

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

2037

2007 SENATE JUDICIARY

SB 2037

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2037**

### Senate **Judiciary Committee**

Check here for Conference Committee

Hearing Date: January 09, 2007

Recorder Job Number: 800

Committee Clerk Signature

*Maria L Solberg*

**Minutes:** Relating to criminal history records checks in relationship to other departments and sharing the information electronically.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

### **Testimony In Support of Bill:**

**Roxanne Woeste** – L.C. Staff Neutral serving on the interim committee reviewed the bill.

(meter 0:30) Page 2, line 6 is the main part of bill.

**Sen. Nelson** referred to sec. 8 and a discussion of no longer (meter 2:31) doing any studies- discussion of this in regards to efficiency and securities. She also asked in regards to new computers the difference of hardware vs. software. (3:90)

**Sen. Fiebiger** questioned what page 5 sec. 8 and was there a specific project that generated this language (meter 7:16) Yes

**Nancy Walz**, Dir. Policy and Planning IT Dept. – (meter 9:23) Gave Testimony – Att #1a ND CJIS (Criminal Justice Information Sharing) hand out Att. #1b.

**Sen. Nething**, Chm. Asked what specific data is in the system (meter 14:00) and Ms. Walz discussed how access to the information is determined

**Sen. Marcellais** questioned FTE for the process and security officers checks (meter 15:30) have been and will continue to be under BCI.

**Mark Molesworth**, Project Manager, Policy & Planning Div. of IT Dept. (meter 16:33)

Reviewed Bill and gave his testimony – Att. #2a and ND Enterprise Project Management Standard Att. #2b

**Sen. Nelson** asked if there is a time limit for the protocol? (meter 20:41) the committee discussed how they monitor legislation and try to be “pro-active” once any legislation is passed they go to work, including Higher Ed projects.

**Sen. Nething**, Chm. Asked Mr. Molesworth if he was present last session? Yes. Discussion of what has changed since last session on this bill and what was not included to help this bill to pass (meter 24:20). The projects follow purchasing guidelines.

**Randall Thursby**, Interim CIO ND University System (meter 26:00) gave his testimony – Att. #3

**Laura Glatt**-Vice Chancellor Administrative Affairs University System (meter 29:30) discussed the support or lack of support in the University system. The committee was split. If we do not change this it would not be a deal breaker. We would like the awareness that project management is costly, for us and ITE. We don’t currently have the resources if the number of projects are expanded. At some point we will need a fiscal not if more is added.

**Thomas Trenbeath**, Attorney General’s office (meter 31:45) Gave testimony Att. #4a and an amendment Att. #4b

The committee discussed the definition of “exempt” vs. “confidential”. An additional bill that requires more criminal history checks is a B.C.I. Bill that will come up with the required FTE.

**Testimony in Opposition of the Bill:**

None

**Testimony Neutral to the Bill:**

None

**Senator David Nething**, Chairman closed the hearing.

**Mike Molesworth** stated that they do not have any issues with any of the amendments.

**Sen. Nelson** made the motion to Do Pass Randall Thursby's amendments and **Sen. Olafson** seconded the motion. All members were in favor and the motion passes

**Sen Nelson** made the motion to Do Pass Tom Trenbeath's amendment Att. #4b, **Sen.**

**Olafson** seconded the motion. All committee members were in favor and the motion passes.

**Sen. Lyson** made the motion to Do Pass SB 2037 as two times amended and **Sen.**

**Marcellais** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Nelson**

**Senator David Nething**, Chairman closed the hearing.

# FISCAL NOTE

Requested by Legislative Council

04/04/2007

Amendment to:           Engrossed  
                                  SB 2037

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill is clean-up language for ITD and will not have any fiscal impact.

The amendments added in engrossed SB 2037 (70015.0500) will not have any fiscal impact.

The amendments added in engrossed SB 2037 (70015.0502) will not have any fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

<b>Name:</b>	Mike J. Ressler	<b>Agency:</b>	ITD
<b>Phone Number:</b>	328-1001	<b>Date Prepared:</b>	04/04/2007

# FISCAL NOTE

Requested by Legislative Council

01/19/2007

Amendment to: SB 2037

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill is clean-up language for ITD and will not have any fiscal impact.

The amendments added in engrossed SB 2037 (70015.0500) will not have any fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

<b>Name:</b>	Mike J. Ressler	<b>Agency:</b>	Information Technology Department
<b>Phone Number:</b>	328-1001	<b>Date Prepared:</b>	01/20/2007

**FISCAL NOTE**  
 Requested by Legislative Council  
 12/26/2006

Bill/Resolution No.: SB 2037

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill is clean-up language for ITD and will not have any fiscal impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

No fiscal impact.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

N/A

<b>Name:</b>	Mike J. Ressler	<b>Agency:</b>	Information Technology Department
<b>Phone Number:</b>	328-1001	<b>Date Prepared:</b>	12/27/2006







**REPORT OF STANDING COMMITTEE**

**SB 2037: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2037 was placed on the Sixth order on the calendar.

Page 2, line 12, overstrike "A" and insert immediately thereafter "For the purposes of this subsection, a"

Page 2, line 15, after "~~the~~" insert:

"a."

Page 2, line 23, overstrike "a." and insert immediately thereafter "(1)"

Page 2, line 25, overstrike "b." and insert immediately thereafter "(2)"

Page 2, line 26, overstrike "c." and insert immediately thereafter "(3)"

Page 2, after line 29, insert:

"b. For the purposes of this subsection, a major project is a project with a cost of two hundred fifty thousand dollars or more in one biennium or a total cost of five hundred thousand dollars or more."

Page 8, line 11, after "**powers**" insert "- Exempt records"

Page 8, line 14, after the first period insert "The information technology department, at the direction of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1, and any other person designated by the board may access the system. The system only may be accessed for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record." and after "staff" insert "and other necessary"

Page 8, line 15, after "policy" insert "and adopt rules" and after "the" insert "access to and the"

Page 8, line 18, remove "Only entities within the"

Page 8, remove line 19

Page 8, line 20, remove "justice information sharing system."

Renumber accordingly

2007 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2037

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2037

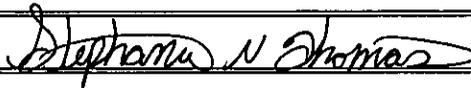
House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: February 21, 2007

Recorder Job Number: 3517

Committee Clerk Signature



Minutes:

**Chair Keiser** opened the hearing on SB 2037.

**Roxanne Woeste, Legislative Council:** Overview of SB 2037.

**Rep. Keiser:** What areas are we extending the powers of the IT committee, or the IT

Department?

**Roxanne:** That's section 2 of this bill. I don't believe we're expanding the powers, and duties of that committee; we're refining some the information that will come to that committee in regards to the large projects. On page 3, subsection 12 there's some new language there where we're allowing that committee to receive some more information about projects that aren't at the level of a major IT project, which is defined as \$250,000 or more. So, we're allowing that committee to receive some information about projects that are under that level, but I don't believe we're expanding the duties to the IT Committee.

**Rep. Keiser:** Currently, if it exceeds \$250,000 it's required that they receive it. Now, if its \$80,000 is it required.

**Roxanne:** I don't believe so. Under subsection 12, we say that the IT Committee can receive, and review information from the IT Department, and the effected agency about this IT project, if the cost is between \$100,000 and \$250,000, as determined by the IT Department.

**Rep. Keiser:** They do more than review, don't they?

**Roxanne:** They don't approve or adopt a plan, but they receive detailed information for a new plan.

**Rep. Kasper:** If they receive and review, what if they don't like it, or they think it shouldn't go forward, but all they're doing is receiving reviewings? What are their powers in the case of they don't like what they receive and review?

**Roxanne:** They do have the ability, if they receive some information about an IT project, and see difficulties; they do have statute authority to make a request to OMB the expenditures for a project. It would be up to OMB to decide if that should be pre-approved.

**Rep. Amerman:** On page 8, on line 23 would you expand a little bit on what some of these criminal justice agencies might be, and who might be someone, or any other person designated by the board that would have access to this information?

**Roxanne:** This was the language that was added by the Senate.

**Nancy Walz, ITD:** Support SB 2037. See written testimony #1.

**Rep. Keiser:** How long does it take, and who pays for the background checks?

**Nancy:** We pay for the background checks.

**Rep. Keiser:** Could you describe that process for us, and what's involved?

**Nancy:** What's involved in that process is we identify if there's a project that would be over \$250,000. At that point, the agency begins their planning process. They submit a business case that says here's why we need the project, approximately what it would cost, what the proposed schedule would be, and what would be covered in the project. Once that the planning is a little further along, there's a charter submitted that says here is exactly what we're going to do, and how much it's going to cost. Then they continue the planning process, and create a detailed plan with schedules for each task, and exactly how much the cost is going to

be. Throughout the life of the project, each quarter they provide a report to ITD, and we summarize those reports for all the projects, and that report then goes to the IT committee, so they get a birds eye view of all of the projects that are happening, and where they are at. At the end of a project, the agency submits a full implementation report that states what they planned to do, and how successful it was.

