

INFORMATION TECHNOLOGY GOVERNANCE

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Clark

Senate Sponsor: Beverly Ann Evans

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

- ▶ requires annual agency information technology plans;
- ▶ requires the approval of certain technology procurement by the chief information officer;
- ▶ gives rulemaking authority to the executive director of the department;
- ▶ requires the chief information officer to coordinate the development of technology between executive branch agencies;
- ▶ authorizes the chief information officer to delegate functions of the department to an agency under certain conditions;
- ▶ authorizes the chief information officer to assign department staff to work in-house for an executive branch agency;
- ▶ establishes a rate committee;
- ▶ requires executive branch agencies to subscribe to services of the department and permits other branches and public and higher education to subscribe to services of the department;
- ▶ establishes the duties of the Division of Enterprise Technology;
- ▶ establishes the duties of the Division of Integrated Technology;
- ▶ transfers the Automated Geographic Reference Center to the department;
- ▶ establishes the duties of the Division of Agency Services;
- ▶ establishes the process and authority for the transition of the technology assets and functions in the executive branch of government into the Department of Technology Services;
- ▶ repeals the Division of Information Technology Services on July 1, 2006;
- ▶ amends state officers compensation to add the director of the department; and
- ▶ makes conforming and technical amendments.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

This bill provides revisor instructions.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

- 10-9-301.5**, as enacted by Chapter 99, Laws of Utah 2004
- 11-36-201**, as last amended by Chapter 99, Laws of Utah 2004
- 17-27-301.5**, as enacted by Chapter 99, Laws of Utah 2004
- 17A-2-104**, as enacted by Chapter 99, Laws of Utah 2004
- 17B-2-104**, as enacted by Chapter 99, Laws of Utah 2004
- 20A-5-303**, as last amended by Chapter 1, Laws of Utah 2003, Second Special Session
- 20A-13-104**, as last amended by Chapter 225, Laws of Utah 2002
- 20A-14-102.2**, as last amended by Chapter 225, Laws of Utah 2002
- 36-1-105**, as last amended by Chapter 225, Laws of Utah 2002
- 36-1-204**, as last amended by Chapter 225, Laws of Utah 2002
- 46-3-601**, as last amended by Chapter 209, Laws of Utah 2003
- 46-3-602**, as last amended by Chapter 209, Laws of Utah 2003
- 46-4-501**, as last amended by Chapter 209, Laws of Utah 2003
- 46-4-503**, as last amended by Chapters 90 and 120, Laws of Utah 2004
- 53-1-106**, as last amended by Chapter 131, Laws of Utah 2003
- 53-10-601**, as enacted by Chapter 313, Laws of Utah 2004
- 53-10-605**, as enacted by Chapter 313, Laws of Utah 2004
- 53A-2-123**, as enacted by Chapter 99, Laws of Utah 2004
- 54-3-28**, as enacted by Chapter 99, Laws of Utah 2004
- 63-55b-163**, as last amended by Chapters 37, 90 and 156, Laws of Utah 2004
- 63-56-9**, as last amended by Chapter 35, Laws of Utah 2004
- 63A-1-108**, as renumbered and amended by Chapter 212, Laws of Utah 1993
- 63A-1-109**, as last amended by Chapter 356, Laws of Utah 2004
- 63A-1-114**, as enacted by Chapter 34, Laws of Utah 2004

63A-6-101.5, as enacted by Chapter 209, Laws of Utah 2003

63A-6-103, as last amended by Chapter 209, Laws of Utah 2003

63A-6-105, as last amended by Chapters 34 and 35, Laws of Utah 2004

63D-1a-102, as enacted by Chapter 209, Laws of Utah 2003

67-1-14, as enacted by Chapter 209, Laws of Utah 2003

67-19-15, as last amended by Chapter 213, Laws of Utah 1997

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

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

ENACTS:

63F-1-101, Utah Code Annotated 1953

63F-1-102, Utah Code Annotated 1953

63F-1-103, Utah Code Annotated 1953

63F-1-104, Utah Code Annotated 1953

63F-1-105, Utah Code Annotated 1953

63F-1-106, Utah Code Annotated 1953

63F-1-107, Utah Code Annotated 1953

63F-1-201, Utah Code Annotated 1953

63F-1-202, Utah Code Annotated 1953

63F-1-203, Utah Code Annotated 1953

63F-1-204, Utah Code Annotated 1953

63F-1-205, Utah Code Annotated 1953

63F-1-206, Utah Code Annotated 1953

63F-1-207, Utah Code Annotated 1953

63F-1-208, Utah Code Annotated 1953

63F-1-209, Utah Code Annotated 1953

63F-1-301, Utah Code Annotated 1953

63F-1-302, Utah Code Annotated 1953

63F-1-303, Utah Code Annotated 1953

- 63F-1-401**, Utah Code Annotated 1953
- 63F-1-402**, Utah Code Annotated 1953
- 63F-1-403**, Utah Code Annotated 1953
- 63F-1-404**, Utah Code Annotated 1953
- 63F-1-501**, Utah Code Annotated 1953
- 63F-1-502**, Utah Code Annotated 1953
- 63F-1-503**, Utah Code Annotated 1953
- 63F-1-504**, Utah Code Annotated 1953
- 63F-1-505**, Utah Code Annotated 1953
- 63F-1-601**, Utah Code Annotated 1953
- 63F-1-602**, Utah Code Annotated 1953
- 63F-1-603**, Utah Code Annotated 1953
- 63F-1-604**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

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

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

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

REPEALS:

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

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

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

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

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

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

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

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

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

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(c) be sent to:

(i) each affected entity;

(ii) the Automated Geographic Reference Center created in Section [~~63A-6-202~~

63F-1-506;

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

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

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

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

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

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

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

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

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

(b) A local political subdivision may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) "Specified public utility" means an electrical corporation, gas corporation, or

telephone corporation, as those terms are defined in Section 54-2-1.

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

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

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

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

(C) be sent to:

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

(II) each affected entity;

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

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

(V) the state planning coordinator appointed under Section 63-38d-202; and

(D) with respect to the notice to affected entities, invite the affected entities to provide information for the local political subdivision or private entity to consider in the process of preparing, adopting, and implementing a capital facilities plan concerning:

(I) impacts that the facilities proposed in the capital facilities plan may have on the affected entity; and

(II) facilities or uses of land that the affected entity is planning or considering that may conflict with the facilities proposed in the capital facilities plan.

(c) The plan shall identify:

(i) demands placed upon existing public facilities by new development activity; and
(ii) the proposed means by which the local political subdivision will meet those demands.

(d) Municipalities and counties need not prepare a separate capital facilities plan if the general plan required by Sections 10-9-301 and 17-27-301 contains the elements required by Subsection (2)(c).

(e) (i) If a local political subdivision prepares an independent capital facilities plan rather than including a capital facilities element in the general plan, the local political subdivision shall, before adopting the capital facilities plan:

(A) give public notice of the plan according to this Subsection (2)(e);

(B) at least 14 days before the date of the public hearing:

(I) make a copy of the plan, together with a summary designed to be understood by a lay person, available to the public; and

(II) place a copy of the plan and summary in each public library within the local political subdivision; and

(C) hold a public hearing to hear public comment on the plan.

(ii) Municipalities shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36-401(4)(f), receive the protections of, Subsections 10-9-103(2) and 10-9-402(2).

(iii) Counties shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36-401(4)(f), receive the protections of, Subsections 17-27-103(2) and 17-27-402(2).

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

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

(f) (i) Local political subdivisions with a population or serving a population of less than

5,000 as of the last federal census need not comply with the capital facilities plan requirements of this part, but shall ensure that the impact fees imposed by them are based upon a reasonable plan.

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

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

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

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

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

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

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

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

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

(i) the cost of existing public facilities;

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

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

(iv) the relative extent to which the newly developed properties and the other properties

in the municipality will contribute to the cost of existing public facilities in the future;

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(c) be sent to:

(i) each affected entity;

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

- (i) indicate that the independent special district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;
- (ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;
- (iii) be sent to:
 - (A) each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;
 - (B) each affected entity;
 - (C) the Automated Geographic Reference Center created in Section [~~63A-6-202~~ 63F-1-506];
 - (D) each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and
 - (E) the state planning coordinator appointed under Section 63-38d-202;
- (iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)(A) and affected entities, invite them to provide information for the independent special district to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:
 - (A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and
 - (B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and
- (v) include the address of an Internet website, if the independent special district has one, and the name and telephone number of a person where more information can be obtained concerning the independent special district's proposed long-range plan or amendments to a long-range plan.

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

- (i) the anticipated use of the property under the county or municipality's general plan; or
- (ii) the property's current zoning designation.

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

- (i) indicate that the independent special district intends to acquire real property;
- (ii) identify the real property; and
- (iii) be sent to:

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

(B) each affected entity.

