

INFORMATION TECHNOLOGY

RESTRUCTURING

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Blake D. Chard

AN ACT RELATING TO STATE AFFAIRS AND INFORMATION TECHNOLOGY; DIRECTING THE DIRECTOR OF INFORMATION TECHNOLOGY SERVICES TO REPORT SEMIANNUALLY TO THE CHIEF INFORMATION OFFICER; CREATING THE RATE COMMITTEE BY STATUTE; AND DIRECTING THE CHIEF INFORMATION OFFICER TO RECEIVE THE DIRECTOR'S REPORTS AND TO APPROVE OR DISAPPROVE CERTAIN PLANS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63A-6-105, as renumbered and amended by Chapter 212, Laws of Utah 1993

63D-1-301.5, as enacted by Chapter 364, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63A-6-105** is amended to read:

63A-6-105. Duties of director -- Rate Committee membership and duties.

(1) The director of the Division of Information Technology Services shall:

(a) manage the delivery of efficient and cost-effective data processing and telecommunication services for all state agencies at the lowest practical cost; [and]

(b) provide priority service to public safety agencies[=: and]

(c) provide a semiannual report to the chief information officer as provided in Subsection 63D-1-301.5(5).

(2) The director may negotiate the purchase, lease, or rental of private or public data processing or telecommunication services or facilities.

(3) Where practical, efficient, and economically beneficial, the director shall use existing

28 private and public data processing or telecommunication resources.

29 (4) The director shall prescribe a schedule of fees to be charged for all services rendered
30 to any state agency by the division that are equitable and sufficient to recover all the costs of
31 operation, including the cost of capital equipment and facilities.

32 (5) (a) The director shall provide the [state] chief information [technology coordinator]
33 officer and the state information technology review committee a written analysis of each state
34 agency's annual information technology plan.

35 (b) That analysis shall:

36 (i) include an assessment of how the implementation of each plan will affect the costs,
37 operations, and the services of the Division of Information Technology Services and state
38 government; and

39 (ii) where appropriate, make alternative recommendations.

40 (6) (a) Before charging the fees, the director shall obtain approval of the fee schedules
41 from the Rate Committee which shall consist of:

42 (i) the executive director;

43 (ii) the director of the Division of Finance;

44 (iii) the director of the Office of Planning and Budget; [and]

45 (iv) the [state] chief information [technology coordinator:] officer;

46 (v) a representative of the agencies nominated by the Information Technology Policy and
47 Strategy Committee established in Section 63D-1-302; and

48 (vi) a representative of the agencies administrative services managers nominated by the
49 agencies administrative services managers coordination group.

50 (b) In appointing the agency representatives listed in Subsection (6)(a)(v) and (vi), the Rate
51 Committee shall appoint:

52 (i) one representative from a large agency and one representative from a small agency; and

53 (ii) the representatives to four-year terms of office, except that initially one of the
54 appointments shall be for a two-year term in order to stagger the appointments.

55 (c) In the event of a vacancy for any reason, the entity responsible for nominating the
56 person who is vacating the position shall provide new nominations to the Rate Committee to fill
57 the unexpired term.

58 [(b)] (d) When modifying fees, the director shall attempt to provide sufficient notice to

59 agencies and institutions so that they may reflect those fee changes in their budgets.

60 (7) (a) The director shall create advisory committees composed of representatives of user
61 agencies.

62 (b) Those advisory committees may recommend policies and practices for the efficient and
63 effective operation of the division.

64 (8) (a) The director shall create a Local Government Information Technology Review
65 Committee whose membership shall include representatives from:

66 (i) the Chief of Police Association;

67 (ii) the Sheriff's Association;

68 (iii) the Associated Public Safety Communications Officers;

69 (iv) the Fire Chief Association; and

70 (v) the State School Bus Association.

71 (b) Representatives from additional agencies may be added upon a majority vote of the
72 existing committee members.