**Rep Keiser:** Doesn't IT have to help design that project, and then approve it as it's going through each of these phases?

**Nancy:** To a certain degree, the responsibility for the project is with the agency, as far as managing the project. As far as the actual technology, they make contact with ITD to do some of the work, or they may contract with a vendor. They do have to meet the standards that are in place for technology, which are created through a different process, and follow other technology guidelines.

**Rep. Keiser:** Don't they have to contract with IT first, and then if you choose not to do it, then they have the option to go out?

**Nancy:** It depends on the services that they're requiring. So, they have to host with ITD according to our Century Code, they have to actually probably run the operation through ITD, but the actual development, the programming, the design, and those types of things can either be contracted, or provided from ITD, but that's up to the agencies.

**Rep. Kasper:** Would you describe in the last 2 years the most difficult project submitted to ITD with problems, as far as moving forward, or stopping.

**Nancy:** In my testimony, we track all the projects, and during the past fiscal year state agencies completed 11 large IT projects under the oversight of ITD, and the IT committee. 7 of the 11 projects were completed under budget, resulting in a savings of \$1.4 million. The 4 projects that are acceding their original budget, the total overage was \$300,000. So, the total

budgetary savings was \$1.1 million for the state, and 9 of the 11 projects completed within the acceptable 20%. So, overall we think the process as being very successful.

**Rep. Kasper:** I'm not looking for general, I'm looking for you to pick one of those projects, and tell us what happened, what was the project all about, and how it was resolved?

**Nancy:** Connect ND would be one example, because it was a very large project, and because it involved so many agencies and higher education. Just the coordination of it is probably our biggest challenge of a project of that size.

**Rep. Kasper:** What was Connect ND?

**Nancy:** Connect ND was the implementation of the ERP system financial, human resources, and student information systems for state government under education.

**Rep. Kasper:** On page 2, line 12 I see that the legislative branch was added as a branch of oversight. Why was that added?

**Nancy:** The IT committee felt like because the judicial branch, and executive branch was included, they felt like they should include themselves in that process. Legislative Council has been following this process.

**Rep. Keiser:** Will that bring the IT people and the legislative section under ITD?

**Nancy:** No. In terms of other kinds of services that ITD offers, it doesn't change that.

**Rep. Zaiser:** Can you describe what you do? What is your objective in the process?

**Nancy:** Our role in IT is working as staff for the IT committee to have the view from the CIO's office of all state governments, and to make sure IT is managed properly in terms of this oversight.

**Rep. Keiser:** How long have we had an ITD Department?

**Mike Ressler, ITD:** 1969.

**Rep. Keiser:** What is the current budget projection requested for this coming biennium?

**Mike:** The budget we're asking for in the 07/09 biennium is going to be about \$124 million.

The majority of that money, \$113 million is money that's really budgeted in the agencies, and it's passed through as a special fund concept. \$11 million is general funded to IT for projects like the CGIS, and then the K/12 network.

**Rep. Keiser:** So, really we've probably got \$60 million general fund dollars into ITD?

**Mike:** Our last study shows that it's about 1/3, 1/3, 1/3. So, 1/3 of \$111 million is general funds, 1/3 is special funds, and then 1/3 is federal funds.

**Rep. Keiser:** How does the department get out from under ITD?

**Mike:** Today, there are really 3 services in technology. There is network conductivity, so agencies that want to connect their system to the network, by law they have to buy it from ITD. The 2<sup>nd</sup> service is hosting, which is the most recent legislation passed that said if an agency is going to have an application that's run on a computer, you have to come through ITD. In both cases, the CIO, and the director of OMB have the ability to grant a waiver. The 3<sup>rd</sup> service is really software development which is probably the largest cost to state government, in that agencies have the option to go wherever they want to go for that, however ITD has over 100 developers on staff.

**Rep. Keiser:** There are no agencies on the first two that are exempt?

**Mike:** With regards to the network, there are no agencies that are exempt. From a hosting standpoint, I believe the Attorney General's office has a waiver that's in law, as well as retirement investment in ND, however they use our systems, and then there are waivers that we've granted on individual instances.

**Rep. Kasper:** Some officials at ND State University have expressed their frustration with the IT system with simple reports. What was going on there?

**Mike:** Higher Education, with Connect ND is that people soft application that was purchased for all of state government, including higher education. They added the three pieces to it, the financial piece, the human resource piece, and then the student administration piece. A good part of what was floating around in the mail was the higher educations on student administration piece that had to do with grants and contracts, and the people soft product which covers many facets of technology was very weak in that area. So, Higher Ed has spent a lot of time, money, and energy trying to get that built up. I think they've made huge improvements, however, I think there is still a lot of ground that they have to cover.

**Laura Glatt, ND University System:** Supports SB 2037. See written testimony #2.

Hearing closed.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2037

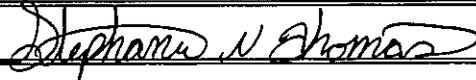
House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: February 26, 2007

Recorder Job Number: 3900

Committee Clerk Signature



Minutes:

**Chair Keiser** opened the hearing on SB 2037. We have some amendments for SB 2037.

This seems like a very powerful amendment, as I read it.

**Rep. Kasper:** Looking at my notes it says subject to legislature is the oversight. I really don't like that.

**Rep. Keiser:** With the combining of the three branches of government, it's bringing the legislative under the executive.

**Rep. Kasper:** I don't like it. I wonder if we shouldn't have an amendment that would eliminate the legislative branch from this bill.

**Rep. Keiser:** On page 2, line 12 where it says legislative, if we could delete that.

**Rep. Kasper:** Page 3, line 7, page 5 line 2 and 7, I would move that.

**Rep. Keiser:** Rep. Kasper moves that we strike all references to bringing the legislature under the control of IT.

**Rep. Ruby:** Second.

**Voice vote was taken, amendment adopted.**

Hearing closed.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2037

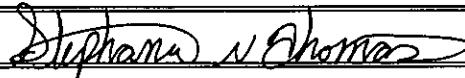
House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 7, 2007

Recorder Job Number: 4533

Committee Clerk Signature



Minutes:

**Chair Keiser** opened the hearing on SB 2037. This was the IT bill.

**Rep. Kasper:** This bill subjects the legislative branch to the review, and oversight of the Information Technology Department in some areas. We're looking at taking the word legislative out of certain areas of the bill, and if you turn to page 2, line 12 that was one area where you would remove legislative. We don't want the executive branch to be able to interfere with what the legislative branch wishes to do, so this has to do with separation of powers. Over on page 3 we would remove legislative on line 7. On page 4 there's legislative mentioned on line 22, 23, and 24, and I think that's OK, because that does not give away any of our power, it just gives us assistance. On the top of page 5, we would want to take out legislative there on line 2 and line 7. On line 15, it's OK. On page 6, there is a question, this is current law on line 19, and it has to do with information technology plans, and line 19 agencies of the judicial, or legislative branches shall file an information technology plans with the department. So, if we're filing it with the department, does that mean they're going to interfere, or is it just a filing. We're not giving up any power there, and that would be OK. The same way with line 27, that would be OK. So, I would move to amend.

**Rep. Vigesaa:** Second.

**Rep. Keiser:** The argument I think is a legitimate one and that's separation of powers, although as you read this bill, judiciary is being added as one of the branches, so they will have oversight.

**Rep. Gruchalla:** Would that be up to us to take judiciary out of there. Whose responsibility is that?

**Rep. Keiser:** The legislature. Right now the new language put the judiciary in some places in terms of responsibility.

**Rep. Thorpe:** Does this amendment address the concerns of the ND University System? I had written down to prepare amendments. Have we heard anything more on that?

**Rep. Keiser:** I think she proposed an amendment. I guess the question is we're proposing this amendment to take the legislature out of the balance that separates the powers. This committee wanted to remain just the legislature. Does this committee also want to take the courts out to?

**Rep. Nottestad:** Has anybody from the judiciary made any comments?

**Rep. Keiser:** The only answer I can give you is in the testimony we heard, there was a statement made that the judiciary would not oppose this, but they're not thrilled with it.

**Rep. Ruby:** On page 2, line 12 it talks about the judicial branch agency, and they're already in there, so it seems to me that one of the reasons they put it in the bill there is just to clean it up, since they're already there. I don't know if it's a major issue, or the other provisions if we put them in are so restricted they'd rather be included.

