Title 63F. Utah Technology Governance Act

Chapter 1
Department of Technology Services

Part 1
General Provisions

63F-1-101 Title.
(1) This title is known as the "Utah Technology Governance Act."
(2) This chapter is known as the "Department of Technology Services."

Enacted by Chapter 169, 2005 General Session

63F-1-102 Definitions.
As used in this title:
(1) "Board" means the Technology Advisory Board created in Section 63F-1-202.
(2) "Chief information officer" means the chief information officer appointed under Section 63F-1-201.
(3) "Computer center" means the location at which a central data processing platform is managed to serve multiple executive branch agencies.
(4) "Data center" means a centralized repository for the storage, management, and dissemination of data.
(5) "Department" means the Department of Technology Services.
(6)
(a) Except as provided in Subsection (6)(b), "executive branch agency" means an agency or administrative subunit of state government.
(b) "Executive branch agency" does not include:
(i) the legislative branch;
(ii) the judicial branch;
(iii) the State Board of Education;
(iv) the Board of Regents;
(v) institutions of higher education;
(vi) independent entities as defined in Section 63E-1-102; and
(vii) elective constitutional offices of the executive department which includes:
(A) the state auditor;
(B) the state treasurer; and
(C) the attorney general.
(7) "Executive branch strategic plan" means the executive branch strategic plan created under Section 63F-1-203.
(8) "Individual with a disability" means an individual with a condition that meets the definition of "disability" in 42 U.S.C. Sec. 12102.
(9) "Information technology" means all computerized and auxiliary automated information handling, including:
(a) systems design and analysis;
(b) acquisition, storage, and conversion of data;
(c) computer programming;

(d) information storage and retrieval;
(e) voice, radio, video, and data communications;
(f) requisite systems controls;
(g) simulation; and
(h) all related interactions between people and machines.
(10) "State information architecture" means a logically consistent set of principles, policies, and standards that guide the engineering of state government's information technology and infrastructure in a way that ensures alignment with state government's business and service needs.
(11) "Telecommunications" means the transmission or reception of signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, light waves, or other electromagnetic means.

Amended by Chapter 114, 2015 General Session

63F-1-103 Department of Technology Services.
(1) There is created within state government the Department of Technology Services which has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities outlined in this title.
(2) The department has authority to operate as an internal service fund agency as provided in Section 63J-1-410.

Amended by Chapter 183, 2009 General Session

63F-1-104 Purposes.
The department shall:
(1) lead state executive branch agency efforts to reengineer the state's information technology architecture with the goal of coordinating central and individual agency information technology in a manner that:
(a) ensures compliance with the executive branch agency strategic plan; and
(b) ensures that cost-effective, efficient information and communication systems and resources are being used by agencies to:
(i) reduce data, hardware, and software redundancy;
(ii) improve system interoperability and data accessibility between agencies; and
(iii) meet the agency's and user's business and service needs;
(2) coordinate an executive branch strategic plan for all agencies;
(3) each year, in coordination with the governor's office, convene a group of public and private sector information technology and data security experts to identify best practices from agencies and other public and private sector entities, including best practices for data and information technology system security standards;
(4) develop and implement processes to replicate information technology best practices and standards identified in Subsection (3), throughout the executive branch;
(5) by July 1, 2015, and at least once every two years thereafter:
(a) evaluate the adequacy of the department's and the executive branch agencies' data and information technology system security standards through an independent third party assessment; and

(b) communicate the results of the independent third party assessment to the appropriate executive branch agencies and to the president of the Senate and the speaker of the House of Representatives;
(6) oversee the expanded use and implementation of project and contract management principles as they relate to information technology projects within the executive branch;
(7) serve as general contractor between the state's information technology users and private sector providers of information technology products and services;
(8) work toward building stronger partnering relationships with providers;
(9) develop service level agreements with executive branch departments and agencies to ensure quality products and services are delivered on schedule and within budget;
(10) develop standards for application development including a standard methodology and cost-benefit analysis that all agencies shall utilize for application development activities;
(11) determine and implement statewide efforts to standardize data elements and determine data ownership assignments among executive branch agencies;
(12) develop systems and methodologies to review, evaluate, and prioritize existing information technology projects within the executive branch and report to the governor and the Public Utilities, Energy, and Technology Interim Committee on a semiannual basis regarding the status of information technology projects; and
(13) assist the Governor's Office of Management and Budget with the development of information technology budgets for agencies.

Amended by Chapter 13, 2016 General Session

63F-1-105 Appointment of executive director -- Compensation -- Authority.
(1) The governor shall:
(a) appoint the executive director with the consent of the Senate; and
(b) establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
(2) The executive director shall:
(a) serve at the pleasure of the governor; and
(b) exercise all powers given to and perform all duties imposed on the department.

Enacted by Chapter 169, 2005 General Session

63F-1-106 Executive director -- Jurisdiction over divisions and office directors -- Authority.
(1) The executive director of the department has administrative jurisdiction over each division and office in the department and the division and office directors. The executive director may make changes in personnel and service functions in the divisions under the director's administrative jurisdiction, and authorize designees to perform appropriate responsibilities, to effectuate greater efficiency and economy in the operations of the department as permitted by this section.
(2) The executive director may establish offices and bureaus to perform functions such as budgeting, planning, and personnel administration to facilitate management of the department.
(3) The executive director may hire employees in the department, divisions, and offices as permitted by department resources. Except as provided in Subsection (4), any employees of the department are exempt from career service or classified service status as provided in Section 67-19-15.
(4)

(a) An employee of an executive branch agency who was a career service employee as of July 1, 2005 who is transferred to the Department of Technology Services continues in the employee's career service status during the employee's service to the Department of Technology Services if the duties of the position in the new department are substantially similar to those in the employee's previous position.
(b) A career service employee transferred to the new department under the provisions of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be converted to exempt status without the review process required by Subsection 67-19-15(3).
(c) The executive director shall work with executive branch agency directors, during the period of transition to the new department, in good faith, to:
(i) preserve relevant career service positions;
(ii) retain qualified employees in non-relevant positions through transfers to other positions in state government, with retraining as necessary; and
(iii) promote greater economy and efficiencies for the department.
(d) The Department of Technology Services together with the Department of Human Resource Management may develop financial and other incentives to encourage a career service employee who transfers to the department under the provisions of Subsection (4)(a) to voluntarily convert to an exempt position under Section 67-19-15.
(e) If a career service employee transfers to the department under the provisions of Subsection (4)(a) and terminates his employment with the department for any reason, the employment position shall be exempt from career service status under the provisions of Subsection (3).

Enacted by Chapter 169, 2005 General Session

63F-1-107 Divisions of department -- Administration.
(1) The department shall be composed of the following divisions:
(a) the Division of Enterprise Technology;
(b) the Division of Integrated Technology; and
(c) the Division of Agency Services.
(2) Each division shall be administered and managed by a division director.

Enacted by Chapter 169, 2005 General Session

Part 2
Chief Information Officer

63F-1-201 Chief information officer -- Appointment -- Powers -- Reporting.
(1) The director of the department shall serve as the state's chief information officer.
(2) The chief information officer shall:
(a) advise the governor on information technology policy; and
(b) perform those duties given the chief information officer by statute.
(3)
(a) The chief information officer shall report annually to:
(i) the governor; and
(ii) the Public Utilities, Energy, and Technology Interim Committee.
(b) The report required under Subsection (3)(a) shall:

(i) summarize the state's current and projected use of information technology;
(ii) summarize the executive branch strategic plan including a description of major changes in the executive branch strategic plan; and
(iii) provide a brief description of each state agency's information technology plan.

