



28           ~~[(1)]~~ (a) "Copy" may include an electronic version of a document.

29           ~~[(2)]~~ (b) "Mail" may include sending a document electronically~~[-, provided that]~~ if the  
30 recipient can accept and process the electronic writing.

31           ~~[(3)]~~ (c) "Mailing address" may include an electronic mailing address capable of  
32 receiving and processing an electronic writing.

33           ~~[(4)]~~ (d) "Sign" or "signature" may include any form of electronic signature authorized  
34 by the governmental agency.

35           ~~[(5)]~~ (e) "Written" or "writing" ~~[means]~~ may include information that is:

36           ~~[(a)]~~ (i) inscribed on a tangible medium; or

37           ~~[(b)]~~ (ii) (A) stored in an electronic or other medium; and

38           (B) is retrievable in a perceivable form.

39           Section 2. Section **46-4-503**, which is renumbered from Section 63D-1-105 is  
40 renumbered and amended to read:

41           ~~[63D-1-105].~~           **46-4-503. Government products and services provided**  
42 **electronically.**

43           (1) ~~[The appropriate]~~ Notwithstanding Section 46-4-501, a state [entities]  
44 governmental agency that administers one or more of the following transactions shall allow  
45 ~~[the following services to be transacted through the Internet by July 1, 2002]~~ those transactions  
46 to be conducted electronically:

47           (a) an application for [and] or renewal of a professional [and] or occupational  
48 [licenses] license issued under Title 58, Occupations and Professions;

49           (b) the renewal of a drivers [licenses] license;

50           (c) an application for a hunting [and] or fishing [licenses] license;

51           (d) ~~[filings for income tax, sales tax,]~~ the filing of:

52           (i) a return under Title 59, Chapter § ~~[7-10,] 10 §~~ or 12;

53           (ii) a court [documents, and] document § , AS DEFINED BY THE JUDICIAL COUNCIL § ; or

54           (iii) a document under Title 70A, Uniform Commercial Code;

55           (e) ~~[registrations]~~ a registration for [products, brands, motor vehicles, corporations, and  
56 businesses; and];

57           (i) a product; § OR §

58           (ii) a brand; § [or] §

59           § ~~[(iii)]~~ **(f) A RENEWAL OF A REGISTRATION OF §** a motor vehicle;

60           § ~~[(f)]~~ **(g) §** a registration under:

61           (i) Title 16, Corporations;

62           (ii) Title 42, Names; or

63           (iii) Title 48, Partnerships; or

64           ~~[(f)]~~ **(g)** submission of an application for [unemployment, welfare, and health] benefits;

65           (i) under Title 35A, Chapter 3, Employment Support Act;

66           (ii) under Title 35A, Chapter 4, Employment Security Act; or

67           (iii) related to accident and health insurance.

68           (2) The state system of public education, in coordination with the Utah Education

69 Network, shall make reasonable progress toward making the following services available

70 ~~[through the Internet by July 1, 2002;]~~ electronically:

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

72           (b) ~~[email]~~ e-mail communications with:

73           (i) teachers[;];

74           (ii) parent-teacher associations[;]; and

75           (iii) school administrators;

76           (c) access to school calendars and schedules; and

77           (d) teaching resources that may include:

78           (i) teaching plans[;];

79           (ii) curriculum guides[;]; and

80           (iii) media resources.

81           (3) ~~[State entities]~~ A state governmental agency shall:

82           (a) in carrying out the requirements of this section, take reasonable steps to ensure the

83 security and privacy of records that are private or controlled as defined by Title 63, Chapter 2,

84 Government Records Access and Management Act;

85           (b) in addition to those ~~[required services]~~ transactions listed in Subsections (1)

86 **§** ~~[through (3)]~~ **AND (2) §** , determine any additional services ~~[which]~~ that may be made available to

86a the public

87 through electronic means~~[, including the Internet, by July 1, 2002];~~ and

88           (c) as part of ~~[their]~~ the state governmental agency's budget ~~[reports]~~ report to the

89 Information Technology Commission prescribed by Section 63D-1-204, report on the progress

90 of compliance with Subsections (1) through (3).

