



North Dakota Legislative Council

Prepared for the Information Technology Committee
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INFORMATION TECHNOLOGY-RELATED STATUTORY PROVISIONS

This memorandum provides information regarding statutory provisions relating to the Information Technology Committee and the Information Technology Department (ITD).

INFORMATION TECHNOLOGY COMMITTEE - STATUTORY PROVISIONS

North Dakota Century Code Section 54-35-15.1 requires the Legislative Management during each biennium to appoint an Information Technology Committee in the same manner as it appoints other interim committees. The committee is to consist of six members of the House of Representatives and five members of the Senate. The Chief Information Officer (CIO) of the state serves as an ex officio nonvoting member of the committee.

The following is a summary of statutory responsibilities and duties of the Information Technology Committee. Major changes or additions made by the 2023 Legislative Assembly are boldfaced. Statutes removed or repealed by the 2023 Legislative Assembly are overstricken and boldfaced. A copy of the Century Code sections is attached as [Appendix A](#).

Section	Responsibilities and Duties
15-10-44	Requires the State Board of Higher Education (SBHE), upon request, to provide a report to the Information Technology Committee regarding higher education information technology (IT) planning, services, and major projects.
54-10-28 54-35-15.4	Provides that the committee may request the State Auditor to conduct an IT compliance review. The review may consist of an audit of an agency's IT management, IT planning, compliance with IT plans, and compliance with IT standards and policies or an audit of statewide compliance with specific IT standards and policies.
54-35-15.2	<p>Requires the Information Technology Committee to:</p> <ul style="list-style-type: none"> • Meet at least once each calendar quarter. • Receive a report from the CIO of the state at each meeting. • Review the business plan of ITD. • Review macro-level issues relating to IT. • Review the activities of ITD. • Review statewide IT standards. • Review the statewide IT plan. • Review IT efficiency and security. • Review established or proposed IT programs and IT acquisition by the executive and judicial branches. • Receive and review information, including a project startup report and a project closeout report, regarding any major IT project of an executive branch agency. A major project is a project with a total cost of \$500,000 or more. • Receive and review information, including a project startup report and a project closeout report, regarding any major IT project of the SBHE or any institution under the control of the SBHE. A major project is a project that significantly impacts the statewide wide area network, impacts the statewide library system, or is an administrative project, and is a project with a total cost of \$500,000 or more. • Receive and review information regarding any IT project of an executive branch agency with a total cost between \$100,000 and \$500,000 as determined necessary by ITD. • Receive a report from the CIO regarding the recommendations of the State Information Technology Advisory Committee relating to the prioritization of proposed major IT projects and other IT issues for the next biennium. • Receive and review information, including a project startup report and a project closeout report, regarding any IT project of the legislative or judicial branch with a total cost of \$500,000 or more. • Receive information from the SBHE regarding higher education IT planning, services, and major projects.

Section	Responsibilities and Duties
54-35-15.3	Authorizes the committee to review any IT project or IT plan and provides if the committee determines that a project or plan 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 money appropriated for a project or plan. The Office of Management and Budget may suspend the expenditure authority if ITD agrees with the recommendation of the committee.
54-59-07	Requires the Legislative Management to appoint two members of the Legislative Assembly to the State Information Technology Advisory Committee, of which one member must be the Chairman of the Information Technology Committee. The Chief Information Officer and the Chairman of the Information Technology Committee serve as Co chairmen of the State Information Technology Advisory Committee. (Repealed)
54-59-23	Requires agencies to provide a report to ITD if the agency's major IT project exceeds the planned project budget by 20 percent or more or if the planned project schedule by 20 percent or more. Section 54-59-23 (3) requires the report to ITD in under subsection 2 to specify corrective measures being undertaken to address any project cost or time of completion issues and provides if the agency has not taken adequate corrective measures within 90 days of the report to ITD that the agency to provide a report to the Information Technology Committee regarding the project.
57-40.6-12	Requires the Emergency Services Communications Coordinating Committee to provide a report to the Legislative Council by November 1 of each even-numbered year regarding the use of the assessed communications services fee revenue and provide recommendations to the Legislative Assembly regarding changes to the operating standards for emergency services communications, including training or certification standards for dispatchers.

INFORMATION TECHNOLOGY DEPARTMENT - PRIMARY STATUTORY PROVISIONS

Chapter 54-59 establishes ITD. Chapter 54-59.1 relates to cybersecurity incident reporting requirements. The following is a summary of statutory provisions in Chapter 54-59 and Chapter 54-59.1 related to ITD. Major changes or additions made by the 2023 Legislative Assembly are boldfaced. Statutes removed or repealed by the 2023 Legislative Assembly are overstricken and boldfaced. A copy of the chapters are attached as [Appendix B](#).