(4)
(a) In accordance with this section, the chief information officer shall prepare an interbranch information technology coordination plan that provides for the coordination where possible of the development, acquisition, and maintenance of information technology and information systems of:
(i) the executive branch;
(ii) the judicial branch;
(iii) the legislative branch;
(iv) the Board of Regents; and
(v) the State Board of Education.
(b) In the development of the interbranch coordination plan, the chief information officer shall consult with the entities described in Subsection (4)(a).
(c) The interbranch coordination plan:
(i) is an advisory document; and
(ii) does not bind any entity described in Subsection (4)(a).
(d)
(i) The chief information officer shall submit the interbranch coordination plan to the Public Utilities, Energy, and Technology Interim Committee for comment.
(ii) The chief information officer may modify the interbranch coordination plan:
(A) at the request of the Public Utilities, Energy, and Technology Interim Committee; or
(B) to improve the coordination between the entities described in Subsection (4)(a).
(iii) Any amendment to the interbranch coordination plan is subject to this Subsection (4) in the same manner as the interbranch coordination plan is subject to this Subsection (4).

(5) In a manner consistent with the interbranch coordination plan created in accordance with Subsection (4), the chief information officer shall maintain liaisons with:
(a) the judicial branch;
(b) the legislative branch;
(c) the Board of Regents;
(d) the State Board of Education;
(e) local government;
(f) the federal government;
(g) business and industry; and
(h) those members of the public who use information technology or systems of the state.

Amended by Chapter 13, 2016 General Session

63F-1-202 Technology Advisory Board -- Membership -- Duties.

(1) There is created the Technology Advisory Board to the chief information officer. The board shall have seven members as follows:
(a) three members appointed by the governor who are individuals actively involved in business planning for state agencies;
(b) one member appointed by the governor who is actively involved in business planning for higher education or public education;

(c) one member appointed by the speaker of the House of Representatives and president of the Senate from the Legislative Automation Committee of the Legislature to represent the legislative branch;
(d) one member appointed by the Judicial Council to represent the judicial branch; and
(e) one member appointed by the governor who represents private sector business needs in the state, but who is not an information technology vendor for the state.
(2)
(a) The members of the advisory board shall elect a chair from the board by majority vote.
(b) The department shall provide staff to the board.
(c)
(i) A majority of the members of the board constitutes a quorum.
(ii) Action by a majority of a quorum of the board constitutes an action of the board.
(3) The board shall meet as necessary to advise the chief information officer and assist the chief information officer and executive branch agencies in coming to consensus on:
(a) the development and implementation of the state's information technology strategic plan;
(b) critical information technology initiatives for the state;
(c) the development of standards for state information architecture;
(d) identification of the business and technical needs of state agencies;
(e) the department's performance measures for service agreements with executive branch agencies and subscribers of services, including a process in which an executive branch agency may review the department's implementation of and compliance with an executive branch agency's data security requirements; and
(f) the efficient and effective operation of the department.
(4)
(a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:
(i) Section 63A-3-106;
(ii) Section 63A-3-107; and
(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

Amended by Chapter 387, 2014 General Session

63F-1-203 Executive branch information technology strategic plan.
(1) In accordance with this section, the chief information officer shall prepare an executive branch information technology strategic plan:
(a) that complies with this chapter; and
(b) which shall include:
(i) a strategic plan for the:
(A) interchange of information related to information technology between executive branch agencies;
(B) coordination between executive branch agencies in the development and maintenance of information technology and information systems, including the coordination of agency information technology plans described in Section 63F-1-204; and
(C) protection of the privacy of individuals who use state information technology or information systems, including the implementation of industry best practices for data and system security that are identified in Subsection 63F-1-104(3);

(ii) priorities for the development and implementation of information technology or information systems including priorities determined on the basis of:
(A) the importance of the information technology or information system; and
(B) the time sequencing of the information technology or information system; and
(iii) maximizing the use of existing state information technology resources.
(2) In the development of the executive branch strategic plan, the chief information officer shall consult with:
(a) all cabinet level officials;
(b) the advisory board created in Section 63F-1-202; and
(c) the group convened in accordance with Subsection 63F-1-104(3).
(3)
(a) Unless withdrawn by the chief information officer or the governor in accordance with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on which the executive branch strategic plan is submitted to:
(i) the governor; and
(ii) the Public Utilities, Energy, and Technology Interim Committee.
(b) The chief information officer or the governor may withdraw the executive branch strategic plan submitted under Subsection (3)(a) if the governor or chief information officer determines that the executive branch strategic plan:
(i) should be modified; or
(ii) for any other reason should not take effect.
(c) The Public Utilities, Energy, and Technology Interim Committee may make recommendations to the governor and to the chief information officer if the commission determines that the executive branch strategic plan should be modified or for any other reason should not take effect.
(d) Modifications adopted by the chief information officer shall be resubmitted to the governor and the Public Utilities, Energy, and Technology Interim Committee for their review or approval as provided in Subsections (3)(a) and (b).
(4)
(a) The chief information officer shall, on or before January 1, 2014, and each year thereafter, modify the executive branch information technology strategic plan to incorporate security standards that:
(i) are identified as industry best practices in accordance with Subsections 63F-1-104(3) and (4); and
(ii) can be implemented within the budget of the department or the executive branch agencies.
(b) The chief information officer shall inform the speaker of the House of Representatives and the president of the Senate on or before January 1 of each year if best practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered under Subsection (4)(a)(ii).
(5) The executive branch strategic plan is to be implemented by executive branch agencies through each executive branch agency adopting an agency information technology plan in accordance with Section 63F-1-204.

Amended by Chapter 13, 2016 General Session

63F-1-204 Agency information technology plans.
(1)

(a) By July 1 of each year, each executive branch agency shall submit an agency information technology plan to the chief information officer at the department level, unless the governor or the chief information officer request an information technology plan be submitted by a subunit of a department, or by an executive branch agency other than a department.

(b) The information technology plans required by this section shall be in the form and level of detail required by the chief information officer, by administrative rule adopted in accordance with Section 63F-1-206, and shall include, at least:

(i) the information technology objectives of the agency;

(ii) any performance measures used by the agency for implementing the agency's information technology objectives;

(iii) any planned expenditures related to information technology;

(iv) the agency's need for appropriations for information technology;

(v) how the agency's development of information technology coordinates with other state and local governmental entities;

(vi) any efforts the agency has taken to develop public and private partnerships to accomplish the information technology objectives of the agency;

(vii) the efforts the executive branch agency has taken to conduct transactions electronically in compliance with Section 46-4-503; and

(viii) the executive branch agency's plan for the timing and method of verifying the department's security standards, if an agency intends to verify the department's security standards for the data that the agency maintains or transmits through the department's servers.

(2)

(a) Except as provided in Subsection (2)(b), an agency information technology plan described in Subsection (1) shall comply with the executive branch strategic plan established in accordance with Section 63F-1-203.