91 (4) ~~[A] Notwithstanding the other provisions of this part, a state [entity] governmental~~  
92 ~~agency is not required by this part to [provide] conduct a transaction [through the Internet that~~  
93 ~~is] electronically if:~~

94 ~~(a) conducting the transaction electronically is not required by federal law; and~~

95 ~~(b) conducting the transaction electronically is:~~

96 ~~(i) impractical[;];~~

97 ~~(ii) unreasonable[;]; or~~

98 ~~(iii) not permitted by laws pertaining to privacy or security.~~

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

100 **63D-1-301.5. Chief information officer -- Duties.**

101 (1) The chief information officer shall:

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

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

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

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

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

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

119 (c) require each state agency to submit semiannually an agency information technology  
120 plan containing the information required by Subsection (2) before the legislative session in

121 which the budget request will be heard and no later than the June 15 after the legislative  
122 session in which the budget request was authorized to the chief information officer;

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

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

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

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

132 (e) facilitate the implementation of agency plans;

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

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

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

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

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

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

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

152 (l) inform each state entity of the requirements of Section [~~63D-1-105~~] 46-4-503;  
153 (m) as permitted by law, coordinate the efforts of state government to provide services  
154 and transactions through the Internet;

155 (n) coordinate the development of electronic authentication methods and technology  
156 needed to conduct electronic transactions between government and citizens or businesses,  
157 except that the Division of Corporations and Commercial Code shall have responsibility for  
158 regulatory activities in Title 46, Chapter 3, Utah Digital Signature Act;

159 (o) designate an existing state repository or create a new repository that is secure and  
160 central for the maintenance of any appropriate information relating to the issuance of digital  
161 certificates as provided in Section 46-3-601; and

162 (p) develop a digital certificate policy pursuant to Subsection (6).

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

166 (b) The plans in Subsection (2)(a) shall include the progress of each state agency  
167 toward making the agency's services available [~~on the Internet~~] electronically as provided in  
168 Section [~~63D-1-105~~] 46-4-503.

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

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

172 (A) the agency audited;

173 (B) the governor;

174 (C) the Office of Legislative Fiscal Analyst;

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

176 (E) the Information Technology Commission; and

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

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

182 (4) The rate for services established by an information technology cost recovery center,

183 and reviewed by the chief information officer, may be lowered if the Legislature appropriates  
184 monies to the cost recovery center for the specific purpose of lowering rates.

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

187 (i) budget;

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

189 (iii) major expenditure plans; and

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

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

194 (6) The chief information officer shall:

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

196 (i) indicating the level of identity verification necessary for digital certificates issued by  
197 any governmental entity to be valid for transacting business online with state agencies and  
198 political subdivisions;

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

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

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

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

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

207 Section 4. Section **68-3-12** is amended to read:

208 **68-3-12. Rules of construction.**

209 (1) (a) In the construction of these statutes, the ~~[following]~~ general rules listed in this  
210 Subsection (1) shall be observed, unless ~~[such]~~ the construction would be:

211 (i) inconsistent with the manifest intent of the Legislature; or

212 (ii) repugnant to the context of the statute.

213 ~~[(a)]~~ (b) The singular number includes the plural, and the plural the singular.

214           ~~[(b)]~~ (c) Words used in one gender comprehend the other gender.

215           ~~[(e)]~~ (d) Words used in the present tense include the future tense.

216           (e) In accordance with Title 46, Chapter 4, Part 5, Electronic Records in Government  
217 Agencies, words related to the medium used in the provision of government services may  
218 include electronic or other mediums.

219           (2) In the construction of these statutes, the ~~[following]~~ definitions listed in this  
220 Subsection (2) shall be observed, unless the definition would be inconsistent with the manifest  
221 intent of the Legislature, or repugnant to the context of the statute[:].

222           (a) "Adjudicative proceeding" means:

223           (i) all actions by a board, commission, department, officer, or other administrative unit  
224 of the state that determine the legal rights, duties, privileges, immunities, or other legal  
225 interests of one or more identifiable persons, including all actions to grant, deny, revoke,  
226 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

227           (ii) judicial review of all such actions.

228           (b) "Advisory board," "advisory commission," and "advisory council" means a board,  
229 commission, or council that:

230           (i) provides advice and makes recommendations to another person or entity who makes  
231 policy for the benefit of the general public;

232           (ii) is created by and whose duties are provided by statute or by executive order; and

233           (iii) performs its duties only under the supervision of another person as provided by  
234 statute.

235           (c) "Councilman" includes a town trustee or a city commissioner, and "city  
236 commissioner" includes a councilman.

237           (d) "County executive" means:

238           (i) the county commission in the county commission or expanded county commission  
239 form of government established under Title 17, Chapter 52, Forms of County Government;

240           (ii) the county executive in the "county executive-council" optional form of  
241 government authorized by Section 17-52-504; and

242           (iii) the county manager in the "council-manager" optional form of government  
243 authorized by Section 17-52-505.

244           (e) "County legislative body" means:



245 (i) the county commission in the county commission or expanded county commission  
246 form of government established under Title 17, Chapter 52, Forms of County Government;

247 (ii) the county council in the "county executive-council" optional form of government  
248 authorized by Section 17-52-504; and

249 (iii) the county council in the "council-manager" optional form of government  
250 authorized by Section 17-52-505.

251 (f) "Executor" includes administrator, and the term "administrator" includes executor,  
252 when the subject matter justifies such use.