Section	Responsibilities and Duties
54-59-01	Definitions relating to Chapter 54-59.
54-59-02	Identifies the responsibilities of ITD, including wide area network services, computer support services, host software development, statewide communications services, standards for providing information to other state agencies and the public through the Internet, technology planning, process redesign, and quality assurance. The department may not exercise its powers and duties in a manner that competes or otherwise interferes with the provision of telecommunications service to a private, charitable, or nonprofit entity by a privately or cooperatively owned telecommunications company.
54-59-02.1	Requires ITD to submit information regarding proposed major IT projects for executive branch state agencies, excluding the institutions under the control of the SBHE and agencies of the judicial and legislative branches, to the State Information Technology Advisory Committee. The committee is to review the projects and rank those that receive the committee's affirmative recommendation. The Chief Information Officer is to submit recommendations of the committee regarding the prioritization of major IT projects to the Information Technology Committee, OMB, and the Appropriations Committees of the Legislative Assembly. The judicial and legislative branches are to biennially notify the committee on their major computer software projects and priorities. (Repealed)
54-59-02.2	Requires ITD to research and develop the use of distributed ledger-enabled platform technologies, such as blockchains, for computer-controlled programs, data transfer and storage, and program regulation to protect against falsification, improve internal data security, and identify external hacking threats. Research must include efforts to protect the privacy of personal identifying information maintained within distributed ledger programs. The department is required to select a state agency, upon request of the state agency, to serve as a pilot program for the implementation and use of distributed ledger-enabled platform technologies. The Chief Information Officer must report to the Legislative Management before June 1 of each even-numbered year regarding the implementation of distributed ledger technologies.
54-59-03	Requires the Governor to appoint the CIO of the state.
54-59-04	Identifies the duties for the CIO.
54-59-05	Provides for the powers and duties of ITD, including to: <ul style="list-style-type: none"> • Provide, supervise, and regulate IT of all executive branch state entities, excluding the institutions under the control of the SBHE and the Veterans' Home. • Provide network services. • Review and approve additional network services that are not provided by ITD.

Section	Responsibilities and Duties
	<ul style="list-style-type: none"> • Purchase, finance the purchase, or lease equipment, software, or implementation services or replace equipment or software as necessary to carry out Chapter 54-59. An agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of 5 years, and ITD shall submit any intended financing proposal for the purchase of software, equipment, or implementation services which is in excess of \$1 million to the Budget Section or the Legislative Assembly prior to executing a financing agreement. The department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed 7.5 percent of the amount appropriated to ITD during that biennium. • Review and approve the acquisition of IT for all executive branch state entities, excluding the institutions under the control of the SBHE. • Provide IT, including assistance and advisory service, to the executive, legislative, and judicial branches. • Request and review information, including a project startup report and a project closeout report, regarding any major IT project of executive branch agencies. • Request and review information regarding any IT project of an executive branch agency with a total cost between \$100,000 and \$500,000 as determined necessary by ITD. • Study emerging technology and evaluate its impact on the state's system of IT. • Develop guidelines for reports to be provided by each executive, legislative, and judicial branch agency, excluding the institutions under the control of the SBHE, on IT in those entities. • Collaborate with the SBHE on guidelines for reports to be provided by institutions under the control of the SBHE on IT in those entities. • Perform all other duties necessary to carry out Chapter 54-59. • Provide wide area network services to state agencies, cities, counties, school districts, and other political subdivisions and not provide wide area network services to any private, charitable, or nonprofit entities. • Assure proper measures for security, firewalls, and Internet protocol addressing. • Provide wide area network services for a period not to exceed 4 years to occupants of technology parks and businesses in business incubators associated with higher education institutions. • Advise and oversee cybersecurity strategy for all executive branch state agencies, including institutions under the control of the SBHE, counties, cities, school districts, and other political subdivisions. The department is required to consult with the Attorney General on cybersecurity strategy related to the executive branch and political subdivisions. The department is required to advise and consult with the legislative and judicial branches regarding cybersecurity strategy for those branches. • Enter a memorandum of understanding with other state, local, tribal, or territorial governments for purposes of ensuring the confidentiality, availability, and integrity of state, local, and tribal information systems and data, including consulting, developing cybersecurity strategy, prevention of cybersecurity incidents, and response strategies to cybersecurity incidents. The department may charge an amount equal to the cost of the services rendered by the department to all agencies that receive and expend money from other than the general fund. • Enter a mutual aid agreement with other state, local, tribal, or territorial governments agreeing to the reciprocal exchange of resources and services for mutual benefit of the parties related to cybersecurity efforts for the purposes of responding to or mitigating active cybersecurity incidents. The department may receive in-kind benefits that reduce cybersecurity risks to IT or shall charge an amount equal to the cost of the services rendered by the department to all agencies that receive and expend money from other than the general fund. • Provide IT and cybersecurity services to any administrative, elementary education, secondary education, and higher education institution under the control of a tribal government of the state. The services provided and the cost of services must be equal to those provided to state agencies.
54-59-06	Requires ITD to develop and maintain a business plan.
54-59-07	Establishes a State Information Technology Advisory Committee to advise ITD regarding statewide IT planning and budgeting, services of ITD, and statewide IT initiatives and policy. The membership of the committee includes various members of the executive branch and two members of the Legislative Assembly, appointed by the Legislative Management, of which one member must be the chairman of the Information Technology Committee. The Chief Information Officer and the Chairman of the Information Technology Committee serve as Co-chairmen of the State Information Technology Advisory Committee. The State Information Technology Advisory Committee is required to review reports on major IT projects as required by Chapter 54-59. (Repealed)
54-59-08	Requires each state agency and institution that desires access to wide area network services and each county, city, and school district that desires access to wide area network services to transmit voice, data, or video outside that county, city, or school district to obtain those services from ITD.

