

## INFORMATION TECHNOLOGY - BACKGROUND MEMORANDUM

North Dakota Century Code (NDCC) Section 54-35-15.2 requires the Legislative Council, during each biennium, to appoint an Information Technology Committee in the same manner as the Council appoints other interim committees. The committee is to consist of four members of the House of Representatives and three members of the Senate. The chief information officer of the state serves as an ex officio nonvoting member of the committee.

Section 54-35-15.2 establishes the duties of the committee. The committee is required to:

1. Meet at least once each calendar quarter.
2. Receive a report from the chief information officer of the state at each meeting.
3. Review the business plan of the Information Technology Department.
4. Address macro-level questions relating to the Information Technology Department.
5. Review the activities of the Information Technology Department.
6. Review statewide information technology standards.
7. Review the statewide information technology plan.
8. Conduct studies of information technology efficiency and security.
9. Make recommendations regarding established or proposed information technology programs and information technology acquisition by the executive and judicial branches.
10. Review the cost-benefit analysis of any major information technology project of an executive or judicial branch agency. A major project is a project with a cost of \$250,000 or more in one biennium or a total cost of \$500,000 or more.
11. Perform periodic reviews to ensure that a major information technology project is on its projected schedule and within its cost projections.

Section 54-35-15.3 authorizes the Information Technology Committee to review any information technology project or information technology plan. That section provides that if the committee determines that a project or plan is at risk of failing to achieve its intended results, the committee may recommend to the Office of Management and Budget the suspension of the expenditure of moneys appropriated for a project or plan. The Office of Management and Budget may suspend the expenditure authority if the office agrees with the recommendation of the committee.

The Legislative Council has assigned to the Information Technology Committee the responsibility to

receive reports from the chief information officer and the Information Technology Department pursuant to Sections 54-59-12 and 54-59-13. Section 54-59-12 requires the chief information officer to report to the Legislative Council regarding the coordination of services with political subdivisions. That section also requires the chief information officer and the commissioner of the State Board of Higher Education to report to the Legislative Council regarding coordination of information technology between the Information Technology Department and higher education.

Section 54-59-13 requires the Information Technology Department to report to the Legislative Council if the department finds that an executive branch agency or institution does not agree to conform to its information technology plan or comply with statewide policies and standards.

### PRIOR LEGISLATIVE COUNCIL STUDIES

#### 1967-68 Study

The 1967 Legislative Assembly passed Senate Bill No. 89, which directed a review of the state's data processing efforts. The study was assigned to the Subcommittee on Data Processing of the Legislative Research Committee, the predecessor to the Legislative Council.

At the time of the study, the data processing applications in state government were performed on three computers plus three relatively complete unit record installations. In addition, 14 state departments maintained their own keypunch and verification equipment.

The committee selected Arthur Andersen and Company, a national accounting firm, to prepare a plan for an integrated data processing system for the state. The major recommendation of the consultant was the establishment of a central office of data processing in lieu of small computer installations throughout state government. Based on the recommendations of the interim committee, the 1969 Legislative Assembly passed Senate Bill No. 33, which created the Central Data Processing Division within the Office of Management and Budget. The bill provided that the division was to establish an electronic data processing center to be used by all state agencies except the institutions of higher education, Job Service, and the office of the Adjutant General.

#### 1969-70 Study

Based on the recommendations of the 1967-68 Data Processing Committee, the 1969 Legislative Assembly passed Senate Bill No. 34, which directed the Legislative Council to review the state's data processing efforts in the institutions under the State Board of Higher Education. The study was assigned to the

interim 1969-70 Data Processing Committee. The committee selected the national accounting firm of Peat, Marwick, Mitchell and Company and Dr. Gerard P. Weeg, Director of the Iowa Regional Computer Center, as consultants for the study. The committee recommended establishing an office of higher education computer services to provide data processing service to the institutions and colleges of the state.

