

INFORMATION TECHNOLOGY STRUCTURE**AMENDMENTS**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Beverly Ann Evans

AN ACT RELATING TO INFORMATION TECHNOLOGY; DEFINING THE SELECTION PROCESS FOR THE CHIEF INFORMATION OFFICER; REQUIRING AN INFORMATION TECHNOLOGY STRUCTURE REPORT; ESTABLISHING A SALARY RANGE FOR THE CHIEF INFORMATION OFFICER; AND SETTING A REPEAL DATE.

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

AMENDS:

63D-1-301, as renumbered and amended by Chapter 73, Laws of Utah 1997

67-22-2, as last amended by Chapters 82, 375 and 376, Laws of Utah 1997

ENACTS:

63D-1-301.5, Utah Code Annotated 1953

63D-1-301.6, Utah Code Annotated 1953

63-55b-6301, Utah Code Annotated 1953

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

Section 1. Section **63-55b-6301** is enacted to read:

63-55b-6301. Repeal date -- Title 63D.

Section 63D-1-301.6 is repealed January 1, 1999.

Section 2. Section **63D-1-301** is amended to read:

63D-1-301. Chief information officer -- Duties.

(1) [(a)] The governor shall [appoint a chief information officer who shall be located within the Governor's Office of Planning and Budget, unless otherwise determined by the governor.];

(a) appoint a chief information officer with the advice and consent of the Senate; and

1 (b) establish the chief information officer's salary within the salary range fixed by the
2 Legislature in Title 67, Chapter 22, State Officer Compensation.

3 (2) The chief information officer shall serve at the pleasure of the governor and be housed
4 in the Office of Planning and Budget.

5 [(b)] (3) The chief information officer's authority as defined in [this] Section 63D-1-301.5
6 applies to all state agencies.

7 ~~[(2) The chief information officer shall:]~~

8 ~~[(a) develop specific information technology objectives, policies, procedures, and~~
9 ~~standards to guide the development of information systems within state government to achieve~~
10 ~~maximum economy and quality while preserving optimum user flexibility, including:]~~

11 ~~[(i) policies, standards, and procedures for appropriate interchange of information;~~
12 ~~optimum service, and minimum costs;]~~

13 ~~[(ii) policies for costing all information technology services performed by any state~~
14 ~~information technology cost recovery center so that every cost recovery center charges its users~~
15 ~~a rate for services that is both equitable and sufficient to recover all the costs of its operation;~~
16 ~~including the cost of capital equipment and facilities;]~~

17 ~~[(iii) policies governing coordination, cooperation, joint efforts, working relationships, and~~
18 ~~cost accounting relative to the development and maintenance of information technology and~~
19 ~~information systems; and]~~

20 ~~[(iv) policies to ensure the protection of individual privacy and guarantee the exclusive~~
21 ~~control to a user of its own data;]~~

22 ~~[(b) coordinate the preparation of agency information technology plans within state~~
23 ~~government, encompassing both short-term and long-term needs that support the agency's and the~~
24 ~~state's strategic plans, including Utah Tomorrow;]~~

25 ~~[(c) require each state agency to submit semiannually an agency information technology~~
26 ~~plan containing the information required by Subsection (4) before the legislative session in which~~
27 ~~the budget request will be heard and no later than the June 15 after the legislative session in which~~
28 ~~the budget request was authorized to the chief information officer;]~~

29 ~~[(d) upon receipt of a state agency's information technology plan:]~~

30 ~~[(i) provide a complete copy of that plan to the director of the Division of Information~~
31 ~~Technology Services;]~~

1 ~~[(ii) review and approve or disapprove agency information technology plans to ensure that~~
2 ~~these plans are the most economically viable and are the best solution to the agency's needs and~~
3 ~~the state's needs;]~~

4 ~~[(iii) approve or disapprove of and coordinate the acquisition of information technology~~
5 ~~equipment, telecommunications equipment, and related services for all agencies of state~~
6 ~~government;]~~

7 ~~[(e) facilitate the implementation of agency plans;]~~

8 ~~[(f) establish priorities in terms of both importance and time sequencing for the~~
9 ~~development and implementation of information systems;]~~

10 ~~[(g) monitor information systems development to promote maximum use of existing state~~
11 ~~information resources;]~~

12 ~~[(h) advise the governor on information technology policy and make recommendations to~~
13 ~~the governor regarding requests for appropriations for information technology equipment and~~
14 ~~personnel;]~~