**Rep. Keiser:** They did not come forward, and request to be taken out.

**Rep. Johnson:** I'm trying to understand, the whole intent here is just to add IT Department on complete oversight of any IT project that is going on in the state government.

**Rep. Keiser:** That is the plan.

**Rep. Thorpe:** I went through the bill, and it looked to be that what the bill was doing was giving the legislative oversight committee more power in reviewing the IT, which if all of the members of the house feel comfortable doing that, that would be fine. If they get overzealous, in 2 years we can change it.

**Rep. Keiser:** I know that many committee members have said repeatedly that they get lots of complaints from injured workers. For every injured worker complaint I get, I get 5 complaints about IT from departments.

**Rep. Vigesaa:** Noticing on the fiscal note that ITD is proposing this as cleanup language, I believe where they've added the judicial branch they are doing it to make it consistent to where it was in current law. Clearly, they have added the legislative branch in there, so I think we should just delete as the amendment states, and just take care of the legislative branch, and leave the judiciary branch in there.

**Roll call vote was taken, amendment adopted.**

**Rep. Vigesaa:** I move a do pass, as amended.

**Rep. Clark:** Second.

**Roll call vote was taken. 9 Yeas, 4 Nays, 1 Absent, Carrier: Rep. Thorpe**

Hearing closed.

Date: 3-7-07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2037

House Industry Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Remark Signature

Motion Made By Rep. Kasper Seconded By Rep. Vigesaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep. Amerman	X	
Vice Chairman Johnson	X		Rep. Boe	X	
Rep. Clark	X		Rep. Gruchalla	X	
Rep. Dietrich	X		Rep. Thorpe	X	
Rep. Dosch	X		Rep. Zaiser	X	
Rep. Kasper	X				
Rep. Nottestad	X				
Rep. Ruby	X				
Rep. Vigesaa	X				

Total Yes 14 No 0

Absent 0

Floor Assignment Rep Thorpe

If the vote is on an amendment, briefly indicate intent:

Date: 3-7-07  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2037

House Industry Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS, AS Amended

Motion Made By Rep. Vigesaa Seconded By Rep. Clark

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep. Amerman	X	
Vice Chairman Johnson	X		Rep. Boe		X
Rep. Clark	X		Rep. Gruchalla	X	
Rep. Dietrich	X		Rep. Thorpe	X	
Rep. Dosch		X	Rep. Zaiser		X
Rep. Kasper					
Rep. Nottestad	X				
Rep. Ruby		X			
Rep. Vigesaa	X				

Total Yes 9 No 4

Absent 1

Floor Assignment Rep. Thorpe

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

SB 2037, as engrossed: Industry, Business and Labor Committee (Rep. Kelsner, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2037 was placed on the Sixth order on the calendar.

Page 2, line 12, remove ", legislative,"

Page 3, line 7, remove ", legislative,"

Page 5, line 1, remove the second underscored comma

Page 5, line 2, remove "legislative,"

Page 5, line 7, remove ", legislative,"

Renumber accordingly

2007 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2037

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2037

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: April 2, 2007

Recorder Job Number: 5678

Committee Clerk Signature

*Mona L. Solberg*

**Minutes:** Relating to criminal history records checks in relationship to other departments and sharing the information electronically.

**Senator Nething**, Chairman of the conference committee called the members to order. All Senators and Representatives were present. The hearing opened with the following work:

**Sen. Nething** stated that the house removed "legislative" from the bill and he requested there comments on this.

**Rep. Kasper** stated that the IBL committee wanted the separation of powers. The legislative council works with the legislators and the process. To have the legislature go under the executive branch this would be a concern.

**Sen. Nething** confirmed his thoughts and further suggested the taking out of the Judicial branch, since they are a free standing group and we would then protect all three branches a. The Judicial branch contacted me with the request and I can agree with them. All were in agreement with the requests and had been discussed at prior meetings.

The chairman asked for the motion:

**Rep. Ruby** made the motion that the Senate Recedes from the amendment to further amend to take out legislative and judicial and **Rep. Thorpe** seconded the motion. All members were in favor and the motion passes.

**Senator Nething**, Chairman closed the hearing.



**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number 20~~62~~<sup>37</sup> (, as (re)engrossed):

Date: 2:30  
4-2-07

Your Conference Committee \_\_\_\_\_

**For the Senate:**

**For the House:**

✓ Sen. Nething	✓	Rep. Kasper	✓
✓ Sen. Lyson	✓	Rep. Ruby	✓
✓ Sen. Marcellais	✓	Rep. Thorpe	✓

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from) \*

the (Senate/House) amendments on (SJ/HJ) page(s) X -- 983

\_\_\_\_\_ and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

**DATE:** \_\_\_\_\_

**HOUSE CARRIER:** \_\_\_\_\_

**SENATE CARRIER:** \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

**MOTION MADE BY:** \_\_\_\_\_

**SECONDED BY:** \_\_\_\_\_

**VOTE COUNT:** \_\_\_ YES \_\_\_ NO \_\_\_ ABSENT

**REPORT OF CONFERENCE COMMITTEE**

**SB 2037, as engrossed:** Your conference committee (Sens. Nething, Lyson, Marcellais and Reps. Kasper, Ruby, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 983, adopt amendments as follows, and place SB 2037 on the Seventh order:

That the House recede from its amendments as printed on page 983 of the Senate Journal and page 1002 of the House Journal and that Engrossed Senate Bill No. 2037 be amended as follows:

Page 2, line 12, remove "legislative," and overstrike "or judicial"

Page 3, line 7, remove "legislative, or judicial"

Page 5, line 1, remove the second underscored comma

Page 5, line 2, remove "legislative, or judicial"

Page 5, line 7, remove "legislative, or judicial"

Renumber accordingly

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

SB 2037

AH #1a

1-9-07

**SB 2037 TESTIMONY**  
**JUDICIARY COMMITTEE**  
**BY: NANCY WALZ, DIRECTOR, POLICY AND PLANNING**  
**INFORMATION TECHNOLOGY DEPARTMENT (ITD)**  
**JANUARY 9, 2007**

Mr. Chairman and members of the committee, my name is Nancy Walz. I am the Director for Policy and Planning at the Information Technology Department. I am here to indicate the Department's support for Senate Bill 2037.

Because the bill covers a number of different topics I will cover each section and our reasons for support.

Sections 1 and 6:

The changes in these sections allow ITD to request background check of contractors or subcontractors. Currently we do complete background checks on all employees. We feel that it is also important to be able to have the same level of background checking done for contractors.

Section 2 through 5 are what I would call clean up language. North Dakota Century Code Section 54-35 relates to the Legislative IT Committee and North Dakota Century Code Section 54-59 relates ITD. These sections of code have been amended significantly in the last few sessions, creating some inconsistencies. Also, our processes for IT planning and project management have matured from the time the original legislation was developed. Mark Molesworth will be talking about Sections 2 and 3 so I won't go into further depth on those.

Sections 4 and 5 move the reporting of certain information from ITD's Annual Report to the Statewide IT Plan. The reason for this change is that ITD's Annual Report focuses on the performance metrics of ITD as an agency. It is somewhat confusing to report on projects and benefits of other agencies as required in the bullets previously numbered 1, 3, 5 and 6 in Section 5. The Statewide IT Plan, on the other hand, is a document that encompasses all agencies and takes a broader perspective. It is a good planning practice to report accomplishments from the last planning cycle with the goals of the next planning cycle so the State IT Plan is a good place for this information. Section 5 also adds the reporting of additional performance metrics for ITD in the last bullet.

Section 7 of the bill gives the Criminal Justice Information Sharing (CJIS) Board the responsibility for authorizing the use of the CJIS "hub". The hub is a system for sharing information among criminal justice entities. Attached to my testimony are diagrams of the CJIS governance structure and hub. Because CJIS does not actually "own" the data, it must be careful about which entities have access and how it is used. Having the Board grant the access to the system makes sure that proper controls are in place.

That concludes my testimony. I would be happy to entertain any questions.