Subsequent to that study, a Higher Education Computer Network was funded at Valley City State College, Dickinson State College, and the University of North Dakota. The Higher Education Computer Network was later extended to all institutions of higher education under the State Board of Higher Education.

### **1979-80 Study**

The 1979 Legislative Assembly passed House Concurrent Resolution No. 3043, directing a study of the effectiveness of state central data processing services and the laws providing for those services. The committee selected Booz-Allen and Hamilton, Inc., to conduct the data processing review. The report of the consultants indicated that state government data processing was migrating from a highly centralized to a more distributed data processing environment. The committee recommended, and legislation was enacted by the 1981 Legislative Assembly, to define the responsibilities of the Central Data Processing Division and state agencies for the use of data processing resources, to provide that the director of the division was to supervise all executive branch agency data processing activities, and the director of the Central Data Processing Division was to approve data processing equipment acquisitions.

### **1985-86 Study**

The 1985 Legislative Assembly passed a resolution directing a study of the office of Central Data Processing and other state computer systems to determine the feasibility of maximizing usage and accessibility of state-owned computers for all state agencies and institutions. The consultant for the study was Booz-Allen and Hamilton, Inc., who was requested to update that firm's 1980 data processing study. The study focused on ways to maximize the economical and efficient use and accessibility of state-owned computers for all state agencies and institutions. The consultant found that half of the state agencies used the services of Central Data Processing and three-fourths of the agencies had their own personal computers or word processors. In addition, over 300 different software packages had been procured by state agencies from 40 vendors and over 250 personal computers had been provided to those agencies by 13 vendors. The consultant made the following recommendations:

1. A more realistic threshold for central purchasing of software should be established.
2. Technical assistance provided by Central Data Processing on personal computers should be increased.
3. Statewide planning for computers and communication should be consolidated.
4. The State Auditor's office should be encouraged to accelerate plans to audit the use of personal computers by state agencies.
5. A disaster recovery plan should be prepared.
6. The Legislative Council should continue to use consultant services whenever major data processing procurements or changes are planned.

No legislation resulted from the study.

### **1995-96 Study**

The 1995 Legislative Assembly passed a resolution calling for a study of the Information Services Division (the successor to the Central Data Processing Division), the use and proliferation of personal computers throughout state government, and the feasibility and desirability of contracting for data processing services. The resolution identified the following reasons for the study:

1. Technological changes over the last 25 years make it necessary to review the Information Services Division.
2. The increasing use of personal computers by state agencies.
3. Technological advances in personal computers are continuing at a rapid pace and the effect of those advances on the customary practices of state agencies is not known.
4. The use of personal computers by state agencies may impact the role and operation of the Information Services Division and the coordination of computer services throughout state government.

The Legislative Council delegated the study to the interim Budget Committee on Agriculture and Information Services.

The interim Budget Committee on Agriculture and Information Services selected Wolfe & Associates, Inc. (now known as Inteliant), to assist in its study. The consultant, after interviewing state agencies and receiving responses to surveys, found that state agencies estimated their 1995-97 biennial information technology expenditures would be \$73.9 million, \$29.2 million or 40 percent of which related to expenditures with the Information Services Division. Agencies reported that 323 full-time equivalent positions spent at least one-half of their time with information technology responsibilities. Of these positions, 144 were within the Information Services Division. The consultant found that agencies were moving toward

client/server architecture but were not abandoning the mainframe computer. Although the consultant found that agencies were generally satisfied with the services provided by the Information Services Division, agencies wanted the division to provide additional services and were increasing their use of external information technology providers.

The committee received information from the Information Services Division and Inteliant on new and emerging computer technologies and current trends in information technology. It was learned that organizations are moving from mainframe computer architecture to local and wide area network architecture. New systems provide better user interface, less expensive processing, and rapid application development. The committee learned that the cost of client/server architecture as compared to mainframe architecture varies by the size of the application. For small local applications or office systems, client/server architecture appears to be less expensive than mainframe architecture. For medium-size applications, client/server costs range from 70 percent to 120 percent of mainframe costs, and for large applications sufficient information to determine cost comparisons was unavailable.