15 ~~[(i) maintain liaison with the legislative and judicial branches, the Board of Regents, the~~
16 ~~State Board of Education, local government, federal government, business and industry, and~~
17 ~~consumers to promote cooperation and make recommendations regarding information resources;]~~

18 ~~[(j) conduct performance audits of state information technology management, planning,~~
19 ~~and the use of information technology resources and distribute copies of the audit reports as~~
20 ~~provided in Subsection (4); and]~~

21 ~~[(k) prepare an annual report to the governor and to the Legislature's Information~~
22 ~~Technology Commission that:]~~

23 ~~[(i) summarizes the state's current and projected use of information technology; and]~~

24 ~~[(ii) includes a description of major changes in state policy and a brief description of each~~
25 ~~state agency's plan.]~~

26 ~~[(3) Each state agency information technology plan shall include information about~~
27 ~~planned information technology objectives and expenditures for the next year in the level of detail~~
28 ~~and format specified by the chief information officer.]~~

29 ~~[(4) (a) Upon completion of an audit report produced under authority of Subsection (2)(j),~~
30 ~~the chief information officer shall:]~~

31 ~~[(i) provide copies of all audit reports to:]~~

1 ~~[(A) the agency audited;]~~

2 ~~[(B) the governor;]~~

3 ~~[(C) the Office of Legislative Fiscal Analyst; and]~~

4 ~~[(D) the Information Technology Commission; and]~~

5 ~~[(ii) present the performance audit findings to the Information Technology Policy and~~
6 ~~Strategy Committee at their next meeting.]~~

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

10 ~~[(5) The rate for services established by an information technology cost recovery center,~~
11 ~~and reviewed by the chief information officer, may be lowered if the Legislature appropriates~~
12 ~~monies to the cost recovery center for the specific purpose of lowering rates.]~~

13 Section 3. Section **63D-1-301.5** is enacted to read:

14 **63D-1-301.5. Chief information officer -- Duties.**

15 (1) The chief information officer shall:

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

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

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

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

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

30 (b) coordinate the preparation of agency information technology plans within state
31 government, encompassing both short-term and long-term needs that support the agency's and the

1 state's strategic plans, including Utah Tomorrow;

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

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

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

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

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

15 (e) facilitate the implementation of agency plans;

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

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

20 (h) advise the governor on information technology policy and make recommendations to
21 the governor regarding requests for appropriations for information technology equipment and
22 personnel;

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

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

29 (k) prepare an annual report to the governor and to the Legislature's Public Utilities and
30 Technology Interim Committee and the Information Technology Commission that:

31 (i) summarizes the state's current and projected use of information technology; and

1 (ii) includes a description of major changes in state policy and a brief description of each
2 state agency's plan.

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

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

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

9 (A) the agency audited;

10 (B) the governor;

11 (C) the Office of Legislative Fiscal Analyst;

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

13 (E) the Information Technology Commission; and

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

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

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

22 Section 4. Section **63D-1-301.6** is enacted to read:

23 **63D-1-301.6. Information technology organization structure report.**

24 The chief information officer shall:

25 (1) review existing information technology organizational structure within the state for the
26 purpose of reorganization;

27 (2) prepare a report describing the existing information technology organizational structure
28 and any proposed changes to that structure; and

29 (3) report to the Legislature's Public Utilities and Technology Interim Committee and to
30 the Information Technology Commission on or before August 19, 1998.

31 Section 5. Section **67-22-2** is amended to read:

67-22-2. Compensation -- Other state officers.

(1) The governor shall establish salaries for the following state officers within the following salary ranges fixed by the Legislature:

State Officer	Salary Range
Director, Health Policy Commission	\$52,500 - \$71,100
Commissioner of Agriculture and Food	\$56,200 - \$76,200
Commissioner of Insurance	\$56,200 - \$76,200
Commissioner of the Labor Commission	\$56,200 - \$76,200
Director, Alcoholic Beverage Control	
Commission	\$56,200 - \$76,200
Commissioner, Department of	
Financial Institutions	\$56,200 - \$76,200
Members, Board of Pardons and Parole	\$56,200 - \$76,200
Executive Director, Department	
of Commerce	\$56,200 - \$76,200
Executive Director, Commission on	
Criminal and Juvenile Justice	\$56,200 - \$76,200
Adjutant General	\$56,200 - \$76,200
Chair, Tax Commission	\$60,900 - \$82,200
Commissioners, Tax Commission	\$60,900 - \$82,200
Executive Director, Department of	
Community and Economic	
Development	\$60,900 - \$82,200
Executive Director, Tax Commission	\$60,900 - \$82,200
Chair, Public Service Commission	\$60,900 - \$82,200
Commissioner, Public Service Commission	\$60,900 - \$82,200
Executive Director, Department	
of Corrections	\$66,300 - \$89,500
Commissioner, Department of Public Safety	\$66,300 - \$89,500
Executive Director, Department of	
Natural Resources	\$66,300 - \$89,500