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(iii) be sent to:

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

(B) each affected entity;

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

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

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

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

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

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

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

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

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

(ii) the property's current zoning designation.

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

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

(ii) identify the real property; and

(iii) be sent to:

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

(B) each affected entity.

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

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

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

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

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

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

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

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

(b) The county legislative body shall:

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

(ii) divide those precincts before February 1.

(3) The county legislative body may not:

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

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

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

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

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

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

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

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

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

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

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

(b) a candidate for Congressional representative whose Congressional district boundary is uncertain because the identifying feature used to establish the district boundary has been removed, modified, or is unable to be identified or who is uncertain about whether or not he or

another person resides in a particular Congressional district; or

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

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

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

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

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

(d) When the lieutenant governor determines the location of the Congressional district boundary, the lieutenant governor shall:

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

(ii) send a copy of the certification to:

(A) the affected party;

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

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

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

(i) the person;

(ii) the affected party who filed the petition, if different than the person whose

Congressional district number was identified; and

(iii) the county clerk of the affected county.

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

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

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

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

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

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

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

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

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

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

(d) If the lieutenant governor determines the precise location of the state board district boundary, the lieutenant governor shall:

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

(ii) send a copy of the certification to:

(A) the affected party;

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

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

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

(i) the person;

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

(iii) the county clerk of the affected county.

Section 9. Section **36-1-105** is amended to read:

36-1-105. Uncertain boundaries -- How resolved.

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

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

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

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

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

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

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

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

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

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

(ii) send a copy of the certification to:

(A) the affected party;

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

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

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

(i) the person;

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

(iii) the county clerk of the affected county.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) send a copy of the certification to:

(A) the affected party;

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

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

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

(i) the person;

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

(iii) the county clerk of the affected county.

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

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

(1) The chief information officer shall:

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

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

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

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

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

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

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

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

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

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

A county clerk may:

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

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

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

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

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

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

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

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

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

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

records; and

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

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

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

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

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

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

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

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

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

(a) conduct transactions by electronic means; or

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

(5) Each state governmental agency shall:

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

(b) obtain approval of those schedules from the State Records Committee as required by

Subsection 63-2-502(1)(b).

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

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

(1) Notwithstanding Section 46-4-501, a state governmental agency that administers one or more of the following transactions shall allow those transactions to be conducted electronically:

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

(b) the renewal of a drivers license;

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

(d) the filing of:

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

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

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

(e) a registration for:

(i) a product; or

(ii) a brand;

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

(g) a registration under:

(i) Title 16, Corporations;

(ii) Title 42, Names; or

(iii) Title 48, Partnership; or

(h) submission of an application for benefits:

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

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

(iii) related to accident and health insurance.

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

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

- (a) secure access by parents and students to student grades and progress reports;
- (b) e-mail communications with:
 - (i) teachers;
 - (ii) parent-teacher associations; and
 - (iii) school administrators;
- (c) access to school calendars and schedules; and
- (d) teaching resources that may include:
 - (i) teaching plans;
 - (ii) curriculum guides; and
 - (iii) media resources.
- (3) A state governmental agency shall:

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

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

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

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

- (a) conducting the transaction electronically is not required by federal law; and
- (b) conducting the transaction electronically is:
 - (i) impractical;
 - (ii) unreasonable; or
 - (iii) not permitted by laws pertaining to privacy or security.

(5) (a) For purposes of this Subsection (5), "one-stop shop" means the consolidation of

access to diverse services and agencies at one location including virtual colocation.

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

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

(d) The following state agencies shall comply with the provisions of this Subsection (5):

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

(ii) Department of Workforce Services;

(iii) Department of Commerce;

(iv) Tax Commission;

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

(vi) Department of Agriculture;

(vii) Department of Natural Resources; and

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

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

(i) business life cycle information;

(ii) business searches;

(iii) employment needs and opportunities;

(iv) motor vehicle registration;

(v) permit applications and renewal;

(vi) tax information;

- (vii) government procurement bid notifications;
- (viii) general business information;
- (ix) business directories; and
- (x) business news.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) the agency employing the law enforcement officer;

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

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

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

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

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

(A) evaluating the data;

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

(C) reporting and making recommendations to the Legislature; and

(iii) classify any personal identifying information of any individual, including law enforcement officers, in the database as protected records under Subsection 63-2-304(9).

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

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

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

53-10-601. Utah 911 Committee.

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

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

(i) Salt Lake County;

(ii) Davis County;

(iii) Utah County; and

(iv) Weber County;

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

(i) Bear River Association;

(ii) Uintah Basin Association;

(iii) South East Association;

(iv) Six County Association;

(v) Five County Association; and

(vi) Mountainlands Association, not including Utah County;

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

(i) a representative from a local exchange carrier;

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

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

(d) two representatives from the Department of Public Safety, one of whom represents urban Utah and the other rural Utah; and

(e) a representative from the [~~Division of Information Technology Services~~] Department of Technology Services, created in Title 63F, Chapter 1.

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

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

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

(A) the six associations shall select by lot, the first four associations to begin the rotation

of membership as required by Subsection (2)(b)(i); and

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

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

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

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

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

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

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

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

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

(d) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2)(a).

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

(b) Staff services to the committee:

(i) shall be provided by the division; and

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

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

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

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

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

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

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

(a) the committee, the committee shall:

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

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

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

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

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

(b) the committee, the committee shall:

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

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

(iii) shall include reimbursement to the provider for the cost of design, development, and

implementation of equipment or software necessary to provide Phase I, wireless E-911 service to public service answering points, provided:

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

(i) whose services or facilities are likely to require expansion or significant modification

because of an intended use of land; or

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

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

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

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

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

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

(iii) be sent to:

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

(B) each affected entity;

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

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

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

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

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

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

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

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

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

- (i) the anticipated use of the property under the county or municipality's general plan; or
- (ii) the property's current zoning designation.

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

- (i) indicate that the school district intends to acquire real property;
- (ii) identify the real property; and
- (iii) be sent to:

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

(B) each affected entity.

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

(d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district previously provided notice under Subsection (2) identifying the general location within the

municipality or unincorporated part of the county where the property to be acquired is located.

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

(iii) be sent to:

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

(B) each affected entity;

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

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

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

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

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

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

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

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

- (i) the anticipated use of the property under the county or municipality's general plan; or
- (ii) the property's current zoning designation.

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

- (i) indicate that the specified public utility intends to acquire real property;
- (ii) identify the real property; and
- (iii) be sent to:

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

(B) each affected entity.

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

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

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

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

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

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

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

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

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

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

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

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

- (1) adopt office policies governing the internal functions of the Division of Purchasing and General Services;
- (2) procure or supervise the procurement of all supplies, services, and construction needed by the state;
- (3) exercise general supervision and control over all inventories or supplies belonging to the state;
- (4) establish and maintain programs for the inspection, testing, and acceptance of supplies, services, and construction;
- (5) prepare statistical data concerning the procurement and usage of all supplies, services, and construction;
- (6) before June 1, 1990, notify all public procurement units of the requirements of Section 63-56-20.7 regarding purchases of recycled paper and recycled paper products, recycling requirements, and provide guidelines on the availability of recycled paper and paper products, including the sources of supply and the potential uses of various grades of recycled paper;
- (7) before July 1, 1992:
 - (a) establish standards and specifications for determining which supplies are considered recycled, based upon his review of current definitions and standards employed by national procurement, product recycling, and other relevant organizations and the federal Environmental Protection Agency;
 - (b) compile and update as necessary the specifications, a list of recycled supplies available on state contract, and sources where the supplies may be obtained;
 - (c) make the compiled information under Subsection (7)(b) available to:

- (i) all local government entities under Section 11-37-101;
- (ii) all local health departments under Section 26A-1-108.7;
- (iii) all procurement officers or other persons responsible for purchasing supplies within the public school system under Title 53A, State System of Public Education;
- (iv) all procurement officers or other persons responsible for purchasing supplies within the state system of higher education under Title 53B, State System of Higher Education; and
- (v) all procurement officers or other persons responsible for purchasing supplies for all public procurement units as defined in Section 63-56-5; and
- (d) present a written report to the Natural Resources, Agriculture, and Environment Interim Committee annually prior to November 30 regarding the purchases of recycled goods on state contracts during the prior fiscal year; and
- (8) ensure that:
 - (a) before approving a purchase, lease, or rental not covered by an existing statewide contract for information technology or telecommunications supplies or services [~~under the provisions of Section 63A-6-105, the director of the Division of Information Technology Services has provided in writing to the chief procurement officer that the analysis required by Subsection 63A-6-105(7) was completed~~], the chief information officer and the agency have provided in writing to the division, that the needs analysis required in Section 63F-1-205 was completed; and
 - (b) the oversight authority required by Subsection (8)(a) is not delegated outside the Division of Purchasing and General Services.

