

1 **INFORMATION TECHNOLOGY GOVERNANCE**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David Clark**

7 **LONG TITLE**

8 **General Description:**

9 This bill consolidates information technology services and governance in the executive
10 branch of state government into one department.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ phases out the existing information technology governance structure in the
14 executive branch of state government over a one-year period;
- 15 ▶ creates the Department of Technology Services which includes:
 - 16 • an executive director, who serves as the chief information officer;
 - 17 • the Division of Enterprise Technology;
 - 18 • the Division of Integrated Technology including the Automated Geographic
19 Reference Center; and
 - 20 • the Division of Agency Services;
- 21 ▶ funds the department through an internal service fund;
- 22 ▶ maintains merit status for employees whose functions are transferred to the
23 department, and requires nonmerit status for an employee who is hired for a new
24 position with the department;
- 25 ▶ defines terms;
- 26 ▶ establishes the purpose and duties of the department;
- 27 ▶ creates an advisory board to the department and defines its duties;



- 28 ▶ requires an annual executive branch strategic technology plan;
- 29 ▶ requires annual agency information technology plans;
- 30 ▶ requires the approval of certain technology procurement by the chief information
31 officer;
- 32 ▶ gives rulemaking authority to the executive director of the department;
- 33 ▶ requires the chief information officer to coordinate the development of technology
34 between executive branch agencies;
- 35 ▶ authorizes the chief information officer to delegate functions of the department to
36 an agency under certain conditions;
- 37 ▶ authorizes the chief information officer to assign department staff to work in-house
38 for an executive branch agency;
- 39 ▶ establishes a rate committee;
- 40 ▶ requires executive branch agencies to subscribe to services of the department and
41 permits other branches and public and higher education to subscribe to services of
42 the department;
- 43 ▶ establishes the duties of the Division of Enterprise Technology;
- 44 ▶ establishes the duties of the Division of Integrated Technology;
- 45 ▶ transfers the Automated Geographic Reference Center to the department;
- 46 ▶ establishes the duties of the Division of Agency Services;
- 47 ▶ establishes the process and authority for the transition of the technology assets and
48 functions in the executive branch of government into the Department of Technology
49 Services;
- 50 ▶ repeals the Division of Information Technology Services on July 1, 2006;
- 51 ▶ amends state officers compensation to add the director of the department; and
- 52 ▶ makes conforming and technical amendments.

53 **Monies Appropriated in this Bill:**

54 None

55 **Other Special Clauses:**

56 This bill provides an effective date.

57 This bill provides revisor instructions.

57a ~~⌘~~→ **This bill provides a coordination clause.** ←~~⌘~~

58 **Utah Code Sections Affected:**

59 AMENDS:

- 60 **10-9-301.5**, as enacted by Chapter 99, Laws of Utah 2004
61 **11-36-201**, as last amended by Chapter 99, Laws of Utah 2004
62 **17-27-301.5**, as enacted by Chapter 99, Laws of Utah 2004
63 **17A-2-104**, as enacted by Chapter 99, Laws of Utah 2004
64 **17B-2-104**, as enacted by Chapter 99, Laws of Utah 2004
65 **20A-5-303**, as last amended by Chapter 1, Laws of Utah 2003, Second Special Session
66 **20A-13-104**, as last amended by Chapter 225, Laws of Utah 2002
67 **20A-14-102.2**, as last amended by Chapter 225, Laws of Utah 2002
68 **36-1-105**, as last amended by Chapter 225, Laws of Utah 2002
69 **36-1-204**, as last amended by Chapter 225, Laws of Utah 2002
70 **46-3-601**, as last amended by Chapter 209, Laws of Utah 2003
71 **46-3-602**, as last amended by Chapter 209, Laws of Utah 2003
72 **46-4-501**, as last amended by Chapter 209, Laws of Utah 2003
73 **46-4-503**, as last amended by Chapters 90 and 120, Laws of Utah 2004
74 **53-1-106**, as last amended by Chapter 131, Laws of Utah 2003
75 **53-10-601**, as enacted by Chapter 313, Laws of Utah 2004
76 **53-10-605**, as enacted by Chapter 313, Laws of Utah 2004
77 **53A-2-123**, as enacted by Chapter 99, Laws of Utah 2004
78 **54-3-28**, as enacted by Chapter 99, Laws of Utah 2004
79 **63-55b-163**, as last amended by Chapters 37, 90 and 156, Laws of Utah 2004
80 **63-56-9**, as last amended by Chapter 35, Laws of Utah 2004
81 **63A-1-108**, as renumbered and amended by Chapter 212, Laws of Utah 1993
82 **63A-1-109**, as last amended by Chapter 356, Laws of Utah 2004
83 **63A-1-114**, as enacted by Chapter 34, Laws of Utah 2004
84 **63A-6-101.5**, as enacted by Chapter 209, Laws of Utah 2003
85 **63A-6-103**, as last amended by Chapter 209, Laws of Utah 2003
86 **63A-6-105**, as last amended by Chapters 34 and 35, Laws of Utah 2004
87 **63D-1a-102**, as enacted by Chapter 209, Laws of Utah 2003
88 **67-1-14**, as enacted by Chapter 209, Laws of Utah 2003
89 **67-19-15**, as last amended by Chapter 213, Laws of Utah 1997

90 **67-22-2**, as last amended by Chapters 156 and 306, Laws of Utah 2004

91 **72-5-304**, as renumbered and amended by Chapter 270, Laws of Utah 1998

92 ENACTS:

93 **63F-1-101**, Utah Code Annotated 1953

94 **63F-1-102**, Utah Code Annotated 1953

95 **63F-1-103**, Utah Code Annotated 1953

96 **63F-1-104**, Utah Code Annotated 1953

97 **63F-1-105**, Utah Code Annotated 1953

98 **63F-1-106**, Utah Code Annotated 1953

99 **63F-1-107**, Utah Code Annotated 1953

100 **63F-1-201**, Utah Code Annotated 1953

101 **63F-1-202**, Utah Code Annotated 1953

102 **63F-1-203**, Utah Code Annotated 1953

103 **63F-1-204**, Utah Code Annotated 1953

104 **63F-1-205**, Utah Code Annotated 1953

105 **63F-1-206**, Utah Code Annotated 1953

106 **63F-1-207**, Utah Code Annotated 1953

107 **63F-1-208**, Utah Code Annotated 1953

108 **63F-1-209**, Utah Code Annotated 1953

109 **63F-1-301**, Utah Code Annotated 1953

110 **63F-1-302**, Utah Code Annotated 1953

111 **63F-1-303**, Utah Code Annotated 1953

112 **63F-1-401**, Utah Code Annotated 1953

113 **63F-1-402**, Utah Code Annotated 1953

114 **63F-1-403**, Utah Code Annotated 1953

115 **63F-1-404**, Utah Code Annotated 1953

116 **63F-1-501**, Utah Code Annotated 1953

117 **63F-1-502**, Utah Code Annotated 1953

118 **63F-1-503**, Utah Code Annotated 1953

119 **63F-1-504**, Utah Code Annotated 1953

120 **63F-1-505**, Utah Code Annotated 1953

- 121 **63F-1-601**, Utah Code Annotated 1953
- 122 **63F-1-602**, Utah Code Annotated 1953
- 123 **63F-1-603**, Utah Code Annotated 1953
- 124 **63F-1-604**, Utah Code Annotated 1953

125 RENUMBERS AND AMENDS:

126 **63A-6-108**, (Renumbered from 63D-1a-307, as enacted by Chapter 209, Laws of Utah
127 2003)

128 **63F-1-506**, (Renumbered from 63A-6-202, as enacted by Chapter 212, Laws of Utah
129 1993)

130 **63F-1-507**, (Renumbered from 63A-6-203, as last amended by Chapter 225, Laws of
131 Utah 2002)

132 **63F-1-508**, (Renumbered from 63A-6-204, as enacted by Chapter 375, Laws of Utah
133 1999)

134 REPEALS:

135 **63A-6-201**, as renumbered and amended by Chapter 212, Laws of Utah 1993

136 **63D-1a-301**, as enacted by Chapter 209, Laws of Utah 2003

137 **63D-1a-302**, as enacted by Chapter 209, Laws of Utah 2003

138 **63D-1a-303**, as enacted by Chapter 209, Laws of Utah 2003

139 **63D-1a-304**, as enacted by Chapter 209, Laws of Utah 2003

140 **63D-1a-305**, as enacted by Chapter 209, Laws of Utah 2003

141 **63D-1a-306**, as enacted by Chapter 209, Laws of Utah 2003

142 **63D-1a-308**, as enacted by Chapter 209, Laws of Utah 2003

143 **63D-1a-309**, as enacted by Chapter 209, Laws of Utah 2003

144 **Uncodified Material Affected:**

145 ENACTS UNCODIFIED MATERIAL



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

148 Section 1. Section **10-9-301.5** is amended to read:

149 **10-9-301.5. Notice of intent to prepare a general plan or amendments to a general**
150 **plan in certain municipalities.**

151 (1) As used in this section:

152 (a) (i) "Affected entity" means each county, municipality, independent special district
153 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
154 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title
155 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

156 (A) whose services or facilities are likely to require expansion or significant
157 modification because of an intended use of land; or

158 (B) that has filed with the municipality a copy of the entity's general or long-range
159 plan.

160 (ii) "Affected entity" does not include the municipality that is required under this
161 section to provide notice.

162 (b) "Specified public utility" means an electrical corporation, gas corporation, or
163 telephone corporation, as those terms are defined in Section 54-2-1.

164 (2) Before preparing a proposed general plan or amendments to an existing general
165 plan, each municipality within a county of the first or second class shall provide written notice,
166 as provided in this section, of its intent to prepare a proposed general plan or amendments to a
167 general plan.

168 (3) Each notice under Subsection (2) shall:

169 (a) indicate that the municipality intends to prepare a general plan or amendments to a
170 general plan, as the case may be;

171 (b) describe or provide a map of the geographic area that will be affected by the general
172 plan or amendments to a general plan;

173 (c) be sent to:

174 (i) each affected entity;

175 (ii) the Automated Geographic Reference Center created in Section [~~63A-6-202~~]
176 63F-1-506;

177 (iii) the association of governments, established pursuant to an interlocal agreement
178 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;
179 and

180 (iv) the state planning coordinator appointed under Section 63-38d-202;

181 (d) with respect to the notice to affected entities, invite the affected entities to provide
182 information for the municipality to consider in the process of preparing, adopting, and

183 implementing a general plan or amendments to a general plan concerning:

184 (i) impacts that the use of land proposed in the proposed general plan or amendments
185 to a general plan may have on the affected entity; and

186 (ii) uses of land within the municipality that the affected entity is planning or
187 considering that may conflict with the proposed general plan or amendments to the general
188 plan; and

189 (e) include the address of an Internet website, if the municipality has one, and the name
190 and telephone number of a person where more information can be obtained concerning the
191 municipality's proposed general plan or amendments to a general plan.

192 Section 2. Section **11-36-201** is amended to read:

193 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**
194 **Summary -- Exemptions.**

195 (1) (a) Each local political subdivision and private entity shall comply with the
196 requirements of this chapter before establishing or modifying any impact fee.

197 (b) A local political subdivision may not:

198 (i) establish any new impact fees that are not authorized by this chapter; or

199 (ii) impose or charge any other fees as a condition of development approval unless
200 those fees are a reasonable charge for the service provided.

201 (c) Notwithstanding any other requirements of this chapter, each local political
202 subdivision shall ensure that each existing impact fee that is charged for any public facility not
203 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

204 (d) (i) Existing impact fees for public facilities authorized in Subsection 11-36-102(12)
205 that are charged by local political subdivisions need not comply with the requirements of this
206 chapter until July 1, 1997.

207 (ii) By July 1, 1997, each local political subdivision shall:

208 (A) review any impact fees in existence as of the effective date of this act, and prepare
209 and approve the analysis required by this section for each of those impact fees; and

210 (B) ensure that the impact fees comply with the requirements of this chapter.

211 (2) (a) Before imposing impact fees, each local political subdivision shall prepare a
212 capital facilities plan.

213 (b) (i) As used in this Subsection (2)(b):

214 (A) (I) "Affected entity" means each county, municipality, independent special district
215 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
216 Chapter 2, Local Districts, school district, interlocal cooperation entity established under
217 Chapter 13, Interlocal Cooperation Act, and specified public utility:

218 (Aa) whose services or facilities are likely to require expansion or significant
219 modification because of the facilities proposed in the proposed capital facilities plan; or

220 (Bb) that has filed with the local political subdivision or private entity a copy of the
221 general or long-range plan of the county, municipality, independent special district, local
222 district, school district, interlocal cooperation entity, or specified public utility.

223 (II) "Affected entity" does not include the local political subdivision or private entity
224 that is required under this Subsection (2) to provide notice.

225 (B) "Specified public utility" means an electrical corporation, gas corporation, or
226 telephone corporation, as those terms are defined in Section 54-2-1.

227 (ii) Before preparing a capital facilities plan for facilities proposed on land located
228 within a county of the first or second class, each local political subdivision and each private
229 entity shall provide written notice, as provided in this Subsection (2)(b), of its intent to prepare
230 a capital facilities plan.

231 (iii) Each notice under Subsection (2)(b)(ii) shall:

232 (A) indicate that the local political subdivision or private entity intends to prepare a
233 capital facilities plan;

234 (B) describe or provide a map of the geographic area where the proposed capital
235 facilities will be located;

236 (C) be sent to:

237 (I) each county in whose unincorporated area and each municipality in whose
238 boundaries is located the land on which the proposed facilities will be located;

239 (II) each affected entity;

240 (III) the Automated Geographic Reference Center created in Section [~~63A-6-202~~]
241 63F-1-506;

242 (IV) the association of governments, established pursuant to an interlocal agreement
243 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to
244 be located; and

245 (V) the state planning coordinator appointed under Section 63-38d-202; and
246 (D) with respect to the notice to affected entities, invite the affected entities to provide
247 information for the local political subdivision or private entity to consider in the process of
248 preparing, adopting, and implementing a capital facilities plan concerning:
249 (I) impacts that the facilities proposed in the capital facilities plan may have on the
250 affected entity; and
251 (II) facilities or uses of land that the affected entity is planning or considering that may
252 conflict with the facilities proposed in the capital facilities plan.
253 (c) The plan shall identify:
254 (i) demands placed upon existing public facilities by new development activity; and
255 (ii) the proposed means by which the local political subdivision will meet those
256 demands.
257 (d) Municipalities and counties need not prepare a separate capital facilities plan if the
258 general plan required by Sections 10-9-301 and 17-27-301 contains the elements required by
259 Subsection (2)(c).
260 (e) (i) If a local political subdivision prepares an independent capital facilities plan
261 rather than including a capital facilities element in the general plan, the local political
262 subdivision shall, before adopting the capital facilities plan:
263 (A) give public notice of the plan according to this Subsection (2)(e);
264 (B) at least 14 days before the date of the public hearing:
265 (I) make a copy of the plan, together with a summary designed to be understood by a
266 lay person, available to the public; and
267 (II) place a copy of the plan and summary in each public library within the local
268 political subdivision; and
269 (C) hold a public hearing to hear public comment on the plan.
270 (ii) Municipalities shall comply with the notice and hearing requirements of, and,
271 except as provided in Subsection 11-36-401(4)(f), receive the protections of, Subsections
272 10-9-103(2) and 10-9-402(2).
273 (iii) Counties shall comply with the notice and hearing requirements of, and, except as
274 provided in Subsection 11-36-401(4)(f), receive the protections of, Subsections 17-27-103(2)
275 and 17-27-402(2).

276 (iv) Special districts and private entities shall comply with the notice and hearing
277 requirements of, and receive the protections of, Section 17A-1-203.

278 (v) Nothing contained in this Subsection (2)(e) or in the subsections referenced in
279 Subsections (2)(e)(ii) and (iii) may be construed to require involvement by a planning
280 commission in the capital facilities planning process.

281 (f) (i) Local political subdivisions with a population or serving a population of less
282 than 5,000 as of the last federal census need not comply with the capital facilities plan
283 requirements of this part, but shall ensure that the impact fees imposed by them are based upon
284 a reasonable plan.

285 (ii) Subsection (2)(f)(i) does not apply to private entities.

286 (3) In preparing the plan, each local political subdivision shall generally consider all
287 revenue sources, including impact fees, to finance the impacts on system improvements.

288 (4) A local political subdivision may only impose impact fees on development
289 activities when its plan for financing system improvements establishes that impact fees are
290 necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the
291 future, in comparison to the benefits already received and yet to be received.

292 (5) (a) Each local political subdivision imposing impact fees shall prepare a written
293 analysis of each impact fee that:

294 (i) identifies the impact on system improvements required by the development activity;

295 (ii) demonstrates how those impacts on system improvements are reasonably related to
296 the development activity;

297 (iii) estimates the proportionate share of the costs of impacts on system improvements
298 that are reasonably related to the new development activity; and

299 (iv) based upon those factors and the requirements of this chapter, identifies how the
300 impact fee was calculated.

301 (b) In analyzing whether or not the proportionate share of the costs of public facilities
302 are reasonably related to the new development activity, the local political subdivision shall
303 identify, if applicable:

304 (i) the cost of existing public facilities;

305 (ii) the manner of financing existing public facilities, such as user charges, special
306 assessments, bonded indebtedness, general taxes, or federal grants;

307 (iii) the relative extent to which the newly developed properties and the other
308 properties in the municipality have already contributed to the cost of existing public facilities,
309 by such means as user charges, special assessments, or payment from the proceeds of general
310 taxes;

311 (iv) the relative extent to which the newly developed properties and the other
312 properties in the municipality will contribute to the cost of existing public facilities in the
313 future;

314 (v) the extent to which the newly developed properties are entitled to a credit because
315 the municipality is requiring their developers or owners, by contractual arrangement or
316 otherwise, to provide common facilities, inside or outside the proposed development, that have
317 been provided by the municipality and financed through general taxation or other means, apart
318 from user charges, in other parts of the municipality;

319 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

320 (vii) the time-price differential inherent in fair comparisons of amounts paid at
321 different times.

322 (c) Each local political subdivision that prepares a written analysis under this
323 Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written analysis,
324 designed to be understood by a lay person.

325 (6) Each local political subdivision that adopts an impact fee enactment under Section
326 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit
327 to each public library within the local political subdivision:

328 (a) a copy of the written analysis required by Subsection (5)(a); and

329 (b) a copy of the summary required by Subsection (5)(c).

330 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any
331 impact fee in effect on the effective date of this act that is pledged as a source of revenues to
332 pay bonded indebtedness that was incurred before the effective date of this act.