Section	Responsibilities and Duties
54-59-09	Requires ITD and OMB to develop statewide IT policies, standards, and guidelines. The policies, standards, and guidelines must recognize the uniqueness of certain agencies and be reviewed by the State Information Technology Advisory Committee . All executive branch agencies, excluding the institutions under the control of the SBHE, must comply with the policies and standards unless the CIO exempts an agency.
54-59-10	Requires each agency or institution to appoint an IT coordinator to maintain a liaison with ITD.
54-59-11	Requires each executive branch state agency or institution, excluding institutions under the control of the SBHE, to prepare an IT plan and submit the plan to ITD by August 15 of each even-numbered year unless the CIO grants an extension. The department is to review each entity's plan for compliance with statewide IT policies and standards. Based on the plans, ITD is to prepare a statewide IT plan and distribute the plan to members of the Legislative Assembly.
54-59-11.1	Requires each executive branch state agency, excluding entities under the control of the SBHE, to involve ITD in the planning and study of an IT project with an estimated cost of \$100,000 or more.
54-59-12	Requires ITD to cooperate with state entities to provide access to any computer database or electronically filed or stored information and the CIO to conduct meetings with political subdivisions and the CIO of the North Dakota University System to review and coordinate IT. The Chief Information Officer is to report to the Legislative Management regarding coordination of services with political subdivisions and higher education.
54-59-14	Authorizes ITD to establish a state IT operating account.
54-59-15	Authorizes ITD to accept federal or other funds.
54-59-16	Provides for the confidentiality of records.
54-59-19	Requires ITD to prepare and present an annual report to the Information Technology Committee and identifies the report contents.
54-59-20	Allows ITD to obtain security background information for all individuals, including any individuals employed by contractors or subcontractors performing work under a contract, who have unescorted physical access to the facilities or other security-sensitive areas and allows the CIO to require as a condition of contracting with respect to an IT project that any individual employed by the contractor or a subcontractor submit to a record check. A statute related to the Bureau of Criminal Investigation providing the response of the Federal Bureau of Investigation regarding statewide and nationwide criminal history record checks requested by certain entities, including ITD, is provided for in Section 12-60-24.
54-59-22	Requires each state agency and institution, excluding the legislative and judicial branches, institutions under the control of the SBHE, the Public Employees Retirement System, the Retirement and Investment Office, the Attorney General's office, the Veterans' Home , and any entity exempted by OMB, to obtain IT services, including email, file and print server administration, storage, application server, and hosting services, through a delivery system established by ITD in conjunction with OMB.
54-59-22.1	Requires certain state agencies to utilize centralized desktop support services from ITD. Desktop support services include technical assistance and device management relating to the use of personal computers and peripheral devices.
54-59-23	Requires executive, legislative, or judicial branch agencies, except for institutions under the control of the SBHE, to report to the State Information Technology Advisory Committee ITD before September 1 of each even-numbered year regarding the plan for and status of any IT project that is estimated to cost more than \$500,000. During the life of the project and at completion of the project, the agency is required to notify the State Information Technology Advisory Committee ITD if the amount expended on project costs exceeds the planned budget of the project by 20 percent or more or if the project schedule extends beyond the planned schedule by 20 percent or more.
54-59-24	Allows ITD to borrow from the Bank of North Dakota, subject to approval from the Emergency Commission, an amount necessary to pay telecommunications costs for connecting approved schools and libraries in the event federal e-rate funding is not received by ITD. The department is to request a deficiency appropriation from the Legislative Assembly to repay any loan obtained.
54-59-25	Establishes a Health Information Technology Advisory Committee.
54-59-26	Establishes a Health Information Technology Office within ITD. The Director of the Health Information Technology Office, in collaboration with the Health Information Technology Advisory Committee, is to: <ul style="list-style-type: none"> • Apply for federal funds that may be available to assist health care providers in implementing and improving health IT. • Implement and administer a health information exchange to facilitate the collection, storage, and transmission of health records. • Establish a health IT loan program. • Establish a health IT planning loan program. • Facilitate and expand the electronic health information exchange in the state.