(b) If the executive branch agency submitting the agency information technology plan justifies the need to depart from the executive branch strategic plan, an agency information technology plan may depart from the executive branch strategic plan to the extent approved by the chief information officer.

(3)

(a) On receipt of a state agency information technology plan, the chief information officer shall forward a complete copy of the agency information technology plan to the Division of Enterprise Technology created in Section 63F-1-401 and the Division of Integrated Technology created in Section 63F-1-501.

(b) The divisions shall provide the chief information officer a written analysis of each agency plan submitted in accordance with Subsections 63F-1-404(14) and 63F-1-504(3).

(4)

(a) The chief information officer shall review each agency plan to determine:

(i)

(A) whether the agency plan complies with the executive branch strategic plan and state information architecture; or

(B) to the extent that the agency plan does not comply with the executive branch strategic plan or state information architecture, whether the executive branch entity is justified in departing from the executive branch strategic plan, or state information architecture; and

(ii) whether the agency plan meets the information technology and other needs of:

(A) the executive branch agency submitting the plan; and

(B) the state.

(b) In conducting the review required by Subsection (4)(a), the chief information officer shall consider the analysis submitted by the divisions under Subsection (3).
(5) After the chief information officer conducts the review described in Subsection (4) of an agency information technology plan, the chief information officer may:
(a) approve the agency information technology plan;
(b) disapprove the agency information technology plan; or
(c) recommend modifications to the agency information technology plan.
(6) An executive branch agency or the department may not submit a request for appropriation related to information technology or an information technology system to the governor in accordance with Section 63J-1-201 until after the executive branch agency's information technology plan is approved by the chief information officer.

Amended by Chapter 53, 2013 General Session

63F-1-205 Approval of acquisitions of information technology.
(1)
(a) Except as provided in Title 63N, Chapter 13, Part 2, Government Procurement Private Proposal Program, in accordance with Subsection (2), the chief information officer shall approve the acquisition by an executive branch agency of:
(i) information technology equipment;
(ii) telecommunications equipment;
(iii) software;
(iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
(v) data acquisition.
(b) The chief information officer may negotiate the purchase, lease, or rental of private or public information technology or telecommunication services or facilities in accordance with this section.
(c) Where practical, efficient, and economically beneficial, the chief information officer shall use existing private and public information technology or telecommunication resources.
(d) Notwithstanding another provision of this section, an acquisition authorized by this section shall comply with rules made by the applicable rulemaking authority under Title 63G, Chapter 6a, Utah Procurement Code.
(2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount that exceeds the value established by the chief information officer by rule in accordance with Section 63F-1-206, the chief information officer shall:
(a) conduct an analysis of the needs of executive branch agencies and subscribers of services and the ability of the proposed information technology or telecommunications services or supplies to meet those needs; and
(b) for purchases, leases, or rentals not covered by an existing statewide contract, certify in writing to the chief procurement officer in the Division of Purchasing and General Services that:
(i) the analysis required in Subsection (2)(a) was completed; and
(ii) based on the analysis, the proposed purchase, lease, rental, or master contract of services, products, or supplies is practical, efficient, and economically beneficial to the state and the executive branch agency or subscriber of services.
(3) In approving an acquisition described in Subsections (1) and (2), the chief information officer shall:

(a) establish by administrative rule, in accordance with Section 63F-1-206, standards under which an agency must obtain approval from the chief information officer before acquiring the items listed in Subsections (1) and (2);
(b) for those acquisitions requiring approval, determine whether the acquisition is in compliance with:
(i) the executive branch strategic plan;
(ii) the applicable agency information technology plan;
(iii) the budget for the executive branch agency or department as adopted by the Legislature;
(iv)Title 63G, Chapter 6a, Utah Procurement Code; and
(v) the information technology accessibility standards described in Section 63F-1-210; and
(c) in accordance with Section 63F-1-207, require coordination of acquisitions between two or more executive branch agencies if it is in the best interests of the state.
(4)
(a) Each executive branch agency shall provide the chief information officer with complete access to all information technology records, documents, and reports:
(i) at the request of the chief information officer; and
(ii) related to the executive branch agency's acquisition of any item listed in Subsection (1).
(b) Beginning July 1, 2006 and in accordance with administrative rules established by the department under Section 63F-1-206, no new technology projects may be initiated by an executive branch agency or the department unless the technology project is described in a formal project plan and the business case analysis has been approved by the chief information officer and agency head. The project plan and business case analysis required by this Subsection (4) shall be in the form required by the chief information officer, and shall include:
(i) a statement of work to be done and existing work to be modified or displaced;
(ii) total cost of system development and conversion effort, including system analysis and programming costs, establishment of master files, testing, documentation, special equipment cost and all other costs, including overhead;
(iii) savings or added operating costs that will result after conversion;
(iv) other advantages or reasons that justify the work;
(v) source of funding of the work, including ongoing costs;
(vi) consistency with budget submissions and planning components of budgets; and
(vii) whether the work is within the scope of projects or initiatives envisioned when the current fiscal year budget was approved.
(5) The chief information officer and the Division of Purchasing and General Services shall work cooperatively to establish procedures under which the chief information officer shall monitor and approve acquisitions as provided in this section.

Amended by Chapter 355, 2016 General Session

63F-1-206 Rulemaking -- Policies.
(1)
(a) Except as provided in Subsection (2), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the chief information officer shall make rules that:
(i) provide standards that impose requirements on executive branch agencies that:
(A) are related to the security of the statewide area network; and
(B) establish standards for when an agency must obtain approval before obtaining items listed in Subsection 63F-1-205(1);

(ii) specify the detail and format required in an agency information technology plan submitted in accordance with Section 63F-1-204;
(iii) provide for standards related to the privacy policies of websites operated by or on behalf of an executive branch agency;
(iv) provide for the acquisition, licensing, and sale of computer software;
(v) specify the requirements for the project plan and business case analysis required by Section 63F-1-205;
(vi) provide for project oversight of agency technology projects when required by Section 63F-1-205;
(vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the needs assessment for information technology purchases;
(viii) establish telecommunications standards and specifications in accordance with Section 63F-1-404; and
(ix) establish standards for accessibility of information technology by individuals with disabilities in accordance with Section 63F-1-210.
(b) The rulemaking authority in this Subsection (1) is in addition to any other rulemaking authority granted by this title.
(2)
(a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines procedures to be followed by the chief information officer in facilitating the implementation of this title by executive branch agencies if the policy:
(i) is consistent with the executive branch strategic plan; and
(ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.
(b)
(i) A policy adopted by the chief information officer under Subsection (2)(a) may not take effect until 30 days after the day on which the chief information officer submits the policy to:
(A) the governor; and
(B) all cabinet level officials.
(ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials may review and comment on a policy submitted under Subsection (2)(b)(i).
(3)
(a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the chief information officer may adopt a security procedure to be followed by executive branch agencies to protect the statewide area network if:
(i) broad communication of the security procedure would create a significant potential for increasing the vulnerability of the statewide area network to breach or attack; and
(ii) after consultation with the chief information officer, the governor agrees that broad communication of the security procedure would create a significant potential increase in the vulnerability of the statewide area network to breach or attack.
(b) A security procedure described in Subsection (3)(a) is classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
(c) The chief information officer shall provide a copy of the security procedure as a protected record to:
(i) the chief justice of the Utah Supreme Court for the judicial branch;
(ii) the speaker of the House of Representatives and the president of the Senate for the legislative branch;

(iii) the chair of the Board of Regents; and
(iv) the chair of the State Board of Education.

