

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2110**

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. "Cybersecurity strategy" means a vision, plan of action, or guiding principles. Unless
14 otherwise defined in this chapter, the term does not mean an associated operational
15 plan.
- 16 4. "Department" means the information technology department.
- 17 ~~3-5.~~ "Information technology" means the use of hardware, software, services, and
18 supporting infrastructure to manage and deliver information using voice, data, and
19 video.
- 20 ~~4-6.~~ "Network services" means the equipment, software, and services necessary to
21 transmit voice, data, or video.

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

1 **54-59-05. Powers and duties of department. (Effective through July 31, 2023)**

2 The department:

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

- 1 5. Shall review requests for lease, purchase, or other contractual acquisition of
2 information technology as required by this subsection. Each executive branch agency
3 or institution, excluding the institutions under the control of the board of higher
4 education, shall submit to the department, in accordance with guidelines established
5 by the department, a written request for the lease, purchase, or other contractual
6 acquisition of information technology. The department shall review requests for
7 conformance with the requesting entity's information technology plan and compliance
8 with statewide policies and standards. If the request is not in conformance or
9 compliance, the department may disapprove the request or require justification for the
10 departure from the plan or statewide policy or standard.
- 11 6. Shall provide information technology, including assistance and advisory service, to the
12 executive, legislative, and judicial branches. If the department is unable to fulfill a
13 request for service from the legislative or judicial branch, the information technology
14 may be procured by the legislative or judicial branch within the limits of legislative
15 appropriations.
- 16 7. Shall request and review information, including project startup information
17 summarizing the project description, project objectives, business need or problem,
18 cost-benefit analysis, and project risks and a project closeout information summarizing
19 the project objectives achieved, project budget and schedule variances, and lessons
20 learned, regarding any major information technology project of an executive branch
21 agency. The department shall present the information to the information technology
22 committee on request of the committee.
- 23 8. May request and review information regarding any information technology project of
24 an executive branch agency with a total cost of between one hundred thousand and
25 five hundred thousand dollars as determined necessary by the department. The
26 department shall present the information to the information technology committee on
27 request of the committee.
- 28 9. Shall study emerging technology and evaluate its impact on the state's system of
29 information technology.

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

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

28 The department:

- 29 1. Shall provide, supervise, and regulate information technology of all executive branch
30 state entities, excluding the institutions under the control of the board of higher
31 education.

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