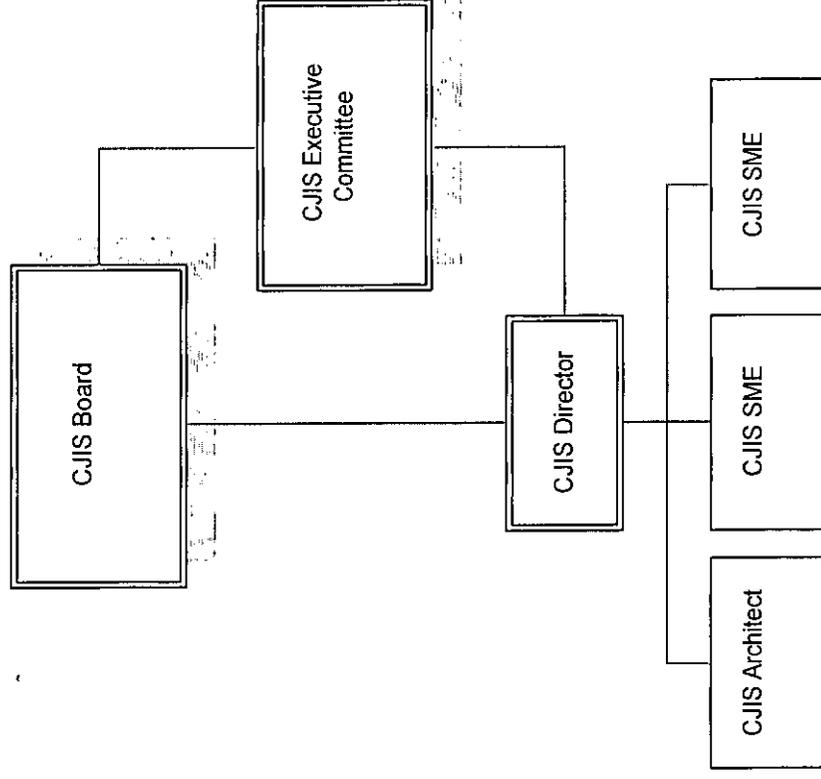
# CJIS - Governance

**CJIS Board** (sets policy and provides oversight)

- Chief Justice of the Supreme Court  
- Chief Justice Gerald Vandewalle
- Deputy Attorney General – Tom Trenbeath
- CIO of North Dakota – Lisa Feldner

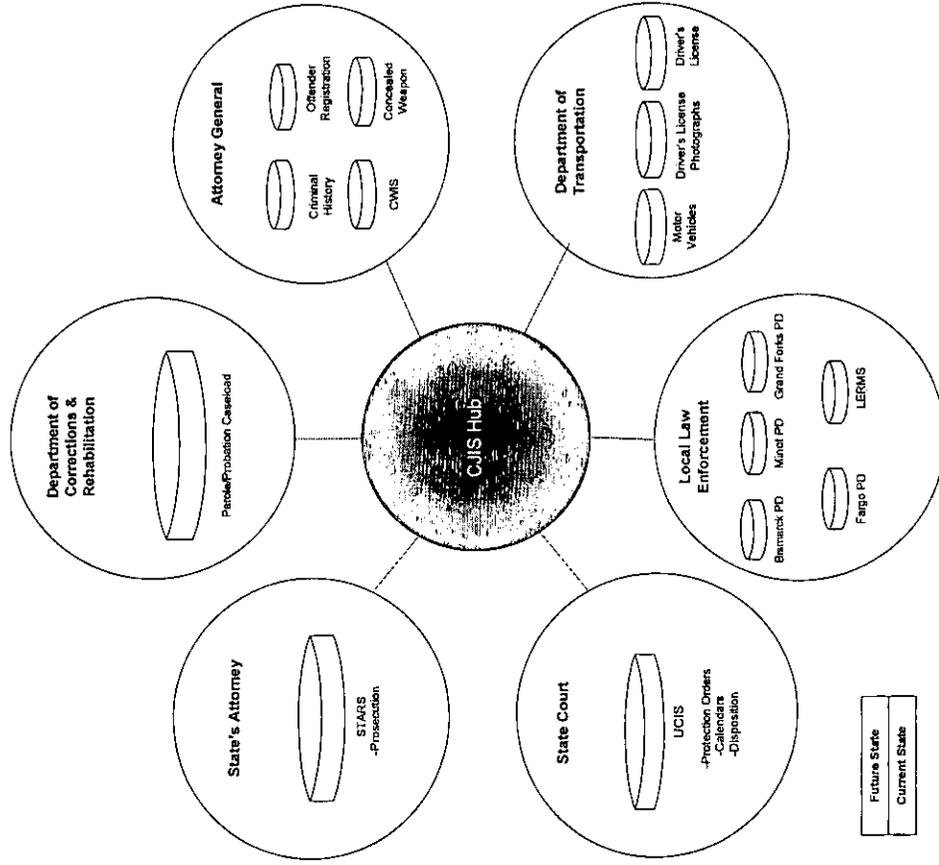
**CJIS Executive Committee** (advisory for CJIS; members are appointed by the CJIS Board and comprised of members of the criminal justice community)

- Chiefs of Police Association
- Judicial Branch
- Bureau of Criminal Investigation
- Department of Corrections
- Highway Patrol
- Information Technology Department
- ND State's Attorney Association
- ND Sheriffs and Deputies Association
- Department of Emergency Services



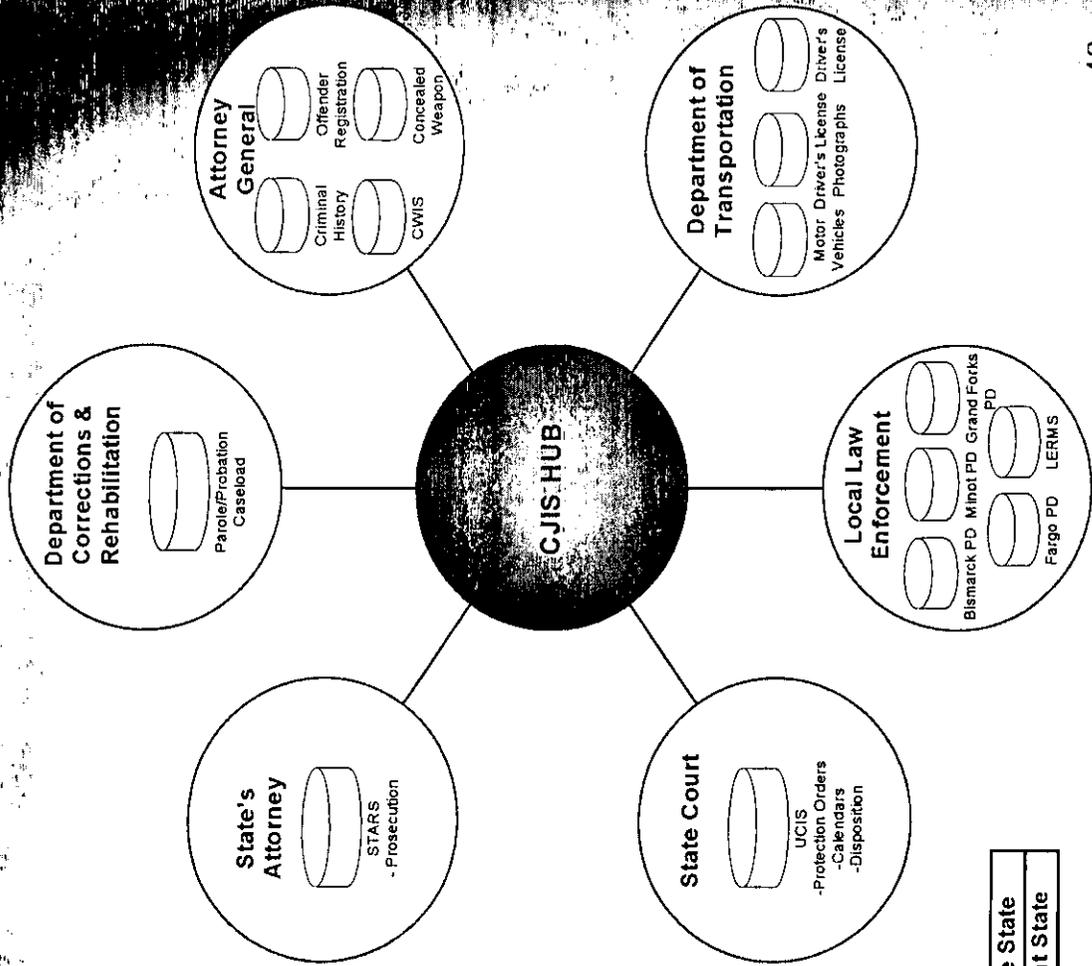
# CJIS – Hub Portal

- Statewide sharing of offender and other criminal justice information from participating agencies through the CJIS Hub Portal
- Secure Web Based – “One Stop Shop” tool for the criminal justice community
- 950 users
- Over 895,000 transactions for 2006
- Approximately 240,000 records are indexed on the CJIS Hub



# CJIS - Accomplishments/Benefits

- Statewide sharing of offender and other criminal justice information from participating agencies through the CJIS Hub Portal
- Secure Web Based – “One Stop Shop” tool for the criminal justice community
- 950 users
- Over 895,000 transactions for 2006
- Approximately 240,000 records are indexed on the CJIS Hub



Future State
Current State

## Mission

The mission of the North Dakota CJIS program is to provide complete, accurate, and timely information to the right criminal justice personnel at the right time.