Amended by Chapter 114, 2015 General Session

63F-1-207 Coordination within the executive branch -- Cooperation with other branches.

(1) In accordance with the executive branch strategic plan and the requirements of this title, the chief information officer shall coordinate the development of information technology systems between two or more executive branch agencies subject to:
(a) the budget approved by the Legislature; and
(b)Title 63J, Chapter 1, Budgetary Procedures Act.
(2) In addition to the coordination described in Subsection (1), the chief information officer shall promote cooperation regarding information technology in a manner consistent with the interbranch coordination plan created in accordance with Section 63F-1-201.

Amended by Chapter 382, 2008 General Session

63F-1-208 Delegation of department functions.

(1)
(a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other provisions of this section, the chief information officer may delegate a function of the department to another executive branch agency or an institution of higher education by contract or other means authorized by law.
(b) The chief information officer may delegate a function of the department as provided in Subsection (1)(a) if in the judgment of the director of the executive branch agency, the director of the division, and the chief information officer:
(i) the executive branch agency or institution of higher education has requested that the function be delegated;
(ii) the executive branch agency or institution of higher education has the necessary resources and skills to perform or control the function to be delegated; and
(iii) the function to be delegated is a unique or mission critical function of the agency or institution of higher education which is not appropriate to:
(A) govern or manage under the Division of Enterprise Technology; or
(B) govern or manage under the Division of Integrated Technology.
(2) The chief information officer may delegate a function of the department only when the delegation results in net cost savings or improved service delivery to the state as a whole or to the unique mission critical function of the executive branch agency.
(3) The delegation of a function under this section shall:
(a) be in writing;
(b) contain all of the following:
(i) a precise definition of each function to be delegated;
(ii) a clear description of the standards to be met in performing each function delegated;
(iii) a provision for periodic administrative audits by the Division of Agency Services in accordance with Section 63F-1-604;
(iv) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed; and
(v) any delegation of department staff to the agency to support the function in-house with the agency and rates to be charged for the delegated staff; and

(c) include a cost-benefit analysis justifying the delegation in accordance with Section 63F-1-604.
(4) An agreement to delegate functions to an executive branch agency or an institution of higher education may be terminated by the department if the results of an administrative audit conducted by the division reveals a lack of compliance with the terms of the agreement by the executive branch agency or institution of higher education.

Enacted by Chapter 169, 2005 General Session

63F-1-209 Delegation of department staff to executive branch agencies -- Prohibition against executive branch agency information technology staff.
(1)
(a) The chief information officer shall assign department staff to serve an agency in-house if the chief information officer and the executive branch agency director jointly determine it is appropriate to provide information technology services to:
(i) the agency's unique mission critical functions and applications;
(ii) the agency's participation in and use of statewide enterprise architecture under the Division of Enterprise Technology; and
(iii) the agency's use of coordinated technology services with other agencies that share similar characteristics with the agency under the Division of Integrated Technology.
(b)
(i) An agency may request the chief information officer to assign in-house staff support from the department.
(ii) The chief information officer shall respond to the agency's request for in-house staff support in accordance with Subsection (1)(a).
(c) The department shall enter into service agreements with an agency when department staff is assigned in-house to the agency under the provisions of this section.
(d) An agency that receives in-house staff support assigned from the department under the provision of this section is responsible for paying the rates charged by the department for that staff as established under Section 63F-1-301.
(2)
(a) After July 1, 2006, an executive branch agency may not create a full-time equivalent position or part-time position, or request an appropriation to fund a full-time equivalent position or part-time position under the provisions of Section 63J-1-201 for the purpose of providing information technology services to the agency unless:
(i) the chief information officer has approved a delegation under Section 63F-1-208; and
(ii) the Division of Agency Services conducts an audit under Section 63F-1-604 and finds that the delegation of information technology services to the agency meets the requirements of Section 63F-1-208.
(b) The prohibition against a request for appropriation under Subsection (2)(a) does not apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

Amended by Chapter 382, 2008 General Session

63F-1-210 Accessibility standards for executive branch agency information technology.
(1) The chief information officer shall establish, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
(a) minimum standards for accessibility of executive branch agency information technology by an individual with a disability that:

(i) include accessibility criteria for:
(A) agency websites;
(B) hardware and software procured by an executive branch agency; and
(C) information systems used by executive branch agency employees; and
(ii) include a protocol to evaluate the standards via testing by individuals with a variety of access limitations;
(b) grievance procedures for an individual with a disability who is unable to access executive branch agency information technology, including:
(i) a process for an individual with a disability to report the access issue to the chief information officer; and
(ii) a mechanism through which the chief information officer can respond to the report; and
(c) are, at minimum, consistent with the Web Content Accessibility 2.0 guidelines published by the World Wide Web Consortium.
(2) The chief information officer shall update the standards described in Subsection (1)(a) at least every three years to reflect advances in technology.

Enacted by Chapter 114, 2015 General Session

Part 3
Information Technology Rate Committee

63F-1-301 Cost based services -- Fees -- Rate committee.
(1) The chief information officer shall:
(a) at the lowest practical cost, manage the delivery of efficient and cost-effective information technology and telecommunication services for:
(i) all executive branch agencies; and
(ii) entities that subscribe to the services in accordance with Section 63F-1-303; and
(b) provide priority service to public safety agencies.
(2)
(a) In accordance with this Subsection (2), the chief information officer shall prescribe a schedule of fees for all services rendered by the department to:
(i) an executive branch entity; or
(ii) an entity that subscribes to services rendered by the department in accordance with Section 63F-1-303.
(b) Each fee included in the schedule of fees required by Subsection (2)(a):
(i) shall be equitable;
(ii) should be based upon a zero based, full cost accounting of activities necessary to provide each service for which a fee is established; and
(iii) for each service multiplied by the projected consumption of the service recovers no more or less than the full cost of each service.
(c) Before charging a fee for its services to an executive branch agency or to a subscriber of services other than an executive branch agency, the chief information officer shall:
(i) submit the proposed rates, fees, and cost analysis to the Rate Committee established in Section 63F-1-302; and
(ii) obtain the approval of the Legislature as required by Section 63J-1-410.

(d) The chief information officer shall conduct a market analysis by July 1, 2006, and periodically thereafter, of proposed rates and fees, which analysis shall include a comparison of the department's rates with the fees of other public or private sector providers where comparable services and rates are reasonably available.

Amended by Chapter 183, 2009 General Session

63F-1-302 Information Technology Rate Committee -- Membership -- Duties.

(1)

(a) There is created an Information Technology Rate Committee, which shall consist of the executive directors, or the executive director's designee, of seven executive branch agencies that use services and pay rates to one of the department internal service funds, appointed by the governor for a two-year term.

(b)

(i) Of the seven executive agencies represented on the rate committee under Subsection (1)(a), only one of the following may be represented on the committee, if at all, at any one time:

(A) the Governor's Office of Management and Budget;

(B) the Division of Finance; or

(C) the Department of Administrative Services.

(ii) The department may not have a representative on the rate committee.

(c)

(i) The committee shall elect a chair from its members.