The committee learned that the relatively low cost of hardware relating to client/server and personal computer equipment purchases was deceiving. Generally, the cost of purchasing a personal computer is one-fourth to one-third of the total cost of the personal computer once training, upgrades, maintenance, and support costs are considered. Although private industry is establishing a variety of information technology management structures, the committee learned that generally organizations are maintaining some centralized functions and decentralizing other functions.

The committee received reports from the Information Services Division and Inteliant on the development of information technology strategic plans for three pilot agencies--the Department of Transportation, the Secretary of State, and the Aeronautics Commission. The strategic plans were intended to identify ongoing current information technology projects and proposed information technology projects, including estimated costs.

As a result of this study, the committee recommended House Bill No. 1034 for consideration by the 1997 Legislative Assembly.

House Bill No. 1034 (1997) included the following recommendations:

- That agencies prepare information technology plans;
- That the Information Services Division establish statewide information technology policies, standards, and guidelines;
- That the division and the State Board of Higher Education meet to coordinate their information technology systems and services;

- That the State Auditor provide information systems audits of information technology systems; and
- That the division perform information technology management reviews of state agencies except higher education institutions.

Before final passage, House Bill No. 1034 was amended to involve the Legislative Council in the information technology planning and audit process and to remove the State Auditor from the information systems audit process.

House Bill No. 1034 also added several responsibilities to the Legislative Council, including:

- Study emerging technology to evaluate its impact on the state's system of information technology;
- Develop guidelines for reports to be provided by each agency or institution of the executive, judicial, and legislative branches of government;
- Review the information technology management of state agencies and institutions;
- Perform information systems reviews and audits of information technology systems of state agencies and institutions; and
- Monitor implementation of information technology systems development projects and application of development projects.

### 1997-98 Study

During the 1997-98 interim, the Legislative Council established the interim Information Technology Committee and delegated to the committee the Council's authority to study emerging technology and evaluate its impact on the state's system of information technology (that authority was repealed by the 1999 Legislative Assembly). The committee was also delegated the Council's responsibility to receive reports regarding coordination of technology systems.

The committee received information regarding information technology plans in other states and reviewed guidelines developed by the Information Services Division for agencies to follow in preparing the information technology plans required as a result of 1997 House Bill No. 1034. The committee also received information from several state agencies regarding their efforts during the information technology planning process.

In reviewing the state agency information technology plans, the Information Services Division identified 152 projects, with cost estimates of \$25,991,127 for the 1997-99 biennium, \$40,629,727 for the 1999-2001 biennium, and \$29,447,900 for the 2001-03 biennium. The Information Services Division also conducted a survey of state agencies to determine the approximate cost of developing agency information technology plans. The total cost to complete the plans of the 66 agencies that responded

to the survey was approximately \$203,646. The survey also indicated that nine agencies hired consultants to assist in developing the plans. The total cost of those plans was \$165,193.

The committee reviewed information regarding standards adopted by the Information Services Division for the acquisition of information technology services or equipment by executive branch agencies. Although the division was authorized by statute to grant exceptions to compliance with the standards, the members of the committee urged the division to limit the number of exceptions so that the statewide standards would not be weakened.

The committee received a preliminary description of the proposed statewide information technology plan. The plan, which was completed after the committee completed its deliberations, included the following "vision" statements:

- State government should be customer-focused (technology should be convenient).
- State government should be efficient (technology should provide fast processing).
- State government should be well-managed (technology requires getting the most from scarce resources).
- State government should provide the leadership for developing a shared infrastructure (a single statewide area network that allows for flexible, evolutionary expansion can provide technology that benefits many and redistributes or levels costs).