333 Section 3. Section **17-27-301.5** is amended to read:

334 **17-27-301.5. Notice of intent to prepare a general plan or amendments to a**
335 **general plan in certain counties.**

336 (1) As used in this section:

337 (a) (i) "Affected entity" means each county, municipality, independent special district

338 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
339 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title
340 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

341 (A) whose services or facilities are likely to require expansion or significant
342 modification because of an intended use of land; or

343 (B) that has filed with the county a copy of the entity's general or long-range plan.

344 (ii) "Affected entity" does not include the county that is required under this section to
345 provide notice.

346 (b) "Specified public utility" means an electrical corporation, gas corporation, or
347 telephone corporation, as those terms are defined in Section 54-2-1.

348 (2) Before preparing a proposed general plan or amendments to an existing general
349 plan, each county of the first or second class shall provide written notice, as provided in this
350 section, of its intent to prepare a proposed general plan or amendments to a general plan.

351 (3) Each notice under Subsection (2) shall:

352 (a) indicate that the county intends to prepare a general plan or amendments to a
353 general plan, as the case may be;

354 (b) describe or provide a map of the geographic area that will be affected by the general
355 plan or amendments to a general plan;

356 (c) be sent to:

357 (i) each affected entity;

358 (ii) the Automated Geographic Reference Center created in Section [~~63A-6-202~~]
359 63F-1-506;

360 (iii) the association of governments, established pursuant to an interlocal agreement
361 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and

362 (iv) the state planning coordinator appointed under Section 63-38d-202;

363 (d) with respect to the notice to affected entities, invite the affected entities to provide
364 information for the county to consider in the process of preparing, adopting, and implementing
365 a general plan or amendments to a general plan concerning:

366 (i) impacts that the use of land proposed in the proposed general plan or amendments
367 to a general plan may have on the affected entity; and

368 (ii) uses of land within the county that the affected entity is planning or considering

369 that may conflict with the proposed general plan or amendments to the general plan; and

370 (e) include the address of an Internet website, if the county has one, and the name and
371 telephone number of a person where more information can be obtained concerning the county's
372 proposed general plan or amendments to a general plan.

373 Section 4. Section **17A-2-104** is amended to read:

374 **17A-2-104. Notice before preparing or amending a long-range plan or acquiring**
375 **certain property.**

376 (1) As used in this section:

377 (a) (i) "Affected entity" means each county, municipality, independent special district
378 under this chapter, local district under Title 17B, Chapter 2, Local Districts, school district,
379 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
380 and specified public utility:

381 (A) whose services or facilities are likely to require expansion or significant
382 modification because of an intended use of land; or

383 (B) that has filed with the independent special district a copy of the general or
384 long-range plan of the county, municipality, independent special district, local district, school
385 district, interlocal cooperation entity, or specified public utility.

386 (ii) "Affected entity" does not include the independent special district that is required
387 under this section to provide notice.

388 (b) "Specified public utility" means an electrical corporation, gas corporation, or
389 telephone corporation, as those terms are defined in Section 54-2-1.

390 (2) (a) If an independent special district under this chapter located in a county of the
391 first or second class prepares a long-range plan regarding its facilities proposed for the future or
392 amends an already existing long-range plan, the independent special district shall, before
393 preparing a long-range plan or amendments to an existing long-range plan, provide written
394 notice, as provided in this section, of its intent to prepare a long-range plan or to amend an
395 existing long-range plan.

396 (b) Each notice under Subsection (2) shall:

397 (i) indicate that the independent special district intends to prepare a long-range plan or
398 to amend a long-range plan, as the case may be;

399 (ii) describe or provide a map of the geographic area that will be affected by the

400 long-range plan or amendments to a long-range plan;

401 (iii) be sent to:

402 (A) each county in whose unincorporated area and each municipality in whose
403 boundaries is located the land on which the proposed long-range plan or amendments to a
404 long-range plan are expected to indicate that the proposed facilities will be located;

405 (B) each affected entity;

406 (C) the Automated Geographic Reference Center created in Section [~~63A-6-202~~]
407 63F-1-506;

408 (D) each association of governments, established pursuant to an interlocal agreement
409 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
410 described in Subsection (2)(b)(iii)(A) is a member; and

411 (E) the state planning coordinator appointed under Section 63-38d-202;

412 (iv) with respect to the notice to counties and municipalities described in Subsection
413 (2)(b)(iii)(A) and affected entities, invite them to provide information for the independent
414 special district to consider in the process of preparing, adopting, and implementing the
415 long-range plan or amendments to a long-range plan concerning:

416 (A) impacts that the use of land proposed in the proposed long-range plan or
417 amendments to a long-range plan may have on the county, municipality, or affected entity; and

418 (B) uses of land that the county, municipality, or affected entity is planning or
419 considering that may conflict with the proposed long-range plan or amendments to a long-range
420 plan; and

421 (v) include the address of an Internet website, if the independent special district has
422 one, and the name and telephone number of a person where more information can be obtained
423 concerning the independent special district's proposed long-range plan or amendments to a
424 long-range plan.

425 (3) (a) Except as provided in Subsection (3)(d), each independent special district
426 intending to acquire real property in a county of the first or second class for the purpose of
427 expanding the district's infrastructure or other facilities used for providing the services that the
428 district is authorized to provide shall provide written notice, as provided in this Subsection (3),
429 of its intent to acquire the property if the intended use of the property is contrary to:

430 (i) the anticipated use of the property under the county or municipality's general plan;

431 or

432 (ii) the property's current zoning designation.

433 (b) Each notice under Subsection (3)(a) shall:

434 (i) indicate that the independent special district intends to acquire real property;

435 (ii) identify the real property; and

436 (iii) be sent to:

437 (A) each county in whose unincorporated area and each municipality in whose
438 boundaries the property is located; and

439 (B) each affected entity.

440 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
441 63-2-304(7).

442 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the independent
443 special district previously provided notice under Subsection (2) identifying the general location
444 within the municipality or unincorporated part of the county where the property to be acquired
445 is located.

446 (ii) If an independent special district is not required to comply with the notice
447 requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the
448 independent special district shall provide the notice specified in Subsection (3)(a) as soon as
449 practicable after its acquisition of the real property.

450 Section 5. Section **17B-2-104** is amended to read:

451 **17B-2-104. Notice before preparing or amending a long-range plan or acquiring**
452 **certain property.**

453 (1) As used in this section:

454 (a) (i) "Affected entity" means each county, municipality, independent special district
455 under Title 17A, Chapter 2, Independent Special Districts, local district under this chapter,
456 school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal
457 Cooperation Act, and specified public utility:

458 (A) whose services or facilities are likely to require expansion or significant
459 modification because of an intended use of land; or

460 (B) that has filed with the local district a copy of the general or long-range plan of the
461 county, municipality, independent special district, local district, school district, interlocal

462 cooperation entity, or specified public utility.

463 (ii) "Affected entity" does not include the local district that is required under this
464 section to provide notice.

465 (b) "Specified public utility" means an electrical corporation, gas corporation, or
466 telephone corporation, as those terms are defined in Section 54-2-1.

467 (2) (a) If a local district under this chapter located in a county of the first or second
468 class prepares a long-range plan regarding its facilities proposed for the future or amends an
469 already existing long-range plan, the local district shall, before preparing a long-range plan or
470 amendments to an existing long-range plan, provide written notice, as provided in this section,
471 of its intent to prepare a long-range plan or to amend an existing long-range plan.

472 (b) Each notice under Subsection (2)(a) shall:

473 (i) indicate that the local district intends to prepare a long-range plan or to amend a
474 long-range plan, as the case may be;

475 (ii) describe or provide a map of the geographic area that will be affected by the
476 long-range plan or amendments to a long-range plan;

477 (iii) be sent to:

478 (A) each county in whose unincorporated area and each municipality in whose
479 boundaries is located the land on which the proposed long-range plan or amendments to a
480 long-range plan are expected to indicate that the proposed facilities will be located;

481 (B) each affected entity;

482 (C) the Automated Geographic Reference Center created in Section ~~[63A-6-202]~~
483 63F-1-506;

484 (D) each association of governments, established pursuant to an interlocal agreement
485 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
486 described in Subsection (2)(b)(iii)(A) is a member; and

487 (E) the state planning coordinator appointed under Section 63-38d-202;

488 (iv) with respect to the notice to counties and municipalities described in Subsection
489 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to
490 consider in the process of preparing, adopting, and implementing the long-range plan or
491 amendments to a long-range plan concerning:

492 (A) impacts that the use of land proposed in the proposed long-range plan or

493 amendments to a long-range plan may have on the county, municipality, or affected entity; and

494 (B) uses of land that the county, municipality, or affected entity is planning or
495 considering that may conflict with the proposed long-range plan or amendments to a long-range
496 plan; and

497 (v) include the address of an Internet website, if the local district has one, and the name
498 and telephone number of a person where more information can be obtained concerning the
499 local district's proposed long-range plan or amendments to a long-range plan.

500 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire
501 real property in a county of the first or second class for the purpose of expanding the district's
502 infrastructure or other facilities used for providing the services that the district is authorized to
503 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire
504 the property if the intended use of the property is contrary to:

505 (i) the anticipated use of the property under the county or municipality's general plan;
506 or

507 (ii) the property's current zoning designation.

508 (b) Each notice under Subsection (3)(a) shall:

509 (i) indicate that the local district intends to acquire real property;

510 (ii) identify the real property; and

511 (iii) be sent to:

512 (A) each county in whose unincorporated area and each municipality in whose
513 boundaries the property is located; and

514 (B) each affected entity.

515 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
516 63-2-304(7).

517 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district
518 previously provided notice under Subsection (2) identifying the general location within the
519 municipality or unincorporated part of the county where the property to be acquired is located.

520 (ii) If a local district is not required to comply with the notice requirement of
521 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
522 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real
523 property.

524 Section 6. Section **20A-5-303** is amended to read:

525 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**
526 **Common polling places -- Combined voting precincts -- Counties.**

527 (1) (a) After receiving recommendations from the county clerk, the county legislative
528 body may establish, divide, abolish, and change voting precincts.

529 (b) Within 30 days after the establishment, division, abolition, or change of a voting
530 precinct under this section, the county legislative body shall file with the Automated
531 Geographic Reference Center, created under Section [~~63A-6-202~~] 63F-1-506, a notice
532 describing the action taken and specifying the resulting boundaries of each voting precinct
533 affected by the action.

534 (2) (a) The county legislative body shall alter or divide voting precincts so that each
535 voting precinct contains not more than 1,000 active voters.

536 (b) The county legislative body shall:

537 (i) identify those precincts that may reach 1,000 active voters or become too large to
538 facilitate the election process; and

539 (ii) divide those precincts before February 1.

540 (3) The county legislative body may not:

541 (a) establish or abolish any voting precinct after February 1 of a regular general
542 election year; or

543 (b) alter or change the boundaries of any voting precinct after February 1 of a regular
544 general election year.

545 (4) For the purpose of balloting on regular primary or regular general election day, the
546 county legislative body may establish a common polling place for two or more whole voting
547 precincts according to the following requirements:

548 (a) the total population of the voters authorized to vote at the common polling place
549 may not exceed 4,000 active voters; and

550 (b) the voting precincts voting at, and the location of, the common polling place shall
551 be designated at least 90 days before the election.

552 (5) (a) In addition to the requirements contained in Subsection (4), in regular primary
553 elections only, the county legislative body may combine voting precincts and use one set of
554 election judges for the combined precincts if the ballots for each of the combined precincts are

555 identical.

556 (b) Notwithstanding Subsection (5)(a), the county legislative body in a fourth, fifth, or
557 sixth class county may, in any election, combine voting precincts and use one set of election
558 judges for the combined precincts if the ballots for each of the combined precincts are
559 identical.

560 Section 7. Section **20A-13-104** is amended to read:

561 **20A-13-104. Uncertain boundaries -- How resolved.**

562 (1) As used in this section, "affected party" means:

563 (a) a representative whose Congressional district boundary is uncertain because the
564 identifying feature used to establish the district boundary has been removed, modified, or is
565 unable to be identified or who is uncertain about whether or not he or another person resides in
566 a particular Congressional district;

567 (b) a candidate for Congressional representative whose Congressional district boundary
568 is uncertain because the identifying feature used to establish the district boundary has been
569 removed, modified, or is unable to be identified or who is uncertain about whether or not he or
570 another person resides in a particular Congressional district; or

571 (c) a person who is uncertain about which Congressional district contains the person's
572 residence because the identifying feature used to establish the district boundary has been
573 removed, modified, or is unable to be identified.

574 (2) (a) An affected party may file a written request petitioning the lieutenant governor
575 to determine:

576 (i) the precise location of the Congressional district boundary;

577 (ii) the number of the Congressional district in which a person resides; or

578 (iii) both Subsections (2)(a)(i) and (ii).

579 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
580 governor shall review the official maps and obtain and review other relevant data such as
581 census block and tract descriptions, aerial photographs, aerial maps, or other data about the
582 area.

583 (c) Within five days of receipt of the request, the lieutenant governor shall review the
584 maps, obtain and review any relevant data, and make a determination.

585 (d) When the lieutenant governor determines the location of the Congressional district

586 boundary, the lieutenant governor shall:

587 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
588 necessary; and

589 (ii) send a copy of the certification to:

590 (A) the affected party;

591 (B) the county clerk of the affected county; and

592 (C) the Automated Geographic Reference Center created under Section [~~63A-6-202~~]
593 63F-1-506.

594 (e) If the lieutenant governor determines the number of the Congressional district in
595 which a particular person resides, the lieutenant governor shall send a letter identifying that
596 district by number to:

597 (i) the person;

598 (ii) the affected party who filed the petition, if different than the person whose
599 Congressional district number was identified; and

600 (iii) the county clerk of the affected county.

601 Section 8. Section **20A-14-102.2** is amended to read:

602 **20A-14-102.2. Uncertain boundaries -- How resolved.**

603 (1) As used in this section, "affected party" means:

604 (a) a state school board member whose state school board district boundary is uncertain
605 because the identifying feature used to establish the district boundary has been removed,
606 modified, or is unable to be identified or who is uncertain about whether or not he or another
607 person resides in a particular state board district;

608 (b) a candidate for state school board whose state board district boundary is uncertain
609 because the identifying feature used to establish the district boundary has been removed,
610 modified, or is unable to be identified or who is uncertain about whether or not he or another
611 person resides in a particular state board district; or

612 (c) a person who is uncertain about which state board district contains the person's
613 residence because the identifying feature used to establish the district boundary has been
614 removed, modified, or is unable to be identified.

615 (2) (a) An affected party may file a written request petitioning the lieutenant governor
616 to determine:

- 617 (i) the precise location of the state board district boundary;
- 618 (ii) the number of the state board district in which a person resides; or
- 619 (iii) both Subsections (2)(a)(i) and (ii).
- 620 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
- 621 governor shall review the official maps and obtain and review other relevant data such as aerial
- 622 photographs, aerial maps, or other data about the area.
- 623 (c) Within five days of receipt of the request, the lieutenant governor shall review the
- 624 maps, obtain and review any relevant data, and make a determination.
- 625 (d) If the lieutenant governor determines the precise location of the state board district
- 626 boundary, the lieutenant governor shall:
- 627 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
- 628 necessary; and
- 629 (ii) send a copy of the certification to:
- 630 (A) the affected party;
- 631 (B) the county clerk of the affected county; and
- 632 (C) the Automated Geographic Reference Center created under Section [~~63A-6-202~~
- 633 63F-1-506].
- 634 (e) If the lieutenant governor determines the number of the state board district in which
- 635 a particular person resides, the lieutenant governor shall send a letter identifying that district by
- 636 number to:
- 637 (i) the person;
- 638 (ii) the affected party who filed the petition, if different than the person whose state
- 639 board district number was identified; and
- 640 (iii) the county clerk of the affected county.
- 641 Section 9. Section **36-1-105** is amended to read:
- 642 **36-1-105. Uncertain boundaries -- How resolved.**
- 643 (1) As used in this section, "affected party" means:
- 644 (a) a senator whose Utah State Senate district boundary is uncertain because the
- 645 identifying feature used to establish the district boundary has been removed, modified, or is
- 646 unable to be identified or who is uncertain about whether or not he or another person resides in
- 647 a particular Senate district;

648 (b) a candidate for senator whose Senate district boundary is uncertain because the
649 identifying feature used to establish the district boundary has been removed, modified, or is
650 unable to be identified or who is uncertain about whether or not he or another person resides in
651 a particular Senate district; or

652 (c) a person who is uncertain about which Senate district contains the person's
653 residence because the identifying feature used to establish the district boundary has been
654 removed, modified, or is unable to be identified.

655 (2) (a) An affected party may file a written request petitioning the lieutenant governor
656 to determine:

- 657 (i) the precise location of the Senate district boundary;
- 658 (ii) the number of the Senate district in which a person resides; or
- 659 (iii) both Subsections (2)(a)(i) and (ii).

660 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
661 governor shall review the official maps and obtain and review other relevant data such as
662 census block and tract descriptions, aerial photographs, aerial maps, or other data about the
663 area.

664 (c) Within five days of receipt of the request, the lieutenant governor shall review the
665 maps, obtain and review any relevant data, and make a determination.

666 (d) When the lieutenant governor determines the location of the Senate district
667 boundary, the lieutenant governor shall:

668 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
669 necessary; and

670 (ii) send a copy of the certification to:

671 (A) the affected party;

672 (B) the county clerk of the affected county; and

673 (C) the Automated Geographic Reference Center created under Section [~~63A-6-202~~]
674 63F-1-506.

675 (e) If the lieutenant governor determines the number of the Senate district in which a
676 particular person resides, the lieutenant governor shall send a letter identifying that district by
677 number to:

678 (i) the person;

679 (ii) the affected party who filed the petition, if different than the person whose Senate
680 district number was identified; and

681 (iii) the county clerk of the affected county.

682 Section 10. Section **36-1-204** is amended to read:

683 **36-1-204. Uncertain boundaries -- How resolved.**

684 (1) As used in this section, "affected party" means:

685 (a) a representative whose Utah House of Representatives district boundary is uncertain
686 because the identifying feature used to establish the district boundary has been removed,
687 modified, or is unable to be identified or who is uncertain about whether or not he or another
688 person resides in a particular House district;

689 (b) a candidate for representative whose House district boundary is uncertain because
690 the identifying feature used to establish the district boundary has been removed, modified, or is
691 unable to be identified or who is uncertain about whether or not he or another person resides in
692 a particular House district; or

693 (c) a person who is uncertain about which House district contains the person's
694 residence because the identifying feature used to establish the district boundary has been
695 removed, modified, or is unable to be identified.

