

**FIRST ENGROSSMENT
with House Amendments**

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2091

Introduced by

Industry, Business and Labor Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact section 44-04-18.5 of the North Dakota Century Code,
2 relating to open records exemptions for computer software programs developed by a state
3 agency and authorizing agreements for licensing of computer software programs; and to
4 declare an emergency.

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

6 **SECTION 1. AMENDMENT.** Section 44-04-18.5 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **44-04-18.5. Confidentiality of computer Computer software programs exempt.**

9 Any computer software program or component of a computer software program contracted,
10 developed, or acquired by a state agency, institution, department, or board and for which any
11 the state agency, institution, department, or board acquires a license, copyright, or a patent is
12 confidential exempt from section 44-04-18 and section 6 of article XI of the Constitution of
13 North Dakota. After receiving written approval from the governor, a state agency, institution,
14 department, or board may enter into agreements for the sale, licensing, and distribution of its
15 contracted, licensed, patented, or copyrighted computer software programs. A state agency,
16 institution, department, or board may take any needed action, including legal action, to protect
17 the state's interest in the computer software against improper or unlawful use or infringement
18 and may collect and enforce the collection of any sums due for the licensing or sale of the
19 computer software.

20 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.