(ii) Members of the committee who are state government employees and who do not receive salary, per diem, or expenses from their agency for their service on the committee shall receive no compensation, benefits, per diem, or expenses for the member's service on the committee.

(d) The department shall provide staff services to the committee.

(2)

(a) Any internal service funds managed by the department shall submit to the committee a proposed rate and fee schedule for services rendered by the department to an executive branch agency or an entity that subscribes to services rendered by the department.

(b) The committee shall:

(i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings Act;

(ii) meet at least once each calendar year to:

(A) discuss the service performance of each internal service fund;

(B) review the proposed rate and fee schedules;

(C) determine whether each proposed fee is based on cost recovery as required by Subsection 63F-1-301(2)(b);

(D) at the rate committee's discretion, approve, increase, or decrease the rate and fee schedules described in Subsection (2)(b)(ii)(B); and

(E) discuss any prior or potential adjustments to the service level received by state agencies that pay rates to an internal service fund;

(iii) recommend a proposed rate and fee schedule for each internal service fund to:

(A) the Governor's Office of Management and Budget; and

(B) the Office of Legislative Fiscal Analyst for review by the Legislature in accordance with Section 63J-1-410, which requires the Legislature to approve the internal service fund agency's rates, fees, and budget in an appropriations act; and

(iv) in accordance with Section 63J-1-410, review and approve, increase or decrease an interim rate, fee, or amount when an internal service fund agency begins a new service or introduces a new product between annual general sessions of the Legislature, which rate, fee, or amount shall be submitted to the Legislature at the next annual general session.

(c) The committee may, in accordance with Subsection 63J-1-410(4), decrease a rate, fee, or amount that has been approved by the Legislature.

Amended by Chapter 287, 2016 General Session

63F-1-303 Executive branch agencies -- Subscription by institutions.

(1) An executive branch agency in accordance with its agency information technology plan approved by the chief information officer shall:

(a) subscribe to the information technology services provided by the department; or

(b) contract with one or more alternate private providers of information technology services if the chief information officer determines that the purchase of the services from a private provider will:

(i) result in:

(A) cost savings;

(B) increased efficiency; or

(C) improved quality of services; and

(ii) not impair the interoperability of the state's information technology services.

(2) An institution of higher education may subscribe to the services provided by the department if:

(a) the president of the institution recommends that the institution subscribe to the services of the department; and

(b) the Board of Regents determines that subscription to the services of the department will result in cost savings or increased efficiency to the institution.

(3) The following may subscribe to information technology services by requesting that the services be provided from the department:

(a) the legislative branch;

(b) the judicial branch;

(c) the State Board of Education;

(d) a political subdivision of the state;

(e) an agency of the federal government;

(f) an independent entity as defined in Section 63E-1-102; and

(g) an elective constitutional officer of the executive department as defined in Subsection 63F-1-102(6)(b).

Amended by Chapter 369, 2012 General Session

Part 4
Division of Enterprise Technology

63F-1-401 Creation -- Administration.

There is created within the department the Division of Enterprise Technology to be administered by a director.

Enacted by Chapter 169, 2005 General Session

63F-1-402 Definitions.

As used in this chapter, "enterprise architecture" means information technology assets and functions that can be applied across state government and include:

(1) computing devices such as mainframes, servers, desktop devices, and peripherals;
(2) networks;
(3) enterprise wide applications;
(4) maintenance and help desk functions for common hardware and applications;
(5) standards for other computing devices, operating systems, common applications, and software; and
(6) master contracts that are available for use by agencies for various systems such as operating systems, database, enterprise resource planning and customer relationship management software, application development services, and enterprise integration.

Enacted by Chapter 169, 2005 General Session

63F-1-403 Director of division -- Appointment.

The executive director shall appoint a director of the Division of Enterprise Technology with the approval of the governor.

Enacted by Chapter 169, 2005 General Session

63F-1-404 Duties of the division.

The division shall:

(1) develop and implement an effective enterprise architecture governance model for the executive branch;
(2) provide oversight of information technology projects that impact statewide information technology services, assets, or functions of state government to:
  (a) control costs;
  (b) ensure business value to a project;
  (c) maximize resources;
  (d) ensure the uniform application of best practices; and
  (e) avoid duplication of resources;
(3) develop a method of accountability to agencies for services provided by the division through service agreements with the agencies;
(4) beginning September 1, 2006, and each September 1 thereafter, provide the chief information officer and the Public Utilities, Energy, and Technology Interim Committee with performance measures used by the division to measure the quality of service delivered by the division and the results of the performance measures;
(5) serve as a project manager for enterprise architecture which includes the management of applications, standards, and procurement of enterprise architecture;
(6) coordinate the development and implementation of advanced state telecommunication systems;
(7) provide services including technical assistance:
  (a) to executive branch agencies and subscribers to the services; and
  (b) related to information technology or telecommunications;
(8) establish telecommunication system specifications and standards for use by:

(a) one or more executive branch agencies; or
(b) one or more entities that subscribe to the telecommunication systems in accordance with Section 63F-1-303;
(9) coordinate state telecommunication planning in cooperation with:
(a) state telecommunication users;
(b) executive branch agencies; and
(c) other subscribers to the state's telecommunication systems;
(10) cooperate with the federal government, other state entities, counties, and municipalities in the development, implementation, and maintenance of:
(a)
(i) governmental information technology; or
(ii) governmental telecommunication systems; and
(b)
(i) as part of a cooperative organization; or
(ii) through means other than a cooperative organization;
(11) establish, operate, manage, and maintain:
(a) one or more state data centers; and
(b) one or more regional computer centers;
(12) design, implement, and manage all state-owned, leased, or rented land, mobile, or radio telecommunication systems that are used in the delivery of services for state government or its political subdivisions;
(13) in accordance with the executive branch strategic plan, implement minimum standards to be used by the division for purposes of compatibility of procedures, programming languages, codes, and media that facilitate the exchange of information within and among telecommunication systems; and
(14) provide the chief information officer with an analysis of an executive branch agency information technology plan that includes:
(a) an assessment of how the implementation of the agency information technology plan will affect the costs, operations, and services of:
(i) the department; and
(ii) other executive branch agencies; and
(b) any recommended changes to the plan.

Amended by Chapter 13, 2016 General Session

Part 5
Division of Integrated Technology

63F-1-501 Creation -- Administration.

There is created within the department the Division of Integrated Technology to be administered by a director.

Enacted by Chapter 169, 2005 General Session

63F-1-502 Definitions.

As used in this part:

(1) "Center" means the Automated Geographic Reference Center created in Section 63F-1-506.
(2) "Database" means the State Geographic Information Database created in Section 63F-1-507.
(3) "Director" means the director appointed in accordance with Section 63F-1-503.
(4) "Division" means the Division of Integrated Technology created in this part.
(5) "Geographic Information System" or "GIS" means a computer driven data integration and map production system that interrelates disparate layers of data to specific geographic locations.
(6) "State Geographic Information Database" means the database created in Section 63F-1-507.
(7) "Statewide Global Positioning Reference Network" or "network" means the network created in Section 63F-1-509.

Enacted by Chapter 169, 2005 General Session

63F-1-503 Director of division -- Appointment.

The executive director shall appoint a director of the Division of Integrated Technology with the approval of the governor.

