

1 **DIGITAL CERTIFICATES AND**
2 **IDENTIFICATION AMENDMENTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Scott N. Howell**

6 AN ACT RELATING TO DIGITAL SIGNATURES AND THE CHIEF INFORMATION
7 OFFICER; PROVIDING FOR THE CREATION, MAINTENANCE, AND FUNDING OF A
8 CENTRAL REPOSITORY FOR INFORMATION RELATING TO THE ISSUANCE OF
9 DIGITAL CERTIFICATES BY GOVERNMENTAL ENTITIES; AUTHORIZING
10 GOVERNMENTAL ENTITIES, PARTICULARLY COUNTY CLERKS, TO PARTICIPATE
11 AND CHARGE FEES; ENUMERATING CHIEF INFORMATION OFFICER'S DUTIES; AND
12 PROVIDING AN APPROPRIATION OF \$40,000 FOR FISCAL YEAR 2000-01 TO THE CHIEF
13 INFORMATION OFFICER.

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

15 AMENDS:

16 **63D-1-301.5**, as last amended by Chapters 18 and 307, Laws of Utah 1999

17 ENACTS:

18 **46-3-601**, Utah Code Annotated 1953

19 **46-3-602**, Utah Code Annotated 1953

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

21 Section 1. Section **46-3-601** is enacted to read:

22 **Part 6. Governmental Entity Participation**

23 **46-3-601. Central repository for digital certificate information -- Fee.**

24 (1) The chief information officer shall:

25 (a) designate an existing state repository or create a new repository that is a secure, central
26 repository for the maintenance of any appropriate information relating to the issuance of digital
27 certificates; and

28 (b) develop policies regarding the issuance of digital certificates by governmental entities
29 as provided in Section 63D-1-301.5.

30 (2) Any participating governmental entity may charge a fee to cover administrative costs
31 and the fee required to be remitted to the state under Subsection (3).

32 (3) Of the fee collected by a participating governmental entity pursuant to Subsection (2),
33 \$4 shall be:

34 (a) remitted to the state agency maintaining the repository in Subsection (1)(a); and

35 (b) deposited in the General Fund as a dedicated credit for that state agency, to maintain
36 the repository and assist in the issuance of the digital certificates pursuant to this part and Section
37 63D-1-301.5.

38 (4) Any money at the end of the fiscal year in excess of the dedicated credit required by
39 Subsection (3) shall lapse to the General Fund.

40 (5) After the amount of the initial monies appropriated by the Legislature have been
41 reimbursed to the General Fund, the state agency maintaining the repository shall reevaluate the
42 fee to be remitted to it under Subsection (3) to determine whether any modification needs to be
43 made to the fee amount to be remitted by participating governmental entities.

44 (6) Any state agency permitting the public to transact business with the state agency
45 through the use of a digital certificate may establish a transaction fee, pursuant to Section
46 63-38-3.2, a portion of which may be remitted to the licensed certification authority which issued
47 the digital certificate being used.

48 Section 2. Section **46-3-602** is enacted to read:

49 **46-3-602. County clerk participation and fee authorization.**

50 A county clerk may:

51 (1) participate in the issuance of digital certificates to citizens to facilitate electronic
52 transactions with governmental entities according to the digital certificate policy issued by the
53 chief information officer pursuant to Section 63D-1-301.5; and

54 (2) charge a fee for the service in Subsection (1), a portion of which shall be remitted to
55 the agency maintaining the state repository pursuant to Section 46-3-601.

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

57 **63D-1-301.5. Chief information officer -- Duties.**

58 (1) The chief information officer shall:

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

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

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

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

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

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

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

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

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

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

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

89 (e) facilitate the implementation of agency plans;

- 90 (f) establish priorities in terms of both importance and time sequencing for the
- 91 development and implementation of information systems;
- 92 (g) monitor information systems development to promote maximum use of existing state
- 93 information resources;
- 94 (h) advise the governor on information technology policy and make recommendations to
- 95 the governor regarding requests for appropriations for information technology equipment and
- 96 personnel;
- 97 (i) maintain liaison with the legislative and judicial branches, the Board of Regents, the
- 98 State Board of Education, local government, federal government, business and industry, and
- 99 consumers to promote cooperation and make recommendations regarding information resources;
- 100 (j) conduct performance audits of state information technology management, planning, and
- 101 the use of information technology resources and distribute copies of the audit reports as provided
- 102 in Subsection (3);
- 103 (k) prepare an annual report to the governor and to the Legislature's Public Utilities and
- 104 Technology Interim Committee and the Information Technology Commission that:
- 105 (i) summarizes the state's current and projected use of information technology; and
- 106 (ii) includes a description of major changes in state policy and a brief description of each
- 107 state agency's plan;
- 108 (l) inform each state entity of the requirements of Section 63D-1-105; [and]
- 109 (m) as permitted by law, coordinate the efforts of state government to provide services and
- 110 transactions through the Internet[-];
- 111 (n) designate an existing state repository or create a new repository that is secure and
- 112 central for the maintenance of any appropriate information relating to the issuance of digital
- 113 certificates as provided in Section 46-3-601; and
- 114 (o) develop a digital certificate policy pursuant to Subsection (6).
- 115 (2) (a) Each state agency information technology plan shall include information about
- 116 planned information technology objectives and expenditures for the next year in the level of detail
- 117 and format specified by the chief information officer.
- 118 (b) The plans in Subsection (2)(a) shall include the progress of each state agency toward
- 119 making the agency's services available on the Internet as provided in Section 63D-1-105.
- 120 (3) (a) Upon completion of an audit report produced under authority of Subsection (1)(j),

121 the chief information officer shall:

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

123 (A) the agency audited;

124 (B) the governor;

125 (C) the Office of Legislative Fiscal Analyst;

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

127 (E) the Information Technology Commission; and

128 (ii) present the performance audit findings to the Information Technology Policy and

129 Strategy Committee at their next meeting.

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

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

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

138 (i) budget;

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

140 (iii) major expenditure plans; and

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

143 (b) The chief information officer shall have authority to approve or disapprove any of the
144 items listed in Subsection (5)(a).

145 (6) The chief information officer shall:

146 (a) develop a digital certificate policy which includes:

147 (i) indicating the level of identity validation necessary for digital certificates issued by any
148 governmental entity to be valid for transacting business online with state agencies and political
149 subdivisions;

150 (ii) requiring any certification authority from which the digital certificates are acquired to
151 be licensed in the state pursuant to Title 46, Chapter 3, Utah Digital Signature Act;

152 (iii) providing for the security of the information in the repository, including who is
153 permitted access to the information; and

154 (iv) indicating the appropriate use and retention of the information in the repository;

155 (b) assist governmental entities desiring to transact business with citizens electronically
156 to develop programs using digital certificates; and

157 (c) designate the state repository pursuant to Section 46-3-601.

158 **Section 4. Appropriation.**

159 (1) For fiscal year 2000-01 only, there is appropriated from the General Fund \$40,000 to
160 the office of the chief information officer.

161 (2) It is the intent of the Legislature that the chief information officer shall transfer this
162 money to the agency designated pursuant to Sections 46-3-601 and 63D-1-301.5 to create or
163 maintain the state repository for appropriate information relating to the issuance of digital
164 certificates.

Legislative Review Note
as of 2-8-00 12:45 PM

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

Office of Legislative Research and General Counsel