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

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

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

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

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

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

- (a) administrative rules;
- (b) archives and records;
- (c) facilities construction and management;
- (d) finance;
- (e) fleet operations;
- ~~[(f) information technology services;]~~
- ~~[(g) (f) office of state debt collection;~~
- ~~[(h) (g) state purchasing and general services;~~
- ~~[(i) (h) risk management; and~~
- ~~[(j) (i) office of child welfare parental defense.~~

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

Section 24. Section **63A-1-114** is amended to read:

63A-1-114. Rate Committee -- Membership -- Duties.

(1) (a) There is created a Rate Committee which shall consist of:

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

- (iii) the executive director of the Department of Administrative Services, or a designee;
- (iv) the director of the Division of Finance, or a designee; and
- (v) the chief information officer.

(b) (i) The committee shall elect a chair from its members.

(ii) Members of the committee who are state government employees and who do not receive salary, per diem, or expenses from their agency for their service on the committee shall receive no compensation, benefits, per diem, or expenses for the members' service on the committee.

(c) The Department of Administrative Services shall provide staff services to the committee.

(2) (a) The internal service funds managed by the following divisions shall submit to the committee a proposed rate and fee schedule for services rendered by the divisions to an executive branch entity or an entity that subscribes to services rendered by the division, the:

- (i) Division of Facilities Construction and Management;
- (ii) Division of Fleet Operations;
- (iii) Division of Purchasing and General Services; and
[~~(iv) Division of Information Technology Services; and~~
[~~(v)~~] (iv) Division of Risk Management.

(b) The committee shall:

- (i) conduct meetings in accordance with Title 52, Chapter 4, Open and Public Meetings;
- (ii) review the proposed rate and fee schedules and may approve, increase, or decrease the rate and fee;

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

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

- (B) the legislative appropriations subcommittees that, in accordance with Section 63-38-3.5, approve the internal service fund agency's rates, fees, and budget; and

- (iv) review and approve, increase or decrease an interim rate, fee, or amount when an internal service fund agency begins a new service or introduces a new product between annual general sessions of the Legislature.

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

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

63A-6-101.5. Definitions.

As used in this chapter:

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

- (2) "Commission" means the Utah Technology Commission created in Section 63D-1a-201.
- (3) "Computer center" means the location at which a central data processing platform is managed to serve multiple executive branch agencies.
- (4) "Data center" means a centralized repository for the storage, management, and dissemination of data.
- (5) "Director" means the director appointed in accordance with Section 63A-6-102.
- (6) "Division" means the Division of Information Technology Services created in Section 63A-6-101.
- (7) "Executive branch agency" is as defined in Section 63D-1a-102.
- (8) "Executive branch strategic plan" is as defined in Section 63D-1a-102.
- (9) "Information technology" is as defined in Section [~~63D-1a-102~~] 63F-1-102.
- (10) "Telecommunications" means the transmission or reception of signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, light waves, or other electromagnetic means.

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

63A-6-103. Duties of the division.

The division shall:

- (1) establish telecommunication system specifications and standards for use by:
 - (a) one or more executive branch agencies; or
 - (b) one or more entities that subscribe to the telecommunication systems in accordance with Section 63A-6-106;
- (2) coordinate state telecommunication planning:
 - (a) in cooperation with:
 - (i) state telecommunication users;
 - (ii) executive branch agencies; and
 - (iii) other subscribers to the state's telecommunication systems; and
 - (b) subject to Section [~~63D-1a-307~~] 63A-6-108;

- (3) coordinate the development and implementation of advanced state telecommunication systems;
- (4) provide services including technical assistance to:
 - (a) (i) executive branch agencies; and
 - (ii) subscribers to the services; and
 - (b) related to:
 - (i) information technology; or
 - (ii) telecommunications;
- (5) cooperate:
 - (a) with:
 - (i) the federal government;
 - (ii) other state entities;
 - (iii) counties; and
 - (iv) municipalities;
 - (b) in the development, implementation, and maintenance of:
 - (i) governmental information technology; or
 - (ii) governmental telecommunication systems; and
 - (c) (i) as part of a cooperative organization; or
 - (ii) through means other than a cooperative organization;
- (6) establish, operate, manage, and maintain:
 - (a) one or more state data centers; and
 - (b) one or more regional computer centers;
- (7) design, implement, and manage all state-owned, leased, or rented land mobile or radio telecommunication systems that are used in the delivery of services for state government or its political subdivisions;
- (8) in accordance with the executive branch strategic plan, implement minimum standards to be used by the division for purposes of compatibility of procedures, programming languages, codes, and media that facilitate the exchange of information within and among

telecommunication systems; and

(9) assist executive branch agencies in complying with the requirements of any rule adopted by the chief information officer in accordance with Section [~~63D-1a-305~~] 63F-1-206.

Section 27. Section **63A-6-105** is amended to read:

63A-6-105. Duties of director -- Fees -- Rate Committee -- Advisory committee.

(1) The director shall:

(a) at the lowest practical cost, manage the delivery of efficient and cost-effective information technology and telecommunication services for:

- (i) all executive branch agencies; and
- (ii) entities that subscribe to the services in accordance with Section 63A-6-106; and
- (b) provide priority service to public safety agencies.

(2) The director may negotiate the purchase, lease, or rental of private or public information technology or telecommunication services or facilities in accordance with Subsection (7).

(3) Where practical, efficient, and economically beneficial, the director shall use existing private and public information technology or telecommunication resources.

(4) (a) [~~In accordance with Section 63D-1a-303, the~~] The director shall provide the chief information officer a written analysis of any agency information technology plan provided to the division by the chief information officer with the information requested by the chief information officer in accordance with Subsection 63F-1-504(3).

(b) In accordance with Section [~~63D-1a-307~~] 63A-6-108, the division shall submit the division's agency information technology plan for approval by the chief information officer.

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

- (i) an executive branch entity; or
- (ii) an entity that subscribes to services rendered by the division in accordance with Section 63A-6-106.

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

(i) equitable; and

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

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

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

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

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

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

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

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

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

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

(i) the analysis required in Subsection (7)(a) was completed; and

(ii) based on the analysis, the proposed purchase, lease, rental, or master contract of services, products, or supplies is practical, efficient, and economically beneficial to the state and

the executive branch agency or subscriber of services.

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

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

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

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

- (a) the information required by Section ~~[63D-1a-303]~~ 63F-1-204;
- (b) a list of the services the division offers or plans to offer;
- (c) a description of the performance measures used by the division to measure the quality of the services described in Subsection (2)(b); and
- (d) a summary of the state telecommunication plans developed in accordance with Subsection 63A-6-103(2).

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

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

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

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

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

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

63D-1a-102. Definitions.

As used in this title:

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

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

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

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

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

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

- (i) the legislative branch;
- (ii) the judicial branches;
- (iii) the State Board of Education;
- (iv) the Board of Regents; and
- (v) institutions of higher education.

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

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

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

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

~~[(i) people;]~~

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

~~[(iii) equipment.]~~

~~[(8) "Information technology" means all computerized and auxiliary automated information handling, including:]~~

~~[(a) systems design and analysis;]~~

~~[(b) conversion of data;]~~

~~[(c) computer programming;]~~

~~[(d) information storage and retrieval;]~~

~~[(e) voice, radio, video, and data communications;]~~

~~[(f) requisite systems controls;]~~

~~[(g) simulation; and]~~

~~[(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 agency or administrative subunit of state government.

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

(i) the legislative branch;

(ii) the judicial branch;

(iii) the State Board of Education;

(iv) the Board of Regents;

(v) institutions of higher education;

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

(vii) elective constitutional offices of the executive department which includes:

(A) the state auditor;

(B) the state treasurer; and

(C) the attorney general.

(8) "Executive branch strategic plan" means the executive branch strategic plan created under Section 63F-1-203.

(9) "Information technology" means all computerized and auxiliary automated information handling, including:

(a) systems design and analysis;

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

(c) computer programming;

(d) information storage and retrieval;

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

(f) requisite systems controls;

(g) simulation; and

(h) all related interactions between people and machines.

(10) "State information architecture" means a logically consistent set of principles, policies, and standards that guide the engineering of state government's information technology and infrastructure in a way that ensures alignment with state government's business and service needs.

(11) "Telecommunications" means the transmission or reception of signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, light waves, or other electromagnetic means.

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

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

(1) There is created within state government the Department of Technology Services which has all of the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities outlined in this title.

(2) In accordance with Subsection 63-38-3.5(7), the department has authority to operate as an internal service fund agency as provided in Section 63-38-3.5.

Section 33. Section **63F-1-104** is enacted to read:

63F-1-104. Purposes.