Section	Responsibilities and Duties
54-59-27	Establishes an electronic health information exchange fund to be used to facilitate and expand the electronic health information exchange.
54-59-28	Requires each executive branch state agency and each institution of higher education that implements, acquires, or upgrades health IT systems, by January 1, 2015, to use health IT systems and products that meet minimum standards adopted by the Health Information Technology Office for accessing the health information exchange.
54-59-29	Relates to the confidentiality of information in the health information exchange.
54-59-30	Relates to immunity for reliance on data from the health information exchange.
54-59-31	Provides that effective January 1, 2015, an executive branch state agency, an institution of higher education, and any health care provider or other person participating in the health information exchange may use only an electronic health record system for use in the exchange which is certified under rules adopted by the federal Office of the National Coordinator for Health Information Technology. Certain health care providers participating in the health information exchange are allowed to use an electronic health records system that is not certified by the National Coordinator for Health Information Technology's office if that type of provider is not required to be certified.
54-59-32	<p>Establishes an executive steering committee to oversee each major IT project, and requires:</p> <ul style="list-style-type: none"> • The executive steering committee consists of the Director of OMB, the CIO, the head of the agency contracting for the project, the project sponsor, and a large project oversight analyst designated by the CIO. The committee must monitor the overall status of the project and review project decisions. Any project decision declared by a member of the committee to be a major project decision requires at least four affirmative votes. • An executive branch state agency, excluding institutions under the control of the SBHE, proposing a major IT project must collaborate with ITD and OMB and consult with the Attorney General's office to approve and administer the contract for a project. • Contracts and any changes to a contract must be signed by the head of the contracting agency and the CIO.
54-59-33	Identifies the membership of the Statewide Longitudinal Data System Committee.
54-59-34	Relates to the duties of the Statewide Longitudinal Data System Committee, including requirements to establish policies for the system and to provide operational oversight. The committee must provide annual reports to education and workforce development programs.
54-59-35	Relates to the powers of the Statewide Longitudinal Data System Committee, which allow the committee to authorize studies and appoint advisory committees.
54-59-36	Requires the Statewide Longitudinal Data System Committee to report to the Legislative Management each interim.
54-59-37	Provides a continuing appropriation to the Statewide Longitudinal Data System Committee to receive gifts, grants, and donations.
54-59-38	Requires ITD to maintain the statewide longitudinal data system at the direction of the Statewide Longitudinal Data System Committee.
54-59-39	Requires state agencies to provide requested information for the statewide longitudinal data system and provides for the confidentiality of information within the system. The Information Technology Department may not redisclose any unemployment insurance wage data from Job Service North Dakota that identifies an individual unless the redisclosure is expressly permitted by a written agreement between Job Service North Dakota and ITD, or is otherwise expressly permitted or required by federal or state law.
54-59.1-01	Provides definitions for Chapter 54-59.1 related to cybersecurity incident reporting requirements.
54-59.1-02	Requires executive branch state agencies and political subdivisions to immediately disclose to ITD an identified or suspected cybersecurity incident that affects the confidentiality, integrity, or availability of information systems, data, or services.
54-59.1-03	Requires executive branch state agencies and political subdivisions to continue disclosing to ITD clarifying details of a cybersecurity incident until the incident is resolved.
54-59.1-04	Allows the legislative and judicial branches to disclose to ITD cybersecurity incidents that affect the confidentiality, integrity, or availability of information systems, data, or services.
54-59.1-05	Requires ITD to establish and make known methods executive branch state agencies and political subdivisions must use to securely disclose cybersecurity incidents to ITD.
54-59.1-06	Requires ITD, to the extent possible, to provide consultation services and other resources to assist executive, legislative, and judicial branch state agencies and political subdivisions in responding to and remediating cybersecurity incidents.