## Vision Statement

Improve public safety by providing effective and efficient justice policies, processes and information systems required to capture and share complete, accurate and timely information in support of program operations and informed decision making across jurisdictional and organizational boundaries statewide.

## Business Goals

- Ensure effective operations
- Improve decision making
- Improve criminal justice staff safety
- Ensure access to information
- Deliver timely information
- Implement cost-effective systems



## Testimonials:

**STARS:** Justware has been a wonderful program for the Ward County State's Attorney's Office to adjust to, learn and implement into our everyday routine. We were originally on the SAMS system, which was slow and did not do a lot of the things we wanted, such as carrying over information from SAMS to our WordPerfect documents. Justware does this for us in a speedy manner. We were amazed at how quickly the documents were generated and how much information was carried over, making for much less duplicate entry. We have also been very pleased with the help we have received from the CJIS staff, as well as the New Dawn staff. The data conversation went smoothly with very little clean up on our part. Overall, this transition for our office has been a very positive experience, and hopefully, one day, the whole state will climb aboard to make this system a statewide information system, which will benefit all prosecutor offices in their overall mission.

LeAnn Westereng, Ward County State's Attorney's Office

**LERMS:** We have been, for many years, trying to get our record keeping organized and keep up on UCR reporting. The LERMS program has fit the bill very nicely. It has helped us in getting our reports done in a more timely manner and has been vital in helping me keep on top of officers' activities and investigations. The program is easy to use, and it's easy to instruct new officers.

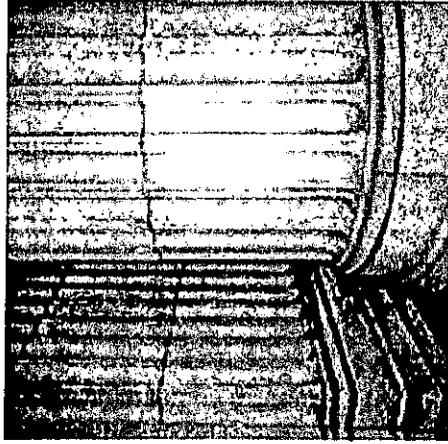
Chief Randy Munkeby, Carrington Police Department

**HUB:** The Watford City Police Department has been part of the CJIS Program since the start. Initially, it was met with some resistance. With usage of the hub, the officers heavily use the driver's license and motor vehicle information. Officers use the photos for identification on a routine basis. Many times officers are not able to match a name to a subject, but they recognize individuals with a photo. It is interesting to see officers change their view from I don't want to use this to we have to have this. At this point, if I shut down hub access to my officers, I would have a revolt on my hands.

Daryl Vance, Chief of Police, Watford City Police Department

Pam Schafer  
CJIS Director  
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Bismarck, ND 58503

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Email: pschafer@nd.gov



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AH # 16  
1-9-07

## Governance and Management

### CJIS Board

- **Gerald W. VandeWalle**, Chief Justice North Dakota Supreme Court
- **Tom Trenbeath**, Chief Deputy Attorney General, North Dakota Office of Attorney General
- **Lisa Feldner**, CIO, Information Technology Department

### CJIS Executive Committee

- **Deb Ness**, Daryl Vance, Chief of Police Association
- **Sally Holewa**, ND Judicial Branch
- **Jerry Kemmet**, ND Bureau of Criminal Investigation
- **Charles Placek**, Department of Corrections
- **Dave Kleppe**, Highway Patrol
- **Wade Enget**, ND State's Attorney Association
- **Paul Hendrickson**, ND Sheriffs and Deputies Association
- **Nancy Walz**, Information Technology Department
- **Russ Timmreck**, Division of Emergency Management

### CJIS Staff

- **Pam Schafer**, Director
- **Joe Herslip**, Technical Architect
- **Tamara Schatz**, Subject Matter Expert
- **Tina Rac**, Subject Matter Expert

## What is CJIS?

North Dakota Criminal Justice Information Sharing (CJIS) is a statewide program with the mission to improve public safety by enhancing decision making of law enforcement and other public safety officials. This is made possible by providing easy access to complete, accurate and timely information.

CJIS will facilitate policy and technology changes to enable the components of states' justice systems, including state and local law enforcement, courts, state's attorneys and correction agencies to share justice information easily and effectively both vertically—among different levels of government—and horizontally—across agencies. Integration does not mean creating a separate "super" information system that exists outside states' justice agencies and entities.

In the CJIS system, justice agencies and entities maintain control of their information and make the information available to authorized users. Protocols and standards guide the interagency exchange of information at key decision points in the justice process.

## CJIS Funding

- Federal Grants from the Department of Homeland Security and Department of Justice
- State Funding
- Stakeholders share a portion of costs

## Current CJIS Information Systems

- **CJIS Hub Portal**: Enables authorized criminal justice personnel to search the following databases via a virtual private network: Criminal History, Parole and Probation Information, Offender Registration, Concealed Weapons, CWIS, Motor Vehicle, Driver's License Records and Photographs. In addition this system includes notification capabilities that facilitate the tracking of offenders for the criminal justice officer.

- **LERMS (Law Enforcement Records Management System)**: This is a centralized web based Law Enforcement Records Management System available to North Dakota Law Enforcement. The system allows electronic storing and sharing of case reports. It provides automatic checking for IBR/UCR errors before electronically submitting them to the state UCR office. The system is offered for a monthly fee of \$25 per full-time sworn officer. As of July 2006, 25 agencies use the system.

- **STARS (State's Attorney Records Management System)**: This is a statewide system offered to State's Attorneys to automate business processes, enable work flows and allow information sharing with other agencies. The system allows electronic storing of case documents and reports. It provides electronic prosecution and disposition reporting to the Bureau of Criminal Investigation (BCI). The system is offered at \$50 per month, per individual user. As of July 2006, five counties use the system.

## Future Initiatives (2005-2007)

- **CJIS Hub Portal Interfaces** – The ongoing development of the CJIS Hub will allow for the sharing of data between criminal justice record systems. Interfaces will focus on data sharing and integration among law enforcement, prosecutor, court and correction systems.
- **Mobile** – The CJIS program will focus on developing and implementing technologies designed to give criminal justice personnel access to criminal justice data when working outside of the office.
- **Law Enforcement** – The CJIS program is working to provide access to data contained in the local law enforcement agency records management systems. Once implemented, CJIS users will be able to access data from other law enforcement agencies through the CJIS hub.

AH # 2a

1-9-07

**SB 2037 TESTIMONY  
JUDICIARY COMMITTEE  
BY: MARK MOLESWORTH, ENTERPRISE PROJECT MANAGER  
INFORMATION TECHNOLOGY DEPARTMENT (ITD)  
JANUARY 9, 2007**

Mister Chairman and members of the committee, my name is Mark Molesworth. I am the Enterprise Project Manager for the Policy and Planning Division of the Information Technology Department. I am here to indicate the Department's support for Senate Bill 2037.

North Dakota Century Code Section 54-35 relates to the Legislative IT Committee. Subsections 4, 8, and 9 consist primarily of cleanup language and reinforce the intent to provide a "review" process.

Sub-section 10 and 11 include more significant changes that impact the manner in which the committee conducts oversight of large information technology projects. In addition to the language in this bill, the Enterprise Project Management Advisory Group has adopted Standard STD009-05 which identifies all documentation required for oversight purposes including the business case, charter, project plan, post implementation report, quarterly reports, etc. This bill provides for the most critical information to be brought before the committee in a summary fashion via the project startup and closeout reports.

Sub-section 10, line 13, clarifies the cost definition of a large project.

Sub-section 12 provides the Information Technology Department with the authority to request information, review, and make determinations regarding the need for project oversight of those projects with a value of between \$100,000 and \$250,000. The intent is not to automatically provide oversight. Nor is it to require the depth of information noted in sub-sections 10 and 11. This section will provide ITD with the authority to review not only the cost, but also the complexity, duration, and other variables to determine if a project would benefit from inclusion in the full oversight function.

North Dakota Century Code Section 54-59 relates to ITD. Sub-section 5 is a clarifying statement. Subsections 7 and 8 reiterate the language in 54-35, providing ITD with the authority to request and review the information. The language in the bill basically describes how we handle oversight and work with the IT Committee today.

That concludes my testimony. I would be happy to entertain any questions.

AH # 26

1-9-07

## NORTH DAKOTA ENTERPRISE PROJECT MANAGEMENT

STANDARD: STD009-05

EFFECTIVE: January 1, 2005

REVISION #: 2.0

REVISED: July 1, 2005

### Project Management of Large Information Technology Projects

#### Purpose

This standard will ensure accountability for the resources allocated to large information technology (IT) projects as directed by the legislative mandates summarized below, and ensure that a consistent approach will be used to manage large IT projects.