The committee reviewed the status of the statewide network, which was established in 1982. In 1991 the network's backbone was converted to digital facilities, and the Interactive Video Network was implemented. Because the committee determined that the current network resources needed to be analyzed before determining whether any change in the network should be made, the committee contracted with Inteliant for an inventory of all current networks used for voice, data, and video communications.

After receiving the report, the committee contracted with Inteliant to conduct a detailed research of five other states and develop a set of recommendations for North Dakota for implementing changes to its network. The plan presented the following recommendations:

- Establish a statewide communications infrastructure agency for all telecommunications planning, selection, implementation, and management for all state agencies, higher education, and public schools.
- Establish the director of the agency as the chief information officer for the state as a cabinet-level position reporting directly to the Governor.
- Establish a state communications infrastructure board that includes representatives from

the three branches of government, private enterprise, and local government with the overall responsibility to approve standards and policies related to network technologies in the state.

- Mandate that the agency develop a business plan defining rate plans, missions, goals, policies, transition plan, business objective, measurements, and general procedures.
- Establish a group within the agency for improving personnel productivity and workflow processes for customers.
- Establish a technology development fund to establish the statewide network and to evaluate emerging technologies and implement common, shared components for users of the network.
- Require each entity that uses the statewide network or is a user of agency services to file a strategic information technology plan.
- Establish a project quality assurance process to provide an independent assessment of the status of major projects.
- Create a division within the agency to plan and administer access to state information primarily through the Internet.

The committee received initial cost estimates assuming that it would take six years to convert to a new network. The estimates contained in the plan were \$6.1 million additional expense during the 1999-2001 biennium; \$2.6 million additional expense during the 2001-03 biennium; \$3.6 million savings during the 2003-05 biennium; and \$12.5 million savings during the 2005-07 biennium. Costs are expected to be lower under the plan because of purchasing leverage, improved technologies, economies of scale, and consolidated administration.

Inteliant also prepared a *Statewide Telecommunications Plan Financial Analysis & Fiscal Note*, which was completed in January 1999. That document suggested that between 1998 and 2005, the state will increase spending for wide area network services for state agencies from \$19.3 million to \$57.6 million.

The interim Information Technology Committee recommended 1999 Senate Bill No. 2043, which, as introduced, provided for the establishment of an Information Technology Department to replace the Information Services Division and be responsible for all telecommunications planning, selection, and implementation for all state agencies and institutions, counties, cities, and public elementary and secondary schools. The bill provided that the department would be administered by a chief information officer appointed by the Governor. In addition, the bill, as introduced, called for the creation of an Information Technology Board, consisting of four legislators appointed by the Legislative Council, seven members appointed by the Governor, the chief information officer, the commissioner of higher education, and the

Supreme Court administrator. The board would have been responsible for approving the business plan of the department, reviewing and approving statewide information technology standards and the statewide information technology plan, assessing major projects to ensure quality assurance, and reporting to the Governor and the Legislative Council on matters concerning information technology. The bill substantially implemented the recommendations contained in the *Strategic Telecommunications Plan* prepared by Inteliant.

The committee also recommended Senate Bill No. 2044, which, as introduced, proposed creating a Legislative Council Information Technology Committee. The bill provided that the committee's duties would include establishing statewide goals and policy regarding information systems and technology, conducting studies of information technology efficiency and security, reviewing activities of the (newly created) Information Technology Department, and making recommendations regarding established or proposed information technology programs and information technology acquisitions.