The department shall:

(1) lead state executive branch agency efforts to reengineer the state's information technology architecture with the goal of coordinating central and individual agency information technology in a manner that:

(a) ensures compliance with the executive branch agency strategic plan; and

(b) ensures that cost-effective, efficient information and communication systems and resources are being used by agencies to:

(i) reduce data, hardware, and software redundancy;

(ii) improve system interoperability and data accessibility between agencies; and

(iii) meet the agency's and user's business and service needs;

- (2) (a) coordinate an executive branch strategic plan for all agencies;
- (b) identify best practices from agencies and other public and private sector entities; and
- (c) develop and implement processes to replicate information technology best practices and standards throughout the executive branch;
- (3) oversee the expanded use and implementation of project and contract management principles as they relate to information technology projects within the executive branch;
- (4) serve as general contractor between the state's information technology users and private sector providers of information technology products and services;
- (5) work toward building stronger partnering relationships with providers;
- (6) develop service level agreements with executive branch departments and agencies to ensure quality products and services are delivered on schedule and within budget;
- (7) develop standards for application development including a standard methodology and cost-benefit analysis that all agencies shall utilize for application development activities;
- (8) determine and implement statewide efforts to standardize data elements and determine data ownership assignments among executive branch agencies;
- (9) develop systems and methodologies to review, evaluate, and prioritize existing information technology projects within the executive branch and report to the governor and the commission on a semiannual basis regarding the status of information technology projects; and
- (10) assist the Governor's Office of Planning and Budget with the development of information technology budgets for agencies.

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

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

- (1) The governor shall:
 - (a) appoint the executive director with the consent of the Senate; and
 - (b) establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (2) The executive director shall:
 - (a) serve at the pleasure of the governor; and

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

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

63F-1-106. Executive director -- Jurisdiction over divisions and office directors --

Authority.

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

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

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

(4) (a) An employee of an executive branch agency who was a career service employee as of July 1, 2005 who is transferred to the Department of Technology Services continues in the employee's career service status during the employee's service to the Department of Technology Services if the duties of the position in the new department are substantially similar to those in the employee's previous position.

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

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

(i) preserve relevant career service positions;

(ii) retain qualified employees in non-relevant positions through transfers to other

positions in state government, with retraining as necessary; and

(iii) promote greater economy and efficiencies for the department.

(d) The Department of Technology Services together with the Department of Human Resource Management may develop financial and other incentives to encourage a career service employee who transfers to the department under the provisions of Subsection (4)(a) to voluntarily convert to an exempt position under Section 67-19-15.

(e) If a career service employee transfers to the department under the provisions of Subsection (4)(a) and terminates his employment with the department for any reason, the employment position shall be exempt from career service status under the provisions of Subsection (3).

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

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

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

(a) the Division of Enterprise Technology;

(b) the Division of Integrated Technology; and

(c) the Division of Agency Services.

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

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

Part 2. Chief Information Officer

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

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

(2) The chief information officer shall:

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

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

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

(i) the governor;

(ii) the commission; and

(iii) the Public Utilities and Technology Interim Committee.

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

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

(ii) summarize the executive branch strategic plan including a description of major changes in the executive branch strategic plan; and

(iii) provide a brief description of each state agency's information technology plan.

Section 38. Section **63F-1-202** is enacted to read:

63F-1-202. Technology Advisory Board -- Membership -- Duties.

(1) There is created the Technology Advisory Board to the chief information officer. The board shall have seven members as follows:

(a) three members appointed by the governor who are individuals actively involved in business planning for state agencies;

(b) one member appointed by the governor who is actively involved in business planning for higher education or public education;

(c) one member appointed by the speaker of the House of Representatives and president of the Senate from the Legislative Automation Committee of the Legislature to represent the legislative branch;

(d) one member appointed by the Judicial Council to represent the judicial branch; and

(e) one member appointed by the governor who represents private sector business needs in the state, but who is not an information technology vendor for the state.

(2) (a) The members of the advisory board shall elect a chair from the board by majority vote.

(b) The department shall provide staff to the board.

(c) (i) A majority of the members of the board constitutes a quorum.

(ii) Action by a majority of a quorum of the board constitutes an action of the board.

(3) The board shall meet as necessary to advise the chief information officer and assist the chief information officer and executive branch agencies in coming to consensus on:

(a) the development and implementation of the state's information technology strategic plan;

- (b) critical information technology initiatives for the state;
- (c) the development of standards for state information architecture;
- (d) identification of the business and technical needs of state agencies;
- (e) the department's performance measures for service agreements with executive branch agencies and subscribers of services; and
- (f) the efficient and effective operation of the department.

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

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

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

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

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

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

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

- (a) that complies with this chapter; and
- (b) which shall include:
 - (i) a strategic plan for the:
 - (A) interchange of information related to information technology between executive branch agencies;
 - (B) coordination between executive branch agencies in the development and maintenance of information technology and information systems, including the coordination of

agency information technology plans described in Section 63F-1-204; and

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

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

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

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

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

(2) In the development of the executive branch strategic plan, the chief information officer shall consult with all cabinet level officials and the advisory board created in Section 63F-1-202.

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

(i) the governor; and

(ii) the commission.

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

(i) should be modified; or

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

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

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

(4) The executive branch strategic plan is to be implemented by executive branch

agencies through each executive branch agency adopting an agency information technology plan in accordance with Section 63F-1-204.

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

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

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

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

- (i) the information technology objectives of the agency;
- (ii) any performance measures used by the agency for implementing the agency's information technology objectives;
- (iii) any planned expenditures related to information technology;
- (iv) the agency's need for appropriations for information technology;
- (v) how the agency's development of information technology coordinates with other state and local governmental entities;
- (vi) any efforts the agency has taken to develop public and private partnerships to accomplish the information technology objectives of the agency; and
- (vii) the efforts the executive branch agency has taken to conduct transactions electronically in compliance with Section 46-4-503.

(2) (a) Except as provided in Subsection (2)(b), an agency information technology plan described in Subsection (1) shall comply with the executive branch strategic plan established in accordance with Section 63F-1-203.

(b) If the executive branch agency submitting the agency information technology plan justifies the need to depart from the executive branch strategic plan, an agency information technology plan may depart from the executive branch strategic plan to the extent approved by

the chief information officer.

(3) (a) On receipt of a state agency information technology plan, the chief information officer shall forward a complete copy of the agency information technology plan to the Division of Enterprise Technology created in Section 63F-1-401 and the Division of Integrated Technology created in Section 63F-1-501.

(b) The divisions shall provide the chief information officer a written analysis of each agency plan submitted in accordance with Sections 63F-1-404 and 63F-1-504.

(4) (a) The chief information officer shall review each agency plan to determine:

(i) (A) whether the agency plan complies with the executive branch strategic plan and state information architecture; or

(B) to the extent that the agency plan does not comply with the executive branch strategic plan or state information architecture, whether the executive branch entity is justified in departing from the executive branch strategic plan, or state information architecture; and

(ii) whether the agency plan meets the information technology and other needs of:

(A) the executive branch agency submitting the plan; and

(B) the state.

(b) In conducting the review required by Subsection (4)(a), the chief information officer shall consider the analysis submitted by the divisions under Subsection (3).

(5) After the chief information officer conducts the review described in Subsection (4) of an agency information technology plan, the chief information officer may:

(a) approve the agency information technology plan;

(b) disapprove the agency information technology plan; or

(c) recommend modifications to the agency information technology plan.

(6) An executive branch agency or the department may not submit a request for appropriation related to information technology or an information technology system to the governor in accordance with Section 63-38-2 until after the executive branch agency's information technology plan is approved by the chief information officer.

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

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

(1) (a) In accordance with Subsection (2), the chief information officer shall approve the acquisition by an executive branch agency of:

(i) information technology equipment;

(ii) telecommunications equipment;

(iii) software;

(iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and

(v) data acquisition.

(b) The chief information officer may negotiate the purchase, lease, or rental of private or public information technology or telecommunication services or facilities in accordance with this section.

(c) Where practical, efficient, and economically beneficial, the chief information officer shall use existing private and public information technology or telecommunication resources.

(2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount that exceeds the value established by the chief information officer by rule in accordance with Section 63F-1-206, the chief information officer shall:

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

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

(i) the analysis required in Subsection (2)(a) was completed; and

(ii) based on the analysis, the proposed purchase, lease, rental, or master contract of services, products, or supplies is practical, efficient, and economically beneficial to the state and the executive branch agency or subscriber of services.