Section	Responsibilities and Duties
54-59.1-07	Requires ITD to report to the Legislative Management all disclosed cybersecurity incidents, including the status of the cybersecurity incident and any response or remediation to mitigate the cybersecurity incident. The department is required to ensure all reports of disclosed cybersecurity incidents are communicated in a manner that protects victims of cybersecurity incidents, prevents unauthorized disclosure of cybersecurity plans and strategies, and adheres to federal and state laws regarding protection of cybersecurity information.

INFORMATION TECHNOLOGY DEPARTMENT - OTHER STATUTORY PROVISIONS

The following is a summary of statutory provisions in chapters other than Chapter 54-59 related to ITD. Major changes or additions made by the 2023 Legislative Assembly are boldfaced. Statutes removed or repealed by the 2023 Legislative Assembly are overstricken and boldfaced. A copy of the Century Code sections is attached as [Appendix C](#).

Section	Responsibilities and Duties
15-10-44	Requires the SBHE to develop IT policies, standards, and guidelines in coordination with ITD and is required to collaborate with ITD to coordinate higher education IT planning with statewide IT planning. The board is required to provide advice to ITD regarding the development of policies, standards, and guidelines relating to access to or use of wide area network services. An electronic mail retention policy for the board and institutions under the supervision and control of the board must be provide for the retention of nonstudent employee electronic mail messages for at least two years one year after the creation or receipt of the message unless the electronic mail message includes malware or regulated information .
15-10-45	Prohibits the Northern Tier Network from replacing any wide area network services to any city, county, or school district that are provided by ITD.
15.1-06-06	Requires the superintendent of a school district to submit a report to the Superintendent of Public Instruction to verify that its schools use North Dakota eTranscripts, or an alternative information system designated by ITD in collaboration with the Superintendent of Public Instruction, to generate official transcripts.
15.1-07-33	Allows ITD to administer a state student information system for school districts.
15.1-21-02.9	Requires each school district to use North Dakota eTranscripts, or an alternative information system designated by ITD in collaboration with the Department of Public Instruction, to submit official transcripts for the North Dakota academic or career and technical education scholarship to the Superintendent of Public Instruction.
23-02.1-27	Allows the Department of Health and Human Services to grant limited access to birth and death information to various entities, including ITD.
23-06.5-19	Allows ITD to prescribe a registration form to facilitate the filing of a health care record and establish and maintain a health care record registry which must be accessible through a website maintained by the department. The department must create a digital reproduction of health care records received, enter the reproduced record in the health care record registry database, and assign each registration a unique file number. The department is not required to review a health care record to ensure the health care record complies with statutory requirements that apply to the health care record. The records maintained by ITD are considered confidential. At the request of the owner of a health care record, ITD may transmit the information received regarding a health care record to the registry system of another jurisdiction. The department is allowed to charge and collect a reasonable fee for filing a health care record and a revocation of a health care record.
26.1-54-01	Requires the Department of Health and Human Services to collaborate with ITD regarding an American health benefit exchange.
27-20.2-21	Subsection 1 of this section allows ITD to inspect juvenile court files and records to the extent authorized by the Supreme Court for use in the statewide longitudinal data system.
32-12.2-19	Requires OMB to consult with ITD regarding a data breach involving a state entity.
37-17.3-02	Allows the CIO of ITD to purchase necessary equipment to construct or establish a statewide interoperable radio network (SIRN) to enable seamless interoperable communications from local, state, and federal levels and provides the CIO is responsible for the operation and maintenance of SIRN as directed by the Statewide Interoperability Executive Committee. The Chief Information Officer may not use state funds, including resources from the SIRN fund for dispatch consoles, connectivity, and associated necessary software, equipment, or services to support a public safety answering point unless these items are intended for use by a state agency or state department.
37-17.3-03	Requires the CIO to establish a process to register and audit users of SIRN. The department may provide, subject to the rules of the Statewide Interoperability Executive Committee, a state cost-share for each personal and vehicular radio purchased for political subdivision law enforcement, firefighters, and emergency medical personnel and nongovernmental emergency services personnel. The state cost-share is \$1,500, unless the cost of the radio is less than \$1,500, in which case the state cost-share is the cost of the radio.
37-17.3-12	Allows the CIO to apply for and accept funds, grants, gifts, or services made available for SIRN by an agency or department of the federal government or any other person. Any funds, grants, gifts, or money received from services received must be deposited in the SIRN fund.