The Information Technology Committee reviewed information regarding the potential impact of the failure of computer hardware, software, and embedded chips due to not being year 2000 (Y2K) compliant. The Information Services Division sent a Y2K impact survey to 110 state agencies in March 1998 to increase agency awareness of the potential for Y2K problems. Because most state agencies indicated that agencies did not have a Y2K project in place, the committee contracted with Inteliant to conduct a Y2K assessment of four state agencies--the Workers Compensation Bureau, the State Department of Health, State Radio, and the State Hospital. The assessment presented by the consultant contained the following 11 recommendations:

- Appoint a state Y2K director to provide leadership to ensure involvement by senior management in agencies.
- Appoint agency Y2K directors to ensure accountability or responsibility for Y2K efforts assigned to a senior management individual in each agency.
- Assess Y2K readiness across departments to ensure there are no surprises.
- Agencies should formalize their project management, testing, and contingency plans for their Y2K issues.
- Continue to develop material available on the state Y2K web page to avoid duplication of effort and achieve the highest-quality processes.
- Establish public affairs programs to increase public confidence in the state's ability to mitigate Y2K issues.

- Educate and motivate the private sector to take steps to prepare for the year 2000.
- Require all vendors providing goods and services, including service contract renewals and equipment or facility leases, to provide written assurances that they comply with Y2K requirements.
- Review contracts to determine which party is responsible for Y2K compliance and include specific assignment of responsibility in contracts renewed before January 1, 2000.
- Establish financial contingencies at the state and agency level, based on each agency's assessment and the overall risk of failure, and appropriate funds to the Emergency Commission to distribute as unforeseen emergencies arise due to Y2K complications.
- Ensure that legislators are cognizant of the potential impact of 1999 legislation on an agency's Y2K remediation efforts.

### 1999 LEGISLATION

The 1999 Legislative Assembly adopted Senate Bill No. 2044, which established the Information Technology Committee and set forth its responsibilities as provided for in NDCC Sections 54-35-15.1, 54-35-15.2, and 54-35-15.3.

The 1999 Legislative Assembly also adopted Senate Bill No. 2043 (codified as NDCC Chapter 54-59), which establishes an Information Technology Department to replace the Information Services Division. Section 54-59-02 provides that the Information Technology Department is responsible for all wide area network services planning, selection, and implementation for all state agencies, including institutions under the control of the State Board of Higher Education, counties, cities, and school districts. Section 34 of Senate Bill No. 2043 provides that wide area network services responsibility for state agencies and institutions becomes effective July 1, 2000, and with respect to counties, cities, and school districts, becomes effective August 1, 2001. With respect to a county, city, or school district, wide area network services are those services necessary to transmit voice, data, or video outside the county, city, or school district. The Information Technology Department is also responsible for computer support services, host software development, statewide communications services, standards for providing information to other state agencies and the public through the Internet, technology planning, process redesign, and quality assurance.

Section 54-59-03 requires the Governor to appoint the chief information officer of the state on the basis of education, experience, and other qualifications in information technology and administration. The chief information officer is required to administer the Information Technology Department.

Section 54-59-05 provides that the Information Technology Department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the State Board of Higher Education.
2. Shall provide network services in a way that ensures the network requirements of a single entity do not adversely affect the functionality of the whole network, facilitates open communications with the citizens of the state, minimizes the state's investment in human resources, accommodates an ever-increasing amount of traffic, supports rapid detection and resolution of problems, protects the network infrastructure from damage and security breaches, provides for the aggregation of data, voice, video, and multimedia into a statewide transport mechanism or backbone, and provides for the network support for the entity to carry out its mission.
3. May review and approve additional network services that are not provided by the department.
4. May purchase or lease equipment or replace, including by trade or resale, equipment as may be necessary to carry out Chapter 54-59. Each executive branch agency or institution, except the institutions under the control of the State Board of Higher Education, shall submit to the department, in accordance with guidelines established by the department, a written request for the lease, purchase, or other contractual acquisition of information technology. The department shall review requests for conformance with the requesting entity's information technology plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the department may disapprove the request or require justification for the departure from the plan or statewide policy or standard.
5. Shall provide information technology, including assistance and advisory service, to the executive, legislative, and judicial branches. If the department is unable to fulfill a request for service from the legislative or judicial branch, the information technology may be procured by the legislative or judicial branch within the limits of legislative appropriations.
6. May request information on or review information technology, applications, system development projects, and application development projects of executive branch agencies.
7. Shall study emerging technology and evaluate its impact on the state's system of information technology.
8. Shall develop guidelines for reports to be provided by each executive branch agency, institution, or department, the institutions under the control of the State Board of Higher Education, and agencies of the judicial and legislative branches on information technology in those entities.
9. Shall review the information technology management of executive branch agencies or institutions, including institutions under the control of the State Board of Higher Education as provided in Section 54-59-13.
10. Shall perform all other duties necessary to carry out Chapter 54-59.