(3) In approving an acquisition described in Subsections (1) and (2), the chief information officer shall:

(a) establish by administrative rule, in accordance with Section 63F-1-206, standards under which an agency must obtain approval from the chief information officer before acquiring the items listed in Subsections (1) and (2);

(b) for those acquisitions requiring approval, determine whether the acquisition is in compliance with:

(i) the executive branch strategic plan;

(ii) the applicable agency information technology plan;

(iii) the budget for the executive branch agency or department as adopted by the Legislature; and

(iv) Title 63, Chapter 56, Utah Procurement Code; and

(c) in accordance with Section 63F-1-207, require coordination of acquisitions between two or more executive branch agencies if it is in the best interests of the state.

(4) (a) Each executive branch agency shall provide the chief information officer with complete access to all information technology records, documents, and reports:

(i) at the request of the chief information officer; and

(ii) related to the executive branch agency's acquisition of any item listed in Subsection (1).

(b) Beginning July 1, 2006 and in accordance with administrative rules established by the department under Section 63F-1-206, no new technology projects may be initiated by an executive branch agency or the department unless the technology project is described in a formal project plan and the business case analysis has been approved by the chief information officer and agency head. The project plan and business case analysis required by this Subsection (4) shall be in the form required by the chief information officer, and shall include:

(i) a statement of work to be done and existing work to be modified or displaced;

(ii) total cost of system development and conversion effort, including system analysis and programming costs, establishment of master files, testing, documentation, special equipment cost and all other costs, including overhead;

(iii) savings or added operating costs that will result after conversion;

(iv) other advantages or reasons that justify the work;
(v) source of funding of the work, including ongoing costs;
(vi) consistency with budget submissions and planning components of budgets; and
(vii) whether the work is within the scope of projects or initiatives envisioned when the current fiscal year budget was approved.

(5) (a) The chief information officer and the Division of Purchasing and General Services shall work cooperatively to establish procedures under which the chief information officer shall monitor and approve acquisitions as provided in this section.

(b) The procedures established under this section shall include at least the written certification required by Subsection 63-56-9(8).

Section 42. Section **63F-1-206** is enacted to read:

63F-1-206. Rulemaking -- Policies.

(1) (a) Except as provided in Subsection (2), in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the chief information officer shall make rules that:

(i) provide standards that impose requirements on executive branch agencies that:
(A) are related to the security of the statewide area network; and
(B) establish standards for when an agency must obtain approval before obtaining items listed in Subsection 63F-1-205(1);

(ii) specify the detail and format required in an agency information technology plan submitted in accordance with Section 63F-1-204;

(iii) provide for standards related to the privacy policies of websites operated by or on behalf of an executive branch agency;

(iv) provide for the acquisition, licensing, and sale of computer software;

(v) specify the requirements for the project plan and business case analysis required by Section 63F-1-205;

(vi) provide for project oversight of agency technology projects when required by Section 63F-1-205;

(vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the

needs assessment for information technology purchases;

(viii) establish telecommunications standards and specifications in accordance with Section 63F-1-404; and

(ix) establish policies regarding the issuance of digital certificates by government entities under Section 46-3-601.

(b) The rulemaking authority in this Subsection (1) is in addition to any other rulemaking authority granted by this title.

(2) (a) Notwithstanding Title 63, Chapter 46a, Utah Administrative Rulemaking Act, and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines procedures to be followed by the chief information officer in facilitating the implementation of this title by executive branch agencies if the policy:

(i) is consistent with the executive branch strategic plan; and

(ii) is not required to be made by rule under Subsection (1) or Section 63-46a-3.

(b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may not take effect until 30 days after the day on which the chief information officer submits the policy to:

(A) the governor; and

(B) all cabinet level officials.

(ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials may review and comment on a policy submitted under Subsection (2)(b)(i).

(3) (a) Notwithstanding Subsection (1) or (2) or Title 63, Chapter 46a, Utah Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the chief information officer may adopt a security procedure to be followed by executive branch agencies to protect the statewide area network if:

(i) broad communication of the security procedure would create a significant potential for increasing the vulnerability of the statewide area network to breach or attack; and

(ii) after consultation with the chief information officer, the governor agrees that broad communication of the security procedure would create a significant potential increase in the

vulnerability of the statewide area network to breach or attack.

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

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

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

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

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

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

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

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

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

(a) the budget approved by the Legislature; and

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

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

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

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

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

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

(i) the executive branch agency or institution of higher education has requested that the function be delegated;

(ii) the executive branch agency or institution of higher education has the necessary resources and skills to perform or control the function to be delegated; and

(iii) the function to be delegated is a unique or mission critical function of the agency or institution of higher education which is not appropriate to:

(A) govern or manage under the Division of Enterprise Technology; or

(B) govern or manage under the Division of Integrated Technology.

(2) The chief information officer may delegate a function of the department only when the delegation results in net cost savings or improved service delivery to the state as a whole or to the unique mission critical function of the executive branch agency.

(3) The delegation of a function under this section shall:

(a) be in writing;

(b) contain all of the following:

(i) a precise definition of each function to be delegated;

(ii) a clear description of the standards to be met in performing each function delegated;

(iii) a provision for periodic administrative audits by the Division of Agency Services in accordance with Section 63F-1-604;

(iv) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed; and

(v) any delegation of department staff to the agency to support the function in-house with the agency and rates to be charged for the delegated staff; and

(c) include a cost-benefit analysis justifying the delegation in accordance with Section 63F-1-604.

(4) An agreement to delegate functions to an executive branch agency or an institution of

higher education may be terminated by the department if the results of an administrative audit conducted by the division reveals a lack of compliance with the terms of the agreement by the executive branch agency or institution of higher education.

Section 45. Section **63F-1-209** is enacted to read:

63F-1-209. Delegation of department staff to executive branch agencies --

Prohibition against executive branch agency information technology staff.

(1) (a) The chief information officer shall assign department staff to serve an agency in-house if the chief information officer and the executive branch agency director jointly determine it is appropriate to provide information technology services to:

(i) the agency's unique mission critical functions and applications;

(ii) the agency's participation in and use of statewide enterprise architecture under the Division of Enterprise Technology; and

(iii) the agency's use of coordinated technology services with other agencies that share similar characteristics with the agency under the Division of Integrated Technology.

(b) (i) An agency may request the chief information officer to assign in-house staff support from the department.

(ii) The chief information officer shall respond to the agency's request for in-house staff support in accordance with Subsection (1)(a).

(c) The department shall enter into service agreements with an agency when department staff is assigned in-house to the agency under the provisions of this section.

(d) An agency that receives in-house staff support assigned from the department under the provision of this section is responsible for paying the rates charged by the department for that staff as established under Section 63F-1-301.

(2) (a) After July 1, 2006, an executive branch agency may not create a full-time equivalent position or part-time position, or request an appropriation to fund a full-time equivalent position or part-time position under the provisions of Section 63-38-2 for the purpose of providing information technology services to the agency unless:

(i) the chief information officer has approved a delegation under Section 63F-1-208; and

(ii) the Division of Agency Services conducts an audit under Section 63F-1-604 and finds that the delegation of information technology services to the agency meets the requirements of Section 63F-1-208.

(b) The prohibition against a request for appropriation under Subsection (2)(a) does not apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

Section 46. Section **63F-1-301** is enacted to read:

Part 3. Information Technology Rate Committee

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

(1) The chief information officer shall:

(a) at the lowest practical cost, manage the delivery of efficient and cost-effective information technology and telecommunication services for:

(i) all executive branch agencies; and

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

(b) provide priority service to public safety agencies.

(2) (a) In accordance with this Subsection (2), the chief information officer shall prescribe a schedule of fees for all services rendered by the department to:

(i) an executive branch entity; or

(ii) an entity that subscribes to services rendered by the department in accordance with Section 63F-1-303.

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

(i) shall be equitable;

(ii) should be based upon a zero based, full cost accounting of activities necessary to provide each service for which a fee is established; and

(iii) for each service multiplied by the projected consumption of the service recovers no more or less than the full cost of each service.

(c) Before charging a fee for its services to an executive branch agency or to a subscriber of services other than an executive branch agency, the chief information officer shall:

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

in Section 63F-1-302; and

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

(d) The chief information officer shall conduct a market analysis by July 1, 2006, and periodically thereafter, of proposed rates and fees, which analysis shall include a comparison of the department's rates with the fees of other public or private sector providers where comparable services and rates are reasonably available.

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

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

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

(i) the director of the Governor's Office of Planning and Budget, or a designee;

(ii) the executive directors, or their designee, of three executive branch agencies that use services and pay rates to one of the department internal service funds, appointed by the governor for a two-year term;

(iii) the director of the Division of Finance, or a designee; and

(iv) the chief information officer.

(b) (i) The director of the Division of Finance shall serve as chair of the committee.

(ii) Members of the committee who are state government employees and who do not receive salary, per diem, or expenses from their agency for their service on the committee shall receive no compensation, benefits, per diem, or expenses for the member's service on the committee.