696 (2) (a) An affected party may file a written request petitioning the lieutenant governor
697 to determine:

698 (i) the precise location of the House district boundary;

699 (ii) the number of the House district in which a person resides; or

700 (iii) both Subsections (2)(a)(i) and (ii).

701 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
702 governor shall review the official maps and obtain and review other relevant data such as
703 census block and tract descriptions, aerial photographs, aerial maps, or other data about the
704 area.

705 (c) Within five days of receipt of the request, the lieutenant governor shall review the
706 maps, obtain and review any relevant data, and make a determination.

707 (d) When the lieutenant governor determines the location of the House district
708 boundary, the lieutenant governor shall:

709 (i) prepare a certification identifying the appropriate boundary and attaching a map, if

710 necessary; and

711 (ii) send a copy of the certification to:

712 (A) the affected party;

713 (B) the county clerk of the affected county; and

714 (C) the Automated Geographic Reference Center created under Section [~~63A-6-202~~]

715 63F-1-506.

716 (e) If the lieutenant governor determines the number of the House district in which a
717 particular person resides, the lieutenant governor shall send a letter identifying that district by
718 number to:

719 (i) the person;

720 (ii) the affected party who filed the petition, if different than the person whose House
721 district number was identified; and

722 (iii) the county clerk of the affected county.

723 Section 11. Section **46-3-601** is amended to read:

724 **46-3-601. Central repository for digital certificate information -- Fee.**

725 (1) The chief information officer shall:

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

729 (b) develop policies regarding the issuance of digital certificates by governmental
730 entities as provided in Section [~~63D-1a-308~~] 63F-1-206.

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

733 (3) Of the fee collected by a participating governmental entity pursuant to Subsection
734 (2), a reasonable portion, as established by the chief information officer, shall be:

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

736 (b) deposited in the General Fund as a dedicated credit for that state agency, to
737 maintain the repository and assist in the issuance of the digital certificates pursuant to this part
738 and Section 63D-1a-308.

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

741 (5) Any state agency permitting the public to transact business with the state agency
742 through the use of a digital certificate may establish a transaction fee, pursuant to Section
743 63-38-3.2, a portion of which may be remitted to the licensed certification authority which
744 issued the digital certificate being used.

745 Section 12. Section **46-3-602** is amended to read:

746 **46-3-602. County clerk participation and fee authorization.**

747 A county clerk may:

748 (1) participate in the issuance of digital certificates to citizens to facilitate electronic
749 transactions with governmental entities according to the digital certificate policy issued by the
750 chief information officer pursuant to Section [~~63D-1a-308~~] 63F-1-206; and

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

753 Section 13. Section **46-4-501** is amended to read:

754 **46-4-501. Creation and retention of electronic records and conversion of written**
755 **records by governmental agencies.**

756 (1) A state governmental agency may, by following the procedures and requirements of
757 Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make rules that:

758 (a) identify specific transactions that the agency is willing to conduct by electronic
759 means;

760 (b) identify specific transactions that the agency will never conduct by electronic
761 means;

762 (c) specify the manner and format in which electronic records must be created,
763 generated, sent, communicated, received, and stored, and the systems established for those
764 purposes;

765 (d) if law or rule requires that the electronic records must be signed by electronic
766 means, specify the type of electronic signature required, the manner and format in which the
767 electronic signature must be affixed to the electronic record, and the identity of, or criteria that
768 must be met, by any third party used by a person filing a document to facilitate the process;

769 (e) specify control processes and procedures as appropriate to ensure adequate
770 preservation, disposition, integrity, security, confidentiality, and auditability of electronic
771 records; and

772 (f) identify any other required attributes for electronic records that are specified for
773 corresponding nonelectronic records or that are reasonably necessary under the circumstances.

774 (2) A state governmental agency that makes rules under this section shall submit copies
775 of those rules, and any amendments to those rules, to:

776 (a) the chief information officer established by Section [~~63D-1a-301~~] 63F-1-201; and

777 (b) the Utah Technology Commission established by Section 63D-1a-201.

778 (3) (a) The chief information officer may prepare model rules and standards relating to
779 electronic transactions that encourage and promote consistency and interoperability with
780 similar requirements adopted by other Utah government agencies, other states, the federal
781 government, and nongovernmental persons interacting with Utah governmental agencies.

782 (b) In preparing those model rules and standards, the chief information officer may
783 specify different levels of standards from which governmental agencies may choose in order to
784 implement the most appropriate standard for a particular application.

785 (c) Before submitting any model rules or standards to state governmental agencies for
786 their adoption as permanent rules, the chief information officer shall submit the model rules
787 and standards to the Utah Technology Commission for its review and suggestions.

788 (d) Nothing in this Subsection (3) requires a state agency to use the model rules and
789 standards prepared by the chief information officer when making rules under this section.

790 (4) Except as provided in Subsection 46-4-301(6), nothing in this chapter requires any
791 state governmental agency to:

792 (a) conduct transactions by electronic means; or

793 (b) use or permit the use of electronic records or electronic signatures.

794 (5) Each state governmental agency shall:

795 (a) establish record retention schedules for any electronic records created or received in
796 an electronic transaction according to the standards developed by the Division of Archives
797 under Subsection 63-2-901(2)(e); and

798 (b) obtain approval of those schedules from the State Records Committee as required
799 by Subsection 63-2-502(1)(b).

800 Section 14. Section **46-4-503** is amended to read:

801 **46-4-503. Government products and services provided electronically.**

802 (1) Notwithstanding Section 46-4-501, a state governmental agency that administers

803 one or more of the following transactions shall allow those transactions to be conducted
804 electronically:

805 (a) an application for or renewal of a professional or occupational license issued under
806 Title 58, Occupations and Professions;

807 (b) the renewal of a drivers license;

808 (c) an application for a hunting or fishing license;

809 (d) the filing of:

810 (i) a return under Title 59, Chapter 10, Individual Income Tax Act or 12, Sales and Use
811 Tax Act;

812 (ii) a court document, as defined by the Judicial Council; or

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

814 (e) a registration for:

815 (i) a product; or

816 (ii) a brand;

817 (f) a renewal of a registration of a motor vehicle;

818 (g) a registration under:

819 (i) Title 16, Corporations;

820 (ii) Title 42, Names; or

821 (iii) Title 48, Partnership; or

822 (h) submission of an application for benefits:

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

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

825 (iii) related to accident and health insurance.

826 (2) The state system of public education, in coordination with the Utah Education
827 Network, shall make reasonable progress toward making the following services available
828 electronically:

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

830 (b) e-mail communications with:

831 (i) teachers;

832 (ii) parent-teacher associations; and

833 (iii) school administrators;

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

835 (d) teaching resources that may include:

836 (i) teaching plans;

837 (ii) curriculum guides; and

838 (iii) media resources.

839 (3) A state governmental agency shall:

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

843 (b) in addition to those transactions listed in Subsections (1) and (2), determine any
844 additional services that may be made available to the public through electronic means; and

845 (c) as part of the agency's information technology plan required by Section
846 [~~63D-1a-303~~] 63F-1-204, report on the progress of compliance with Subsections (1) through
847 (3).

848 (4) Notwithstanding the other provisions of this part, a state governmental agency is
849 not required by this part to conduct a transaction electronically if:

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

851 (b) conducting the transaction electronically is:

852 (i) impractical;

853 (ii) unreasonable; or

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

855 (5) (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of
856 access to diverse services and agencies at one location including virtual colocation.

857 (b) State agencies that provide services or offer direct assistance to the business
858 community shall participate in the establishment, maintenance, and enhancement of an
859 integrated Utah business web portal known as Business.utah.gov. The purpose of the business
860 web portal is to provide "one-stop shop" assistance to businesses.

861 (c) State agencies shall partner with other governmental and nonprofit agencies whose
862 primary mission is to provide services or offer direct assistance to the business community in
863 Utah in fulfilling the requirements of this section.

864 (d) The following state agencies shall comply with the provisions of this Subsection

865 (5):

866 (i) Department of Community and Economic Development, which shall serve as the
867 managing partner for the website;

868 (ii) Department of Workforce Services;

869 (iii) Department of Commerce;

870 (iv) Tax Commission;

871 (v) Department of Administrative Services - Division of Purchasing and General
872 Services, including other state agencies operating under a grant of authority from the division
873 to procure goods and services in excess of \$5,000;

874 (vi) Department of Agriculture;

875 (vii) Department of Natural Resources; and

876 (viii) other state agencies that provide services or offer direct assistance to the business
877 sector.

878 (e) The business services available on the business web portal may include:

879 (i) business life cycle information;

880 (ii) business searches;

881 (iii) employment needs and opportunities;

882 (iv) motor vehicle registration;

883 (v) permit applications and renewal;

884 (vi) tax information;

885 (vii) government procurement bid notifications;

886 (viii) general business information;

887 (ix) business directories; and

888 (x) business news.

889 Section 15. Section **53-1-106** is amended to read:

890 **53-1-106. Department duties -- Powers.**

891 (1) In addition to the responsibilities contained in this title, the department shall:

892 (a) make rules and perform the functions specified in Title 41, Chapter 6, Traffic Rules
893 and Regulations, including:

894 (i) setting performance standards for towing companies to be used by the department,
895 as required by Section 41-6-102.5; and

896 (ii) advising the Department of Transportation regarding the safe design and operation
897 of school buses, as required by Section 41-6-115;

898 (b) make rules to establish and clarify standards pertaining to the curriculum and
899 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

900 (c) aid in enforcement efforts to combat drug trafficking;

901 (d) meet with the Department of ~~Administrative~~ Technology Services to formulate
902 contracts, establish priorities, and develop funding mechanisms for dispatch and
903 telecommunications operations~~[, as required by Section 63A-6-107];~~

904 (e) provide assistance to the Crime Victims' Reparations Board and Reparations Office
905 in conducting research or monitoring victims' programs, as required by Section 63-25a-405;

906 (f) develop sexual assault exam protocol standards in conjunction with the Utah
907 Hospital Association;

908 (g) engage in emergency planning activities, including preparation of policy and
909 procedure and rulemaking necessary for implementation of the federal Emergency Planning
910 and Community Right to Know Act of 1986, as required by Section 63-5-5;

911 (h) implement the provisions of Section 53-2-202, the Emergency Management
912 Assistance Compact; and

913 (i) (i) maintain a database of the information listed below regarding each driver license
914 or state identification card status check made by a law enforcement officer:

915 (A) the agency employing the law enforcement officer;

916 (B) the name of the law enforcement officer or the identifying number the agency has
917 assigned to the law enforcement officer;

918 (C) the race and gender of the law enforcement officer;

919 (D) the purpose of the law enforcement officer's status check, including but not limited
920 to a traffic stop or a pedestrian stop; and

921 (E) the race of the individual regarding whom the status check is made, based on the
922 information provided through the application process under Section 53-3-205 or 53-3-804;

923 (ii) provide access to the database created in Subsection (1)(i)(i) to the Commission on
924 Criminal and Juvenile Justice for the purpose of:

925 (A) evaluating the data;

926 (B) evaluating the effectiveness of the data collection process; and

927 (C) reporting and making recommendations to the Legislature; and
928 (iii) classify any personal identifying information of any individual, including law
929 enforcement officers, in the database as protected records under Subsection 63-2-304(9).

930 (2) (a) The department may establish a schedule of fees as required or allowed in this
931 title for services provided by the department.

932 (b) The fees shall be established in accordance with Section 63-38-3.2.

933 Section 16. Section **53-10-601** is amended to read:

934 **53-10-601. Utah 911 Committee.**

935 (1) There is created within the division, the Utah 911 Committee consisting of the
936 following 15 members:

937 (a) a representative from each of the following primary emergency public safety
938 answering points:

939 (i) Salt Lake County;

940 (ii) Davis County;

941 (iii) Utah County; and

942 (iv) Weber County;

943 (b) four members representing the following primary emergency public safety
944 answering points:

945 (i) Bear River Association;

946 (ii) Uintah Basin Association;

947 (iii) South East Association;

948 (iv) Six County Association;

949 (v) Five County Association; and

950 (vi) Mountainlands Association, not including Utah County;

951 (c) the following people with knowledge of technology and equipment that might be
952 needed for an emergency public safety answering system:

953 (i) a representative from a local exchange carrier;

954 (ii) a representative from a rural incumbent local exchange carrier; and

955 (iii) two representatives from radio communications services as defined in Section
956 69-2-2;

957 (d) two representatives from the Department of Public Safety, one of whom represents

958 urban Utah and the other rural Utah; and

959 (e) a representative from the [~~Division of Information Technology Services~~]

960 Department of Technology Services, created in Title 63F, Chapter 1.

961 (2) (a) Each committee member shall be appointed as follows:

962 (i) a member described in Subsection (1)(a) shall be appointed by the governor from a
963 nominee or nominees submitted to the governor by the council of government for that
964 member's county;

965 (ii) the four members described in Subsection (1)(b) shall be appointed by the governor
966 from a nominee or nominees submitted to the governor by the associations described in
967 Subsection (1)(b) as follows[;]:

968 (A) the six associations shall select by lot, the first four associations to begin the
969 rotation of membership as required by Subsection (2)(b)(i); and

970 (B) as each association is represented on the commission in accordance with
971 Subsection (2)(b)(i), that association shall select the person to represent it on the commission;

972 (iii) the members described in Subsection (1)(c) shall be appointed by the governor
973 with the consent of the Senate; and

974 (iv) the members described in Subsections (1)(d) and (e) shall be appointed by the
975 governor.

976 (b) The term of office of each member is four years, except as provided in Subsections
977 (2)(b)(ii) through (iv).

978 (i) The representatives from Subsection (1)(b) must rotate to provide each geographic
979 location at least one representative every four years, except as provided for the initial
980 appointment under Subsection (2)(b)(ii).

981 (ii) The associations listed in Subsection (1)(b) shall select by lot, two of its members
982 to an initial two-year term.

983 (iii) The governor shall appoint two representatives from Subsection (1)(c) to initial
984 two-year terms.

985 (iv) The public service answering points listed in Subsection (1)(a) shall, by lot, select
986 two members to serve an initial two-year term.

987 (c) No member of the committee may serve more than two consecutive four-year terms.

988 (d) Each mid-term vacancy shall be filled for the unexpired term in the same manner as

989 an appointment under Subsection (2)(a).

990 (3) (a) Committee members shall elect a chair from their number and establish rules for
991 the organization and operation of the committee, with the chair rotating among representatives
992 from Subsections (1)(a), (b), and (d) every year.

993 (b) Staff services to the committee:

994 (i) shall be provided by the division; and

995 (ii) may be provided by local entities through the Utah Association of Counties and the
996 Utah League of Cities and Towns.

997 (c) Funding for staff services shall be provided with funds approved by the committee
998 from those identified under Section 53-10-605.

999 (4) (a) No member may receive compensation or benefits for the member's service on
1000 the committee.

1001 (b) A member is not required to give bond for the performance of official duties.

1002 Section 17. Section **53-10-605** is amended to read:

1003 **53-10-605. Use of money in fund -- Criteria -- Administration.**

1004 (1) Subject to an annual legislative appropriation from the fund to:

1005 (a) the committee, the committee shall:

1006 (i) authorize the use of the money in the fund, by grant to a local entity or state agency
1007 in accordance with this Subsection (1) and Subsection (2);

1008 (ii) grant to state agencies and local entities an amount not to exceed the per month fee
1009 levied on telephone services under Section 69-2-5.6 for installation, implementation, and
1010 maintenance of unified, statewide 911 emergency services and technology; and

1011 (iii) in addition to any money under Subsection (1)(a)(ii), grant to counties of the third
1012 through sixth class the amount dedicated for rural assistance, which is at least 3 cents per
1013 month levied on telephone services under Section 69-2-5.6 to:

1014 (A) enhance the 911 emergency services with a focus on areas or counties that do not
1015 have E-911 services; and

1016 (B) where needed, assist the counties, in cooperation with private industry, with the
1017 creation or integration of wireless systems and location technology in rural areas of the state;
1018 and

1019 (b) the committee, the committee shall:

1020 (i) include reimbursement to a provider of radio communications service, as defined in
1021 Section 69-2-2, for costs as provided in Subsections (1)(b)(ii) and (iii);

1022 (ii) an agreement to reimburse costs to a provider of radio communications services
1023 must be a written agreement among the committee, the local public safety answering point and
1024 the carrier; and

1025 (iii) shall include reimbursement to the provider for the cost of design, development,
1026 and implementation of equipment or software necessary to provide Phase I, wireless E-911
1027 service to public service answering points, provided:

1028 (A) the reimbursement under this Subsection (1)(b) does not exceed the amount
1029 allowed by Subsection 53-10-602(3);

1030 (B) the provider submits an invoice for the reimbursement to the committee; and

1031 (C) the provider has not been reimbursed by the consumer for the costs submitted to
1032 the committee; and

1033 (c) the state's Automated Geographic Reference Center in the [~~Division of Information~~
1034 ~~Technology Services~~] Division of Integrated Technology of the Department of Technology
1035 Services, an amount equal to 1 cent per month levied on telephone services under Section
1036 69-2-5.6 shall be used to enhance and upgrade statewide digital mapping standards.

1037 (2) (a) Beginning July 1, 2007, the committee may not grant the money in the fund to a
1038 local entity unless the local entity is in compliance with Phase I, wireless E-911 service.

1039 (b) Beginning July 1, 2009, the committee may not grant money in the fund to a local
1040 entity unless the local entity is in compliance with Phase II, wireless E-911 service.

1041 (3) A local entity must deposit any money it receives from the committee into a special
1042 emergency telephone service fund in accordance with Subsection 69-2-5(4).

1043 (4) For purposes of this part, "local entity" means a county, city, town, special district,
1044 local district, or interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act.

1045 Section 18. Section **53A-2-123** is amended to read:

1046 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**
1047 **certain property.**

1048 (1) As used in this section:

1049 (a) "Affected entity" means each county, municipality, independent special district
1050 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,

1051 Chapter 2, Local Districts, interlocal cooperation entity established under Title 11, Chapter 13,
1052 Interlocal Cooperation Act, and specified public utility:

1053 (i) whose services or facilities are likely to require expansion or significant
1054 modification because of an intended use of land; or

1055 (ii) that has filed with the school district a copy of the general or long-range plan of the
1056 county, municipality, independent special district, local district, school district, interlocal
1057 cooperation entity, or specified public utility.