Enacted by Chapter 169, 2005 General Session

63F-1-504 Duties of the division.

The division shall:
(1) establish standards for the information technology needs of a collection of executive branch agencies or programs that share common characteristics relative to the types of stakeholders they serve, including:
  (a) project management;
  (b) application development; and
  (c) procurement;
(2) provide oversight of information technology standards that impact multiple executive branch agency information technology services, assets, or functions to:
  (a) control costs;
  (b) ensure business value to a project;
  (c) maximize resources;
  (d) ensure the uniform application of best practices; and
  (e) avoid duplication of resources;
(3) in accordance with Section 63F-1-204, provide the chief information officer a written analysis of any agency information technology plan provided to the division, which shall include:
  (a) a review of whether the agency's technology projects impact multiple agencies and if so, whether the information technology projects are appropriately designed and developed;
  (b) an assessment of whether the agency plan complies with the state information architecture; and
  (c) an assessment of whether the information technology projects included in the agency plan comply with policies, procedures, and rules adopted by the department to ensure that:
    (i) information technology projects are phased in;
    (ii) funding is released in phases;
    (iii) an agency's authority to proceed to the next phase of an information technology project is contingent upon the successful completion of the prior phase; and
    (iv) one or more specific deliverables is identified for each phase of a technology project;
(4) establish a system of accountability to user agencies through the use of service agreements;

(5) each year, provide the chief information officer and the Public Utilities, Energy, and Technology Interim Committee with performance measures used by the division to measure the quality of services delivered by the division and results of those measures; and
(6) establish administrative rules in accordance with Section 63F-1-206 and as required by Section 63F-1-506.

Amended by Chapter 13, 2016 General Session

63F-1-505 Information technology plan.
(1) In accordance with this section, the division shall submit an information technology plan to the chief information officer.
(2) The information technology plan submitted by the division under this section shall include:
  (a) the information required by Section 63F-1-203;
  (b) a list of the services the division offers or plans to offer; and
  (c) a description of the performance measures used by the division to measure the quality of the services described in Subsection (2)(b).
(3)
  (a) In submitting its information technology plan under this section, the division shall comply with Section 63F-1-204.
  (b) The information technology plan submitted by the division under this section is subject to the approval of the chief information officer as provided in Section 63F-1-204.

Enacted by Chapter 169, 2005 General Session

63F-1-506 Automated Geographic Reference Center.
(1) There is created the Automated Geographic Reference Center as part of the division.
(2) The center shall:
  (a) provide geographic information system services to state agencies under rules adopted in accordance with Section 63F-1-504 and policies established by the division;
  (b) provide geographic information system services to federal government, local political subdivisions, and private persons under rules and policies established by the division;
  (c) manage the State Geographic Information Database; and
  (d) establish standard format, lineage, and other requirements for the database.
(3)
  (a) There is created a position of surveyor within the center.
  (b) The surveyor under this Subsection (3) shall:
    (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
    (ii) provide technical support to the office of lieutenant governor in the lieutenant governor's evaluation under Section 67-1a-6.5 of a proposed boundary action, as defined in Section 17-23-20;
    (iii) as requested by a county surveyor, provide technical assistance to the county surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;
    (iv) fulfill the duties described in Section 17-50-105, if engaged to do so as provided in that section;
    (v) assist the State Tax Commission in processing and quality assurance of boundary descriptions or maps into digital format for inclusion in the State Geographic Information Database;

(vi) coordinate with county recorders and surveyors to create a statewide parcel layer in the State Geographic Information Database containing parcel boundary, parcel identifier, parcel address, owner type, and county recorder contact information; and
(vii) facilitate and integrate the collection efforts of local government and federal agencies for data collection to densify and enhance the statewide Public Land Survey System reference network in the State Geographic Information Database.
(4) The division may:
(a) make rules and establish policies to govern the center and its operations; and
(b) set fees for the services provided by the center.
(5) The state may not sell information obtained from counties under Subsection (3)(b)(v).

Amended by Chapter 350, 2009 General Session

63F-1-507 State Geographic Information Database.
(1) There is created a State Geographic Information Database to be managed by the center.
(2) The database shall:
(a) serve as the central reference for all information contained in any GIS database by any state agency;
(b) serve as a clearing house and repository for all data layers required by multiple users;
(c) serve as a standard format for geographic information acquired, purchased, or produced by any state agency; and
(d) include an accurate representation of all civil subdivision boundaries of the state.
(3) Each state agency that acquires, purchases, or produces digital geographic information data shall:
(a) inform the center of the existence of the data layers and their geographic extent;
(b) allow the center access to all data classified public; and
(c) comply with any database requirements established by the center.
(4) At least annually, the State Tax Commission shall deliver to the center information the State Tax Commission receives under Section 67-1a-6.5 relating to the creation or modification of the boundaries of political subdivisions.
(5) The boundary of a political subdivision within the State Geographic Information Database is the official boundary of the political subdivision for purposes of meeting the needs of the United States Bureau of the Census in identifying the boundary of the political subdivision.

Amended by Chapter 350, 2009 General Session

63F-1-508 Committee to award grants to counties for inventory and mapping of R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.
(1) There is created within the center a committee to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features as provided by Subsection (5).
(2)
(a) The committee shall consist of:
(i) the center manager;
(ii) a representative of the Governor's Office of Management and Budget;
(iii) a representative of Utah State University Extension;
(iv) a representative of the Utah Association of Counties; and
(v) three county commissioners.

(b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall be selected by the organizations they represent.
(c) The committee members specified in Subsection (2)(a)(v) shall be:
(i) selected by the Utah Association of Counties;
(ii) from rural counties; and
(iii) from different regions of the state.
(3)
(a) The committee shall select a chair from its membership.
(b) The committee shall meet upon the call of the chair or a majority of the committee members.
(c) Four members shall constitute a quorum.
(4)
(a) Committee members who are state government employees shall receive no additional compensation for their work on the committee.
(b) Committee members who are not state government employees shall receive no compensation or expenses from the state for their work on the committee.
(5)
(a) The committee shall award grants to counties to:
(i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS) technology; and
(ii) photograph:
(A) roads and other evidence of construction of R.S. 2477 rights-of-way;
(B) structures or natural features that may be indicative of the purpose for which an R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational facilities, or scenic overlooks; and
(C) evidence of valid and existing rights on federal lands, such as mines and agricultural facilities.
(b)
(i) The committee may allow counties, while they are conducting the activities described in Subsection (5)(a), to use grant money to inventory, map, or photograph other natural or cultural resources.
(ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing programs underway by state agencies, counties, or institutions of higher education.
(c) Maps and other data acquired through the grants shall become a part of the State Geographic Information Database.
(d) Counties shall provide an opportunity to interested parties to submit information relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as provided in Subsections (5)(a) and (5)(b).
(6)
(a) The committee shall develop a request for proposals process and issue a request for proposals.
(b) The request for proposals shall require each grant applicant to submit an implementation plan and identify any monetary or in-kind contributions from the county.
(c) In awarding grants, the committee shall give priority to proposals to inventory, map, and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a) which are located on federal lands that:
(i) a federal land management agency proposes for special management, such as lands to be managed as an area of critical environmental concern or primitive area; or

(ii) are proposed to receive a special designation by Congress, such as lands to be designated as wilderness or a national conservation area.