The Interim Legislative Information Technology Committee (IT Committee) is required to:

- Review the cost-benefit analysis of any large IT project of an executive or judicial branch agency (NDCC 54-35-15.2).
- Perform periodic reviews to ensure that a large IT project is on its projected schedule and within its cost projections. If the committee determines that the project is at risk of failing to achieve its intended results, the committee may recommend to the Office of Management and Budget (OMB) the suspension of the expenditure of moneys appropriated for a project or plan. OMB may suspend the expenditure authority if in agreement with the recommendation of the IT Committee (NDCC 54-35-15.3 and 54-59-23).

The State Information Technology Advisory Committee (SITAC) is required to:

- Perform periodic reviews to ensure that large IT projects are within acceptable schedule and cost variances. (NDCC 54-59-23).

The Information Technology Department is required to:

- Prepare and present an annual report to the IT Committee that contains a list of large projects started, ongoing, and completed during the year. Also required, is information regarding evaluations of cost-benefit analyses for completed projects, and a description of the benefits to the state resulting from its investment (NDCC 54-59-19.1.3.6).
- Develop statewide IT policies, standards, and guidelines with OMB, based on information from state agencies and institutions (NDCC 54-59-09).

The Legislative Council is provided assistance with the implementation of these mandates from the Information Technology Department Policy and Planning Division (ITD) and the State Auditor's Office.

#### Standard

All large information technology projects shall comply with the following directives:

1. A business case shall be developed to justify the business need for the project and to identify the *proposed solution*.

- 1.1. The business case shall minimally include the *project description, project objectives, business need/problem, proposed solution, consistency/fit with the organization's mission, cost/benefit analysis, and project risks*. The business case should be developed and finalized during the origination and initiation processes. Additional information and a template can be found in the ND Project Management Guidebook (see Guidance section).

- 1.2. An initial business case shall be submitted to ITD prior to any pre-project expenditures (e.g. RFI/RFP development, etc.). As additional information is available, the business case will be updated.
- 1.3. ITD shall review the business case for general compliance with directive 1.1 and provide comments to the agency within ten business days of receipt.
- 1.4. Upon acceptance of the final version of the business case, ITD shall submit a copy to the Legislative Council
2. A project manager shall be assigned to the project to develop the project plan, manage its execution (including scope, schedule, cost, and quality control), and manage project human resources, communications, risks, and procurements.
3. A project charter shall be developed and executed to initiate the project and to secure commitment for the resources (human, financial, equipment, etc.) necessary for the project.
  - 3.1. The project charter shall minimally include the following information: project background, *project scope*, *project objective(s)*, *critical success factors*, *required resources*, *constraints*, *assumptions*, and *project authority*. The project charter shall be completed prior to the planning process. Additional information and a template can be found in the ND Project Management Guidebook (see Guidance section).
  - 3.2. The *project sponsor* shall formally approve the project charter in writing.
  - 3.3. A copy (electronic) of the project charter shall be submitted to ITD prior to any project expenditures or signing of vendor contracts.
  - 3.4. A signed copy of the project charter shall be retained by the agency.
4. An Executive Steering Committee shall be established to provide management support to the project.
  - 4.1. The committee members shall include at minimum, the project manager, project sponsor, and key stakeholders. The Policy and Planning Oversight Analyst assigned to the project shall be invited to attend as an ex officio member.
  - 4.2. The committee shall be responsible for reviewing the status at project milestones, authorizing significant changes to the project plan, and facilitating decision-making.
  - 4.3. The committee shall meet quarterly, or on a more frequent basis as defined in the project plan.
5. A project plan shall be developed as the primary planning document for the project.
  - 5.1. The project plan shall follow the guidelines of the Project Management Institute's (PMI) Project Management Body of Knowledge (PMBOK), and/or follow the guidelines of the ND Project Management Guidebook and Project Plan Template (see Guidance section).
  - 5.2. The project plan shall identify specific *milestones* throughout the project and their associated cost, schedule, and *deliverables*.
  - 5.3. After approval by the project sponsor, a copy of the project plan shall be submitted to ITD.
  - 5.4. A current copy of the project plan shall be submitted to ITD quarterly in conjunction with the quarterly project status report.
6. The project status report shall be submitted to ITD on a quarterly basis, or when a milestone exceeds twenty percent of planned cost or schedule. The report should include an executive summary, budget, schedule, issues, risks, project accomplishments and upcoming activities.
  - 6.1. Throughout the life of the project, if changes occur which would impact the project objectives as stated in the original business case, or changes to cost, schedule, scope

or quality as defined in the project plan, those impacts shall be included in the project status report.

- 6.2. The report shall include the attainment of any project milestones, and summary information to include (NDCC 54-59-23);
  - 6.2.1. Any variance wherein the project costs exceed the planned costs for that milestone by a variance of twenty percent or more.
  - 6.2.2. Any variance wherein the project schedule extends beyond the planned schedule for that milestone by a variance of twenty percent or more.
  - 6.2.3. Specify corrective measures being undertaken to address any cost or time completion issue.
  - 6.2.4. Both positive and negative cost and schedule variances for milestones accumulate for the duration of the project (See Guidance).
7. A project performance assessment, which evaluates the project status and performance of the project budget and schedule, shall be completed jointly by the project manager and the Policy and Planning Oversight Analyst at least once per quarter.
8. ITD shall create a Large Project Summary Report, which summarizes the performance of large projects, and submit it to the Legislative Council once per quarter.
9. A Post Implementation Review (PIR) shall be performed by the agency at the conclusion of the project in order to assess the success of the project and to capture historical information.
  - 9.1. The PIR shall minimally include a review and summary of lessons learned, project effectiveness, CSSQ management, risk management, communications management, acceptance management, organizational change management, issues management, project implementation and transition, performance of the performing organization, and key project metrics (i.e. cost, schedule, scope, quality). Additional information and templates can be found in the Project Closeout Chapter of the ND Project Management Guidebook (see Guidance section).
  - 9.2. A copy of the PIR shall be submitted to ITD.
  - 9.3. Upon acceptance, ITD shall submit a copy of the PIR to the Legislative Council.

## **Policy**

Projects are by definition a temporary endeavor undertaken to create a unique product or service. Due to the nature and scale of the projects defined as large IT projects, it is critical that *project management* practices be employed and that processes are in place, increasing the probability of delivering quality products, on time and within budget.

## **Applicability**

According to NDCC 54-35-15.2, this standard applies to all executive and judicial branch agencies, including any major project of the State Board of Higher Education if the project meets the following criteria:

- a) Significantly impacts the statewide area network, including the campus access routers;
- b) Impacts the statewide library system; or
- c) Is an administrative project. An administrative project is a project that directly collects, aggregates, modifies, stores or reports institutional student, financial, or human resources records or data and is provided primarily for administrative purposes.

The legislative branch is strongly encouraged to follow this standard but is not required to meet the directives within.

## Definitions

1. Assumptions – A list of factors, for planning purposes, that are known to be true, real, or certain.
2. Business Need/Problem – Those issues identified as driving the proposed project.
3. Consistency/Fit within the Organizations Mission – How the proposed project will fit within the agency's mission and/or strategic plan.
4. Constraints – Any known factors that limit the project's execution.
5. Cost/Benefit Analysis – A dynamic review of the estimated cost, anticipated benefits, and a quantitative analysis justifying the costs for the anticipated benefits.
6. Critical Success Factors – Outcomes that must be achieved in order for the project to be considered a success. They should correlate with the Project Objectives.
7. Deliverable - The physical items to be delivered for a project. This may include organization attributes, reports and plans, as well as physical products or objects.
8. Large Information Technology Project – A large project is defined in NDCC 54-35-15.2 as follows: "a major project is a project with a cost of two hundred fifty thousand dollars or more in one biennium or a total cost of five hundred thousand dollars or more."
9. Milestone – A key or major event in a project based on planned work accomplishments rather than a fixed time interval. It has accomplishment criteria, assigned budget and schedule.
10. Project Authority –The levels of authority to the project (roles and responsibilities of the project team and the stakeholders)
11. Project Description – An initial review of the project objectives.
12. Project Management - The application of knowledge and tools to project activities to meet project requirements. Project management is accomplished through the use of the processes such as initiating, planning, executing, controlling, and closing.
13. Project Objectives – The purpose and expected outcomes of the project.
14. Project Risks – Any risk associated with the successful implementation of the project.
15. Project Scope – A brief description or bulleted list of what IS and IS NOT included in the scope of the project.
16. Project Sponsor – The manager(s) that provide the primary financial resources, human resources, and management support for the project.
17. Proposed Solution – The product of the project that would resolve the Business Need/Problem.
18. Required Resources – The individuals to be assigned to the project and whose participation must be approved by management.