1058 (b) "Specified public utility" means an electrical corporation, gas corporation, or
1059 telephone corporation, as those terms are defined in Section 54-2-1.

1060 (2) (a) If a school district located in a county of the first or second class prepares a
1061 long-range plan regarding its facilities proposed for the future or amends an already existing
1062 long-range plan, the school district shall, before preparing a long-range plan or amendments to
1063 an existing long-range plan, provide written notice, as provided in this section, of its intent to
1064 prepare a long-range plan or to amend an existing long-range plan.

1065 (b) Each notice under Subsection (2)(a) shall:

1066 (i) indicate that the school district intends to prepare a long-range plan or to amend a
1067 long-range plan, as the case may be;

1068 (ii) describe or provide a map of the geographic area that will be affected by the
1069 long-range plan or amendments to a long-range plan;

1070 (iii) be sent to:

1071 (A) each county in whose unincorporated area and each municipality in whose
1072 boundaries is located the land on which the proposed long-range plan or amendments to a
1073 long-range plan are expected to indicate that the proposed facilities will be located;

1074 (B) each affected entity;

1075 (C) the Automated Geographic Reference Center created in Section [~~63A-6-202~~]
1076 63F-1-506;

1077 (D) each association of governments, established pursuant to an interlocal agreement
1078 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
1079 described in Subsection (2)(b)(iii)(A) is a member; and

1080 (E) the state planning coordinator appointed under Section 63-38d-202;

1081 (iv) with respect to the notice to counties and municipalities described in Subsection

1082 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
1083 consider in the process of preparing, adopting, and implementing the long-range plan or
1084 amendments to a long-range plan concerning:

1085 (A) impacts that the use of land proposed in the proposed long-range plan or
1086 amendments to a long-range plan may have on the county, municipality, or affected entity; and

1087 (B) uses of land that the county, municipality, or affected entity is planning or
1088 considering that may conflict with the proposed long-range plan or amendments to a long-range
1089 plan; and

1090 (v) include the address of an Internet website, if the school district has one, and the
1091 name and telephone number of a person where more information can be obtained concerning
1092 the school district's proposed long-range plan or amendments to a long-range plan.

1093 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
1094 acquire real property in a county of the first or second class for the purpose of expanding the
1095 district's infrastructure or other facilities shall provide written notice, as provided in this
1096 Subsection (3), of its intent to acquire the property if the intended use of the property is
1097 contrary to:

1098 (i) the anticipated use of the property under the county or municipality's general plan;
1099 or

1100 (ii) the property's current zoning designation.

1101 (b) Each notice under Subsection (3)(a) shall:

1102 (i) indicate that the school district intends to acquire real property;

1103 (ii) identify the real property; and

1104 (iii) be sent to:

1105 (A) each county in whose unincorporated area and each municipality in whose
1106 boundaries the property is located; and

1107 (B) each affected entity.

1108 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
1109 63-2-304(7).

1110 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
1111 previously provided notice under Subsection (2) identifying the general location within the
1112 municipality or unincorporated part of the county where the property to be acquired is located.

1113 (ii) If a school district is not required to comply with the notice requirement of
1114 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
1115 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
1116 the real property.

1117 Section 19. Section **54-3-28** is amended to read:

1118 **54-3-28. Notice required of certain public utilities before preparing or amending**
1119 **a long-range plan or acquiring certain property.**

1120 (1) As used in this section:

1121 (a) (i) "Affected entity" means each county, municipality, independent special district
1122 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
1123 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title
1124 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

1125 (A) whose services or facilities are likely to require expansion or significant
1126 modification because of expected uses of land under a proposed long-range plan or under
1127 proposed amendments to a long-range plan; or

1128 (B) that has filed with the specified public utility a copy of the general or long-range
1129 plan of the county, municipality, independent special district, local district, school district,
1130 interlocal cooperation entity, or specified public utility.

1131 (ii) "Affected entity" does not include the specified public utility that is required under
1132 Subsection (2) to provide notice.

1133 (b) "Specified public utility" means an electrical corporation, gas corporation, or
1134 telephone corporation, as those terms are defined in Section 54-2-1.

1135 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities
1136 proposed for the future in a county of the first or second class or amends an already existing
1137 long-range plan, the specified public utility shall, before preparing a long-range plan or
1138 amendments to an existing long-range plan, provide written notice, as provided in this section,
1139 of its intent to prepare a long-range plan or to amend an existing long-range plan.

1140 (b) Each notice under Subsection (2) shall:

1141 (i) indicate that the specified public utility intends to prepare a long-range plan or to
1142 amend a long-range plan, as the case may be;

1143 (ii) describe or provide a map of the geographic area that will be affected by the

1144 long-range plan or amendments to a long-range plan;

1145 (iii) be sent to:

1146 (A) each county in whose unincorporated area and each municipality in whose
1147 boundaries is located the land on which the proposed long-range plan or amendments to a
1148 long-range plan are expected to indicate that the proposed facilities will be located;

1149 (B) each affected entity;

1150 (C) the Automated Geographic Reference Center created in Section [~~63A-6-202~~]
1151 63F-1-506;

1152 (D) each association of governments, established pursuant to an interlocal agreement
1153 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
1154 described in Subsection (2)(b)(iii)(A) is a member; and

1155 (E) the state planning coordinator appointed under Section 63-38d-202;

1156 (iv) with respect to the notice to counties and municipalities described in Subsection
1157 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public
1158 utility to consider in the process of preparing, adopting, and implementing the long-range plan
1159 or amendments to a long-range plan concerning:

1160 (A) impacts that the use of land proposed in the proposed long-range plan or
1161 amendments to a long-range plan may have on the county, municipality, or affected entity; and

1162 (B) uses of land that the county, municipality, or affected entity is planning or
1163 considering that may conflict with the proposed long-range plan or amendments to a long-range
1164 plan; and

1165 (v) include the address of an Internet website, if the specified public utility has one, and
1166 the name and telephone number of a person where more information can be obtained
1167 concerning the specified public utility's proposed long-range plan or amendments to a
1168 long-range plan.

1169 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending
1170 to acquire real property in a county of the first or second class for the purpose of expanding its
1171 infrastructure or other facilities used for providing the services that the specified public utility
1172 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its
1173 intent to acquire the property if the intended use of the property is contrary to:

1174 (i) the anticipated use of the property under the county or municipality's general plan;

1175 or

1176 (ii) the property's current zoning designation.

1177 (b) Each notice under Subsection (3)(a) shall:

1178 (i) indicate that the specified public utility intends to acquire real property;

1179 (ii) identify the real property; and

1180 (iii) be sent to:

1181 (A) each county in whose unincorporated area and each municipality in whose
1182 boundaries the property is located; and

1183 (B) each affected entity.

1184 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
1185 63-2-304(7).

1186 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified
1187 public utility previously provided notice under Subsection (2) identifying the general location
1188 within the municipality or unincorporated part of the county where the property to be acquired
1189 is located.

1190 (ii) If a specified public utility is not required to comply with the notice requirement of
1191 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility
1192 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition
1193 of the real property.

1194 Section 20. Section **63-55b-163** is amended to read:

1195 **63-55b-163. Repeal dates, Title 63 and Title 63A.**

1196 (1) Section 63-38a-105 is repealed July 1, 2007.

1197 (2) Sections 63-63b-101 and 63-63b-102 are repealed on July 1, 2007.

1198 (3) Section 63A-1-110 is repealed July 1, 2006.

1199 (4) Title 63A, Chapter 6, Part 1, Division of Information Technology Services, is
1200 repealed on July 1, 2006.

1201 Section 21. Section **63-56-9** is amended to read:

1202 **63-56-9. Duties of chief procurement officer.**

1203 Except as otherwise specifically provided in this chapter, the chief procurement officer
1204 serves as the central procurement officer of the state and shall:

1205 (1) adopt office policies governing the internal functions of the Division of Purchasing

1206 and General Services;

1207 (2) procure or supervise the procurement of all supplies, services, and construction
1208 needed by the state;

1209 (3) exercise general supervision and control over all inventories or supplies belonging
1210 to the state;

1211 (4) establish and maintain programs for the inspection, testing, and acceptance of
1212 supplies, services, and construction;

1213 (5) prepare statistical data concerning the procurement and usage of all supplies,
1214 services, and construction;

1215 (6) before June 1, 1990, notify all public procurement units of the requirements of
1216 Section 63-56-20.7 regarding purchases of recycled paper and recycled paper products,
1217 recycling requirements, and provide guidelines on the availability of recycled paper and paper
1218 products, including the sources of supply and the potential uses of various grades of recycled
1219 paper;

1220 (7) before July 1, 1992:

1221 (a) establish standards and specifications for determining which supplies are
1222 considered recycled, based upon his review of current definitions and standards employed by
1223 national procurement, product recycling, and other relevant organizations and the federal
1224 Environmental Protection Agency;

1225 (b) compile and update as necessary the specifications, a list of recycled supplies
1226 available on state contract, and sources where the supplies may be obtained;

1227 (c) make the compiled information under Subsection (7)(b) available to:

1228 (i) all local government entities under Section 11-37-101;

1229 (ii) all local health departments under Section 26A-1-108.7;

1230 (iii) all procurement officers or other persons responsible for purchasing supplies
1231 within the public school system under Title 53A, State System of Public Education;

1232 (iv) all procurement officers or other persons responsible for purchasing supplies
1233 within the state system of higher education under Title 53B, State System of Higher Education;

1234 and

1235 (v) all procurement officers or other persons responsible for purchasing supplies for all
1236 public procurement units as defined in Section 63-56-5; and

1237 (d) present a written report to the Natural Resources, Agriculture, and Environment
 1238 Interim Committee annually prior to November 30 regarding the purchases of recycled goods
 1239 on state contracts during the prior fiscal year; and

1240 (8) ensure that:

1241 (a) before approving a purchase, lease, or rental not covered by an existing statewide
 1242 contract for information technology or telecommunications supplies or services [~~under the~~
 1243 ~~provisions of Section 63A-6-105, the director of the Division of Information Technology~~
 1244 ~~Services has provided in writing to the chief procurement officer that the analysis required by~~
 1245 ~~Subsection 63A-6-105(7) was completed], the chief information officer and the agency have
 1246 provided in writing to the division, that the needs analysis required in Section 63F-1-205 was
 1247 completed; and~~

1248 (b) the oversight authority required by Subsection (8)(a) is not delegated outside the
 1249 Division of Purchasing and General Services.

1250 Section 22. Section **63A-1-108** is amended to read:

1251 **63A-1-108. Powers and duties of other agencies assigned to executive director.**

1252 Powers and duties assigned by other provisions of this title to the Division of Finance,
 1253 the State Building Board, [~~the Division of Information Technology Services;~~] or other agencies
 1254 or divisions of the department, and not specifically assigned by this chapter, shall be assigned
 1255 to the executive director with the approval of the governor.

1256 Section 23. Section **63A-1-109** is amended to read:

1257 **63A-1-109. Divisions of department -- Administration.**

1258 (1) The department shall be composed of the following divisions:

1259 (a) administrative rules;

1260 (b) archives and records;

1261 (c) facilities construction and management;

1262 (d) finance;

1263 (e) fleet operations;

1264 [~~(f) information technology services;~~]

1265 [~~(g)~~] (f) office of state debt collection;

1266 [~~(h)~~] (g) state purchasing and general services;

1267 [~~(i)~~] (h) risk management; and

- 1268 ~~[(j)]~~ (i) office of child welfare parental defense.
- 1269 (2) Each division shall be administered and managed by a division director.
- 1270 Section 24. Section **63A-1-114** is amended to read:
- 1271 **63A-1-114. Rate Committee -- Membership -- Duties.**
- 1272 (1) (a) There is created a Rate Committee which shall consist of:
- 1273 (i) the director of the Governor's Office of Planning and Budget, or a designee;
- 1274 (ii) the executive directors of three state agencies that use services and pay rates to one
- 1275 of the department internal service funds, or their designee, appointed by the governor for a
- 1276 two-year term;
- 1277 (iii) the executive director of the Department of Administrative Services, or a designee;
- 1278 (iv) the director of the Division of Finance, or a designee; and
- 1279 (v) the chief information officer.
- 1280 (b) (i) The committee shall elect a chair from its members.
- 1281 (ii) Members of the committee who are state government employees and who do not
- 1282 receive salary, per diem, or expenses from their agency for their service on the committee shall
- 1283 receive no compensation, benefits, per diem, or expenses for the members' service on the
- 1284 committee.
- 1285 (c) The Department of Administrative Services shall provide staff services to the
- 1286 committee.
- 1287 (2) (a) The internal service funds managed by the following divisions shall submit to
- 1288 the committee a proposed rate and fee schedule for services rendered by the divisions to an
- 1289 executive branch entity or an entity that subscribes to services rendered by the division, the:
- 1290 (i) Division of Facilities Construction and Management;
- 1291 (ii) Division of Fleet Operations;
- 1292 (iii) Division of Purchasing and General Services; and
- 1293 ~~[(iv) Division of Information Technology Services; and]~~
- 1294 ~~[(v)]~~ (iv) Division of Risk Management.
- 1295 (b) The committee shall:
- 1296 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public
- 1297 Meetings;
- 1298 (ii) review the proposed rate and fee schedules and may approve, increase, or decrease

1299 the rate and fee;

1300 (iii) recommend a proposed rate and fee schedule for each internal service fund to:

1301 (A) the Governor's Office of Planning and Budget; and

1302 (B) the legislative appropriations subcommittees that, in accordance with Section

1303 63-38-3.5, approve the internal service fund agency's rates, fees, and budget; and

1304 (iv) review and approve, increase or decrease an interim rate, fee, or amount when an

1305 internal service fund agency begins a new service or introduces a new product between annual

1306 general sessions of the Legislature.

1307 (c) The committee may in accordance with Subsection 63-38-3.5(4) decrease a rate,

1308 fee, or amount that has been approved by the Legislature.

1309 Section 25. Section **63A-6-101.5** is amended to read:

1310 **63A-6-101.5. Definitions.**

1311 As used in this chapter:

1312 (1) "Chief information officer" means the chief information officer appointed under

1313 Section [~~63D-1a-301~~] 63F-1-201.

1314 (2) "Commission" means the Utah Technology Commission created in Section

1315 63D-1a-201.

1316 (3) "Computer center" means the location at which a central data processing platform is

1317 managed to serve multiple executive branch agencies.

1318 (4) "Data center" means a centralized repository for the storage, management, and

1319 dissemination of data.

1320 (5) "Director" means the director appointed in accordance with Section 63A-6-102.

1321 (6) "Division" means the Division of Information Technology Services created in

1322 Section 63A-6-101.

1323 (7) "Executive branch agency" is as defined in Section 63D-1a-102.

1324 (8) "Executive branch strategic plan" is as defined in Section 63D-1a-102.

1325 (9) "Information technology" is as defined in Section [~~63D-1a-102~~] 63F-1-102.

1326 (10) "Telecommunications" means the transmission or reception of signs, signals,

1327 writing, images, sounds, messages, data, or other information of any nature by wire, radio, light

1328 waves, or other electromagnetic means.

1329 Section 26. Section **63A-6-103** is amended to read:

- 1330 **63A-6-103. Duties of the division.**
- 1331 The division shall:
- 1332 (1) establish telecommunication system specifications and standards for use by:
- 1333 (a) one or more executive branch agencies; or
- 1334 (b) one or more entities that subscribe to the telecommunication systems in accordance
- 1335 with Section 63A-6-106;
- 1336 (2) coordinate state telecommunication planning:
- 1337 (a) in cooperation with:
- 1338 (i) state telecommunication users;
- 1339 (ii) executive branch agencies; and
- 1340 (iii) other subscribers to the state's telecommunication systems; and
- 1341 (b) subject to Section [~~63D-1a-307~~] 63A-6-108;
- 1342 (3) coordinate the development and implementation of advanced state
- 1343 telecommunication systems;
- 1344 (4) provide services including technical assistance to:
- 1345 (a) (i) executive branch agencies; and
- 1346 (ii) subscribers to the services; and
- 1347 (b) related to:
- 1348 (i) information technology; or
- 1349 (ii) telecommunications;
- 1350 (5) cooperate:
- 1351 (a) with:
- 1352 (i) the federal government;
- 1353 (ii) other state entities;
- 1354 (iii) counties; and
- 1355 (iv) municipalities;
- 1356 (b) in the development, implementation, and maintenance of:
- 1357 (i) governmental information technology; or
- 1358 (ii) governmental telecommunication systems; and
- 1359 (c) (i) as part of a cooperative organization; or
- 1360 (ii) through means other than a cooperative organization;

- 1361 (6) establish, operate, manage, and maintain:
- 1362 (a) one or more state data centers; and
- 1363 (b) one or more regional computer centers;
- 1364 (7) design, implement, and manage all state-owned, leased, or rented land mobile or
- 1365 radio telecommunication systems that are used in the delivery of services for state government
- 1366 or its political subdivisions;
- 1367 (8) in accordance with the executive branch strategic plan, implement minimum
- 1368 standards to be used by the division for purposes of compatibility of procedures, programming
- 1369 languages, codes, and media that facilitate the exchange of information within and among
- 1370 telecommunication systems; and
- 1371 (9) assist executive branch agencies in complying with the requirements of any rule
- 1372 adopted by the chief information officer in accordance with Section [~~63D-1a-305~~] 63F-1-206.
- 1373 Section 27. Section **63A-6-105** is amended to read:
- 1374 **63A-6-105. Duties of director -- Fees -- Rate Committee -- Advisory committee.**
- 1375 (1) The director shall:
- 1376 (a) at the lowest practical cost, manage the delivery of efficient and cost-effective
- 1377 information technology and telecommunication services for:
- 1378 (i) all executive branch agencies; and
- 1379 (ii) entities that subscribe to the services in accordance with Section 63A-6-106; and
- 1380 (b) provide priority service to public safety agencies.
- 1381 (2) The director may negotiate the purchase, lease, or rental of private or public
- 1382 information technology or telecommunication services or facilities in accordance with
- 1383 Subsection (7).
- 1384 (3) Where practical, efficient, and economically beneficial, the director shall use
- 1385 existing private and public information technology or telecommunication resources.
- 1386 (4) (a) [~~In accordance with Section 63D-1a-303, the~~] The director shall provide the
- 1387 chief information officer a written analysis of any agency information technology plan
- 1388 provided to the division by the chief information officer with the information requested by the
- 1389 chief information officer in accordance with Subsection 63F-1-504(3).
- 1390 (b) In accordance with Section [~~63D-1a-307~~] 63A-6-108, the division shall submit the
- 1391 division's agency information technology plan for approval by the chief information officer.