(7) Each county that receives a grant under the provision of this section shall provide a copy of all data regarding inventory and mapping to the AGRC for inclusion in the state database.

Amended by Chapter 310, 2013 General Session

63F-1-509 Statewide Global Positioning Reference Network created -- Advisory committee.

(1)

(a) There is created the Statewide Global Positioning Reference Network to improve the quality of geographic information system data and the productivity, efficiency, and cost-effectiveness of government services.

(b) The network shall provide a system of permanently mounted, fully networked, global positioning system base stations that will provide real time radio navigation and establish a standard statewide coordinate reference system.

(c) The center shall administer the network.

(2)

(a) There is created the Global Positioning Systems Advisory Committee to advise the center on implementing and maintaining the network.

(b) The committee membership shall consist of:

(i) the center manager or the manager's designee;

(ii) a representative from the Department of Transportation created by Section 72-1-201 designated by the executive director appointed under Section 72-1-202;

(iii) the chief information officer or the chief information officer's designee;

(iv) a representative from the Utah Association of County Surveyors; and

(v) a representative from the Utah Council of Land Surveyors.

(c) The representative from the center shall be the chair of the committee.

(d) The committee shall meet upon the call of the chair or a majority of the committee members.

(e) The committee chair shall give reasonable notice to each member prior to any meeting.

(f) Three members shall constitute a quorum for the transaction of business.

(g) The center shall provide staff support to the committee.

(h) Committee members who are state government employees shall receive no additional compensation for their work on the committee.

(i) Committee members who are not state government employees shall receive no compensation or expenses for their work on the committee.

(j) The committee shall recommend rules to the chief information officer for adoption under Subsection (3).

(3)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the chief information officer shall make, in consultation with the committee, rules providing for operating policies and procedures for the network.

(b) The rules shall consider:

(i) network development that serves a public purpose;

(ii) increased productivity and efficiency for state agencies; and

(iii) costs and longevity of the network.

Amended by Chapter 382, 2008 General Session

63F-1-510 Monument Replacement and Restoration Committee.

(1) As used in this section:
- (a) "Committee" means the Monument Replacement and Restoration Committee created in this section.
- (b) "Corner" means the same as that term is defined in Section 17-23-17.5.
- (c) "Monument" means the same as that term is defined in Section 17-23-17.5.

(2)
- (a) There is created the Monument Replacement and Restoration Committee composed of the following seven members:
  - (i) five members appointed by an organization or association that represents Utah counties:
    - (A) that have knowledge and understanding of the Public Land Survey System; and
    - (B) who each represents a different county; and
  - (ii) two members, appointed by the center, who have a knowledge and understanding of the Public Land Survey System.
- (b)
  - (i) Except as provided in Subsection (2)(b)(ii), a member appointed to the committee is appointed for a four-year term.
  - (ii) The director of the center shall, at the time an entity appoints or reappoints an individual to serve on the committee, adjust the length of the appointed individual's term, as necessary, to ensure that the terms of committee members are staggered so that approximately half of the committee members are appointed every two years.
  - (iii) When a vacancy occurs on the committee for any reason, the replacement appointee shall serve on the committee for the unexpired term.
- (c) The committee shall elect one committee member to serve as chair of the committee for a term of two years.
- (d) A majority of the committee constitutes a quorum, and the action of a majority of a quorum constitutes the action of the committee.
- (e)
  - (i) The center shall provide staff support to the committee.
  - (ii) An individual who is a member of the committee may not serve as staff to the committee.
- (f) A member of the committee may not receive compensation for the member's service on the committee.
- (g) The committee may adopt bylaws to govern the committee's operation.

(3)
- (a) The committee shall administer a grant program to assist counties in maintaining and protecting corners or monuments.
- (b) A county wishing to receive a grant under the program described in Subsection (3)(a) shall submit to the committee an application that:
  - (i) identifies one or more monuments in the county that are in need of protection or rehabilitation;
  - (ii) establishes a plan that is consistent with federal law or rule to protect or rehabilitate each monument identified under Subsection (3)(b)(i); and
  - (iii) requests a specific amount of funding to complete the plan established under Subsection (3)(b)(ii).
- (c) The committee shall:
  - (i) adopt criteria to:
    - (A) evaluate whether a monument identified by a county under Subsection (3)(b)(i) needs protection or rehabilitation; and

(B) identify which monuments identified by a county under Subsection (3)(b)(i) have the greatest need of protection or rehabilitation;
(ii) evaluate each application submitted by a county under Subsection (3)(b) using the criteria adopted by the committee under Subsection (3)(c)(i);
(iii) subject to sufficient funding and Subsection (3)(d), award grants to counties whose applications are most favorably evaluated under Subsection (3)(c)(ii); and
(iv) establish a date by which a county awarded a grant under Subsection (3)(c)(iii) shall report back to the committee.
(d) The committee may not award a grant to a county under this section in an amount greater than $100,000.
(4) A county that is awarded a grant under this section shall:
(a) document the work performed by the county, pursuant to the plan established by the county under Subsection (3)(b)(ii), to protect or rehabilitate a monument; and
(b) before the date established under Subsection (3)(c)(iv), report to the committee on the work performed by the county.
(5)
(a) If the committee has not expended all of the funds appropriated to the committee by the Legislature for the fulfillment of the committee's duties under this section before December 31, 2017, the committee shall disburse any remaining funds equally among all counties that have established a dedicated monument preservation fund by ordinance as provided in Section 17-23-19.
(b) A county to which the center has disbursed funds under Subsection (5)(a) shall:
(i) deposit the funds into the county's monument preservation fund; and
(ii) expend the funds, in consultation with the committee, for the maintenance and preservation of monuments in the county.

Amended by Chapter 171, 2016 General Session

Part 6
Division of Agency Services

63F-1-601 Division of Agency Services -- Director.
There is created within the department the Division of Agency Services, to be administered by a director.

Enacted by Chapter 169, 2005 General Session

63F-1-602 Definitions.
As used in this part, "division" means the Division of Agency Services.

Enacted by Chapter 169, 2005 General Session

63F-1-603 Director of division -- Appointment.
The executive director shall appoint a director of the division with the approval of the governor.

Enacted by Chapter 169, 2005 General Session

63F-1-604 Duties of the division.

The division shall:

(1) be responsible for providing support to executive branch agencies for an agency's information technology assets and functions that are unique to the executive branch agency and are mission critical functions of the agency;

(2) conduct audits of an executive branch agency when requested under the provisions of Section 63F-1-208;

(3) conduct cost-benefit analysis of delegating a department function to an agency in accordance with Section 63F-1-208;

(4) provide in-house information technology staff support to executive branch agencies;

(5) establish accountability and performance measures for the division to assure that the division is:

(a) meeting the business and service needs of the state and individual executive branch agencies; and

(b) implementing security standards in accordance with Subsection 63F-1-203(4);

(6) establish a committee composed of agency user groups for the purpose of coordinating department services with agency needs;

(7) assist executive branch agencies in complying with the requirements of any rule adopted by the chief information officer; and

(8) by July 1, 2013, and each July 1 thereafter, report to the Public Utilities, Energy, and Technology Interim Committee on the performance measures used by the division under Subsection (5) and the results.