Section 54-59-06 requires the Information Technology Department to develop and maintain a business plan that:

1. Defines the department's overall organization, mission, and delivery of services.
2. Defines the strategies for improving personnel productivity and workflow processes of the department.
3. Determines how use of the statewide network will improve learning in the state.
4. Determines how the statewide networks can provide network services for the benefit of Indian tribes, nonprofit organizations, and noncommercial public television stations licensed by the Federal Communications Commission to operate in this state.
5. Determines the specific strategies and processes to ensure that agencies share information, systems, and the statewide network.
6. Defines the processes that will ensure that counties, cities, and school districts receive maximum benefit of the statewide network.
7. Defines a fair and equitable billing structure that provides for payback of the initial investments and ongoing operations of the statewide network.
8. Addresses the processes that will be put in place to ensure that the department exercises its powers and duties with minimal delay, cost, and procedural burden to an entity receiving services from the department; to ensure that the department provides prompt, high-quality services to an entity receiving services from the department; to ensure that an entity receiving services from the department is aware of the technology available and to ensure training on its use; and to foster information technology innovation by state entities.
9. Addresses the deployment of encryption and the administration of digital signatures.

10. Addresses information and system backup and disaster recovery.

Section 54-59-07 establishes a Statewide Wide Area Network Advisory Committee consisting of the chief information officer or the officer's designee, the state court administrator or the administrator's designee, the commissioner of higher education or the commissioner's designee, and nine members appointed by the Governor. Of the nine members appointed by the Governor, two must represent state agencies, one must represent a county, one must represent a city, two must represent elementary and secondary education, one must represent noncommercial public television stations licensed by the Federal Communications Commission to operate in this state, and two must represent private industry and be knowledgeable in the deployment of major technology projects.

Section 54-59-08 requires each state agency and institution that desires access to wide area network services and each county, city, and school district that desires access to wide area network services to transmit voice, data, or video outside that county, city, or school district to obtain those services from the Information Technology Department. However, the chief information officer may exempt from that requirement a county, city, or school district that demonstrates its current wide area network services are more cost-effective for or more appropriate for the specific needs of that county, city, or school district than wide area network services available from the department. Section 54-59-08 also requires the chief information officer to exempt from the required use of wide area network services a county, city, or school district that is under contract to receive wide area network services from an entity other than the department, for the term of that contract, but a political subdivision may not extend or renew that contract beyond July 31, 2001.

Section 54-59-09 requires the Information Technology Department to develop statewide information technology policies, standards, and guidelines based on information from state agencies and institutions. That section requires each executive branch state agency, unless an exemption is granted by the department, to comply with the policies and standards developed by the department. That section exempts from its provisions institutions under the control of the State Board of Higher Education with respect to academic and research uses of information technology.

Section 54-59-10 requires each agency or institution to appoint an information technology coordinator to maintain liaison with the Information Technology Department and assist the department in areas related to making the most economical use of information technology.