1392 (5) (a) In accordance with this Subsection (5), the director shall prescribe a schedule of
1393 fees for all services rendered by the division to:

1394 (i) an executive branch entity; or

1395 (ii) an entity that subscribes to services rendered by the division in accordance with
1396 Section 63A-6-106.

1397 (b) Each fee included in the schedule of fees required by Subsection (5)(a) shall be:

1398 (i) equitable; and

1399 (ii) sufficient to recover all the costs of operation, including the cost of capital
1400 equipment and facilities.

1401 (c) Before charging a fee to an executive branch agency, or to a subscriber of services
1402 other than an executive branch agency, the director shall:

1403 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
1404 in Section 63A-1-114; and

1405 (ii) obtain the approval of the Legislature as required by Section 63-38-3.5.

1406 (d) The director shall conduct a market analysis by July 1, 2005, and periodically
1407 thereafter, of proposed rates and fees, which analysis shall include a comparison of the
1408 division's rates with the fees of other public or private sector providers where comparable
1409 services and rates are reasonably available.

1410 (6) (a) The director shall create advisory committees composed of representatives of
1411 user agencies.

1412 (b) Those advisory committees may recommend policies and practices for the efficient
1413 and effective operation of the division.

1414 (7) Before negotiating a purchase, lease, or rental under Subsection (2) for an amount
1415 that exceeds the value established by policy in accordance with Section 63A-1-110, the director
1416 shall:

1417 (a) conduct an analysis of the needs of executive branch agencies and subscribers of
1418 services and the ability of the proposed information technology or telecommunications services
1419 or supplies to meet those needs; and

1420 (b) for purchases, leases, or rentals not covered by an existing statewide contract,
1421 provide in writing to the chief procurement officer in the Division of Purchasing and General
1422 Services that:

- 1423 (i) the analysis required in Subsection (7)(a) was completed; and
1424 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of
1425 services, products, or supplies is practical, efficient, and economically beneficial to the state
1426 and the executive branch agency or subscriber of services.

1427 Section 28. Section **63A-6-108**, which is renumbered from Section 63D-1a-307 is
1428 renumbered and amended to read:

1429 ~~[63D-1a-307]~~. **63A-6-108. Relationship with the division.**

1430 (1) In accordance with this section, the division shall submit an agency information
1431 technology plan.

1432 (2) The agency information technology plan submitted by the division under this
1433 section shall include:

1434 (a) the information required by Section ~~[63D-1a-303]~~ 63F-1-204;

1435 (b) a list of the services the division offers or plans to offer;

1436 (c) a description of the performance measures used by the division to measure the
1437 quality of the services described in Subsection (2)(b); and

1438 (d) a summary of the state telecommunication plans developed in accordance with
1439 Subsection 63A-6-103(2).

1440 (3) (a) In submitting its agency information technology plan under this section, the
1441 division shall comply with Section ~~[63D-1a-303]~~ 63F-1-204.

1442 (b) The agency information technology plan submitted by the division under this
1443 section is subject to the approval of the chief information officer as provided in Section
1444 ~~[63D-1a-303]~~ 63F-1-204.

1445 (4) (a) The division shall assist the chief information officer with restructuring the
1446 state's information technology governance in accordance with Title 63F, Utah Technology
1447 Governance Act.

1448 (b) Beginning July 1, 2005 and until the repeal of this chapter on July 1, 2006, the
1449 division shall systematically transfer all the powers and duties granted to the division under this
1450 chapter to the chief information officer and the Department of Technology Services in
1451 accordance with the chief information officer's plan developed in accordance with uncodified
1452 Section 69, Transition to new department, and as provided in Title 63F, Utah Technology
1453 Governance Act.

1454 (c) Notwithstanding the provisions of Section 63-38-8.2, on July 1, 2006, any authority
 1455 to acquire capital assets, which has been granted nonlapsing authority under the provisions of
 1456 Section 63-38-8.2, and which is held by the division shall be transferred to the Department of
 1457 Technology Services.

1458 Section 29. Section **63D-1a-102** is amended to read:

1459 **63D-1a-102. Definitions.**

1460 As used in this title:

1461 (1) "Cabinet level officials" means executive directors of departments and others who
 1462 serve on the governor's cabinet.

1463 (2) "Chief information officer" means the chief information officer appointed under
 1464 Section ~~[63D-1a-301]~~ 63F-1-201.

1465 (3) "Commission" means the Utah Technology Commission created in Section
 1466 63D-1a-201.

1467 ~~[(4) "Division" means the Division of Information Technology Services created in Title~~
 1468 ~~63A, Chapter 6, Information Technology Services.]~~

1469 ~~[(5)]~~ (4) (a) Except as provided in Subsection ~~[(5)]~~ (4)(b), "executive branch agency"
 1470 means an agency or administrative subunit of state government.

1471 (b) "Executive branch agency" does not include:

1472 (i) the legislative branch;

1473 (ii) the judicial branches;

1474 (iii) the State Board of Education;

1475 (iv) the Board of Regents; and

1476 (v) institutions of higher education.

1477 ~~[(6)]~~ (5) "Executive branch strategic plan" means the executive branch strategic plan
 1478 created under Section ~~[63D-1a-302]~~ 63F-1-203.

1479 ~~[(7) "Information system" means a system designed, built, operated, and maintained:]~~

1480 ~~[(a) to collect, record, process, store, retrieve, and display information; and]~~

1481 ~~[(b) involving one or more of the following resources:]~~

1482 ~~[(i) people;]~~

1483 ~~[(ii) procedures; or]~~

1484 ~~[(iii) equipment.]~~

- 1485 ~~[(8) "Information technology" means all computerized and auxiliary automated~~
- 1486 ~~information handling, including:]~~
- 1487 ~~[(a) systems design and analysis;]~~
- 1488 ~~[(b) conversion of data;]~~
- 1489 ~~[(c) computer programming;]~~
- 1490 ~~[(d) information storage and retrieval;]~~
- 1491 ~~[(e) voice, radio, video, and data communications;]~~
- 1492 ~~[(f) requisite systems controls;]~~
- 1493 ~~[(g) simulation; and]~~
- 1494 ~~[(h) all related interactions between people and machines.]~~

Section 30. Section **63F-1-101** is enacted to read:

TITLE 63F. UTAH TECHNOLOGY GOVERNANCE ACT
CHAPTER 1. DEPARTMENT OF TECHNOLOGY SERVICES
Part 1. General Provisions

63F-1-101. Title.

(1) This title is known as the "Utah Technology Governance Act."

(2) This chapter is known as the "Department of Technology Services."

Section 31. Section **63F-1-102** is enacted to read:

63F-1-102. Definitions.

As used in this title:

(1) "Board" means the Technology Advisory Board created in Section 63F-1-202.

(2) "Chief information officer" means the chief information officer appointed under Section 63F-1-201.

(3) "Commission" means the Utah Technology Commission created in Section 63D-1a-201.

(4) "Computer center" means the location at which a central data processing platform is managed to serve multiple executive branch agencies.

(5) "Data center" means a centralized repository for the storage, management, and dissemination of data.

(6) "Department" means the Department of Technology Services.

(7) (a) Except as provided in Subsection (7)(b), "executive branch agency" means an

1516 agency or administrative subunit of state government.

1517 (b) "Executive branch agency" does not include:

1518 (i) the legislative branch;

1519 (ii) the judicial branch;

1520 (iii) the State Board of Education;

1521 (iv) the Board of Regents; ~~and~~ ~~and~~

1522 (v) institutions of higher education ~~and~~ ;

1522a (vi) independent entities as defined in Section 63E-1-102; and

1522b (vii) ~~the state auditor's office~~ elective constitutional offices of the executive

1522c department which includes:

1522d (A) the state auditor;

1522e (B) the state treasurer; and

1522f (C) the attorney general ~~and~~ ~~and~~ .

1523 (8) "Executive branch strategic plan" means the executive branch strategic plan created

1524 under Section 63F-1-203.

1525 (9) "Information technology" means all computerized and auxiliary automated

1526 information handling, including:

1527 (a) systems design and analysis;

1528 (b) ~~and~~ acquisition, storage, and ~~and~~ conversion of data;

1529 (c) computer programming;

1530 (d) information storage and retrieval;

1531 (e) voice, radio, video, and data communications;

1532 (f) requisite systems controls;

1533 (g) simulation; and

1534 (h) all related interactions between people and machines.

1535 (10) "State information architecture" means a logically consistent set of principles,

1536 policies, and standards that guide the engineering of state government's information technology

1537 and infrastructure in a way that ensures alignment with state government's business and service

1538 needs.

1539 (11) "Telecommunications" means the transmission or reception of signs, signals,

1540 writing, images, sounds, messages, data, or other information of any nature by wire, radio, light

1541 waves, or other electromagnetic means.

1542 Section 32. Section **63F-1-103** is enacted to read:

1543 **63F-1-103. Department of Technology Services.**

1544 (1) There is created within state government the Department of Technology Services

1545 which has all of the policymaking functions, regulatory and enforcement powers, rights, duties,

1546 and responsibilities outlined in this title.

1547 (2) In accordance with Subsection 63-38-3.5(7), the department has authority to
1548 operate as an internal service fund agency as provided in Section 63-38-3.5.
1549 Section 33. Section **63F-1-104** is enacted to read:
1550 **63F-1-104. Purposes.**
1551 The department shall:
1552 (1) lead state executive branch agency efforts to reengineer the state's information
1553 technology architecture with the goal of coordinating central and individual agency information
1554 technology in a manner that:
1555 (a) ensures compliance with the executive branch agency strategic plan; and
1556 (b) ensures that cost-effective, efficient information and communication systems and
1557 resources are being used by agencies to:
1558 (i) reduce data, hardware, and software redundancy;
1559 (ii) improve system interoperability and data accessibility between agencies; and
1560 (iii) meet the agency's and user's business and service needs;
1561 (2) (a) coordinate an executive branch strategic plan for all agencies;
1562 (b) identify best practices from agencies and other public and private sector entities;
1563 and
1564 (c) develop and implement processes to replicate information technology best practices
1565 and standards throughout the executive branch;
1566 (3) oversee the expanded use and implementation of project and contract management
1567 principles as they relate to information technology projects within the executive branch;
1568 (4) serve as general contractor between the state's information technology users and
1569 private sector providers of information technology products and services;
1570 (5) work toward building stronger partnering relationships with providers;
1571 (6) develop service level agreements with executive branch departments and agencies
1572 to ensure quality products and services are delivered on schedule and within budget;
1573 (7) develop standards for application development including a standard methodology
1574 and cost-benefit analysis that all agencies shall utilize for application development activities;
1575 (8) determine and implement statewide efforts to standardize data elements and
1576 determine data ownership assignments among executive branch agencies;
1577 (9) develop systems and methodologies to review, evaluate, and prioritize existing

1578 information technology projects within the executive branch and report to the governor and the
 1579 commission on a semiannual basis regarding the status of information technology projects; and
 1580 (10) assist the Governor's Office of Planning and Budget with the development of
 1581 information technology budgets for agencies.

1582 Section 34. Section **63F-1-105** is enacted to read:

1583 **63F-1-105. Appointment of executive director -- Compensation -- Authority.**

1584 (1) The governor shall:

1585 (a) appoint the executive director with the consent of the Senate; and

1586 (b) establish the executive director's salary within the salary range fixed by the
 1587 Legislature in Title 67, Chapter 22, State Officer Compensation.

1588 (2) The executive director shall:

1589 (a) serve at the pleasure of the governor; and

1590 (b) exercise all powers given to and perform all duties imposed on the department.

1591 Section 35. Section **63F-1-106** is enacted to read:

1592 **63F-1-106. Executive director -- Jurisdiction over divisions and office directors --**
 1593 **Authority.**

1594 (1) The executive director of the department has administrative jurisdiction over each
 1595 division and office in the department and the division and office directors. The executive
 1596 director may make changes in personnel and service functions in the divisions under the
 1597 director's administrative jurisdiction, and authorize designees to perform appropriate
 1598 responsibilities, to effectuate greater efficiency and economy in the operations of the
 1599 department as permitted by this section.

1600 (2) The executive director may establish offices and bureaus to perform functions such
 1601 as budgeting, planning, and personnel administration to facilitate management of the
 1602 department.

1603 (3) The executive director may hire employees in the department, divisions, and offices
 1604 as permitted by department resources. Except as provided in Subsection (4), any employees of
 1605 the department are exempt from career service or classified service status as provided in
 1606 Section 67-19-15.

1607 (4) (a) An employee of an executive branch agency who was a career service employee
 1608 as of July 1, 2005 ~~H~~→ [and whose functions are] who is ←~~H~~ transferred to the Department
 1608a of Technology

1609 Services continues in the employee's career service status during the employee's service to the
 1610 Department of Technology Services ~~H~~→ if the duties of the position in the new department are
 1610a substantially similar to those in the employee's previous position.

1610b (b) A career service employee transferred to the new department under the provisions
 1610c of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be
 1610d converted to exempt status without the review process required by Subsection 67-19-15(3).

1610e (c) The executive director shall work with executive branch agency directors, during the
 1610f period of transition to the new department, in good faith, to:

1610g (i) preserve relevant career service positions;

1610h (ii) retain qualified employees in non-relevant positions through transfers to other
 1610i positions in state government, with retraining as necessary; and

1610j (iii) promote greater economy and efficiencies for the department ←~~H~~ .

1611 ~~H~~→ [~~(b)~~] (d) ←~~H~~ The Department of Technology Services together with the Department
 1611a of Human

1612 Resource Management may develop financial and other incentives to encourage a career
 1613 service employee who transfers to the department under the provisions of Subsection (4)(a) to
 1614 voluntarily convert to an exempt position under Section 67-19-15.

1615 ~~H~~→ [~~(c)~~] (e) ←~~H~~ If a career service employee transfers to the department under the
 1615a provisions of
 1616 Subsection (4)(a) and terminates his employment with the department for any reason, the
 1617 employment position shall be exempt from career service status under the provisions of
 1618 Subsection (3).

1619 Section 36. Section **63F-1-107** is enacted to read:

1620 **63F-1-107. Divisions of department -- Administration.**

1621 (1) The department shall be composed of the following divisions:

1622 (a) the Division of Enterprise Technology;

1623 (b) the Division of Integrated Technology; and

1624 (c) the Division of Agency Services.

1625 (2) Each division shall be administered and managed by a division director.

1626 Section 37. Section **63F-1-201** is enacted to read:

1627 **Part 2. Chief Information Officer**

1628 **63F-1-201. Chief information officer -- Appointment -- Powers -- Reporting.**

1629 (1) The director of the department shall serve as the state's chief information officer.

1630 (2) The chief information officer shall:

1631 (a) advise the governor on information technology policy; and

1632 (b) perform those duties given the chief information officer by statute.

1633 (3) (a) The chief information officer shall report annually to:

1634 (i) the governor;

1635 (ii) the commission; and

1636 (iii) the Public Utilities and Technology Interim Committee.

1637

(b) The report required under Subsection (3)(a) shall:

1638

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

1639

(ii) summarize the executive branch strategic plan including a description of major

1640 changes in the executive branch strategic plan; and
1641 (iii) provide a brief description of each state agency's information technology plan.
1642 Section 38. Section **63F-1-202** is enacted to read:
1643 **63F-1-202. Technology Advisory Board -- Membership -- Duties.**
1644 (1) There is created the Technology Advisory Board to the chief information officer.
1645 The board shall have seven members as follows:
1646 (a) three members appointed by the governor who are individuals actively involved in
1647 business planning for state agencies;
1648 (b) one member appointed by the governor who is actively involved in business
1649 planning for higher education or public education;
1650 (c) one member appointed by the speaker of the House of Representatives and
1651 president of the Senate from the Legislative Automation Committee of the Legislature to
1652 represent the legislative branch;
1653 (d) one member appointed by the Judicial Council to represent the judicial branch; and
1654 (e) one member appointed by the governor who represents private sector business
1655 needs in the state, but who is not an information technology vendor for the state.
1656 (2) (a) The members of the advisory board shall elect a chair from the board by
1657 majority vote.
1658 (b) The department shall provide staff to the board.
1659 (c) (i) A majority of the members of the board constitutes a quorum.
1660 (ii) Action by a majority of a quorum of the board constitutes an action of the board.
1661 (3) The board shall meet as necessary to advise the chief information officer and assist
1662 the chief information officer and executive branch agencies in coming to consensus on:
1663 (a) the development and implementation of the state's information technology strategic
1664 plan;
1665 (b) critical information technology initiatives for the state;
1666 (c) the development of standards for state information architecture;
1667 (d) identification of the business and technical needs of state agencies;
1668 (e) the department's performance measures for service agreements with executive
1669 branch agencies and subscribers of services; and
1670 (f) the efficient and effective operation of the department.

1671 (4) (a) (i) Members of the board who are not state government employees shall receive
1672 no compensation of benefits for their services, but may receive per diem and expenses incurred
1673 in the performance of the member's official duties at the rates established by the Division of
1674 Finance under Sections 63A-3-106 and 63A-3-107.

1675 (ii) Members may decline to receive per diem and expense for their service.

1676 (b) (i) State government officers and employee members who do not receive salary, per
1677 diem, or expenses from their agency for their service may receive per diem and expenses
1678 incurred in the performance of their official duties at the rates established by the Division of
1679 Finance under Sections 63A-3-106 and 63A-3-107.

1680 (ii) State government officer and employee members may decline to receive per diem
1681 and expenses for the member's service.

1682 Section 39. Section **63F-1-203** is enacted to read:

1683 **63F-1-203. Executive branch information technology strategic plan.**

1684 (1) In accordance with this section, the chief information officer shall prepare an
1685 executive branch information technology strategic plan:

1686 (a) that complies with this chapter; and

1687 (b) which shall include:

1688 (i) a strategic plan for the:

1689 (A) interchange of information related to information technology between executive
1690 branch agencies;

1691 (B) coordination between executive branch agencies in the development and
1692 maintenance of information technology and information systems including the coordination of
1693 agency information technology plans described in Section 63F-1-204; and

1694 (C) protection of the privacy of individuals who use state information technology or
1695 information systems;

1696 (ii) priorities for the development and implementation of information technology or
1697 information systems including priorities determined on the basis of:

1698 (A) the importance of the information technology or information system; and

1699 (B) the time sequencing of the information technology or information system; and

1700 (iii) maximizing the use of existing state information technology resources.

1701 (2) In the development of the executive branch strategic plan, the chief information

1702 officer shall consult with all cabinet level officials and the advisory board created in Section
1703 63F-1-202.