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

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

(b) The committee shall:

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

(ii) review the proposed rate and fee schedule and determine if the proposed fee is based

on cost recovery as required by Subsection 63F-1-301(2)(b):

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

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

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

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

(v) in accordance with Section 63-38-3.5, review and approve, increase or decrease an interim rate, fee, or amount when an internal service fund agency begins a new service or introduces a new product between annual general sessions of the Legislature, which rate, fee, or amount shall be submitted to the Legislature at the next annual general session.

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

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

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

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

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

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

(i) result in:

(A) cost savings;

(B) increased efficiency; or

(C) improved quality of services; and

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

(2) An institution of higher education may subscribe to the services provided by the

department if:

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

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

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

(a) the legislative branch;

(b) the judicial branch;

(c) the State Board of Education;

(d) a political subdivision of the state;

(e) an agency of the federal government;

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

(g) an elective constitutional officer of the executive department as defined in Subsection 63F-1-102(7)(b).

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

Part 4. Division of Enterprise Technology

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

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

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

63F-1-402. Definitions.

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

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

(2) networks;

(3) enterprise wide applications;

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

(5) standards for other computing devices, operating systems, common applications, and software; and

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

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

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

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

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

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

The division shall:

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

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

(a) control costs;

(b) ensure business value to a project;

(c) maximize resources;

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

(e) avoid duplication of resources;

(3) develop a method of accountability to agencies for services provided by the division through service agreements with the agencies;

(4) beginning September 1, 2006, and each September 1 thereafter, provide the chief information officer and the commission with performance measures used by the division to measure the quality of service delivered by the division and the results of the performance measures;

(5) serve as a project manager for enterprise architecture which includes the management

of applications, standards, and procurement of enterprise architecture;

(6) coordinate the development and implementation of advanced state telecommunication systems;

(7) provide services including technical assistance:

(a) to executive branch agencies and subscribers to the services; and

(b) related to information technology or telecommunications;

(8) establish telecommunication system specifications and standards for use by:

(a) one or more executive branch agencies; or

(b) one or more entities that subscribe to the telecommunication systems in accordance

with Section 63F-1-303;

(9) coordinate state telecommunication planning in cooperation with:

(a) state telecommunication users;

(b) executive branch agencies; and

(c) other subscribers to the state's telecommunication systems;

(10) cooperate with the federal government, other state entities, counties, and municipalities in the development, implementation, and maintenance of:

(a) (i) governmental information technology; or

(ii) governmental telecommunication systems; and

(b) (i) as part of a cooperative organization; or

(ii) through means other than a cooperative organization;

(11) establish, operate, manage, and maintain:

(a) one or more state data centers; and

(b) one or more regional computer centers;

(12) design, implement, and manage all state-owned, leased, or rented land, mobile, or radio telecommunication systems that are used in the delivery of services for state government or its political subdivisions;

(13) in accordance with the executive branch strategic plan, implement minimum standards to be used by the division for purposes of compatibility of procedures, programming

languages, codes, and media that facilitate the exchange of information within and among telecommunication systems; and

(14) provide the chief information officer with an analysis of an executive branch agency information technology plan that includes:

(a) an assessment of how the implementation of the agency information technology plan will affect the costs, operations, and services of:

- (i) the department; and
- (ii) other executive branch agencies; and
- (b) any recommended changes to the plan.

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

Part 5. Division of Integrated Technology

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

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

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

63F-1-502. Definitions.

As used in this part:

- (1) "Center" means the Automated Geographic Reference Center created in Section 63F-1-506.
- (2) "Database" means the State Geographic Information Database created in Section 63F-1-507.
- (3) "Director" means the director appointed in accordance with Section 63F-1-503.
- (4) "Division" means the Division of Integrated Technology created in this part.
- (5) "Geographic Information System" or "GIS" means a computer driven data integration and map production system that interrelates disparate layers of data to specific geographic locations.
- (6) "State Geographic Information Database" means the database mandated by Section 63F-1-506.

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

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

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

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

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

The division shall:

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

- (a) project management;
- (b) application development; and
- (c) procurement;

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

- (a) control costs;
- (b) ensure business value to a project;
- (c) maximize resources;
- (d) ensure the uniform application of best practices; and
- (e) avoid duplication of resources;

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

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

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

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

- (i) information technology projects are phased in;
- (ii) funding is released in phases;
- (iii) an agency's authority to proceed to the next phase of an information technology project is contingent upon the successful completion of the prior phase; and
- (iv) one or more specific deliverables is identified for each phase of a technology project;
- (4) establish a system of accountability to user agencies through the use of service agreements;
- (5) each year, provide the chief information officer and the commission with performance measures used by the division to measure the quality of services delivered by the division and results of those measures; and
- (6) establish administrative rules in accordance with Section 63F-1-206 and as required by Section 63F-1-506.

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

63F-1-505. Information technology plan.

- (1) In accordance with this section, the division shall submit an information technology plan to the chief information officer.
- (2) The information technology plan submitted by the division under this section shall include:
 - (a) the information required by Section 63F-1-203;
 - (b) a list of the services the division offers or plans to offer; and
 - (c) a description of the performance measures used by the division to measure the quality of the services described in Subsection (2)(b).
- (3) (a) In submitting its information technology plan under this section, the division shall comply with Section 63F-1-204.
- (b) The information technology plan submitted by the division under this section is subject to the approval of the chief information officer as provided in Section 63F-1-204.

Section 58. Section **63F-1-506**, which is renumbered from Section 63A-6-202 is renumbered and amended to read:

~~[63A-6-202].~~ **63F-1-506. Automated Geographic Reference Center.**

- (1) There is created the Automated Geographic Reference Center as part of the division.
- (2) The center shall:
 - (a) provide geographic information system services to state agencies under rules adopted in accordance with Section 63F-1-504 and policies established by the division;
 - (b) provide geographic information system services to federal government, local political subdivisions, and private persons under rules and policies established by the division;
 - (c) manage the State Geographic Information Database; and
 - (d) establish standard format, lineage, and other requirements for the database.
- (3) The division may:
 - (a) make rules and establish policies to govern the center and its operations; and
 - (b) set fees for the services provided by the center.

Section 59. Section **63F-1-507**, which is renumbered from Section 63A-6-203 is renumbered and amended to read:

~~[63A-6-203].~~ **63F-1-507. State Geographic Information Database.**

- (1) There is created a State Geographic Information Database to be managed by the center.
- (2) The database shall:
 - (a) serve as the central reference for all information contained in any GIS database by any state agency;
 - (b) serve as a clearing house and repository for all data layers required by multiple users; and
 - (c) serve as a standard format for geographic information acquired, purchased, or produced by any state agency.
- (3) Each state agency that acquires, purchases, or produces digital geographic information data shall:
 - (a) inform the center of the existence of the data layers and their geographic extent;
 - (b) allow the center access to all data classified public; and

(c) comply with any database requirements established by the center.

(4) At least annually, the State Tax Commission shall deliver to the center information the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4, 17-2-9, 17-3-3, 17A-1-102, 17B-2-215, and 17B-4-201 relating to the creation or modification of the boundaries of the political subdivisions that are the subject of those sections.

Section 60. Section **63F-1-508**, which is renumbered from Section 63A-6-204 is renumbered and amended to read:

~~[63A-6-204].~~ **63F-1-508. Committee to award grants to counties for inventory and mapping of R.S. 2477 rights-of-way -- Use of grants -- Request for proposals.**

(1) There is created within the center a committee to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features as provided by Subsection (5).

(2) (a) The committee shall consist of:

- (i) the center manager;
- (ii) a representative of the Governor's Office of Planning and Budget;
- (iii) a representative of Utah State University Extension;
- (iv) a representative of the Utah Association of Counties; and
- (v) three county commissioners.

(b) The committee members specified in Subsections (2)(a)(ii) through (2)(a)(iv) shall be selected by the organizations they represent.

(c) The committee members specified in Subsection (2)(a)(v) shall be:

- (i) selected by the Utah Association of Counties;
- (ii) from rural counties; and
- (iii) from different regions of the state.

(3) (a) The committee shall select a chair from its membership.

(b) The committee shall meet upon the call of the chair or a majority of the committee members.

(c) Four members shall constitute a quorum.

(4) (a) Committee members who are state government employees shall receive no additional compensation for their work on the committee.

(b) Committee members who are not state government employees shall receive no compensation or expenses from the state for their work on the committee.

(5) (a) The committee shall award grants to counties to:

(i) inventory and map R.S. 2477 rights-of-way using Global Positioning System (GPS) technology; and

(ii) photograph:

(A) roads and other evidence of construction of R.S. 2477 rights-of-way;

(B) structures or natural features that may be indicative of the purpose for which an R.S. 2477 right-of-way was created, such as mines, agricultural facilities, recreational facilities, or scenic overlooks; and

(C) evidence of valid and existing rights on federal lands, such as mines and agricultural facilities.