253 (g) "Guardian" includes a person who has qualified as a guardian of a minor or  
254 incapacitated person pursuant to testamentary or court appointment and a person who is  
255 appointed by a court to manage the estate of a minor or incapacitated person.

256 (h) "Highway" and "road" include public bridges and may be held equivalent to the  
257 words "county way," "county road," "common road," and "state road."

258 (i) "Him," "his," and other masculine pronouns include "her," "hers," and similar  
259 feminine pronouns unless the context clearly indicates a contrary intent or the subject matter  
260 relates clearly and necessarily to the male sex only.

261 (j) "Insane person" include idiots, lunatics, distracted persons, and persons of unsound  
262 mind.

263 (k) "Land," "real estate," and "real property" include land, tenements, hereditaments,  
264 water rights, possessory rights, and claims.

265 (l) "Man" or "men" when used alone or in conjunction with other syllables as in  
266 "workman," includes "woman" or "women" unless the context clearly indicates a contrary  
267 intent or the subject matter relates clearly and necessarily to the male sex only.

268 (m) "Month" means a calendar month, unless otherwise expressed, and the word  
269 "year," or the abbreviation "A.D." is equivalent to the expression "year of our Lord."

270 (n) "Oath" includes "affirmation," and the word "swear" includes "affirm." Every oral  
271 statement under oath or affirmation is embraced in the term "testify," and every written one, in  
272 the term "depose."

273 (o) "Person" includes individuals, bodies politic and corporate, partnerships,  
274 associations, and companies.

275 (p) "Personal property" includes every description of money, goods, chattels, effects,

276 evidences of rights in action, and all written instruments by which any pecuniary obligation,  
277 right, or title to property is created, acknowledged, transferred, increased, defeated, discharged,  
278 or diminished, and every right or interest therein.

279 (q) "Personal representative," "executor," and "administrator" includes an executor,  
280 administrator, successor personal representative, special administrator, and persons who  
281 perform substantially the same function under the law governing their status.

282 (r) "Policy board," "policy commission," or "policy council" means a board,  
283 commission, or council that:

284 (i) possesses a portion of the sovereign power of the state to enable it to make policy  
285 for the benefit of the general public;

286 (ii) is created by and whose duties are provided by the constitution or by statute;

287 (iii) performs its duties according to its own rules without supervision other than under  
288 the general control of another person as provided by statute; and

289 (iv) is permanent and continuous and not temporary and occasional.

290 (s) "Population" shall be as shown by the last preceding state or national census, unless  
291 otherwise specially provided.

292 (t) "Property" includes both real and personal property.

293 (u) "Review board," "review commission," or "review council" means a board,  
294 commission, or council that:

295 (i) possesses a portion of the sovereign power of the state only to the extent to enable it  
296 to approve policy made for the benefit of the general public by another body or person;

297 (ii) is created by and whose duties are provided by statute;

298 (iii) performs its duties according to its own rules without supervision other than under  
299 the general control of another person as provided by statute; and

300 (iv) is permanent and continuous and not temporary and occasional.

301 (v) "Sheriff," "county attorney," "district attorney," "clerk," or other words used to  
302 denote an executive or ministerial officer, may include any deputy, or other person performing  
303 the duties of such officer, either generally or in special cases; and the words "county clerk" may  
304 be held to include "clerk of the district court."

305 (w) "Signature" includes any name, mark, or sign written with the intent to authenticate  
306 any instrument or writing.

307 (x) "State," when applied to the different parts of the United States, includes the  
 308 District of Columbia and the territories; and the words "United States" may include the District  
 309 and the territories.

310 (y) "Town" may mean incorporated town and may include city, and the word "city"  
 311 may mean incorporated town.

312 (z) "Vessel," when used with reference to shipping, includes steamboats, canal boats,  
 313 and every structure adapted to be navigated from place to place.

314 (aa) "Will" includes codicils.

315 (bb) "Writ" means an order or precept in writing, issued in the name of the state or of a  
 316 court or judicial officer; and "process" means a writ or summons issued in the course of  
 317 judicial proceedings.

318 (cc) "Writing" includes:

319 (i) printing[;];

320 (ii) handwriting[~~;~~ and typewriting~~;~~]; and

321 (iii) information stored in an electronic or other medium if the information is  
 322 retrievable in a perceivable format.

**Legislative Review Note**  
 as of 11-25-02 7:04 AM

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

**Office of Legislative Research and General Counsel**

**Mixed Membership Committee Note**  
 as of 12-12-02 2:10 PM

The Information Technology Commission recommended this bill.

Membership:	6 legislators	11 non-legislators	
Legislative Vote:	4 voting for	0 voting against	2 absent

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**Fiscal Note**  
**Bill Number SB0020**

**Facilitation of E-Government**

*21-Jan-03*

*3:41 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**