## Guidance

1. Enterprise Project Management Website <http://www.state.nd.us/epm>
2. ND Project Management Guidebook <http://www.state.nd.us/epm/resources/doc/guide.pdf>
3. The Project Management Body of Knowledge (PMBOK), Project Management Institute (PMI) <http://www.pmi.org>.

## Non-Compliance

Non-compliance of this standard shall be reported to the State Auditor's Office and the Legislative Council. NDCC 54-35 and NDCC 54-10 identify the enforcement capabilities for each group respectively. Non-compliance may result in non-approval of any IT expenditures associated with the project.

This policy supersedes ITD Standard STD009-05 v1.0.

AH #3  
1-9-07

**Presentation Regarding Senate Bill 2037 to Senate Judiciary Committee  
January 9, 2007**

**Randall Thursby, Interim CIO  
North Dakota University System**

Mr. Chairman: I have been asked to comment for the North Dakota University System regarding Senate Bill No. 2037.

The North Dakota University is in support of Senate Bill 2037 but there are a couple of areas of concern.

Vice Chancellor Laura Glatt raised some of these concerns in her testimony before the Interim Legislative IT Committee on October 11, 2006. At that time consideration was being given to several bills that potentially impacted the others and her testimony highlighted those inter-relationships.

While most of the concerns were addressed there are a few remaining that we believe need to be addressed and will aid in better serving the students and citizens of the State. The Interim Committee understood these concerns, but according to some members, simply ran out of time to properly address them in the final legislation that is before you today. Although we know your time is also limited, we would appreciate your thoughtful consideration of some changes and would be happy to work with you further in accomplishing these changes.

On page 2 lines 12-14 of subsection 10, the definition of a major project has been redefined as one with a total cost of two-hundred-fifty thousand dollars or more. Previously this had been a total of two-hundred-fifty thousand in one biennium or a total cost of five-hundred-thousand dollars or more. We certainly appreciate the need to adequately define and track projects of a significant nature. However we are concerned with the level of effort and resources that will need to be expended to comply with the provisions associated with a major project that may span several years. The overhead associated with meeting the requirements of a project under \$500,000 that spans several years could easily exceed twenty percent (20%) given the level of effort at the institution, University System, and ITD. We request that the committee consider reverting to the original language or redefine major project to include such language as it applies to the state board of higher education in subsection 11.

On page 2 lines 15-29 there is a possibility that a major new distance education program or on-line degree program could fall under the provisions of subsection 11 since such programs could significantly affect the network depending on the definition of impact. Since the original bill specifically intended the exclusion of academic programs, we, along with ITD, will continue to assume that any changes in this legislation, do not apply to academic programs, which of course would span multiple years.

Mr. Chairman that completes my testimony. I would be happy to answer any questions.

AH #4a

1-9-07

**TESTIMONY OF CHIEF DEPUTY THOMAS TRENBEATH  
REGARDING SENATE BILL NO. 2037  
SENATE - JUDICIARY  
JANUARY 9, 2007 - 10:00 AM**

The amendment before you relates to the protection of the information in the CJIS database. They do this by making those records exempt from open records/open meetings statutes and restricting access to law enforcement and others who may be specifically approved by the CJIS board.

The amendment also allows rule making, by the board, relating to access, collection and storage of the materials constituting the database.

We think it is tighter accessibility than that afforded by the underscored language of lines 18-20 on page 8, and we ask that the amendment be adopted and the bill as amended be recommended for passage.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2037  
SENATE JUDICIARY COMMITTEE  
DAVID E. NETHING, CHAIRMAN  
JANUARY 9, 2007

PRESENTED BY  
JULIE A. KRENZ, DIRECTOR  
STATE AND LOCAL GOVERNMENT DIVISION  
OFFICE OF ATTORNEY GENERAL

Page 8, line 11, after "powers" insert "- Exempt records"

Page 8, line 14, after the first period insert "The information technology department, at the direction of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only criminal justice agencies, as defined in section 12-60-16.1, and other persons designated by the board may access the system. The system may only be accessed for the purposes set forth by the board. Any law enforcement records in the possession of the department are exempt from section 44-04-18.1." and after "staff" insert "and other necessary"

Page 8, line 15, after "policy" insert "and adopt rules" and after "the" insert "access to and the"

Page 8, line 18, remove "Only entities within the"

Page 8, remove line 19

Page 8, line 20, remove "justice information sharing system."

Renumber accordingly

**SB 2037 TESTIMONY**  
**HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE**  
**BY: NANCY WALZ, DIRECTOR, POLICY AND PLANNING**  
**INFORMATION TECHNOLOGY DEPARTMENT (ITD)**  
**FEBRUARY 21, 2007**

Mr. Chairman and members of the committee, my name is Nancy Walz. I am the Director for Policy and Planning at the Information Technology Department (ITD). I am here to indicate the Department's support for Senate Bill 2037.

Because the bill covers a number of different topics I will cover each section and our reasons for support.

The changes in Sections 1 and 6 allow ITD to request background checks of contractors or subcontractors. Currently we do complete background checks on all employees. We feel that it is also important to be able to have the same level of background checking done for contractors.

Sections 2 through 5 are what I would call clean up language. North Dakota Century Code Section 54-35 (Section 2) relates to the Legislative IT Committee and North Dakota Century Code Section 54-59 (Section 3) relates to ITD. These sections of code have been amended significantly in the last few sessions, creating some inconsistencies. Also, our processes for IT planning and project management have matured from the time the original legislation was developed.

Section 2, sub-section 10 and 11, include changes that impact the manner in which the committee conducts oversight of large information technology projects. In addition to the language in this bill, the Enterprise Project Management Advisory Group has adopted Standard STD009-05 which identifies all documentation required for oversight purposes including the business case, charter, project plan, post implementation report, quarterly reports, etc. This bill provides for the most critical information to be brought before the committee in a summary fashion via the project startup and closeout reports. Subsections 7 and 8 of Section 3 reiterate the language in Section 2 but pertain to ITD's role rather than the role of the IT Committee.

The oversight process outlined in the changes has been in place and working successfully for a number of years. During the past fiscal year, state agencies completed eleven large IT projects under oversight of the IT Committee and ITD. Seven of the eleven projects were completed under budget, resulting in a savings of \$1,434,944. Of the four projects exceeding their original budget, a total of \$300,853, none exceeded the acceptable variance of 20 percent as indicated in NDCC 54-59-23. This resulted in a net budgetary saving of \$1,134,091. Nine of the eleven projects completed within the acceptable 20 percent schedule variance.

Section 2, sub-section 10, line 13, clarifies the cost definition of a large project and eliminates a loophole whereby an agency could start a project by spending down funding at the end of a biennium and continue it into the next biennium without hitting the \$250,000 threshold.

Section 2, sub-section 12 provides ITD with the authority to request information, review, and make determinations regarding the need for project oversight of those projects with a value of between

\$100,000 and \$250,000. ITD is neutral on this change. ITD's intent would not be to automatically provide oversight. Nor would it be to require the depth of information noted in sub-sections 10 and 11. The IT Committee felt that this language would allow greater visibility into projects that may be important for reasons other than cost like complexity or statewide impact. Section 3, sub-section 8 contains similar language.

Section 4, lines 13 and 14, clarify that the IT plan must include more than just the current inventory. An asset management plan would look at the entire life cycle and indicate plans for replacement or disposal.

Sections 4 and 5 move the reporting of certain information from ITD's Annual Report to the Statewide IT Plan. The reason for this change is that ITD's Annual Report focuses on the performance metrics of ITD as an agency. It is somewhat confusing to report on projects and benefits of other agencies as required in the bullets previously numbered 1, 3, 5 and 6 in Section 5. The Statewide IT Plan, on the other hand, is a document that encompasses all agencies and takes a broader perspective. It is a good planning practice to report accomplishments from the last planning cycle with the goals of the next planning cycle so the State IT Plan is a good place for this information. Section 5 also adds the reporting of additional performance metrics for ITD in the last bullet.

Section 7 of the bill gives the Criminal Justice Information Sharing (CJIS) Board the responsibility for authorizing the use of the CJIS "hub". The hub is a system for sharing information among criminal justice entities. Attached to my testimony are diagrams of the CJIS governance structure and hub. Because CJIS does not actually "own" the data, it must be careful about which entities have access and how it is used. Having the Board grant the access to the system makes sure that proper controls are in place.

That concludes my testimony. I would be happy to entertain any questions.