(b) (i) The committee may allow counties, while they are conducting the activities described in Subsection (5)(a), to use grant monies to inventory, map, or photograph other natural or cultural resources.

(ii) Activities funded under Subsection (5)(b)(i) must be integrated with existing programs underway by state agencies, counties, or institutions of higher education.

(c) Maps and other data acquired through the grants shall become a part of the State Geographic Information Database.

(d) Counties shall provide an opportunity to interested parties to submit information relative to the mapping and photographing of R.S. 2477 rights-of-way and other structures as provided in Subsections (5)(a) and (5)(b).

(6) (a) The committee shall develop a request for proposals process and issue a request for proposals.

(b) The request for proposals shall require each grant applicant to submit an

implementation plan and identify any monetary or in-kind contributions from the county.

(c) In awarding grants, the committee shall give priority to proposals to inventory, map, and photograph R.S. 2477 rights-of-way and other structures as specified in Subsection (5)(a) which are located on federal lands that:

(i) a federal land management agency proposes for special management, such as lands to be managed as an area of critical environmental concern or primitive area; or

(ii) are proposed to receive a special designation by Congress, such as lands to be designated as wilderness or a national conservation area.

(7) Each county that receives a grant under the provision of this section shall provide a copy of all data regarding inventory and mapping to the AGRC for inclusion in the state database.

Section 61. Section **63F-1-601** is enacted to read:

Part 6. Division of Agency Services

63F-1-601. Division of Agency Services -- Director --Appointment.

There is created within the department the Division of Agency Services, to be administered by a director.

Section 62. Section **63F-1-602** is enacted to read:

63F-1-602. Definitions.

As used in this part, "division" means the Division of Agency Services.

Section 63. Section **63F-1-603** is enacted to read:

63F-1-603. Director of division -- Appointment.

The executive director shall appoint a director of the division with the approval of the governor.

Section 64. Section **63F-1-604** is enacted to read:

63F-1-604. Duties of the division.

The division shall:

(1) be responsible for providing support to executive branch agencies for an agency's information technology assets and functions that are unique to the executive branch agency and

are mission critical functions of the agency;

(2) conduct audits of an executive branch agency when requested under the provisions of Section 63F-1-208;

(3) conduct cost-benefit analysis of delegating a department function to an agency in accordance with Section 63F-1-208;

(4) provide in-house information technology staff support to executive branch agencies;

(5) establish accountability and performance measures for the division to assure that the division is meeting the business and service needs of the state and individual executive branch agencies;

(6) establish a committee composed of agency user groups for the purpose of coordinating department services with agency needs;

(7) assist executive branch agencies in complying with the requirements of any rule adopted by the chief information officer; and

(8) by July 1, 2006 and each July 1 thereafter, report to the commission on the performance measures used by the division under Subsection (5) and the results.

Section 65. Section **67-1-14** is amended to read:

67-1-14. Information technology.

The governor shall review the executive branch strategic plan submitted to the governor by the chief information officer in accordance with Section [~~63D-1a-302~~] 63F-1-203.

Section 66. Section **67-19-15** is amended to read:

67-19-15. Career service -- Exempt positions -- Schedules for civil service positions -- Coverage of career service provisions.

(1) Except as otherwise provided by law or by rules and regulations established for federally aided programs, the following positions are exempt from the career service provisions of this chapter:

(a) the governor, members of the Legislature, and all other elected state officers, designated as Schedule AA;

(b) the agency heads enumerated in Section 67-22-2, and commissioners designated as

Schedule AB;

(c) all employees and officers in the office and at the residence of the governor, designated as Schedule AC;

(d) employees who are in a confidential relationship to an agency head or commissioner and who report directly to, and are supervised by, a department head, commissioner, or deputy director of an agency or its equivalent, designated as Schedule AD;

(e) unskilled employees in positions requiring little or no specialized skill or training, designated as Schedule AE;

(f) part-time professional noncareer persons who are paid for any form of medical and other professional service and who are not engaged in the performance of administrative duties, designated as Schedule AF;

(g) attorneys in the attorney general's office who are under their own career service pay plan, designated as Schedule AG;

(h) teaching staff of all state institutions and patients and inmates employed in state institutions, designated as Schedule AH;

(i) persons appointed to a position vacated by an employee who has a right to return under federal or state law or policy, designated as Schedule AI;

(j) noncareer employees compensated for their services on a seasonal or contractual basis who are hired for limited periods of less than nine consecutive months or who are employed on less than 1/2 time basis, designated as Schedule AJ;

(k) those employees in a personal and confidential relationship to elected officials, designated as Schedule AK;

(l) employees appointed to perform work of a limited duration not exceeding two years or to perform work with time-limited funding, designated as Schedule AL;

(m) employees of the Department of Community and Economic Development whose positions are designated as executive/professional positions by the executive director of the Department of Community and Economic Development with the concurrence of the director, designated as Schedule AM;

(n) employees of the Legislature, designated as Schedule AN;
(o) employees of the judiciary, designated as Schedule AO;
(p) all judges in the judiciary, designated as Schedule AP;
(q) members of state and local boards and councils appointed by the governor and governing bodies of agencies, other local officials serving in an ex officio capacity, officers, faculty, and other employees of state universities and other state institutions of higher education, designated as Schedule AQ;

(r) employees who make statewide policy, designated as Schedule AR; [~~and~~]

(s) any other employee whose appointment is required by statute to be career service exempt, designated as Schedule AS[-]; and

(t) employees of the Department of Technology Services, designated as executive/professional positions by the executive director of the Department of Technology Services with the concurrence of the director, designated as Schedule AT.

(2) The civil service shall consist of two schedules as follows:

(a) (i) Schedule A is the schedule consisting of positions exempted by Subsection (1).

(ii) Removal from any appointive position under Schedule A, unless otherwise regulated by statute, is at the pleasure of the appointing officers without regard to tenure.

(b) Schedule B is the competitive career service schedule, consisting of all positions filled through competitive selection procedures as defined by the director.

(3) (a) The director, after consultation with the heads of concerned executive branch departments and agencies and with the approval of the governor, shall allocate positions to the appropriate schedules under this section.

(b) Agency heads shall make requests and obtain approval from the director before changing the schedule assignment and tenure rights of any position.

(c) Unless the director's decision is reversed by the governor, when the director denies an agency's request, the director's decision is final.

(4) (a) Compensation for employees of the Legislature shall be established by the directors of the legislative offices in accordance with Section 36-12-7.

(b) Compensation for employees of the judiciary shall be established by the state court administrator in accordance with Section 78-3-24.

(c) Compensation for officers, faculty, and other employees of state universities and institutions of higher education shall be established as provided in Title 53B, Chapters 1 and 2.

(d) Unless otherwise provided by law, compensation for all other Schedule A employees shall be established by their appointing authorities, within ranges approved by, and after consultation with the director of the Department of Human Resources.

(5) All employees of the Office of State Auditor, the Office of State Treasurer, the Office of the Attorney General, excluding attorneys who are under their own career service system, and employees who are not exempt under this section are covered by the career service provisions of this chapter.

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

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

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

State Officer	Salary Range
Commissioner of Agriculture and Food	\$65,200 - \$88,400
Commissioner of Insurance	\$65,200 - \$88,400
Commissioner of the Labor Commission	\$65,200 - \$88,400
Director, Alcoholic Beverage Control Commission	\$65,200 - \$88,400
Commissioner, Department of Financial Institutions	\$65,200 - \$88,400
Members, Board of Pardons and Parole	\$65,200 - \$88,400
Executive Director, Department of Commerce	\$65,200 - \$88,400
Executive Director, Commission on Criminal and Juvenile Justice	\$65,200 - \$88,400

Adjutant General	\$65,200 - \$88,400
Chair, Tax Commission	\$70,600 - \$95,200
Commissioners, Tax Commission	\$70,600 - \$95,200
Executive Director, Department of Community and Economic Development	\$70,600 - \$95,200
Executive Director, Tax Commission	\$70,600 - \$95,200
Chair, Public Service Commission	\$70,600 - \$95,200
Commissioners, Public Service Commission	\$70,600 - \$95,200
Executive Director, Department of Corrections	\$76,800 - \$103,600
Commissioner, Department of Public Safety	\$76,800 - \$103,600
Executive Director, Department of Natural Resources	\$76,800 - \$103,600
Director, Governor's Office of Planning and Budget	\$76,800 - \$103,600
Executive Director, Department of Administrative Services	\$76,800 - \$103,600
Executive Director, Department of Human Resource Management	\$76,800 - \$103,600
Executive Director, Department of Environmental Quality	\$76,800 - \$103,600
Executive Director, Department of Workforce Services	\$83,600 - \$112,900
Executive Director, Department of Health	\$83,600 - \$112,900
Executive Director, Department	

of Human Services	\$83,600 - \$112,900
Executive Director, Department	
of Transportation	\$83,600 - \$112,900
[Chief Information Officer]	
<u>Executive Director, Department</u>	
<u>of Information Technology</u>	
<u>Services</u>	\$83,600 - \$112,900

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

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

(ii) health insurance;

(iii) dental insurance;

(iv) basic life insurance;

(v) unemployment compensation;

(vi) workers' compensation;

(vii) required employer contribution to Social Security;

(viii) long-term disability income insurance;

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

(x) the same severance pay available to other noncareer service employees;

(xi) the same sick leave, converted sick leave, educational allowances, and holidays granted to Schedule B state employees, and the same annual leave granted to Schedule B state employees with more than ten years of state service;

(xii) the option to convert accumulated sick leave to cash or insurance benefits as provided by law or rule upon resignation or retirement according to the same criteria and

procedures applied to Schedule B state employees;

(xiii) the option to purchase additional life insurance at group insurance rates according to the same criteria and procedures applied to Schedule B state employees; and

(xiv) professional memberships if being a member of the professional organization is a requirement of the position.