Section	Responsibilities and Duties
52-01-03	Allows Job Service North Dakota to provide information regarding unemployment insurance to various entities, including to ITD related to the statewide longitudinal data system. Job Service North Dakota may enter into interagency agreements with these entities for the exchange of information that will enhance the administration of the unemployment insurance program and will be used only for governmental purposes.
54-09-09	Requires the Secretary of State's computerized central indexing system to allow access to financing statement information by equipment that conforms to requirements determined by ITD.
54-10-28	Allows the State Auditor to consult with ITD on audits of compliance with IT plans and compliance with IT standards and policies. The State Auditor may participate in ITD's enterprise architecture process for developing IT standards and policies.
54-16-11.1	Requires the Emergency Commission to meet to determine if additional demand from state agencies requires an increase in appropriation authority and revenue receipts for ITD, Central Duplicating, Surplus Property, or Roughrider Industries Division of the Department of Corrections and Rehabilitation.
54-27-08	Requires the State Treasurer to utilize services provided by ITD related to electronic records and electronic signatures.
54-44.1-16	Requires OMB to obtain assistance from ITD regarding a review of technology costs and savings for any new building construction project proposed by state agencies, departments, and institutions. The department is required to provide an analysis of these costs to OMB.
54-44.6-01	Provides legislative intent to minimize governmental paperwork for state and local government entities by establishing a statewide forms management program in ITD.
54-44.6-02	Definitions relating to Chapter 54-44.6.
54-44.6-03	Establishes the CIO as the state forms manager. The state forms manager is required to administer the forms management program for the executive branch. The program must apply efficient and economical management methods to the creation and utilization of state forms.
54-44.6-04	<p>Establishes the duties of the state forms manager, including:</p> <ul style="list-style-type: none"> • Establishing a statewide forms management program and prescribing the standards and procedures for forms creation and utilization. • Conducting surveys of forms management practices to identify forms that can be standardized, consolidated, or eliminated as duplicative and unnecessary. • Assisting agencies in the design of those forms that cannot be eliminated to minimize the effort and costs required to complete them. • Establishing a forms management program to provide agencies with forms design and revision services and to develop and implement standards for design, typography, format, data sequence, analysis, and numbering of state forms. • Establishing a central state form numbering system and a central cross-index filing system of state forms. • Providing training for agency forms coordinators.
54-44.6-05	Requires agencies to maintain an active, continuing program for the economical and efficient management of forms and cooperate with the state forms manager in the conduct of forms management surveys. Agencies are required to implement forms management rules and procedures issued by the manager.
54-44.6-06	Requires agencies to submit any proposed new or revised form to the state forms manager for review. The state forms manager is required to analyze the form, advise the affected agency of comments and recommendations, and assist the agency with any recommended revision of the form.
54-44.6-07	Requires the state forms manager to assist and advise in the establishment of forms management programs in the legislative and judicial branches, as requested by those branches. The state forms manager must provide similar services to the legislative and judicial branches as those available to the executive branch if requested by those branches.
54-44.6-08	Allows the state forms manager to adopt rules to enforce the forms management program.
54-44.8-01	Defines the administrator as an individual employed by the CIO that oversees the administration of a communications-impaired telecommunications services program.
54-44.8-02	Requires the administrator to oversee the communications-impaired telecommunications services program. The administrator is required to review and recommend policies and procedures, prepare a budget, monitor expenditures, monitor the quality of the program and satisfaction of the users, and perform other duties necessary to oversee the administration of the program.
54-44.8-03	Requires ITD to establish and administer a program to provide telecommunications relay service to persons who are communications impaired. The program must provide a telecommunications relay service to allow persons who are communications impaired to communicate via the telecommunications network with noncommunications-impaired persons. The Department of Health and Human Services is required to furnish specialized telecommunications equipment to meet the needs of individuals who are communications impaired and must determine eligibility for the equipment.