**NORTH DAKOTA UNIVERSITY SYSTEM**  
**Testimony on First Engrossment SB2037,**  
**House IB & L on February 21, 2007**  
**Vice Chancellor Laura Glatt**

The North Dakota University System supports Engrossed SB2037. It should be noted that HB1461, already passed by the House, requires the State Board of Higher Education (SBHE) to "manage and regulate information technology planning and services for the institutions under its control...." This would include presenting "information regarding higher education information technology planning, services and major projects to the information technology committee on request of the committee."

There are some unreconciled differences in the reporting requirements between SB2037 and HB1461; however, we assume that HB1461 would take precedence, should both bills pass, since HB1461 adds a new section to state statute, instead of amending current statute as does SB2037. I have attached a complete copy of Engrossed HB1461 to my testimony. We would respectfully request that if HB1461 does not pass the Senate, this committee consider amending the reporting requirements in SB2037 consistent with the language in HB1461. We would be happy to work with the committee on those amendments, if they should become necessary.

Lastly, there is the possibility that a major new distance education program or on-line degree program could fall under the provisions of subsection 11 since such programs could significantly affect the network depending on the definition of impact. Since the original bill specifically intended the exclusion of academic programs, the NDUS, along with ITD, will continue to assume that any changes in this legislation, do not apply to academic programs, which of course would span multiple years.

G:\laura\wpdocs\07 legis session\SB2037engrossed testimony

Sixtieth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1461

Introduced by

Representatives Skarphol, Monson

Senators Grindberg, Robinson, Wardner

1 A BILL for an Act to create and enact a new section to chapter 15-10 and a new subsection to  
2 section 54-35-15.2 of the North Dakota Century Code, relating to higher education information  
3 technology and powers and duties of the information technology committee; and to amend and  
4 reenact sections 54-59-05, 54-59-09, and 54-59-11 of the North Dakota Century Code, relating  
5 to the information technology department, information technology standards, and information  
6 technology plans.

7 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

8 SECTION 1. A new section to chapter 15-10 of the North Dakota Century Code is  
9 created and enacted as follows:

10 **Higher education information technology - Board duties - Reports.**

- 11 1. The state board of higher education shall manage and regulate information  
12 technology planning and services for institutions under its control, including:
- 13 a. Development of information technology policies, standards, and guidelines in  
14 coordination with the information technology department.
  - 15 b. Implementation of a process for project management oversight and reporting.
  - 16 c. Integration of higher education information technology planning and reporting  
17 with the board's strategic planning process and annual performance and  
18 accountability report required by section 15-10-14.2.
  - 19 d. Participation in internet2 or other advanced higher education or  
20 research-related networking projects as provided in section 54-59-08.
  - 21 e. Development of an annual report concerning higher education information  
22 technology planning and services.

2. The state board of higher education shall collaborate with the information technology department to coordinate higher education information technology planning with statewide information technology planning.
3. The state board of higher education shall provide advice to the information technology department regarding the development of policies, standards, and guidelines relating to access to or use of wide area network services as provided by section 54-59-09.
4. The state board of higher education shall present information regarding higher education information technology planning, services, and major projects to the information technology committee on request of the committee.

**SECTION 2.** A new subsection to section 54-35-15.2 of the North Dakota Century Code is created and enacted as follows:

Receive information from the state board of higher education regarding higher education information technology planning, services, and major projects.

**SECTION 3. AMENDMENT.** Section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-05. Powers and duties of department.** The department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the 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.

- 1           4.    May purchase, finance the purchase, or lease equipment, software, or  
2           implementation services or replace, including by trade or resale, equipment or  
3           software as may be necessary to carry out this chapter. An agreement to finance  
4           the purchase of software, equipment, or implementation services may not exceed  
5           a period of five years. The department shall submit any intended financing  
6           proposal for the purchase of software, equipment, or implementation services  
7           under this subsection, which is in excess of one million dollars, to the budget  
8           section of the legislative council or the legislative assembly before executing a  
9           financing agreement. If the budget section or the legislative assembly does not  
10          approve the execution of a financing agreement, the department may not proceed  
11          with the proposed financing arrangement. The department may finance the  
12          purchase of software, equipment, or implementation services only to the extent the  
13          purchase amount does not exceed seven and one-half percent of the amount  
14          appropriated to the department during that biennium.
- 15          5.    Each executive branch agency or institution, excluding the institutions under the  
16          control of the board of higher education, shall submit to the department, in  
17          accordance with guidelines established by the department, a written request for  
18          the lease, purchase, or other contractual acquisition of information technology.  
19          The department shall review requests for conformance with the requesting entity's  
20          information technology plan and compliance with statewide policies and standards.  
21          If the request is not in conformance or compliance, the department may  
22          disapprove the request or require justification for the departure from the plan or  
23          statewide policy or standard.
- 24          6.    Shall provide information technology, including assistance and advisory service, to  
25          the executive, legislative, and judicial branches. If the department is unable to  
26          fulfill a request for service from the legislative or judicial branch, the information  
27          technology may be procured by the legislative or judicial branch within the limits of  
28          legislative appropriations.
- 29          7.    Shall request information on or review information technology, applications, system  
30          development projects, and application development projects of executive branch  
31          agencies.

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8. Shall study emerging technology and evaluate its impact on the state's system of information technology.

9. Shall develop guidelines for reports to be provided by each agency of the executive branch agency, institution, or department, legislative, and judicial branches, excluding the institutions under the control of the board of higher education, and agencies of the judicial and legislative branches on information technology in those entities.

10. Shall collaborate with the state board of higher education on guidelines for reports to be provided by institutions under control of the state board of higher education on information technology in those entities.

11. Shall review the information technology management of executive branch agencies or institutions.

44- 12. Shall perform all other duties necessary to carry out this chapter.

42- 13. May provide wide area network services to a state agency, city, county, school district, or other political subdivision of this state. The information technology department may not provide wide area network service to any private, charitable, or nonprofit entity except the information technology department may continue to provide the wide area network service the department provided to the private, charitable, and nonprofit entities receiving services from the department on January 1, 2003. The department shall file with the state auditor before September 1, 2003, a description of the wide area network service the department provided to each private, charitable, and nonprofit entity receiving services from the department on January 1, 2003.

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

44- 15. Notwithstanding subsection 42 13, ~~the department~~ may provide wide area network services for a period not to exceed four years to an occupant of a technology park associated with an institution of higher education or to a business located in a business incubator associated with an institution of higher education.

**SECTION 4. AMENDMENT.** Section 54-59-09 of the North Dakota Century Code is amended and reenacted as follows:

1           **54-59-09. Information technology standards.** Based on information from state  
2 agencies and institutions, the department and the office of management and budget shall  
3 develop statewide information technology policies, standards, and guidelines. The policies,  
4 standards, and guidelines must recognize the uniqueness of certain agencies and state which  
5 agencies are included or exempted from the policies, standards, and guidelines. The policies,  
6 standards, and guidelines must be reviewed by the state information technology advisory  
7 committee. Unless an exemption is granted by the chief information officer, each executive  
8 branch state agency and institution, excluding the institutions under the control of the board of  
9 higher education ~~with respect to academic and research uses of information technology~~, shall  
10 comply with the policies and standards developed by the department and the office of  
11 management and budget. Unless an exemption is granted by the chief information officer,  
12 each entity receiving wide area network services provided by the department shall comply with  
13 the policies and standards developed by the department with respect to access to or use of  
14 wide area network services.

15           **SECTION 5. AMENDMENT.** Section 54-59-11 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17           **54-59-11. Information technology plans.** Each executive branch state agency or  
18 institution, ~~including~~ excluding the institutions under the control of the board of higher  
19 education, shall prepare an information technology plan, subject to approval by the department.  
20 The plan must be submitted to the department by July fifteenth of each even-numbered year.  
21 The plan must be prepared based on guidelines developed by the department; must provide  
22 the information technology goals, objectives, and activities of the entity for the current biennium  
23 and the next two bienniums; and must include information regarding the information technology  
24 assets owned, leased, or employed by the entity. Each entity required to file a plan shall  
25 provide interim updates to its plan if major information technology changes occur which affect  
26 its plan. The department shall review each entity's plan for compliance with statewide  
27 information technology policies and standards and may require an entity to change its plan to  
28 comply with statewide policies or standards or to resolve conflicting directions among plans.  
29 Agencies of the judicial and legislative branches shall file their information technology plans  
30 with the department by July fifteenth of each even-numbered year. Each state entity shall  
31 prepare its budget request for the next biennium based on its information technology plan. The

agency's budget request and the governor's budget recommendation must include supporting information describing in detail how the information technology plan relates to the budget request and recommendation. Any budget adjustment by the budget office must include the corresponding change to the plan. Based on the plans, the department shall prepare a statewide information technology plan and distribute copies of that plan to members of the legislative assembly as requested by the legislative council or its designee. The statewide information technology plan must be developed with emphasis on long-term strategic goals and objectives.