

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED 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
9 summarizing the project description, project objectives, business need or problem,
10 cost-benefit analysis, and project risks and a project closeout information summarizing
11 the project objectives achieved, project budget and schedule variances, and lessons
12 learned, regarding any major information technology project of an executive branch
13 agency. The department shall present the information to the information technology
14 committee on request of the committee.
- 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.
- 10 16. Shall advise and oversee cybersecurity strategy for all executive branch state
11 agencies, including institutions under the control of the state board of higher
12 education, counties, cities, school districts, or other political subdivisions. For
13 purposes of this subsection, the department shall consult with the attorney general on
14 cybersecurity strategy.
- 15 17. Shall advise and consult with the legislative and judicial branches regarding
16 cybersecurity strategy.
- 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,
21 prevention of cybersecurity incidents, and response strategies to cybersecurity
22 incidents. The department may charge an amount equal to the cost of the services
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. May provide information technology and cybersecurity services to any administrative,
4 elementary education, secondary education, and higher education institution under the
5 control of a tribal government of this state. The services provided and the cost of
6 services must be equal to those provided to state agencies. An agreement for services
7 entered under this section is not subject to the provisions of chapter 54-40.2.