Amended by Chapter 13, 2016 General Session

Part 7
Utah Public Notice Website

63F-1-701 Utah Public Notice Website -- Establishment and administration.

(1) As used in this part:

(a) "Division" means the Division of Archives and Records Service of the Department of Administrative Services.

(b) "Public body" has the same meaning as provided under Section 52-4-103.

(c) "Public information" means a public body's public notices, minutes, audio recordings, and other materials that are required to be posted to the website under Title 52, Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

(d) "Website" means the Utah Public Notice Website created under this section.

(2) There is created the Utah Public Notice Website to be administered by the Division of Archives and Records Service.

(3) The website shall consist of an Internet website provided to assist the public to find posted public information.

(4) The division, with the technical assistance of the Department of Technology Services, shall create the website which shall:

(a) allow a public body, or other certified entity, to easily post any public information, including the contact information required under Subsections 17B-1-303(9) and 17D-1-106(1)(b)(ii);

(b) allow the public to search the public information by:
(i) public body name;
(ii) date of posting of the notice;
(iii) date of any meeting or deadline included as part of the public information; and
(iv) any other criteria approved by the division;
(c) allow the public to search and view past, archived public information;
(d) allow a person to subscribe to receive updates and notices associated with a public body or a particular type of public information;
(e) be easily accessible by the public from the State of Utah home page;
(f) have a unique and simplified website address;
(g) be directly accessible via a link from the main page of the official state website; and
(h) include other links, features, or functionality that will assist the public in obtaining and reviewing public information posted on the website, as may be approved by the division.
(5) The division shall be responsible for:
(a) establishing and maintaining the website, including the provision of equipment, resources, and personnel as is necessary;
(b) providing a mechanism for public bodies or other certified entities to have access to the website for the purpose of posting and modifying public information; and
(c) maintaining an archive of all public information posted to the website.
(6) The timing for posting and the content of the public information posted to the website shall be the responsibility of the public body or other entity posting the public information.

Amended by Chapter 233, 2016 General Session

63F-1-702 Notice and training by the Division of Archives and Records Service.
(1) The division shall provide notice of the provisions and requirements of this chapter to all public bodies that are subject to the provision of Subsection 52-4-202(3)(a)(ii).
(2) The division shall, as necessary, provide periodic training on the use of the Utah Public Notice Website to public bodies that are authorized to post notice on the website.

Enacted by Chapter 249, 2007 General Session

Chapter 2
Data Security Management Council

63F-2-101 Title.
This chapter is known as "Data Security Management Council."

Enacted by Chapter 371, 2015 General Session

63F-2-102 Data Security Management Council -- Membership -- Duties.
(1) There is created the Data Security Management Council composed of nine members as follows:
(a) the chief information officer appointed under Section 63F-1-201, or the chief information officer's designee;

(b) one individual appointed by the governor;
(c) one individual appointed by the speaker of the House of Representatives and the president of the Senate from the Legislative Information Technology Steering Committee; and
(d) the highest ranking information technology official, or the highest ranking information technology official's designee, from each of:
(i) the Judicial Council;
(ii) the State Board of Regents;
(iii) the State Board of Education;
(iv) the Utah College of Applied Technology;
(v) the State Tax Commission; and
(vi) the Office of the Attorney General.
(2) The council shall elect a chair of the council by majority vote.
(3)
(a) A majority of the members of the council constitutes a quorum.
(b) Action by a majority of a quorum of the council constitutes an action of the council.
(4) The Department of Technology Services shall provide staff to the council.
(5) The council shall meet monthly, or as often as necessary, to:
(a) review existing state government data security policies;
(b) assess ongoing risks to state government information technology;
(c) create a method to notify state and local government entities of new risks;
(d) coordinate data breach simulation exercises with state and local government entities; and
(e) develop data security best practice recommendations for state government that include recommendations regarding:
(i) hiring and training a chief information security officer for each government entity;
(ii) continuous risk monitoring;
(iii) password management;
(iv) using the latest technology to identify and respond to vulnerabilities;
(v) protecting data in new and old systems; and
(vi) best procurement practices.
(6) A member who is not a member of the Legislature may not receive compensation or benefits for the member's service but may receive per diem and travel expenses as provided in:
(a) Section 63A-3-106;
(b) Section 63A-3-107; and
(c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 144, 2016 General Session

63F-2-103 Data Security Management Council -- Report to Legislature -- Recommendations.
(1) The council chair or the council chair's designee shall report annually no later than October 1 of each year to the Public Utilities, Energy, and Technology Interim Committee.
(2) The council's annual report shall contain:
(a) a summary of topics the council studied during the year;
(b) best practice recommendations for state government; and
(c) recommendations for implementing the council's best practice recommendations.

Amended by Chapter 13, 2016 General Session

Chapter 3
Single Sign-on Database

63F-3-101 Title.

This chapter is known as "Single Sign-On Database."

Enacted by Chapter 259, 2016 General Session

63F-3-102 Definitions.

As used in this chapter:

(1) "Business data" means data collected by the state about a person doing business in the state.
(2) "Business database" means the database described in Subsection 63F-3-103(1).
(3) "Database" means an electronic means of storing information.
(4) "Single sign-on web portal" means the web portal described in Subsection 63F-3-103(2).
(5) "Web portal" means an Internet webpage that can be accessed by an individual where the individual enters the individual's unique user information in order to access secure information.

Enacted by Chapter 259, 2016 General Session

63F-3-103 Single sign-on database -- Creation.

(1) The department shall, in consultation with the entities described in Subsection (4), design and create a prototype of a single database, and associated data entry screens, that stores business data agreed upon by the entities described in Subsection (4) that is:
  (a) secure;
  (b) centralized; and
  (c) interconnected.
(2) The department shall create a web portal that allows a person doing business in the state to access, at a single point of entry, all relevant state-collected business data about the person, including information related to:
  (a) business registration;
  (b) workers' compensation;
  (c) tax liability and payment; and
  (d) other information collected by the state that the department determines is relevant to a person doing business in the state.
(3) The department shall develop the business database and the single sign-on web portal:
  (a) using an open platform that:
    (i) facilitates participation in the database and web portal by a state entity; and
    (ii) allows for optional participation by a political subdivision of the state; and
  (b) in a manner that anticipates expanding the database and web portal to include:
    (i) a database for data collected by the state on an individual; and
    (ii) a web portal for an individual to access all relevant data collected by the state on the individual.
(4) In developing the business database and the single sign-on web portal, the department shall consult with:
  (a) the Department of Commerce;
  (b) the State Tax Commission;
  (c) the Labor Commission;

(d) the Department of Workforce Services;
(e) the Governor's Office of Management and Budget;
(f) the Utah League of Cities and Towns;
(g) the Utah Association of Counties; and
(h) the business community that is likely to use the business database and single sign-on web portal.

Enacted by Chapter 259, 2016 General Session

63F-3-104 Report.

The department shall report to the Public Utilities and Technology Interim Committee:
(1) no later than November 30, 2016, with an initial design and prototype of the business database and the single sign-on web portal, together with a minimum two-year plan, including projected cost, for the initial implementation phase of the project; and
(2) before November 30 of each year beginning in 2017 until the development of the business database and the single sign-on web portal is complete, regarding the progress the department has made in developing the business database and the single sign-on web portal.

Enacted by Chapter 259, 2016 General Session