1704 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance
1705 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on
1706 which the executive branch strategic plan is submitted to:

1707 (i) the governor; and

1708 (ii) the commission.

1709 (b) The chief information officer or the governor may withdraw the executive branch
1710 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer
1711 determines that the executive branch strategic plan:

1712 (i) should be modified; or

1713 (ii) for any other reason should not take effect.

1714 (c) The commission may make recommendations to the governor and to the chief
1715 information officer if the commission determines that the executive branch strategic plan
1716 should be modified or for any other reason should not take effect.

1717 (d) Modifications adopted by the chief information officer shall be resubmitted to the
1718 governor and the commission for their review or approval as provided in Subsections (3)(a)
1719 and (b).

1720 (4) The executive branch strategic plan is to be implemented by executive branch
1721 agencies through each executive branch agency adopting an agency information technology
1722 plan in accordance with Section 63F-1-204.

1723 Section 40. Section **63F-1-204** is enacted to read:

1724 **63F-1-204. Agency information technology plans.**

1725 (1) (a) By July 1 of each year, each executive branch agency shall submit an agency
1726 information technology plan to the chief information officer at the department level, unless the
1727 governor or the chief information officer request an information technology plan be submitted
1728 by a subunit of a department, or by an executive branch agency other than a department.

1729 (b) The information technology plans required by this section shall be in the form and
1730 level of detail required by the chief information officer, by administrative rule adopted in
1731 accordance with Section 63F-1-206, and shall include, at least:

1732 (i) the information technology objectives of the agency;

- 1733 (ii) any performance measures used by the agency for implementing the agency's
1734 information technology objectives;
- 1735 (iii) any planned expenditures related to information technology;
1736 (iv) the agency's need for appropriations for information technology;
1737 (v) how the agency's development of information technology coordinates with other
1738 state and local governmental entities;
- 1739 (vi) any efforts the agency has taken to develop public and private partnerships to
1740 accomplish the information technology objectives of the agency; and
- 1741 (vii) the efforts the executive branch agency has taken to conduct transactions
1742 electronically in compliance with Section 46-4-503.
- 1743 (2) (a) Except as provided in Subsection (2)(b), an agency information technology plan
1744 described in Subsection (1) shall comply with the executive branch strategic plan established in
1745 accordance with Section 63F-1-203.
- 1746 (b) If the executive branch agency submitting the agency information technology plan
1747 justifies the need to depart from the executive branch strategic plan, an agency information
1748 technology plan may depart from the executive branch strategic plan to the extent approved by
1749 the chief information officer.
- 1750 (3) (a) On receipt of a state agency information technology plan, the chief information
1751 officer shall forward a complete copy of the agency information technology plan to the
1752 Division of Enterprise Technology created in Section 63F-1-401 and the Division of Integrated
1753 Technology created in Section 63F-1-501.
- 1754 (b) The divisions shall provide the chief information officer a written analysis of each
1755 agency plan submitted in accordance with Sections 63F-1-404 and 63F-1-504.
- 1756 (4) (a) The chief information officer shall review each agency plan to determine:
- 1757 (i) (A) whether the agency plan complies with the executive strategic plan and state
1758 information architecture; or
- 1759 (B) to the extent that the agency plan does not comply with the executive strategic plan
1760 or state information architecture, whether the executive branch entity is justified in departing
1761 from the executive strategic plan, or state information architecture; and
- 1762 (ii) whether the agency plan meets the information technology and other needs of:
- 1763 (A) the executive branch agency submitting the plan; and

- 1764 (B) the state.
 1765 (b) In conducting the review required by Subsection (4)(a), the chief information
 1766 officer shall consider the analysis submitted by the divisions under Subsection (3).
 1767 (5) After the chief information officer conducts the review described in Subsection (4)
 1768 of an agency information technology plan, the chief information officer may:
 1769 (a) approve the agency information technology plan;
 1770 (b) disapprove the agency information technology plan; or
 1771 (c) recommend modifications to the agency information technology plan.
 1772 (6) An executive branch agency or the department may not submit a request for
 1773 appropriation related to information technology or an information technology system to the
 1774 governor in accordance with Section 63-38-2 until after the executive branch agency's
 1775 information technology plan is approved by the chief information officer.

1776 Section 41. Section **63F-1-205** is enacted to read:

1777 **63F-1-205. Approval of acquisitions of information technology.**

- 1778 (1) (a) In accordance with Subsection (2), the chief information officer shall approve
 1779 the acquisition by an executive branch agency of:
 1780 (i) information technology equipment;
 1781 (ii) telecommunications equipment;
 1782 (iii) software; ~~H→~~ [and] ~~←H~~
 1783 (iv) services related to the items listed in Subsections (1)(a)(i) through (iii) ~~H→~~ ; and
 1783a (v) data acquisition ~~←H~~ .
 1784 (b) The chief information officer may negotiate the purchase, lease, or rental of private
 1785 or public information technology or telecommunication services or facilities in accordance with
 1786 this section.
 1787 (c) Where practical, efficient, and economically beneficial, the chief information
 1788 officer shall use existing private and public information technology or telecommunication
 1789 resources.
 1790 (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount
 1791 that exceeds the value established by the chief information officer by rule in accordance with
 1792 Section 63F-1-206, the chief information officer shall:
 1793 (a) conduct an analysis of the needs of executive branch agencies and subscribers of
 1794 services and the ability of the proposed information technology or telecommunications services

1795 or supplies to meet those needs; and
1796 (b) for purchases, leases, or rentals not covered by an existing statewide contract,
1797 provide in writing to the chief procurement officer in the Division of Purchasing and General
1798 Services that:
1799 (i) the analysis required in Subsection (2)(a) was completed; and
1800 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of
1801 services, products, or supplies is practical, efficient, and economically beneficial to the state
1802 and the executive branch agency or subscriber of services.
1803 (3) In approving an acquisition described in Subsections (1) and (2), the chief
1804 information officer shall:
1805 (a) establish by administrative rule, in accordance with Section 63F-1-206, standards
1806 under which an agency must obtain approval from the chief information officer before
1807 acquiring the items listed in Subsections (1) and (2);
1808 (b) for those acquisitions requiring approval, determine whether the acquisition is in
1809 compliance with:
1810 (i) the executive strategic plan;
1811 (ii) the applicable agency information technology plan;
1812 (iii) the budget for the executive branch agency or department as adopted by the
1813 Legislature; and
1814 (iv) Title 63, Chapter 56, Utah Procurement Code; and
1815 (c) in accordance with Section 63F-1-207, require coordination of acquisitions between
1816 two or more executive branch agencies if it is in the best interests of the state.
1817 (4) (a) Each executive branch agency shall provide the chief information officer with
1818 complete access to all information technology records, documents, and reports:
1819 (i) at the request of the chief information officer; and
1820 (ii) related to the executive branch agency's acquisition of any item listed in Subsection
1821 (1).
1822 (b) Beginning July 1, 2006 and in accordance with administrative rules established by
1823 the department under Section 63F-1-206, no new technology projects may be initiated by an
1824 executive branch agency or the department unless the technology project is described in a
1825 formal project plan and the business case analysis has been approved by the chief information

1826 officer and agency head. The project plan and business case analysis required by this
1827 Subsection (4) shall be in the form required by the chief information officer, and shall include:
1828 (i) a statement of work to be done and existing work to be modified or displaced;
1829 (ii) total cost of system development and conversion effort, including system analysis
1830 and programming costs, establishment of master files, testing, documentation, special
1831 equipment cost and all other costs, including overhead;
1832 (iii) savings or added operating costs that will result after conversion;
1833 (iv) other advantages or reasons that justify the work;
1834 (v) source of funding of the work, including ongoing costs;
1835 (vi) consistency with budget submissions and planning components of budgets; and
1836 (vii) whether the work is within the scope of projects or initiatives envisioned when the
1837 current fiscal year budget was approved.
1838 (5) (a) The chief information officer and the Division of Purchasing and General
1839 Services shall work cooperatively to establish procedures under which the chief information
1840 officer shall monitor and approve acquisitions as provided in this section.
1841 (b) The procedures established under this section shall include at least the written
1842 certification required by Subsection 63-56-9(8).
1843 Section 42. Section **63F-1-206** is enacted to read:
1844 **63F-1-206. Rulemaking -- Policies.**
1845 (1) (a) Except as provided in Subsection (2), in accordance with Title 63, Chapter 46a,
1846 Utah Administrative Rulemaking Act, the chief information officer shall make rules that:
1847 (i) provide standards that impose requirements on executive branch agencies that:
1848 (A) are related to the security of the statewide area network; and
1849 (B) establish standards for when an agency must obtain approval before obtaining
1850 items listed in Subsection 63F-1-205(1);
1851 (ii) specify the detail and format required in an agency information technology plan
1852 submitted in accordance with Section 63F-1-204;
1853 (iii) provide for standards related to the privacy policies of websites operated by or on
1854 behalf of an executive branch agency;
1855 (iv) provide for the acquisition, licensing, and sale of computer software;
1856 (v) specify the requirements for the project plan and business case analysis required by

1857 Section 63F-1-205;
1858 (vi) provide for project oversight of agency technology projects when required by
1859 Section 63F-1-205;
1860 (vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the
1861 needs assessment for information technology purchases;
1862 (viii) establish telecommunications standards and specifications in accordance with
1863 Section 63F-1-404; and
1864 (ix) establish policies regarding the issuance of digital certificates by government
1865 entities under Section 46-3-601.
1866 (b) The rulemaking authority in this Subsection (1) is in addition to any other rule
1867 making authority granted by this title.
1868 (2) (a) Notwithstanding Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
1869 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines
1870 procedures to be followed by the chief information officer in facilitating the implementation of
1871 this title by executive branch agencies if the policy:
1872 (i) is consistent with the executive strategic plan; and
1873 (ii) is not required to be made by rule under Subsection (1) or Section 63-46a-3.
1874 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may
1875 not take effect until 30 days after the day on which the chief information officer submits the
1876 policy to:
1877 (A) the governor; and
1878 (B) all cabinet level officials.
1879 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials
1880 may review and comment on a policy submitted under Subsection (2)(b)(i).
1881 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63, Chapter 46a, Utah
1882 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the
1883 chief information officer may adopt a security procedure to be followed by executive branch
1884 agencies to protect the statewide area network if:
1885 (i) broad communication of the security procedure would create a significant potential
1886 for increasing the vulnerability of the statewide area network to breach or attack; and
1887 (ii) after consultation with the chief information officer, the governor agrees that broad

1888 communication of the security procedure would create a significant potential increase in the
1889 vulnerability of the statewide area network to breach or attack.

1890 (b) A security procedure described in Subsection (3)(a) is classified as a protected
1891 record under Title 63, Chapter 2, Government Records Access and Management Act.

1892 (c) The chief information officer shall provide a copy of the security procedure as a
1893 protected record to:

1894 (i) the chief justice of the Utah Supreme Court for the judicial branch;

1895 (ii) the speaker of the House of Representatives and the president of the Senate for the
1896 legislative branch;

1897 (iii) the chair of the Board of Regents; and

1898 (iv) the chair of the State Board of Education.

1899 Section 43. Section **63F-1-207** is enacted to read:

1900 **63F-1-207. Coordination within the executive branch -- Cooperation with other**
1901 **branches.**

1902 (1) In accordance with the executive branch strategic plan and the requirements of this
1903 title, the chief information officer shall coordinate the development of information technology
1904 systems between two or more executive branch agencies subject to:

1905 (a) the budget approved by the Legislature; and

1906 (b) Title 63, Chapter 38, Budgetary Procedures Act.

1907 (2) In addition to the coordination described in Subsection (1), the chief information
1908 officer shall promote cooperation regarding information technology in a manner consistent
1909 with the interbranch coordination plan created in accordance with Title 63D, Chapter 1a, Part
1910 4, Interbranch Coordination.

1911 Section 44. Section **63F-1-208** is enacted to read:

1912 **63F-1-208. Delegation of department functions.**

1913 (1) (a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other
1914 provisions of this section, the chief information officer may delegate a function of the
1915 department to another executive branch agency or an institution of higher education by contract
1916 or other means authorized by law.

1917 (b) The chief information officer may delegate a function of the department as
1918 provided in Subsection (1)(a) if in the judgment of the director of the executive branch agency,

1919 the director of the division, and the chief information officer:
1920 (i) the executive branch agency or institution of higher education has requested that the
1921 function be delegated;
1922 (ii) the executive branch agency or institution of higher education has the necessary
1923 resources and skills to perform or control the function to be delegated; and
1924 (iii) the function to be delegated is a unique or mission critical function of the agency
1925 or institution of higher education which is not appropriate to:
1926 (A) govern or manage under the Division of Enterprise Technology; or
1927 (B) govern or manage under the Division of Integrated Technology.
1928 (2) The chief information officer may delegate a function of the department only when
1929 the delegation results in net cost savings or improved service delivery to the state as a whole or
1930 to the unique mission critical function of the executive branch agency.
1931 (3) The delegation of a function under this section shall:
1932 (a) be in writing;
1933 (b) contain all of the following:
1934 (i) a precise definition of each function to be delegated;
1935 (ii) a clear description of the standards to be met in performing each function
1936 delegated;
1937 (iii) a provision for periodic administrative audits by the Division of Agency Services
1938 in accordance with Section 63F-1-604;
1939 (iv) a date on which the agreement shall terminate if the agreement has not been
1940 previously terminated or renewed; and
1941 (v) any delegation of department staff to the agency to support the function in-house
1942 with the agency and rates to be charged for the delegated staff; and
1943 (c) include a cost-benefit analysis justifying the delegation in accordance with Section
1944 63F-1-604.
1945 (4) An agreement to delegate functions to an executive branch agency or an institution
1946 of higher education may be terminated by the department if the results of an administrative
1947 audit conducted by the division reveals a lack of compliance with the terms of the agreement
1948 by the executive branch agency or institution of higher education.
1949 Section 45. Section **63F-1-209** is enacted to read:

1950 **63F-1-209. Delegation of department staff to executive branch agencies --**
 1951 **Prohibition against executive branch agency information technology staff.**
 1952 (1) (a) The chief information officer shall assign department staff to serve an agency
 1953 in-house if the chief information officer and the executive branch agency director jointly
 1954 determine it is appropriate to provide information technology services to:
 1955 (i) the agency's unique mission critical functions and applications;
 1956 (ii) the agency's participation in and use of statewide enterprise architecture under the
 1957 Division of Enterprise Technology; and
 1958 (iii) the agency's use of coordinated technology services with other agencies that share
 1959 similar characteristics with the agency under the Division of Integrated Technology.
 1960 (b) (i) An agency may request the chief information officer to assign in-house staff
 1961 support from the department.
 1962 (ii) The chief information officer shall respond to the agency's request for in-house
 1963 staff support in accordance with Subsection (1)(a).
 1964 (c) The department shall enter into service agreements with an agency when
 1965 department staff is assigned in-house to the agency under the provisions of this section.
 1966 (d) An agency that receives in-house staff support assigned from the department under
 1967 the provision of this section is responsible for paying the rates charged by the department for
 1968 that staff as established under Section 63F-1-301.
 1969 (2) (a) After July 1, 2006, an executive branch agency may not create a full-time
 1970 equivalent position or part-time position, or request an appropriation to fund a full-time
 1971 equivalent position or part-time position under the provisions of Section 63-38-2 for the
 1972 purpose of providing information technology services to the agency unless:
 1973 (i) the chief information officer has approved a delegation under Section 63F-1-208;
 1974 and
 1975 (ii) the ~~H~~→ [Department] Division ←~~H~~ of Agency Services conducts an audit under
 1975a Section 63F-1-604 and
 1976 finds that the delegation of information technology services to the agency meets the
 1977 requirements of Section 63F-1-208.
 1978 (b) The prohibition against a request for appropriation under Subsection (2)(a) does not
 1979 apply to a request for appropriation needed to pay rates imposed under Section (1)(d).
 1980 Section 46. Section **63F-1-301** is enacted to read:

1981 **Part 3. Information Technology Rate Committee**

1982 **63F-1-301. Cost based services -- Fees -- Rate committee.**

1983 (1) The chief information officer shall:

1984 (a) at the lowest practical cost, manage the delivery of efficient and cost-effective

1985 information technology and telecommunication services for:

1986 (i) all executive branch agencies; and

1987 (ii) entities that subscribe to the services in accordance with Section 63F-1-303; and

1988 (b) provide priority service to public safety agencies.

1989 (2) (a) In accordance with this Subsection (2), the chief information officer shall

1990 prescribe a schedule of fees for all services rendered by the department to:

1991 (i) an executive branch entity; or

1992 (ii) an entity that subscribes to services rendered by the department in accordance with

1993 Section 63F-1-303.

1994 (b) Each fee included in the schedule of fees required by Subsection (2)(a):

1995 (i) shall be equitable;

1996 (ii) should be based upon a zero based, full cost accounting of activities necessary to

1997 provide each service for which a fee is established; and

1998 (iii) for each service multiplied by the projected consumption of the service recovers

1999 no more or less than the full cost of each service.

2000 (c) Before charging a fee for its services to an executive branch agency or to a

2001 subscriber of services other than an executive branch agency, the chief information officer

2002 shall:

2003 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established

2004 in Section 63F-1-302; and

2005 (ii) obtain the approval of the Legislature as required by Section 63-38-3.5.

2006 (d) The chief information officer shall conduct a market analysis by July 1, 2006, and

2007 periodically thereafter, of proposed rates and fees, which analysis shall include a comparison of

2008 the department's rates with the fees of other public or private sector providers where

2009 comparable services and rates are reasonably available.

2010 Section 47. Section **63F-1-302** is enacted to read:

2011 **63F-1-302. Information Technology Rate Committee -- Membership -- Duties.**

2012 (1) (a) There is created an Information Technology Rate Committee which shall consist
2013 of:

2014 (i) the director of the Governor's Office of Planning and Budget, or a designee;
2015 (ii) the executive directors, or their designee, of three executive branch agencies that
2016 use services and pay rates to one of the department internal service funds, appointed by the
2017 governor for a two-year term;

2018 (iii) the director of the Division of Finance, or a designee; and
2019 (v) the chief information officer.

2020 (b) (i) The director of the Division of Finance shall serve as chair of the committee.
2021 (ii) Members of the committee who are state government employees and who do not
2022 receive salary, per diem, or expenses from their agency for their service on the committee shall
2023 receive no compensation, benefits, per diem, or expenses for the members' service on the
2024 committee.

2025 (c) The department shall provide staff services to the committee.

