

## PROPOSED INFORMATION TECHNOLOGY BILL DRAFTS

This memorandum provides a summary of the proposed information technology bill drafts being considered by the Information Technology Committee.

### POWERS AND DUTIES OF THE INFORMATION TECHNOLOGY COMMITTEE AND THE INFORMATION TECHNOLOGY DEPARTMENT, INFORMATION TECHNOLOGY PLANS, AND OTHER INFORMATION TECHNOLOGY ISSUES

The following is a comparison of the information technology bill draft relating to powers and duties of the Information Technology Committee and the Information Technology Department, information technology plans, the Information Technology Department's annual report, and criminal history record checks as presented to the Information Technology Committee at the December 14, 2005, meeting and the March 13, 2006, meeting.

	70015.0100 (December 14, 2005)	70015.0200 (March 13, 2006)
Sections 1 and 6	Amends Section 12-60-24(2)(h) and Section 54-59-20 relating to criminal history record checks to provide that the Chief Information Officer may require as a condition of contracting with the Information Technology Department that any individual employed by the contractor or subcontractor to perform the work under the contract submit to a criminal history record check	Amends Section 12-60-24(2)(h) and Section 54-59-20 relating to criminal history record checks to provide that the Chief Information Officer may require as a condition of contracting with the Information Technology Department <b>or other state agency or department with respect to an information technology project</b> that any individual employed by the contractor or subcontractor to perform the work under the contract submit to a criminal history record check
Section 2	Amends Section 54-35-15.2 to more accurately reflect the powers and duties of the Information Technology Committee, including providing that the committee receive and review project startup reports and project closeout reports for any major information technology project of an executive, legislative, or judicial branch agency, the State Board of Higher Education, or any institution under the control of the State Board of Higher Education, and the committee receive information regarding any information technology project of an executive, legislative, or judicial branch agency with a total cost between \$100,000 and \$250,000 as determined necessary by the Information Technology Department	Same language
Section 3	Amends Section 54-59-05 relating to the powers and duties of the Information Technology Department to provide that the department shall request and review information regarding any major information technology project of an executive, legislative, or judicial branch agency, the State Board of Higher Education, or any institution under the control of the State Board of Higher Education and the department may request and review information regarding any information technology project of an executive, legislative, or judicial branch agency with a total cost between \$100,000 and \$250,000 as determined necessary by the department	Same language
Section 4	Amends Section 54-59-11 relating to information technology plans to provide that information technology plans are subject to acceptance by the Information Technology Department and information technology plans must include an asset management plan relating to the inventory of information technology assets owned, leased, or employed by the entity. The bill draft also provides	Same language

	<b>70015.0100 (December 14, 2005)</b>	<b>70015.0200 (March 13, 2006)</b>
	that the statewide information technology plan must be developed with emphasis on long-term strategic goals, objectives, and accomplishments and the statewide information technology plan must contain specific information regarding information technology projects, plans, and benefits.	
Section 5	Amends Section 54-59-19 relating to the Information Technology Department annual report to revise the required contents of the report	Same language
Section 7		<b>Amends Section 54-59-21 relating to the criminal justice information sharing system to provide that only entities within the criminal justice system and those entities approved by the criminal justice board may access the criminal justice system</b>
Section 8		<b>Creates a section to Chapter 54-59 to provide that a state agency that proposes to implement a computer application or system that is designed to serve as an alternative or shadow of the ConnectND system must request approval from the director of the Office of Management and Budget before proceeding with implementation of the application or system</b>

### **MAJOR INFORMATION TECHNOLOGY PROJECTS, STATE INFORMATION TECHNOLOGY ADVISORY COMMITTEE, AND INFORMATION TECHNOLOGY STANDARDS**

The following is a comparison of the information technology bill draft relating to the prioritization of major information technology projects, the State Information Technology Advisory Committee, and information technology standards as presented to the Information Technology Committee at the December 14, 2005, meeting and the March 13, 2006, meeting.