1	Director, Office of Planning	
2	and Budget	\$66,300 - \$89,500
3	Executive Director, Department of	
4	Administrative Services	\$66,300 - \$89,500
5	Executive Director, Department of	
6	Human Resource Management	\$66,300 - \$89,500
7	Executive Director, Department of	
8	Environmental Quality	\$66,300 - \$89,500
9	Executive Director, Department of	\$72,100 - \$97,500
10	Workforce Services	
11	Executive Director, Department of	
12	Health	\$72,100 - \$97,500
13	Executive Director, Department	
14	of Human Services	\$72,100 - \$97,500
15	Executive Director, Department	
16	of Transportation	\$72,100 - \$97,500
17	<u>Chief Information Officer</u>	<u>\$72,100 - \$97,500</u>

(2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as follows:

(i) the option of participating in a state retirement system established by Title 49 or in a deferred compensation plan administered by the State Retirement Office in accordance with the Internal Revenue Code and its accompanying rules and regulations;

(ii) health insurance;

(iii) dental insurance;

(iv) basic life insurance;

(v) unemployment compensation;

(vi) workers' compensation;

(vii) required employer contribution to Social Security;

(viii) long-term disability insurance;

(ix) the same additional state-paid life insurance available to other noncareer service employees;

- 1 (x) the same severance pay available to other noncareer service employees;
- 2 (xi) the same sick leave, converted sick leave, educational allowances, and holidays
- 3 granted to Schedule B state employees, and the same annual leave granted to Schedule B state
- 4 employees with more than ten years of state service;
- 5 (xii) the option to convert accumulated sick leave to cash or insurance benefits as provided
- 6 by law or rule upon resignation or retirement according to the same criteria and procedures applied
- 7 to Schedule B state employees;
- 8 (xiii) the option to purchase additional life insurance at group insurance rates according
- 9 to the same criteria and procedures applied to Schedule B state employees; and
- 10 (xiv) professional memberships if being a member of the professional organization is a
- 11 requirement of the position.
- 12 (b) Each department shall pay the cost of additional state-paid life insurance for its
- 13 executive director from its existing budget.
- 14 (3) The Legislature fixes the following additional benefits:
- 15 (a) for the executive director of the State Tax Commission a vehicle for official and
- 16 personal use;
- 17 (b) for the executive director of the Department of Transportation a vehicle for commute
- 18 and official use;
- 19 (c) for the executive director of the Department of Natural Resources a vehicle for
- 20 commute and official use;
- 21 (d) for the Commissioner of Public Safety:
- 22 (i) an accidental death insurance policy if POST certified; and
- 23 (ii) a public safety vehicle for official and personal use;
- 24 (e) for the executive director of the Department of Corrections:
- 25 (i) an accidental death insurance policy if POST certified; and
- 26 (ii) a public safety vehicle for official and personal use;
- 27 (f) for the Adjutant General a vehicle for official and personal use; and
- 28 (g) for each member of the Board of Pardons and Parole a vehicle for commute and official
- 29 use.
- 30 (4) (a) The governor has the discretion to establish a specific salary for each office listed
- 31 in Subsection (1), and, within that discretion, may provide salary increases within the range fixed

1 by the Legislature.

2 (b) The governor shall apply the same overtime regulations applicable to other FLSA
3 exempt positions.

4 (c) The governor may develop standards and criteria for reviewing the performance of the
5 state officers listed in Subsection (1).

6 (5) Salaries for other Schedule A employees, as defined in Section 67-19-15, which are
7 not provided for in this chapter, or in Title 67, Chapter 8, Utah Executive and Judicial Salary Act,
8 shall be established as provided in Section 67-19-15.

Legislative Review Note
as of 1-19-98 11:22 AM

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

Office of Legislative Research and General Counsel