73 Section 2. Section **63D-1-301.5** is amended to read:

74 **63D-1-301.5. Chief information officer -- Duties.**

75 (1) The chief information officer shall:

76 (a) develop specific information technology objectives, policies, procedures, and standards
77 to guide the development of information systems within state government to achieve maximum
78 economy and quality while preserving optimum user flexibility, including:

79 (i) policies, standards, and procedures for appropriate interchange of information, optimum
80 service, and minimum costs;

81 (ii) policies for costing all information technology services performed by any state
82 information technology cost recovery center so that every cost recovery center charges its users a
83 rate for services that is both equitable and sufficient to recover all the costs of its operation,
84 including the cost of capital equipment and facilities;

85 (iii) policies governing coordination, cooperation, joint efforts, working relationships, and
86 cost accounting relative to the development and maintenance of information technology and
87 information systems; and

88 (iv) policies to ensure the protection of individual privacy and guarantee the exclusive
89 control to a user of its own data;

90 (b) coordinate the preparation of agency information technology plans within state
91 government, encompassing both short-term and long-term needs that support the agency's and the
92 state's strategic plans, including Utah Tomorrow;

93 (c) require each state agency to submit semiannually an agency information technology
94 plan containing the information required by Subsection (2) before the legislative session in which
95 the budget request will be heard and no later than the June 15 after the legislative session in which
96 the budget request was authorized to the chief information officer;

97 (d) upon receipt of a state agency's information technology plan:

98 (i) provide a complete copy of that plan to the director of the Division of Information
99 Technology Services;

100 (ii) review and approve or disapprove agency information technology plans to ensure that
101 these plans are the most economically viable and are the best solution to the agency's needs and
102 the state's needs;

103 (iii) approve or disapprove of and coordinate the acquisition of information technology
104 equipment, telecommunications equipment, and related services for all agencies of state
105 government;

106 (e) facilitate the implementation of agency plans;

107 (f) establish priorities in terms of both importance and time sequencing for the
108 development and implementation of information systems;

109 (g) monitor information systems development to promote maximum use of existing state
110 information resources;

111 (h) advise the governor on information technology policy and make recommendations to
112 the governor regarding requests for appropriations for information technology equipment and
113 personnel;

114 (i) maintain liaison with the legislative and judicial branches, the Board of Regents, the
115 State Board of Education, local government, federal government, business and industry, and
116 consumers to promote cooperation and make recommendations regarding information resources;

117 (j) conduct performance audits of state information technology management, planning, and
118 the use of information technology resources and distribute copies of the audit reports as provided
119 in Subsection (3); and

120 (k) prepare an annual report to the governor and to the Legislature's Public Utilities and

121 Technology Interim Committee and the Information Technology Commission that:

122 (i) summarizes the state's current and projected use of information technology; and
123 (ii) includes a description of major changes in state policy and a brief description of each
124 state agency's plan.

125 (2) Each state agency information technology plan shall include information about planned
126 information technology objectives and expenditures for the next year in the level of detail and
127 format specified by the chief information officer.

128 (3) (a) Upon completion of an audit report produced under authority of Subsection (1)(j),
129 the chief information officer shall:

130 (i) provide copies of all audit reports to:

131 (A) the agency audited;

132 (B) the governor;

133 (C) the Office of Legislative Fiscal Analyst;

134 (D) the Public Utilities and Technology Interim Committee; and

135 (E) the Information Technology Commission; and

136 (ii) present the performance audit findings to the Information Technology Policy and
137 Strategy Committee at their next meeting.

138 (b) Each state agency shall provide the chief information officer with complete access to
139 all information technology records, documents, and reports, including electronic, analog, or digital,
140 when requested for the purpose of a performance audit.

141 (4) The rate for services established by an information technology cost recovery center,
142 and reviewed by the chief information officer, may be lowered if the Legislature appropriates
143 monies to the cost recovery center for the specific purpose of lowering rates.

144 (5) (a) The chief information officer shall receive reports from the director of the Division
145 of Information Technology Services regarding the division's:

146 (i) budget;

147 (ii) strategic plans, including services the division is or plans to offer agencies;

148 (iii) major expenditure plans; and

149 (iv) any other items determined jointly by the executive director and the chief information
150 officer.

151 (b) The chief information officer shall have authority to approve or disapprove any of the

152 items listed in Subsection (5)(a).

**Legislative Review Note
as of 11-17-98 7:37 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Public Utilities and Technology Interim Committee recommended this bill.