Section	Responsibilities and Duties
54-44.8-04	Requires ITD to develop rules, policies, and procedures, for the communications-impaired telecommunications services program.
54-44.8-05	Requires ITD to contract with a qualified provider to design and implement a telecommunications relay service for the program. The department and the telecommunications relay service provider are not liable for damages or claims for relief from the establishment of, participation in, or operation of the telecommunications relay service, except in cases of willful misconduct, gross negligence, or bad faith.
54-44.8-07	Allows ITD to expend money from the telecommunications services account for the communications impaired, subject to legislative appropriations, which consists of all surcharges billed and collected.
54-44.8-08	Requires ITD, before May 1 of each year, to report all cost data and other information to the Public Service Commission. Each local exchange company and radio communications provider is required to report all information requested by ITD in order to determine the number of telephone access lines and radio communications access service numbers. The department is required to notify each local exchange company and radio communications services provider, in writing, of the amount of the monthly surcharge determined by the Public Service Commission. The administrator is required to remit surcharges received from local exchange companies and radio communications service providers to the State Treasurer. The State Treasurer must deposit all surcharges received in the telecommunications services account for the communications impaired.
54-46-03	Establishes the CIO or the CIO's designee as the State Records Administrator. The administrator is required to establish and administer a records management program for executive branch agencies to apply efficient and economical management methods for the creation, utilization, maintenance, retention, and final disposition of state records.
54-46-04	<p>Establishes the duties of the State Records Administrator, which include:</p> <ul style="list-style-type: none"> • Establishing standards, procedures and techniques for effective management of records. • Making continuing surveys of paperwork operations and recommend improvements in current records management practices including the use of space, equipment, and supplies employed in creating, maintaining, storing, and servicing records. • Establishing standards for the preparation of schedules providing for the retention of state records of continuing value and for the final disposition of state records no longer possessing administrative, legal, or fiscal value. • Ensuring each agency maintains, for at least 1 year, data contained in electronic mail accounts for agency heads, state officers appointed by the Governor under Chapter 44-02, and elected executive branch officials. • Developing a training program for agencies regarding the management of state records. • Obtaining reports from agencies as are required for the administration of the program. • Receiving reports of noncompliance with the records management program. Upon review of the report, the administrator is required to recommend training for the noncompliant agency, submit the report to the OMB Human Resource Management Services for consultation to determine whether disciplinary action is appropriate, submit the report to the State Auditor to include noncompliance findings in the agency's audit and to determine whether reporting findings of noncompliance to the Legislative Audit and Fiscal Review Committee is appropriate, and submit the report to the Attorney General to determine appropriate action, including prosecution or referral to Human Resource Management Services or the agency's human resources department for disciplinary action.
54-46-05	Requires the head of each executive branch agency to submit schedules to the State Records Administrator proposing the length of time each state record series warrants retention for administrative, legal, or fiscal purposes after it has been received by the agency. Agency heads must submit to the administrator lists of state records in the custody of the agency which are not needed in the transaction of current businesses and which do not have administrative, legal, or fiscal value. Agency heads must cooperate with the administrator in conducting surveys pursuant to Chapter 54-46, including to resolve findings of noncompliance with the records management program as may be indicated in the final survey report , and must comply with the rules, standards, and procedures adopted by the administrator. Failure to cooperate with the administrator may result in reported noncompliance as authorized under Section 54-46-04 (6).
54-46-06	Requires the State Records Administrator to assist and advise the legislative and judicial branches in the establishment of records management programs, if requested. The administrator is required to provide program services similar to those available to the executive branch, if requested by the legislative branch or judicial branch.
54-46-07	Provides all records made or received by executive branch agencies in the course of public duty are the property of the state and may not be mutilated, destroyed, transferred, removed, sold, or otherwise damaged or disposed of, except as provided by law. Each state agency and political subdivision is required to notify the State Records Administrator of unlawful actions affecting records.

