit  
3           entities receiving services from the department on January 1, 2003.
- 4       14.    Shall assure proper measures for security, firewalls, and internet protocol addressing  
5           at the state's interface with other facilities.
- 6       15.    Notwithstanding subsection 13, may provide wide area network services for a period  
7           not to exceed four years to an occupant of a technology park associated with an  
8           institution of higher education or to a business located in a business incubator  
9           associated with an institution of higher education.
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- 17      18.    Notwithstanding chapter 54-40.2, may enter a memorandum of understanding with  
18           other state, local, tribal, or territorial governments of the United States for purposes of  
19           ensuring the confidentiality, availability, and integrity of state, local, and tribal  
20           information systems and data, including consulting, developing cybersecurity strategy,  
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23           rendered by the department to all agencies that receive and expend moneys from  
24           other than the general fund.
- 25      19.    Notwithstanding chapter 54-40.2, may enter a mutual aid agreement with other state,  
26           local, tribal, or territorial governments of the United States agreeing to the reciprocal  
27           exchange of resources and services for mutual benefit of the parties related to  
28           cybersecurity efforts for the purposes of responding to or mitigating active  
29           cybersecurity incidents. The department may receive in-kind benefits that reduce  
30           cybersecurity risks to information technology or shall charge an amount equal to the

1 cost of the services rendered by the department to all agencies that receive and  
2 expend moneys from other than the general fund.  
3 20. Notwithstanding chapter 54-40.2, may provide the same information technology  
4 services to tribal governments of North Dakota at the same service fees paid by all  
5 state agencies, including institutions under the control of the state board of higher  
6 education, counties, cities, and school districts in this state.