2026 (2) (a) Any internal service funds managed by the department shall submit to the
2027 committee a proposed rate and fee schedule for services rendered by the department to an
2028 executive branch agency or an entity that subscribes to services rendered by the department.

2029 (b) The committee shall:

2030 (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public
2031 Meetings;

2032 (ii) review the proposed rate and fee schedule and determine if the proposed fee is
2033 based on cost recovery as required by Subsection 63F-1-301(2)(b);

2034 (iii) review the proposed rate and fee schedules and may approve, increase, or decrease
2035 the rate and fee;

2036 (iv) recommend a proposed rate and fee schedule for each internal service fund to:

2037 (A) the Governor's Office of Planning and Budget; and
2038 (B) the Office of Legislative Fiscal Analyst for review by the Legislature in accordance
2039 with Section 63-38-3.5, which requires the Legislature to approve the internal service fund
2040 agency's rates, fees, and budget in an appropriations act; and

2041 (v) in accordance with Section 63-38-3.5, review and approve, increase or decrease an
2042 interim rate, fee, or amount when an internal service fund agency begins a new service or

2043 introduces a new product between annual general sessions of the Legislature, which rate, fee, or
 2044 amount shall be submitted to the Legislature at the next annual general session.

2045 (c) The committee may in accordance with Subsection 63-38-3.5(4) decrease a rate,
 2046 fee, or amount that has been approved by the Legislature.

2047 Section 48. Section **63F-1-303** is enacted to read:

2048 **63F-1-303. Executive branch agencies -- Subscription by institutions.**

2049 (1) An executive branch agency in accordance with its agency information technology
 2050 plan approved by the chief information officer shall:

2051 (a) subscribe to the information technology services provided by the department; or

2052 (b) contract with one or more alternate private providers of information technology
 2053 services if the chief information officer determines that the purchase of the services from a
 2054 private provider will:

2055 (i) result in:

2056 (A) cost savings;

2057 (B) increased efficiency; or

2058 (C) improved quality of services; and

2059 (ii) not impair the interoperability of the state's information technology services.

2060 (2) An institution of higher education may subscribe to the services provided by the
 2061 department if:

2062 (a) the president of the institution recommends that the institution subscribe to the
 2063 services of the department; and

2064 (b) the Board of Regents determines that subscription to the services of the department
 2065 will result in cost savings or increased efficiency to the institution.

2066 (3) The following may subscribe to information technology services by requesting that
 2067 the services be provided from the department:

2068 (a) the legislative branch;

2069 (b) the judicial branch;

2070 (c) the State Board of Education;

2071 (d) a political subdivision of the state;

2072 (e) an agency of the federal government; ~~H→~~ [or] ~~←H~~

2073 (f) an independent entity as defined in Section 63E-1-102 ~~H→~~ ; and

2073a (g) ~~S→~~ [the state auditor's office] an elective constitutional officer of the executive

2073b department as defined in Subsection 63F-1-102(7)(b) ~~←S~~ ~~←H~~ .

2074 Section 49. Section **63F-1-401** is enacted to read:

2075 **Part 4. Division of Enterprise Technology**

2076 **63F-1-401. Creation -- Administration.**

2077 There is created within the department the Division of Enterprise Technology to be
2078 administered by a director.

2079 Section 50. Section **63F-1-402** is enacted to read:

2080 **63F-1-402. Definitions.**

2081 As used in this chapter, "enterprise architecture" means information technology assets
2082 and functions that can be applied across state government and include:

2083 (1) computing devices such as mainframes, servers, desktop devices, and peripherals;

2084 (2) networks;

2085 (3) enterprise wide applications;

2086 (4) maintenance and help desk functions for common hardware and applications;

2087 (5) standards for other computing devices, operating systems, common applications,

2088 and software; and

2089 (6) master contracts that are available for use by agencies for various systems such as
2090 operating systems, database, enterprise resource planning and customer relationship
2091 management software, application development services, and enterprise integration.

2092 Section 51. Section **63F-1-403** is enacted to read:

2093 **63F-1-403. Director of division -- Appointment.**

2094 The executive director shall appoint a director of the Division of Enterprise Technology
2095 with the approval of the governor.

2096 Section 52. Section **63F-1-404** is enacted to read:

2097 **63F-1-404. Duties of the division.**

2098 The division shall:

2099 (1) develop and implement an effective enterprise architecture governance model for
2100 the executive branch;

2101 (2) provide oversight of information technology projects that impact statewide
2102 information technology services, assets, or functions of state government to:

2103 (a) control costs;

2104 (b) ensure business value to a project;

- 2105 (c) maximize resources;
2106 (d) ensure the uniform application of best practices; and
2107 (e) avoid duplication of resources;
2108 (3) develop a method of accountability to agencies for services provided by the
2109 division through service agreements with the agencies;
2110 (4) beginning September 1, 2006, and each September 1 thereafter, provide the chief
2111 information officer and the commission with performance measures used by the division to
2112 measure the quality of service delivered by the division and the results of the performance
2113 measures;
2114 (5) serve as a project manager for enterprise architecture which includes the
2115 management of applications, standards, and procurement of enterprise architecture;
2116 (6) coordinate the development and implementation of advanced state
2117 telecommunication systems;
2118 (7) provide services including technical assistance:
2119 (a) to executive branch agencies and subscribers to the services; and
2120 (b) related to information technology or telecommunications;
2121 (8) establish telecommunication system specifications and standards for use by:
2122 (a) one or more executive branch agencies; or
2123 (b) one or more entities that subscribe to the telecommunication systems in accordance
2124 with Section 63F-1-303;
2125 (9) coordinate state telecommunication planning in cooperation with:
2126 (a) state telecommunication users;
2127 (b) executive branch agencies; and
2128 (c) other subscribers to the state's telecommunication systems;
2129 (10) cooperate with the federal government, other state entities, counties, and
2130 municipalities in the development, implementation, and maintenance of:
2131 (a) (i) governmental information technology; or
2132 (ii) governmental telecommunication systems; and
2133 (b) (i) as part of a cooperative organization; or
2134 (ii) through means other than a cooperative organization;
2135 (11) establish, operate, manage, and maintain;

- 2136 (a) one or more state data centers; and
- 2137 (b) one or more regional computer centers;
- 2138 (12) design, implement, and manage all state-owned, leased, or rented land mobile or
- 2139 radio telecommunication systems that are used in the delivery of services for state government
- 2140 or its political subdivisions;
- 2141 (13) in accordance with the executive branch strategic plan, implement minimum
- 2142 standards to be used by the division for purposes of compatibility of procedures, programming
- 2143 languages, codes, and media that facilitate the exchange of information within and among
- 2144 telecommunication systems; and
- 2145 (14) provide the chief information officer with an analysis of an executive branch
- 2146 agency information technology plan that includes:
- 2147 (a) an assessment of how the implementation of the agency information technology
- 2148 plan will affect the costs, operations, and services of:
- 2149 (i) the department; and
- 2150 (ii) other executive branch agencies; and
- 2151 (b) any recommended changes to the plan.

2152 Section 53. Section **63F-1-501** is enacted to read:

2153 **Part 5. Division of Integrated Technology**

2154 **63F-1-501. Creation -- Administration.**

2155 There is created within the department the Division of Integrated Technology to be

2156 administered by a director.

2157 Section 54. Section **63F-1-502** is enacted to read:

2158 **63F-1-502. Definitions.**

2159 As used in this part:

- 2160 (1) "Center" means the Automated Geographic Reference Center created in Section
- 2161 63F-1-506.
- 2162 (2) "Database" means the State Geographic Information Database created in Section
- 2163 63F-1-507.
- 2164 (3) "Director" means the director appointed in accordance with Section 63F-1-503.
- 2165 (4) "Division" means the Division of Integrated Technology created in this part.
- 2166 (5) "Geographic Information System" or "GIS" means a computer driven data

2167 integration and map production system that interrelated disparate layers of data to specific
2168 geographic locations.

2169 (6) "State Geographic Information Database" means the database mandated by Section
2170 63F-1-506.

2171 Section 55. Section **63F-1-503** is enacted to read:

2172 **63F-1-503. Director of division -- Appointment.**

2173 The executive director shall appoint a director of the Division of Integrated Technology
2174 with the approval of the governor.

2175 Section 56. Section **63F-1-504** is enacted to read:

2176 **63F-1-504. Duties of the division.**

2177 The division shall:

2178 (1) establish standards for the information technology needs of a collection of
2179 executive branch agencies or programs that share common characteristics relative to the types
2180 of stakeholders they serve, including:

2181 (a) project management;

2182 (b) application development; and

2183 (c) procurement;

2184 (2) provide oversight of information technology standards that impact multiple
2185 executive branch agency information technology services, assets, or functions to:

2186 (a) control costs;

2187 (b) ensure business value to a project;

2188 (c) maximize resources;

2189 (d) ensure the uniform application of best practices; and

2190 (e) avoid duplication of resources;

2191 (3) in accordance with Section 63F-1-204, provide the chief information officer a
2192 written analysis of any agency information technology plan provided to the division, which
2193 shall include:

2194 (a) a review of whether the agency's technology projects impact multiple agencies and
2195 if so, whether the information technology projects are appropriately designed and developed;

2196 (b) an assessment of whether the agency plan complies with the state information
2197 architecture; and

2198 (c) an assessment of whether the information technology projects included in the
2199 agency plan comply with policies, procedures, and rules adopted by the department to ensure
2200 that:

2201 (i) information technology projects are phased in;

2202 (ii) funding is released in phases;

2203 (iii) an agency's authority to proceed to the next phase of an information technology
2204 project is contingent upon the successful completion of the prior phase; and

2205 (iv) one or more specific deliverables is identified for each phase of a technology
2206 project;

2207 (4) establish a system of accountability to user agencies through the use of service
2208 agreements;

2209 (5) each year, provide the chief information officer and the commission with
2210 performance measures used by the division to measure the quality of services delivered by the
2211 division and results of those measures; and

2212 (6) establish administrative rules in accordance with Section 63F-1-206 and as required
2213 by Section 63F-1-506.

2214 Section 57. Section **63F-1-505** is enacted to read:

2215 **63F-1-505. Information technology plan.**

2216 (1) In accordance with this section, the division shall submit an information technology
2217 plan to the chief information officer.

2218 (2) The information technology plan submitted by the division under this section shall
2219 include:

2220 (a) the information required by Section 63F-1-203;

2221 (b) a list of the services the division offers or plans to offer; and

2222 (c) a description of the performance measures used by the division to measure the
2223 quality of the services described in Subsection (2)(b).

2224 (3) (a) In submitting its information technology plan under this section, the division
2225 shall comply with Section 63F-1-204.

2226 (b) The information technology plan submitted by the division under this section is
2227 subject to the approval of the chief information officer as provided in Section 63F-1-204.

2228 Section 58. Section **63F-1-506**, which is renumbered from Section 63A-6-202 is

2229 renumbered and amended to read:

2230 ~~[63A-6-202].~~ **63F-1-506. Automated Geographic Reference Center.**

2231 (1) There is created the Automated Geographic Reference Center as part of the
2232 division.

2233 (2) The center shall:

2234 (a) provide geographic information system services to state agencies under rules
2235 adopted in accordance with Section 63F-1-504 and policies established by the division;

2236 (b) provide geographic information system services to federal government, local
2237 political subdivisions, and private persons under rules and policies established by the division;

2238 (c) manage the State Geographic Information Database; and

2239 (d) establish standard format, lineage, and other requirements for the database.

2240 (3) The division may:

2241 (a) make rules and establish policies to govern the center and its operations; and

2242 (b) set fees for the services provided by the center.

2243 Section 59. Section **63F-1-507**, which is renumbered from Section 63A-6-203 is
2244 renumbered and amended to read:

2245 ~~[63A-6-203].~~ **63F-1-507. State Geographic Information Database.**

2246 (1) There is created a State Geographic Information Database to be managed by the
2247 center.

2248 (2) The database shall:

2249 (a) serve as the central reference for all information contained in any GIS database by
2250 any state agency;

2251 (b) serve as a clearing house and repository for all data layers required by multiple
2252 users; and

2253 (c) serve as a standard format for geographic information acquired, purchased, or
2254 produced by any state agency.

2255 (3) Each state agency that acquires, purchases, or produces digital geographic
2256 information data shall:

2257 (a) inform the center of the existence of the data layers and their geographic extent;

2258 (b) allow the center access to all data classified public; and

2259 (c) comply with any database requirements established by the center.

2260 (4) At least annually, the State Tax Commission shall deliver to the center information
2261 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
2262 17-2-9, 17-3-3, 17A-1-102, 17B-2-215, and 17B-4-201 relating to the creation or modification
2263 of the boundaries of the political subdivisions that are the subject of those sections.

2264 Section 60. Section **63F-1-508**, which is renumbered from Section 63A-6-204 is
2265 renumbered and amended to read:

2266 ~~[63A-6-204].~~ **63F-1-508. Committee to award grants to counties for**
2267 **inventory and mapping of R.S. 2477 rights-of-way -- Use of grants -- Request for**
2268 **proposals.**

2269 (1) There is created within the center a committee to award grants to counties to
2270 inventory and map R.S. 2477 rights-of-way, associated structures, and other features as
2271 provided by Subsection (5).

2272 (2) (a) The committee shall consist of:

2273 (i) the center manager;

2274 (ii) a representative of the Governor's Office of Planning and Budget;

2275 (iii) a representative of Utah State University Extension;

2276 (iv) a representative of the Utah Association of Counties; and

2277 (v) three county commissioners.

2278 (b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall
2279 be selected by the organizations they represent.

2280 (c) The committee members specified in Subsection (2)(a)(v) shall be:

2281 (i) selected by the Utah Association of Counties;

2282 (ii) from rural counties; and

2283 (iii) from different regions of the state.

2284 (3) (a) The committee shall select a chair from its membership.

2285 (b) The committee shall meet upon the call of the chair or a majority of the committee
2286 members.

2287 (c) Four members shall constitute a quorum.

2288 (4) (a) Committee members who are state government employees shall receive no
2289 additional compensation for their work on the committee.

2290 (b) Committee members who are not state government employees shall receive no

2291 compensation or expenses from the state for their work on the committee.

2292 (5) (a) The committee shall award grants to counties to:

2293 (i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS)
2294 technology; and

2295 (ii) photograph:

2296 (A) roads and other evidence of construction of R.S. 2477 rights-of-way;

2297 (B) structures or natural features that may be indicative of the purpose for which an
2298 R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational
2299 facilities, or scenic overlooks; and

2300 (C) evidence of valid and existing rights on federal lands, such as mines and
2301 agricultural facilities.

2302 (b) (i) The committee may allow counties, while they are conducting the activities
2303 described in Subsection (5)(a), to use grant monies to inventory, map, or photograph other
2304 natural or cultural resources.

2305 (ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing
2306 programs underway by state agencies, counties, or institutions of higher education.

2307 (c) Maps and other data acquired through the grants shall become a part of the State
2308 Geographic Information Database.

2309 (d) Counties shall provide an opportunity to interested parties to submit information
2310 relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as
2311 provided in Subsections (5)(a) and (5)(b).

2312 (6) (a) The committee shall develop a request for proposals process and issue a request
2313 for proposals.

2314 (b) The request for proposals shall require each grant applicant to submit an
2315 implementation plan and identify any monetary or in-kind contributions from the county.

2316 (c) In awarding grants, the committee shall give priority to proposals to inventory, map,
2317 and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a)
2318 which are located on federal lands that:

2319 (i) a federal land management agency proposes for special management, such as lands
2320 to be managed as an area of critical environmental concern or primitive area; or

2321 (ii) are proposed to receive a special designation by Congress, such as lands to be

2322 designated as wilderness or a national conservation area.

2323 (7) Each county that receives a grant under the provision of this section shall provide a
2324 copy of all data regarding inventory and mapping to the AGRC for inclusion in the state
2325 database.

2326 Section 61. Section **63F-1-601** is enacted to read:

2327 **Part 6. Division of Agency Services**

2328 **63F-1-601. Division of Agency Services -- Director --Appointment.**

2329 There is created within the department the Division of Agency Services, to be
2330 administered by a director.

2331 Section 62. Section **63F-1-602** is enacted to read:

2332 **63F-1-602. Definitions.**

2333 As used in this part, "division" means the Division of Agency Services.

2334 Section 63. Section **63F-1-603** is enacted to read:

2335 **63F-1-603. Director of division -- Appointment.**

2336 The executive director shall appoint a director of the division with the approval of the
2337 governor.

2338 Section 64. Section **63F-1-604** is enacted to read:

2339 **63F-1-604. Duties of the division.**

2340 The division shall:

2341 (1) be responsible for providing support to executive branch agencies for an agency's
2342 information technology assets and functions that are unique to the executive branch agency and
2343 are mission critical functions of the agency;

2344 (2) conduct audits of an executive branch agency when requested under the provisions
2345 of Section 63F-1-208;

2346 (3) conduct cost-benefit analysis of delegating a department function to an agency in
2347 accordance with Section 63F-1-208;

2348 (4) provide in-house information technology staff support to executive branch
2349 agencies;

2350 (5) establish accountability and performance measures for the division to assure that
2351 the division is meeting the business and service needs of the state and individual executive
2352 branch agencies;

2353 (6) establish a committee composed of agency user groups for the purpose of
2354 coordinating department services with agency needs;

2355 (7) assist executive branch agencies in complying with the requirements of any rule
2356 adopted by the chief information officer; and

2357 (8) by July 1, 2006 and each July 1 thereafter, report to the commission on the
2358 performance measures used by the division under Subsection (5) and the results.

2359 Section 65. Section **67-1-14** is amended to read:

2360 **67-1-14. Information technology.**

2361 The governor shall review the executive branch strategic plan submitted to the governor
2362 by the chief information officer in accordance with Section [~~63D-1a-302~~] 63F-1-203.

