

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