

Introduced by

Political Subdivisions Committee

(At the request of the Information Technology Department)

1 A BILL for an Act to amend and reenact sections 54-59-01 and 54-59-05 of the North Dakota
2 Century Code, relating to cybersecurity.

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

4 **SECTION 1. AMENDMENT.** Section 54-59-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-59-01. Definitions.**

7 As used in this chapter:

- 8 1. "Agency" or "entity" does not include any agricultural commodity promotion group or
9 any occupational or professional board.
- 10 2. "Cybersecurity" means processes or capabilities, wherein, systems, communications,
11 and information are protected and defended against damage, unauthorized use or
12 modification, and exploitation.
- 13 3. "Department" means the information technology department.
- 14 ~~3.4.~~ "Information technology" means the use of hardware, software, services, and
15 supporting infrastructure to manage and deliver information using voice, data, and
16 video.
- 17 ~~4.5.~~ "Network services" means the equipment, software, and services necessary to
18 transmit voice, data, or video.

19 **SECTION 2. AMENDMENT.** Section 54-59-05 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **54-59-05. Powers and duties of department. (Effective through July 31, 2023)**

22 The department:

- 1 1. Shall provide, supervise, and regulate information technology of all executive branch
2 state entities, excluding the institutions under the control of the board of higher
3 education.
- 4 2. Shall provide network services in a way that ensures the network requirements of a
5 single entity do not adversely affect the functionality of the whole network, facilitates
6 open communications with the citizens of the state, minimizes the state's investment in
7 human resources, accommodates an ever-increasing amount of traffic, supports rapid
8 detection and resolution of problems, protects the network infrastructure from damage
9 and security breaches, provides for the aggregation of data, voice, video, and
10 multimedia into a statewide transport mechanism or backbone, and provides for the
11 network support for the entity to carry out its mission.
- 12 3. May review and approve additional network services that are not provided by the
13 department.
- 14 4. May purchase, finance the purchase, or lease equipment, software, or implementation
15 services or replace, including by trade or resale, equipment or software as may be
16 necessary to carry out this chapter. With the exception of agreements entered related
17 to the statewide interoperable radio network, an agreement to finance the purchase of
18 software, equipment, or implementation services may not exceed a period of five
19 years. The department shall submit any intended financing proposal for the purchase
20 of software, equipment, or implementation services under this subsection, which is in
21 excess of one million dollars, to the budget section of the legislative management or
22 the legislative assembly before executing a financing agreement. If the budget section
23 or the legislative assembly does not approve the execution of a financing agreement,
24 the department may not proceed with the proposed financing arrangement. With the
25 exception of financing for the statewide interoperable radio network, the department
26 may finance the purchase of software, equipment, or implementation services only to
27 the extent the purchase amount does not exceed seven and one-half percent of the
28 amount appropriated to the department during that biennium.
- 29 5. Shall review requests for lease, purchase, or other contractual acquisition of
30 information technology as required by this subsection. Each executive branch agency
31 or institution, excluding the institutions under the control of the board of higher

1 education, shall submit to the department, in accordance with guidelines established
2 by the department, a written request for the lease, purchase, or other contractual
3 acquisition of information technology. The department shall review requests for
4 conformance with the requesting entity's information technology plan and compliance
5 with statewide policies and standards. If the request is not in conformance or
6 compliance, the department may disapprove the request or require justification for the
7 departure from the plan or statewide policy or standard.

8 6. Shall provide information technology, including assistance and advisory service, to the
9 executive, legislative, and judicial branches. If the department is unable to fulfill a
10 request for service from the legislative or judicial branch, the information technology
11 may be procured by the legislative or judicial branch within the limits of legislative
12 appropriations.

13 7. Shall request and review information, including project startup information
14 summarizing the project description, project objectives, business need or problem,
15 cost-benefit analysis, and project risks and a project closeout information summarizing
16 the project objectives achieved, project budget and schedule variances, and lessons
17 learned, regarding any major information technology project of an executive branch
18 agency. The department shall present the information to the information technology
19 committee on request of the committee.