Section	Responsibilities and Duties
54-46-08	<p>Requires:</p> <ul style="list-style-type: none"> • The State Records Administrator, prior to final disposition of any type or class of record, in consultation with the executive branch agency owning the record, the Attorney General, State Auditor, and State Archivist, to determine that the type or class of record has no further administrative, legal, or fiscal value and is subject to final disposition under Section 54-46-08.1 or 54-46-09. • Each agency to maintain, for at least 1 year, data contained in electronic mail accounts and personal file storage, for agency heads, state officers appointed by the Governor under Chapter 44-02, and elected executive branch officials. • Each agency to develop policies related to the assumption of employee account ownership upon employee departure. An agency is required to ensure the employee account remains on hold until the account has been reviewed by the appropriate individual. If the employee was the head of the agency, a state officer appointed by the Governor under Chapter 44-02, or an elected executive branch official, the employee account must be reviewed by the employee's successor and, if the State Records Administrator deems it necessary, the State Archivist. • If a statute requiring retention of a record does not either provide a specific retention period or specifically provide that the record be permanently retained, the administrator, after completing the consultation required by this section, is required to establish a specific retention period for the record. The administrator shall annually survey the state agencies and shall order final disposition under Section 54-46-08.1 or 54-46-09 of any records which have been determined to have no further administrative, legal, or fiscal value pursuant to this section.
54-46-09	<p>Provides nonrecord materials or materials not included within the definition of records in Chapter 54-46 may, if not otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials without the prior approval of the State Records Administrator. The administrator may formulate procedures and interpretation to guide in the disposition of nonrecord materials. Records determined to be subject to final disposition under Section 54-46-08 and not found to be of value as archival resources under Section 54-46-08.1 must be destroyed by any suitable means as determined by the administrator.</p>
54-46-10	<p>Requires the State Records Administrator to establish rules and regulations as necessary to administer Chapter 54-46.</p>
54-46-11	<p>Requires the ITD annual report to describe the status and progress of programs established pursuant to Chapter 54-46 related to records management and must include the recommendations of the administrator for improvements in the management of records in state government.</p>
54-46-12	<p>Requires the State Records Administrator to establish a uniform program of standards, procedures, and techniques for the effective management of county, city, and park district records. All county, city, and park district offices, departments, and agencies may establish, utilize, and maintain the uniform program prescribed by the administrator.</p>
54-46-13	<p>Requires the State Records Administrator to adopt rules in accordance with Chapter 28-32 for state and human service zone records. The rules adopted by the administrator must be consistent with records retention requirements imposed by federal law with respect to those records. The administrator, prior to adoption, amendment, or repeal of rules concerning state and human service zone records, must consult with the Commissioner of the Department of Health and Human Services.</p>
54-46-14	<p>Provides the State Records Administrator may receive any record necessary related to Chapter 54-46 without regard to the confidential or secret nature of the information in the record. However, the administrator and agents or employees of the administrator involved with records management under Chapter 54-46 are subject to the same restrictions and penalties regarding the dissemination of the information as are the personnel of the agency involved.</p>
54-46.1-01	<p>Requires the State Records Administrator to establish and maintain a Central Microfilm Unit and to microfilm any record of any county and state office, agency, or department in the executive, legislative, or judicial branch of state government, if the State Records Administrator determines the cost of the microfilming is reasonable in relation to the record's historical significance or the frequency and type of use of the record. The State Records Administrator is required to deposit money received for the Central Microfilm Unit in the IT operating account.</p>
54-46.1-02.1	<p>Allows any public entity to adopt and use an optical data storage process for the storage of records by optical disk mediums when the use of the process is consistent with good records management practices. The State Records Administrator may provide for these practices, except for specialized commercial databases such as those used in libraries.</p>
54-46.1-04	<p>Provides whenever any record or document is copied or reproduced as part of the Central Microfilm Unit, the State Records Administrator is required to provide for duplicate storage of the photographic reproductions. The State Records Administrator may enter into contracts for duplicate storage services if, in the State Records Administrator's judgment, such contracts are necessary for the safekeeping of photographic reproductions.</p>
54-46.1-05	<p>Requires all state offices, agencies, and departments, except institutions under the control of the SBHE, to receive the approval of the State Records Administrator before entering into a contract or agreement for the</p>

Section	Responsibilities and Duties
	purchase or lease of microfilm equipment or services. The State Records Administrator may authorize a state office, agency, or department to make other arrangements for microfilm services if the Central Microfilm Unit is unable to perform the services required, or if, in the State Records Administrator's judgment, the special needs of the office, agency, or department justify the authorization.
54-46.1-06	Allows the State Records Administrator to adopt rules to establish standard procedures and practices for the Central Microfilm Unit, including the proper use of any optical data storage process.
54-46.1-07	Allows the personnel of the Central Microfilm Unit to receive information from files and records from state departments without regard to the confidential or secret nature of the information.
57-40.6-02	Subsection 2 of this section requires a political subdivision to add \$0.50 to the fee imposed on assessed communications services. The additional \$0.50 per communication connection must be remitted to the State Treasurer for deposit in the SIRN fund for implementing ongoing administrative and operational maintenance costs of SIRN . The funds collected under this subsection must be expended in a manner consistent with the recommendations of the Statewide Interoperability Executive Committee.

ATTACH:3