	<b>70016.0100 (December 14, 2005)</b>	<b>70016.0200 (March 13, 2006)</b>
Section 1	Creates a subsection to Section 54-35-15.2 to provide that the Information Technology Committee shall receive a report from the Chief Information Officer regarding the recommendations of the State Information Technology Advisory Committee relating to the prioritization of proposed information technology projects and other information technology issues	Same language
Section 2	Amends Section 54-59-02.1 relating to the prioritization of major information technology projects to provide that the Information Technology Department shall submit information regarding proposed major information technology projects for executive branch state agencies, departments, and institutions, excluding institutions under the control of the State Board of Higher Education and agencies of the judicial and legislative branches to the State Information Technology Advisory Committee. The State Information Technology Advisory Committee shall review the projects and rank those projects that receive the committee's affirmative recommendation. The recommendations of the State Information Technology Advisory Committee shall be submitted to the Information Technology Committee, the Office of Management and Budget, and the Appropriations Committees of the Legislative Assembly.	Same language
Section 3	Amends Section 54-59-07 relating to the State Information Technology Advisory Committee to	Same language

	70016.0100 (December 14, 2005)	70016.0200 (March 13, 2006)
Section 4	<p>provide that the committee shall review policies, standards, and guidelines developed by the Information Technology Department and the Chief Information Officer shall submit recommendations of the State Information Technology Advisory Committee regarding information technology issues to the Information Technology Committee for its consideration</p> <p>Amends Section 54-59-09 relating to information technology standards to eliminate the role of the Office of Management and Budget in the development of information technology policies, standards, and guidelines and to provide that the Information Technology Department shall develop policies, standards, and guidelines using a process involving advice from state agencies and institutions</p>	<p>Amends Section 54-59-09 to provide that the Information Technology Department shall develop policies, standards, and guidelines using a process involving advice from state agencies and institutions. The bill draft <b>retains</b> the role of the Office of Management and Budget in the development of information technology policies, standards, and guidelines.</p>

### **INFORMATION TECHNOLOGY POLICIES, STANDARDS, AND GUIDELINES AND THE ADMINISTRATIVE AGENCIES PRACTICE ACT**

The information technology bill draft [70017.0100] relating to the exclusion of certain policies, standards, and guidelines of the Information Technology Department from compliance with the Administrative Agencies Practice Act amends Section 28-32-01(11) to provide that any product and services standard and best practice standard, primarily intended to affect state agencies and with respect to access to or use of wide area network services, institutions under the control of the State Board of Higher Education, counties, cities, and school districts if the policy, standard, or guideline has been reviewed by the State Information Technology Advisory Committee, is not considered a rule under the Administrative Agencies Practice Act. The bill draft is the same as the bill draft presented to the Information Technology Committee at the December 14, 2005, meeting.

### **HIGHER EDUCATION INFORMATION TECHNOLOGY PLANNING, SERVICES, AND MAJOR PROJECTS**

The following is a summary of the information technology bill draft [70018.0100] relating to higher education information technology planning, services, and major projects. The bill draft is the same as the bill draft presented to the Information Technology Committee at the December 14, 2005, meeting.

Section 1	Creates a new section to Chapter 15-10 to provide that the State Board of Higher Education shall manage and regulate information technology planning and services for institutions under its control; collaborate with the Information Technology Department to coordinate higher education information planning with statewide information technology planning; 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; and present information technology planning, services, and major projects to the Information Technology Committee
Section 2	Amends Section 54-35-15.2 relating to the powers and duties of the Information Technology Committee to remove administrative projects from the definition of higher education major information technology projects and to provide that the Information Technology Committee is to receive information from the State Board of Higher Education regarding higher education information technology planning, services, and major projects
Section 3	Amends Section 54-59-05 relating to the powers and duties of the Information Technology Department to provide that the department 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
Section 4	Amends Section 54-59-09 relating to information technology standards to exclude institutions under the control of the State Board of Higher Education from having to comply with the policies, standards, and guidelines developed by the Information Technology Department
Section 5	Amends Section 54-59-11 relating to information technology plans to provide that institutions under the control of the State Board of Higher Education are not required to prepare information technology plans