(b) Each department shall pay the cost of additional state-paid life insurance for its executive director from its existing budget.

(3) The Legislature fixes the following additional benefits:

(a) for the executive director of the State Tax Commission a vehicle for official and personal use;

(b) for the executive director of the Department of Transportation a vehicle for official and personal use;

(c) for the executive director of the Department of Natural Resources a vehicle for commute and official use;

(d) for the Commissioner of Public Safety:

(i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;

(e) for the executive director of the Department of Corrections:

(i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;

(f) for the Adjutant General a vehicle for official and personal use; and

(g) for each member of the Board of Pardons and Parole a vehicle for commute and official use.

(4) (a) The governor has the discretion to establish a specific salary for each office listed in Subsection (1), and, within that discretion, may provide salary increases within the range fixed by the Legislature.

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

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

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

Section 68. Section **72-5-304** is amended to read:

72-5-304. Mapping and survey requirements.

(1) The Department of Transportation, counties, and cities are not required to possess centerline surveys for R.S. 2477 rights-of-ways.

(2) To be accepted, highways within R.S. 2477 rights-of-way do not need to be included in the plats, descriptions, and maps of county roads required by Sections 72-3-105 and 72-3-107 or on the State Geographic Information Database, created in Section [~~63A-6-203~~] 63F-1-507, required to be maintained by Subsection (3).

(3) (a) The Automated Geographic Reference Center, created in Section [~~63A-6-202~~] 63F-1-506, shall create and maintain a record of R.S. 2477 rights-of-way on the Geographic Information Database.

(b) The record of R.S. 2477 rights-of-way shall be based on information maintained by the Department of Transportation and cartographic, topographic, photographic, historical, and other data available to or maintained by the Automated Geographic Reference Center.

(c) Agencies and political subdivisions of the state may provide additional information regarding R.S. 2477 rights-of-way when information is available.

Section 69. **Transition to new department.**

(1) As used in this chapter:

(a) "Commission" means the Utah Technology Commission;

(b) "Department" means the Department of Technology Services; and

(c) "Executive branch agency" has the same meaning as in Section 63F-1-102.

(2) The chief information officer shall serve as the transition director to provide executive direction and supervision for the implementation of all transfers of authority and

technology functions in the executive branch to the department which are made pursuant to this bill and the Utah Technology Governance Act.

(3) (a) The transition director and the directors of all executive branch agencies shall jointly identify the program positions and administrative function positions that will be transferred to the department according to the Utah Technology Governance Act.

(b) The transition director and the directors of all executive branch agencies and programs shall make every effort to develop agreements specifying the positions to be transferred from the executive branch agency or program to the department no later than August 31, 2005.

(c) In the event of a failure to reach an agreement on the positions to be transferred under the provisions of this Subsection (3):

(i) the transition director shall submit his recommendation to the governor and to the commission no later than August 31, 2005 for their consideration;

(ii) the commission may recommend to the governor the position or function to be transferred to the department; and

(iii) the governor shall determine whether to transfer the position or function to the department.

(4) The transition director shall immediately initiate coordination with the directors of all executive branch agencies affected by this bill to facilitate the transfer of programs, positions, and administrative functions, and shall develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

(5) Notwithstanding the provisions of Subsection 63-38-3.5(8)(f)(i), all records, personnel, property, equipment, grants, unexpended and unexpired balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions, and responsibilities transferred to the department by this bill shall transfer to the department at the direction of the transition director, the Governor's Office of Planning and Budget, and in accordance with the Utah Technology Governance Act.

(6) The transition director shall administer the functions of this bill in a manner that

promotes efficient administration and shall make internal organizational changes as necessary to complete the realignment of responsibilities required by this bill and the Utah Technology Governance Act.

(7) The transition director and other individuals designated by the governor may request the assistance of any executive branch agency with respect to personnel, budgeting, procurement, information systems, and other management related functions, and the executive branch agency shall provide the requested assistance.

(8) (a) The transition director may temporarily hire or retain contractors, subcontractors, or advisors as the transition director considers necessary for the strategic planning and implementation of the transition.

(b) A temporary person hired or contracted with under this Subsection (8) must be selected in accordance with Title 63, Chapter 56, Utah Procurement Code.

(c) All persons hired on a temporary basis for the transition shall be terminated by July 30, 2006.

(9) After consultation with the transition director and the governor, the state budget director shall:

(a) determine the most efficient process necessary for transitioning the technology budgets of the various executive branch agencies including the Division of Information Technology Services to the department;

(b) submit a supplemental budget request and, if needed, a 2006-07 budget recommendation to the commission by October 31, 2005 and to the Legislature prior to the 2006 General Session detailing steps necessary to transition employees, activities, assets, liabilities, budgets, and other authorities of appropriated and internal services fund technology functions into the department;

(c) in accordance with Subsection 63-38-3.5(4)(b) establish interim rates for products and services to be provided on a capital maintenance and cost reimbursement basis and to be recovered through interagency billing such that the interim rates:

(i) are based upon a zero based, full cost accounting of activities necessary to provide

each service for which a rate is established;

(ii) for each service multiplied by the projected consumption of the service recovers no more or less than the full cost of each service; and

(iii) are submitted to the Legislature for authorization in accordance with Subsection 63-38-3.5(4)(b); and

(d) handle the financial transactions and records in the state's financial management and records system during the period of transition.

(10) All rules, orders, contracts, grants, and agreements relating to the functions of the Department of Technology Services lawfully adopted prior to the effective date of this bill by the responsible state executive branch agency shall continue to be effective until revised, amended, or rescinded.

(11) Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this chapter shall not abate by reason of this bill.

(12) Beginning July 1, 2005, the transition director shall provide a report to the commission on a quarterly basis concerning the progress and implementation of the executive branch transition of information technology functions to the department.

(13) The transition director shall include in the report any recommendations for the 2006 Legislature regarding any statutory changes that are needed to make the transition complete.

(14) The transition director's authority under this bill ends on December 31, 2006.

Section 70. Repealer.

This bill repeals:

Section **63A-6-201, Definitions.**

Section **63D-1a-301, Chief information officer -- Appointment -- Powers --**

Reporting.

Section **63D-1a-302, Executive branch information technology strategic plan.**

Section **63D-1a-303, Agency information technology plans.**

Section **63D-1a-304, Monitoring acquisitions of information technology.**

Section **63D-1a-305, Rulemaking -- Policies.**

Section 63D-1a-306, Coordination within the executive branch -- Cooperation with other branches.

Section 63D-1a-308, Facilitating the electronic delivery of government services.

Section 63D-1a-309, Utah Technology Infrastructure Innovation Program.

Section 71. Effective date.

This bill takes effect on July 1, 2005, except that:

(1) uncodified Section 69, Transition to new department, takes effect on May 2, 2005;
and

(2) the amendments to Sections 63A-1-108, 63A-1-109, and 63A-1-114 take effect on July 1, 2006.

Section 72. Revisor instructions.

It is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel shall replace the words "this bill" in Section 69, Transition to new department, with the bill's designated chapter number in the Laws of Utah.

Section 73. Coordinating H.B. 109 with H.B. 216.

If this H.B. 109 and H.B. 216 Global Positioning Reference Network, both pass it is the intent of the Legislature that the Office Of Legislative Research and General Counsel in preparing the Utah Code database for publication merge the amendments of these bills as follows:

(1) Section 63A-6-205 in H.B. 216, Global Positioning Reference Network, shall be renumbered to Section 63F-1-509; and

(2) Section 63F-1-502 in H.B. 109 shall be amended to insert a new Subsection (7) as follows:

"(7) Statewide Global Positioning Reference Network" or "network" means the network created in Section 63F-1-509."