

DIGITAL STATE

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

AN ACT RELATING TO INFORMATION TECHNOLOGY AND PUBLIC UTILITIES;
REQUIRING STATE ENTITIES TO ALLOW CERTAIN SERVICES TO BE TRANSACTED
ON THE INTERNET BY JULY 1, 2002, AND ENACTING RELATED PROVISIONS;
AMENDING THE CHIEF INFORMATION OFFICER'S DUTIES IN RELATION TO
SERVICES AND TRANSACTIONS ON THE INTERNET; CREATING THE RURAL
TELECOMMUNICATIONS TASK FORCE AND DELINEATING DUTIES AND
PROCEDURES; PROVIDING THAT THE TASK FORCE REPORT TO THE PUBLIC
SERVICE COMMISSION AND TO THE PUBLIC UTILITIES AND TECHNOLOGY INTERIM
COMMITTEE; AND PROVIDING A REPEAL DATE.

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

AMENDS:

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

ENACTS:

63-55b-167, Utah Code Annotated 1953

63D-1-105, Utah Code Annotated 1953

67-1-13, Utah Code Annotated 1953

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

Section 1. Section **63-55b-167** is enacted to read:

63-55b-167. Repeal date -- Title 67.

Section 67-1-13 is repealed November 30, 2000.

Section 2. Section **63D-1-105** is enacted to read:

63D-1-105. Government products and services on Internet.

(1) The appropriate state entities shall allow the following services to be transacted through the Internet by July 1, 2002:

(a) application for and renewal of professional and occupational licenses;

(b) renewal of drivers licenses;

(c) application for hunting and fishing licenses;

(d) filings for income tax, sales tax, court documents, and Uniform Commercial Code;

(e) registrations for products, brands, motor vehicles, corporations, and businesses; and

(f) submission of an application for unemployment, welfare, and health benefits.

(2) The state system of public education, in coordination with the Utah Education Network, shall make reasonable progress toward making the following services available through the Internet by July 1, 2002;

(a) secure access by parents and students to student grades and progress reports;

(b) email communications with teachers, parent-teacher associations, and school administrators;

(c) access to school calendars and schedules; and

(d) teaching resources that may include teaching plans, curriculum guides, and media resources.

(3) State entities shall:

(a) in carrying out the requirements of this section, take reasonable steps to ensure the security and privacy of records that are private or controlled as defined by Title 63, Chapter 2, Government Records Access and Management Act;

(b) in addition to those required services listed in Subsections (1) through (3), determine any additional services which may be made available to the public through electronic means, including the Internet, by July 1, 2002; and

(c) as part of their budget reports to the Information Technology Commission prescribed by Section 63D-1-204, report on the progress of compliance with Subsections (1) through (3).

(4) A state entity is not required to provide a transaction through the Internet that is impractical, unreasonable, or not permitted by laws pertaining to privacy or security.

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

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

(1) The chief information officer shall:

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

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

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

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

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

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

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

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

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

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

(iii) approve or disapprove of and coordinate the acquisition of information technology

equipment, telecommunications equipment, and related services for all agencies of state government;

(e) facilitate the implementation of agency plans;

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

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

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

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

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

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

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

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

(l) inform each state entity of the requirements of Section 63D-1-105; and

(m) as permitted by law, coordinate the efforts of state government to provide services and transactions through the Internet.

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

(b) The plans in Subsection (2)(a) shall include the progress of each state agency toward making the agency's services available on the Internet as provided in Section 63D-1-105.

(3) (a) Upon completion of an audit report produced under authority of Subsection (1)(j),

the chief information officer shall:

- (i) provide copies of all audit reports to:
 - (A) the agency audited;
 - (B) the governor;
 - (C) the Office of Legislative Fiscal Analyst;
 - (D) the Public Utilities and Technology Interim Committee; and
 - (E) the Information Technology Commission; and
- (ii) present the performance audit findings to the Information Technology Policy and

Strategy Committee at their next meeting.

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

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

Section 4. Section **67-1-13** is enacted to read:

67-1-13. Rural Telecommunications Task Force -- Creation -- Membership -- Quorum -- Compensation -- Staff -- Duties -- Reports and recommendations.

(1) There is created within the governor's office the Rural Telecommunications Task Force consisting of the following 11 members:

- (a) one representative from state government appointed by the governor who shall serve as chair;
- (b) one member of the Senate appointed by the president of the Senate;
- (c) one member of the House of Representatives appointed by the speaker of the House of Representatives;
- (d) the chair of the Public Service Commission or the chair's designee;
- (e) the administrative secretary of the Committee of Consumer Services or the administrative secretary's designee;

(f) the director of the Division of Public Utilities or the director's designee;

(g) two representatives from a local government organization in rural Utah, one representing cities and one representing counties, appointed by the governor; and

(h) three representatives from telecommunications providers in rural Utah to be appointed by the governor.

(2) A majority of the members of the task force constitute a quorum. The action of a majority of a quorum constitutes the action of the task force.

(3) (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rule 15.03.

(b) Members of the task force who are not legislators may not receive compensation for their work associated with the task force, but may receive per diem and expenses incurred as a member of the task force at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(4) The governor's office shall provide staff support to the task force.

(5) The task force shall review and make recommendations on the following issues:

(a) identify appropriate eligibility criteria for Universal Service Fund Support for capital investment in broadband data services in rural areas of the state so that:

(i) such support is limited to areas lacking those services;

(ii) an appropriate fund balance is maintained;

(iii) such support begins January 1, 2000; and

(iv) increases in surcharges to support the fund are minimal;

(b) identify areas of the state where state government should assume liability for the costs of relocating facilities in the case of right-of-way realignments in order to encourage deployment of digital infrastructure to those areas; and

(c) other possible solutions to aid in the deployment of advanced telecommunications services in rural areas of the state.

(6) The task force shall provide:

(a) recommendations on rule changes to the Public Service Commission by October 1, 1999;

and

(b) a report, including any proposed legislation, to the Public Utilities and Technology Interim Committee before November 30, 1999.