

**HOUSE BILL NO. 1064**

Introduced by

Appropriations 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 the powers and duties of the information technology department.

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 board of higher  
10 education.
- 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. May enter a memorandum of understanding with other state, local, or territorial  
9           governments of the United States for purposes of ensuring the confidentiality,  
10           availability, and integrity of state information systems and data, including consulting,  
11           developing cybersecurity strategy, prevention of cybersecurity incidents, and response  
12           strategies to cybersecurity incidents. The department may charge an amount equal to  
13           the cost of the services rendered by the department to all agencies that receive and  
14           expend moneys from other than the general fund.
- 15       19. May enter a mutual aid agreement with other state, local, tribal, or territorial  
16           governments of the United States agreeing to the reciprocal exchange of resources  
17           and services for mutual benefit of the parties related to cybersecurity efforts for the  
18           purposes of responding to or mitigating active cybersecurity incidents. The department  
19           may receive in-kind benefits that reduce cybersecurity risks to information technology  
20           or shall charge an amount equal to the cost of the services rendered by the  
21           department to all agencies that receive and expend moneys from other than the  
22           general fund.

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

24       The department:

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

1 detection and resolution of problems, protects the network infrastructure from damage  
2 and security breaches, provides for the aggregation of data, voice, video, and  
3 multimedia into a statewide transport mechanism or backbone, and provides for the  
4 network support for the entity to carry out its mission.

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

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

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

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

1 network service the department provided to the private, charitable, and nonprofit  
2 entities receiving services from the department on January 1, 2003.

3 14. Shall assure proper measures for security, firewalls, and internet protocol addressing  
4 at the state's interface with other facilities.

5 15. Notwithstanding subsection 13, may provide wide area network services for a period  
6 not to exceed four years to an occupant of a technology park associated with an  
7 institution of higher education or to a business located in a business incubator  
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10 agencies, including institutions under the control of the state board of higher  
11 education, counties, cities, school districts, or other political subdivisions. For  
12 purposes of this subsection, the department shall consult with the attorney general on  
13 cybersecurity strategy.

14 17. Shall advise and consult with the legislative and judicial branches regarding  
15 cybersecurity strategy.

16 18 May enter a memorandum of understanding with other state, local, or territorial  
17 governments of the United States for purposes of ensuring the confidentiality,  
18 availability, and integrity of state information systems and data, including consulting,  
19 developing cybersecurity strategy, prevention of cybersecurity incidents, and response  
20 strategies to cybersecurity incidents. The department may charge an amount equal to  
21 the cost of the services rendered by the department to all agencies that receive and  
22 expend moneys from other than the general fund.

23 19. May enter a mutual aid agreement with other state, local, tribal, or territorial  
24 governments of the United States agreeing to the reciprocal exchange of resources  
25 and services for mutual benefit of the parties related to cybersecurity efforts for the  
26 purposes of responding to or mitigating active cybersecurity incidents. The department  
27 may receive in-kind benefits that reduce cybersecurity risks to information technology  
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29 department to all agencies that receive and expend moneys from other than the  
30 general fund.