20 8. May request and review information regarding any information technology project of
21 an executive branch agency with a total cost of between one hundred thousand and
22 five hundred thousand dollars as determined necessary by the department. The
23 department shall present the information to the information technology committee on
24 request of the committee.

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

27 10. Shall develop guidelines for reports to be provided by each agency of the executive,
28 legislative, and judicial branches, excluding the institutions under the control of the
29 board of higher education, on information technology in those entities.

- 1 11. Shall collaborate with the state board of higher education on guidelines for reports to
2 be provided by institutions under control of the state board of higher education on
3 information technology in those entities.
- 4 12. Shall perform all other duties necessary to carry out this chapter.
- 5 13. May provide wide area network services to a state agency, city, county, school district,
6 or other political subdivision of this state. The information technology department may
7 not provide wide area network service to any private, charitable, or nonprofit entity
8 except the information technology department may continue to provide the wide area
9 network service the department provided to the private, charitable, and nonprofit
10 entities receiving services from the department on January 1, 2003.
- 11 14. Shall assure proper measures for security, firewalls, and internet protocol addressing
12 at the state's interface with other facilities.
- 13 15. Notwithstanding subsection 13, may provide wide area network services for a period
14 not to exceed four years to an occupant of a technology park associated with an
15 institution of higher education or to a business located in a business incubator
16 associated with an institution of higher education.
- 17 16. Shall advise, oversee, and regulate cybersecurity strategy for all state agencies,
18 including institutions under the control of the state board of higher education, counties,
19 cities, and school districts in the state.

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

21 The department:

- 22 1. Shall provide, supervise, and regulate information technology of all executive branch
23 state entities, excluding the institutions under the control of the board of higher
24 education.
- 25 2. Shall provide network services in a way that ensures the network requirements of a
26 single entity do not adversely affect the functionality of the whole network, facilitates
27 open communications with the citizens of the state, minimizes the state's investment in
28 human resources, accommodates an ever-increasing amount of traffic, supports rapid
29 detection and resolution of problems, protects the network infrastructure from damage
30 and security breaches, provides for the aggregation of data, voice, video, and

1 multimedia into a statewide transport mechanism or backbone, and provides for the
2 network support for the entity to carry out its mission.

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

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

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

28 6. Shall provide information technology, including assistance and advisory service, to the
29 executive, legislative, and judicial branches. If the department is unable to fulfill a
30 request for service from the legislative or judicial branch, the information technology

1 may be procured by the legislative or judicial branch within the limits of legislative
2 appropriations.

3 7. Shall request and review information, including project startup information
4 summarizing the project description, project objectives, business need or problem,
5 cost-benefit analysis, and project risks and a project closeout information summarizing
6 the project objectives achieved, project budget and schedule variances, and lessons
7 learned, regarding any major information technology project of an executive branch
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12 five hundred thousand dollars as determined necessary by the department. The
13 department shall present the information to the information technology committee on
14 request of the committee.

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

17 10. Shall develop guidelines for reports to be provided by each agency of the executive,
18 legislative, and judicial branches, excluding the institutions under the control of the
19 board of higher education, on information technology in those entities.

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

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

24 13. May provide wide area network services to a state agency, city, county, school district,
25 or other political subdivision of this state. The information technology department may
26 not provide wide area network service to any private, charitable, or nonprofit entity
27 except the information technology department may continue to provide the wide area
28 network service the department provided to the private, charitable, and nonprofit
29 entities receiving services from the department on January 1, 2003.

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

- 1 15. Notwithstanding subsection 13, may provide wide area network services for a period
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3 institution of higher education or to a business located in a business incubator
4 associated with an institution of higher education.
- 5 16. Shall advise, oversee, and regulate cybersecurity strategy for all state agencies,
6 including institutions under the control of the state board of higher education, counties,
7 cities, and school districts in the state.