Section 54-59-11 requires each executive branch state agency or institution, including the institutions

under the control of the State Board of Higher Education, to prepare an information technology plan, subject to approval by the Information Technology Department. That section provides that the plan must be submitted to the department by January 15 of each even-numbered year and must be prepared based on guidelines developed by the department. The plan must also provide the information technology goals, objectives, and activities of the entity for the current biennium and the next two bienniums and include a list of information technology assets owned, leased, or employed by the entity. The department is required to review each entity's plan for compliance with statewide information technology policies and standards, and the department may require an entity to change its plan to comply with statewide policies or standards or to resolve conflicting directions among plans. Judicial and legislative branch agencies are also required to file information technology plans with the department by January 15 of each even-numbered year. The Information Technology Department is required to prepare a statewide information technology plan based upon the plans submitted to the department and to distribute copies of that plan to members of the Legislative Assembly. The statewide information technology plan must be developed with emphasis on long-term strategic goals and objectives. Section 54-59-11 also requires any other entity that uses a statewide network or that is a user of services of the Information Technology Department to file a plan that includes and identifies all requirements for voice, data, or video.

Section 54-59-12 requires the Information Technology Department to cooperate with each state entity providing access to any computer data base or electronically filed or stored information to assist in providing economical, efficient, and compatible access. The chief information officer is required to conduct conferences and meetings with political subdivisions to review and coordinate information technology. Section 54-59-12 also requires the chief information officer and the commissioner of the State Board of Higher Education to meet at least twice each year to plan and coordinate their information technology and to consider areas in which joint or coordinated information technology may result in more efficient and effective state government operations.

Section 54-59-13 requires the Information Technology Department to review the information technology management of executive branch state agencies and institutions, including the institutions under the control of the State Board of Higher Education, to evaluate the entity's planning effectiveness, conformance to its information technology plan, compliance with statewide policies and standards, asset quality, and training methods. The department is also required to conduct an analysis of an entity's contract management system and contractor's compliance with contract provisions with respect to

any entity that contracts for information technology services. If an agency or institution is found not to be in conformance to its plan or in compliance with state-wide policies and standards and does not agree to come into conformance or compliance, the department is required to report the issue to the Legislative Council.

Senate Bill No. 2043 requires the Governor, the director of the Office of Management and Budget, and the director of the Information Services Division to take appropriate steps before August 1, 1999, to ensure the transition of the Information Services Division into the Information Technology Department. The chief information officer is required to develop the business plan for the Information Technology Department before October 15, 1999.

The 1999 Legislative Assembly also adopted House Bill No. 1037, which was recommended by the interim Information Technology Committee. The bill limits state and political subdivision liability for failure to become Y2K compliant. The bill provides that the state may not be liable for a contract or tort claim resulting from failure of software, a telecommunications network, or a device containing a computer processor to interpret, produce, calculate, generate, or account for a date that is compatible with the year 2000 date change if the state has made a good-faith effort to make the computer software, telecommunications network, or device containing a computer processor compliant with the year 2000 date change. The bill also included a similar immunity for political subdivisions with respect to a tort claim. The bill was amended by the Legislative Assembly to include an exception to open records requirements for year 2000 processing information gathered by a public entity which relates to computer hardware or software,

telecommunications networks, or devices containing a computer processor.

### **POSSIBLE STUDY APPROACH**

The Information Technology Committee is required by statute to review the following activities and receive the following reports:

1. Review the activities of the Information Technology Department, the business plan of the Information Technology Department, state-wide information technology standards, the statewide information technology plan, and major information technology projects (NDCC Section 54-35-15.2).
2. Receive reports from the chief information officer of the state regarding the coordination of services with political subdivisions, and from the chief information officer and the commissioner of the State Board of Higher Education regarding coordination of information technology between the Information Technology Department and higher education (NDCC Section 54-59-12).
3. Receive reports from the Information Technology Department regarding any executive branch state agency or institution that does not agree to conform to its information technology plan or comply with statewide policies and standards (NDCC Section 54-59-13).

The committee is also authorized to conduct studies and make recommendations regarding established or proposed information technology programs and information technology acquisition.

The committee may also consider receiving periodic updates regarding Y2K preparedness.