2363 Section 66. Section **67-19-15** is amended to read:

2364 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**
2365 **positions -- Coverage of career service provisions.**

2366 (1) Except as otherwise provided by law or by rules and regulations established for
2367 federally aided programs, the following positions are exempt from the career service provisions
2368 of this chapter:

2369 (a) the governor, members of the Legislature, and all other elected state officers,
2370 designated as Schedule AA;

2371 (b) the agency heads enumerated in Section 67-22-2, and commissioners designated as
2372 Schedule AB;

2373 (c) all employees and officers in the office and at the residence of the governor,
2374 designated as Schedule AC;

2375 (d) employees who are in a confidential relationship to an agency head or
2376 commissioner and who report directly to, and are supervised by, a department head,
2377 commissioner, or deputy director of an agency or its equivalent, designated as Schedule AD;

2378 (e) unskilled employees in positions requiring little or no specialized skill or training,
2379 designated as Schedule AE;

2380 (f) part-time professional noncareer persons who are paid for any form of medical and
2381 other professional service and who are not engaged in the performance of administrative duties,
2382 designated as Schedule AF;

2383 (g) attorneys in the attorney general's office who are under their own career service pay

- 2384 plan, designated as Schedule AG;
- 2385 (h) teaching staff of all state institutions and patients and inmates employed in state
2386 institutions, designated as Schedule AH;
- 2387 (i) persons appointed to a position vacated by an employee who has a right to return
2388 under federal or state law or policy, designated as Schedule AI;
- 2389 (j) noncareer employees compensated for their services on a seasonal or contractual
2390 basis who are hired for limited periods of less than nine consecutive months or who are
2391 employed on less than 1/2 time basis, designated as Schedule AJ;
- 2392 (k) those employees in a personal and confidential relationship to elected officials,
2393 designated as Schedule AK;
- 2394 (l) employees appointed to perform work of a limited duration not exceeding two years
2395 or to perform work with time-limited funding, designated as Schedule AL;
- 2396 (m) employees of the Department of Community and Economic Development whose
2397 positions are designated as executive/professional positions by the executive director of the
2398 Department of Community and Economic Development with the concurrence of the director,
2399 designated as Schedule AM;
- 2400 (n) employees of the Legislature, designated as Schedule AN;
- 2401 (o) employees of the judiciary, designated as Schedule AO;
- 2402 (p) all judges in the judiciary, designated as Schedule AP;
- 2403 (q) members of state and local boards and councils appointed by the governor and
2404 governing bodies of agencies, other local officials serving in an ex officio capacity, officers,
2405 faculty, and other employees of state universities and other state institutions of higher
2406 education, designated as Schedule AQ;
- 2407 (r) employees who make statewide policy, designated as Schedule AR; [~~and~~]
- 2408 (s) any other employee whose appointment is required by statute to be career service
2409 exempt, designated as Schedule AS[-]; and
- 2410 (t) employees of the Department of Technology Services, designated as
2411 executive/professional positions by the executive director of the Department of Technology
2412 Services with the concurrence of the director, designated as Schedule AT.
- 2413 (2) The civil service shall consist of two schedules as follows:
- 2414 (a) (i) Schedule A is the schedule consisting of positions exempted by Subsection (1).

2415 (ii) Removal from any appointive position under Schedule A, unless otherwise
2416 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

2417 (b) Schedule B is the competitive career service schedule, consisting of all positions
2418 filled through competitive selection procedures as defined by the director.

2419 (3) (a) The director, after consultation with the heads of concerned executive branch
2420 departments and agencies and with the approval of the governor, shall allocate positions to the
2421 appropriate schedules under this section.

2422 (b) Agency heads shall make requests and obtain approval from the director before
2423 changing the schedule assignment and tenure rights of any position.

2424 (c) Unless the director's decision is reversed by the governor, when the director denies
2425 an agency's request, the director's decision is final.

2426 (4) (a) Compensation for employees of the Legislature shall be established by the
2427 directors of the legislative offices in accordance with Section 36-12-7.

2428 (b) Compensation for employees of the judiciary shall be established by the state court
2429 administrator in accordance with Section 78-3-24.

2430 (c) Compensation for officers, faculty, and other employees of state universities and
2431 institutions of higher education shall be established as provided in Title 53B, Chapters 1 and 2.

2432 (d) Unless otherwise provided by law, compensation for all other Schedule A
2433 employees shall be established by their appointing authorities, within ranges approved by, and
2434 after consultation with the director of the Department of Human Resources.

2435 (5) All employees of the Office of State Auditor, the Office of State Treasurer, the
2436 Office of the Attorney General, excluding attorneys who are under their own career service
2437 system, and employees who are not exempt under this section are covered by the career service
2438 provisions of this chapter.

2439 Section 67. Section **67-22-2** is amended to read:

2440 **67-22-2. Compensation -- Other state officers.**

2441 (1) The governor shall establish salaries for the following state officers within the
2442 following salary ranges fixed by the Legislature:

State Officer	Salary Range
Commissioner of Agriculture and Food	\$65,200 - \$88,400
Commissioner of Insurance	\$65,200 - \$88,400

2446	Commissioner of the Labor Commission	\$65,200 - \$88,400
2447	Director, Alcoholic Beverage Control	
2448	Commission	\$65,200 - \$88,400
2449	Commissioner, Department of	
2450	Financial Institutions	\$65,200 - \$88,400
2451	Members, Board of Pardons and Parole	\$65,200 - \$88,400
2452	Executive Director, Department	
2453	of Commerce	\$65,200 - \$88,400
2454	Executive Director, Commission on	
2455	Criminal and Juvenile Justice	\$65,200 - \$88,400
2456	Adjutant General	\$65,200 - \$88,400
2457	Chair, Tax Commission	\$70,600 - \$95,200
2458	Commissioners, Tax Commission	\$70,600 - \$95,200
2459	Executive Director, Department of	
2460	Community and Economic	
2461	Development	\$70,600 - \$95,200
2462	Executive Director, Tax Commission	\$70,600 - \$95,200
2463	Chair, Public Service Commission	\$70,600 - \$95,200
2464	Commissioners, Public Service	
2465	Commission	\$70,600 - \$95,200
2466	Executive Director, Department	
2467	of Corrections	\$76,800 - \$103,600
2468	Commissioner, Department of Public Safety	\$76,800 - \$103,600
2469	Executive Director, Department of	
2470	Natural Resources	\$76,800 - \$103,600
2471	Director, Governor's Office of Planning	
2472	and Budget	\$76,800 - \$103,600
2473	Executive Director, Department of	
2474	Administrative Services	\$76,800 - \$103,600
2475	Executive Director, Department of	
2476	Human Resource Management	\$76,800 - \$103,600

2477	Executive Director, Department of	
2478	Environmental Quality	\$76,800 - \$103,600
2479	Executive Director, Department of	
2480	Workforce Services	\$83,600 - \$112,900
2481	Executive Director, Department of	
2482	Health	\$83,600 - \$112,900
2483	Executive Director, Department	
2484	of Human Services	\$83,600 - \$112,900
2485	Executive Director, Department	
2486	of Transportation	\$83,600 - \$112,900
2487	[Chief Information Officer]	
2488	<u>Executive Director, Department</u>	
2489	<u>of Information Technology</u>	
2490	<u>Services</u>	\$83,600 - \$112,900

2491 (2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as
2492 follows:

2493 (i) the option of participating in a state retirement system established by Title 49, Utah
2494 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered
2495 by the State Retirement Office in accordance with the Internal Revenue Code and its
2496 accompanying rules and regulations;

2497 (ii) health insurance;

2498 (iii) dental insurance;

2499 (iv) basic life insurance;

2500 (v) unemployment compensation;

2501 (vi) workers' compensation;

2502 (vii) required employer contribution to Social Security;

2503 (viii) long-term disability income insurance;

2504 (ix) the same additional state-paid life insurance available to other noncareer service
2505 employees;

2506 (x) the same severance pay available to other noncareer service employees;

2507 (xi) the same sick leave, converted sick leave, educational allowances, and holidays

2508 granted to Schedule B state employees, and the same annual leave granted to Schedule B state
2509 employees with more than ten years of state service;

2510 (xii) the option to convert accumulated sick leave to cash or insurance benefits as
2511 provided by law or rule upon resignation or retirement according to the same criteria and
2512 procedures applied to Schedule B state employees;

2513 (xiii) the option to purchase additional life insurance at group insurance rates according
2514 to the same criteria and procedures applied to Schedule B state employees; and

2515 (xiv) professional memberships if being a member of the professional organization is a
2516 requirement of the position.

2517 (b) Each department shall pay the cost of additional state-paid life insurance for its
2518 executive director from its existing budget.

2519 (3) The Legislature fixes the following additional benefits:

2520 (a) for the executive director of the State Tax Commission a vehicle for official and
2521 personal use;

2522 (b) for the executive director of the Department of Transportation a vehicle for official
2523 and personal use;

2524 (c) for the executive director of the Department of Natural Resources a vehicle for
2525 commute and official use;

2526 (d) for the Commissioner of Public Safety:

2527 (i) an accidental death insurance policy if POST certified; and

2528 (ii) a public safety vehicle for official and personal use;

2529 (e) for the executive director of the Department of Corrections:

2530 (i) an accidental death insurance policy if POST certified; and

2531 (ii) a public safety vehicle for official and personal use;

2532 (f) for the Adjutant General a vehicle for official and personal use; and

2533 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
2534 official use.

2535 (4) (a) The governor has the discretion to establish a specific salary for each office
2536 listed in Subsection (1), and, within that discretion, may provide salary increases within the
2537 range fixed by the Legislature.

2538 (b) The governor shall apply the same overtime regulations applicable to other FLSA

2539 exempt positions.

2540 (c) The governor may develop standards and criteria for reviewing the performance of
2541 the state officers listed in Subsection (1).

2542 (5) Salaries for other Schedule A employees, as defined in Section 67-19-15, which are
2543 not provided for in this chapter, or in Title 67, Chapter 8, Utah Executive and Judicial Salary
2544 Act, shall be established as provided in Section 67-19-15.

2545 Section 68. Section **72-5-304** is amended to read:

2546 **72-5-304. Mapping and survey requirements.**

2547 (1) The Department of Transportation, counties, and cities are not required to possess
2548 centerline surveys for R.S. 2477 rights-of-ways.

2549 (2) To be accepted, highways within R.S. 2477 rights-of-way do not need to be
2550 included in the plats, descriptions, and maps of county roads required by Sections 72-3-105 and
2551 72-3-107 or on the State Geographic Information Database, created in Section [~~63A-6-203~~]
2552 63F-1-507, required to be maintained by Subsection (3).

2553 (3) (a) The Automated Geographic Reference Center, created in Section [~~63A-6-202~~]
2554 63F-1-506, shall create and maintain a record of R.S. 2477 rights-of-way on the Geographic
2555 Information Database.

2556 (b) The record of R.S. 2477 rights-of-way shall be based on information maintained by
2557 the Department of Transportation and cartographic, topographic, photographic, historical, and
2558 other data available to or maintained by the Automated Geographic Reference Center.

2559 (c) Agencies and political subdivisions of the state may provide additional information
2560 regarding R.S. 2477 rights-of-way when information is available.

2561 Section 69. **Transition to new department.**

2562 (1) As used in this chapter:

2563 (a) "commission" means the Utah Technology Commission;

2564 (b) "department" means the Department of Technology Services; and

2565 (c) "executive branch agency" has the same meaning as in Section 63F-1-102.

2566 (2) The chief information officer shall serve as the transition director to provide
2567 executive direction and supervision for the implementation of all transfers of authority and
2568 technology functions in the executive branch to the department which are made pursuant to this
2569 bill and the Utah Technology Governance Act.

2570 (3) (a) The transition director and the directors of all executive branch agencies shall
2571 jointly identify the program positions and administrative function positions that will be
2572 transferred to the department according to the Utah Technology Governance Act.

2573 (b) The transition director and the directors of all executive branch agencies and
2574 programs shall make every effort to develop agreements specifying the positions to be
2575 transferred from the executive branch agency or program to the department no later than
2576 August 31, 2005.

2577 (c) In the event of a failure to reach an agreement on the positions to be transferred
2578 under the provisions of this Subsection (3):

2579 (i) the transition director shall submit his recommendation to the governor and to the
2580 commission no later than August 31, 2005 for their consideration;

2581 (ii) the commission may recommend to the governor the position or function to be
2582 transferred to the department; and

2583 (iii) the governor shall determine whether to transfer the position or function to the
2584 department.

2585 (4) The transition director shall immediately initiate coordination with the directors of
2586 all executive branch agencies affected by this bill to facilitate the transfer of programs,
2587 positions, and administrative functions, and shall develop memoranda of record identifying any
2588 pending settlements, issues of compliance with applicable federal and state laws and
2589 regulations, or other obligations to be resolved related to the authority to be transferred.

2590 (5) Notwithstanding the provisions of Subsection 63-38-3.5(8)(f)(i), all records,
2591 personnel, property, equipment, grants, unexpended and unexpired balances of appropriations,
2592 allocations and other funds used, held, employed, available or to be made available to any
2593 entity for the activities, powers, duties, functions, and responsibilities transferred to the
2594 department by this bill shall transfer to the department at the direction of the transition director,
2595 the Governor's Office of Planning and Budget, and in accordance with the Utah Technology
2596 Governance Act.

2597 (6) The transition director shall administer the functions of this bill in a manner that
2598 promotes efficient administration and shall make internal organizational changes as necessary
2599 to complete the realignment of responsibilities required by this bill and the Utah Technology
2600 Governance Act.

2601 (7) The transition director and other individuals designated by the governor may
2602 request the assistance of any executive branch agency with respect to personnel, budgeting,
2603 procurement, information systems, and other management related functions, and the executive
2604 branch agency shall provide the requested assistance.

2605 (8) (a) The transition director may temporarily hire or retain contractors,
2606 subcontractors, or advisors as the transition director considers necessary for the strategic
2607 planning and implementation of the transition.

2608 (b) A temporary person hired or contracted with under this Subsection (8) must be
2609 selected in accordance with Title 63, Chapter 56, Utah Procurement Code.

2610 (c) All persons hired on a temporary basis for the transition shall be terminated by July
2611 30, 2006.

2612 (9) After consultation with the transition director and the governor, the state budget
2613 director shall:

2614 (a) determine the most efficient process necessary for transitioning the technology
2615 budgets of the various executive branch agencies including the Division of Information
2616 Technology Services to the department;

2617 (b) submit a supplemental budget ~~H~~→ request ←~~H~~ and, if needed, a 2006-07 budget
2617a recommendation to
2618 the ~~H~~→ commission by October 31, 2005 and to the ←~~H~~ Legislature prior to the 2006 General
2618a Session detailing steps necessary to transition
2619 employees, activities, assets, liabilities, budgets, and other authorities of appropriated and
2620 internal services fund technology functions into the department;

2621 (c) in accordance with Subsection 63-38-3.5(4)(b) establish interim rates for products
2622 and services to be provided on a capital maintenance and cost reimbursement basis and to be
2623 recovered through interagency billing such that the interim rates:

2624 (i) are based upon a zero based, full cost accounting of activities necessary to provide
2625 each service for which a rate is established;

2626 (ii) for each service multiplied by the projected consumption of the service recovers no
2627 more or less than the full cost of each service; and

2628 (iii) are submitted to the Legislature for authorization in accordance with Subsection
2629 63-38-3.5(4)(b); and

2630 (d) handle the financial transactions and records in the state's financial management
2631 and records system during the period of transition.

2632 (10) All rules, orders, contracts, grants, and agreements relating to the functions of the
2633 Department of Technology Services lawfully adopted prior to the effective date of this bill by
2634 the responsible state executive branch agency shall continue to be effective until revised,
2635 amended, or rescinded.

2636 (11) Any suit, action, or other proceeding lawfully commenced by, against, or before
2637 any entity affected by this chapter shall not abate by reason of this bill.

2638 (12) Beginning July 1, 2005, the transition director shall provide a report to the
2639 commission on a quarterly basis concerning the progress and implementation of the executive
2640 branch transition of information technology functions to the department.

2641 (13) The transition director shall include in the report any recommendations for the
2642 2006 Legislature regarding any statutory changes that are needed to make the transition
2643 complete.

2644 (14) The transition director's authority under this bill ends on December 31, 2006.
2645 **Section 70. Repealer.**

2646 This bill repeals:

2647 **Section 63A-6-201, Definitions.**

2648 **Section 63D-1a-301, Chief information officer -- Appointment -- Powers --**
2649 **Reporting.**

2650 **Section 63D-1a-302, Executive branch information technology strategic plan.**

2651 **Section 63D-1a-303, Agency information technology plans.**

2652 **Section 63D-1a-304, Monitoring acquisitions of information technology.**

2653 **Section 63D-1a-305, Rulemaking -- Policies.**

2654 **Section 63D-1a-306, Coordination within the executive branch -- Cooperation with**
2655 **other branches.**

2656 **Section 63D-1a-308, Facilitating the electronic delivery of government services.**

2657 **Section 63D-1a-309, Utah Technology Infrastructure Innovation Program.**

2658 **Section 71. Effective date.**

2659 This bill takes effect on July 1, 2005, except that:

2660 (1) uncodified Section 69, Transition to new department, takes effect on May 2, 2005;

2661 and

2662 (2) the amendments to Sections 63A-1-108, 63A-1-109, and 63A-1-114 take effect on

2663 July 1, 2006.

2664 Section 72. **Revisor instructions.**

2665 It is the intent of the Legislature that, in preparing the Utah Code database for
2666 publication, the Office of Legislative Research and General Counsel shall replace the words
2667 "this bill" in Section 69, Transition to new department, with the bill ~~H~~→ ' ←~~H~~ s designated chapter
2668 number in the Laws of Utah.

2668a **~~H~~→ Section 73. Coordinating H.B. 109 with H.B. 216.**

2668b **If this H.B. 109 and H.B. 216 Global Positioning Reference Network, both pass it is the**
2668c **intent of the Legislature that the Office Of Legislative Research and General Counsel in**
2668d **preparing the Utah Code database for publication merge the amendments of these bills as**
2668e **follows:**

2668f **(1) Section 63A-6-205 in H.B. 216, Global Positioning Reference Network, shall be**
2668g **renumbered to Section 63F-1-509; and**

2668h **(2) Section 63F-1-502 in H.B. 109 shall be amended to insert a new Subsection (7) as**
2668i **follows:**

2668j **"(7)" Statewide Global Positioning Reference Network" or "network" means the network**
2668k **created in Section 63F-1-509." ←~~H~~**

Legislative Review Note
as of 2-2-05 12:13 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

This bill reorganizes state government information technology functions over a period of sixteen months. Long-term fiscal impacts may be positive or negative depending upon a transition plan to be developed by the Executive Branch. The bill requires additional resources for the transition itself, which can be provided from an internal service fund under Section 69 (7).

	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>
	<u>Approp.</u>	<u>Approp.</u>	<u>Approp.</u>	<u>Revenue</u>	<u>Revenue</u>	<u>Revenue</u>
Dedicated Credits	\$25,000	\$75,000	\$0	\$0	\$0	\$0
TOTAL	\$25,000	\$75,000	\$0	\$0	\$0	\$0

Individual and Business Impact

No fiscal impact.