

**MINUTES OF THE
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
Room W025, West Office Building, State Capitol Complex
February 11, 2005**

MEMBERS PRESENT: Rep. Sheryl L. Allen, Chair
Rep. Fred R. Hunsaker, Vice Chair
Rep. Ralph Becker
Rep. Bradley M. Daw
Rep. Ben C. Ferry
Rep. Lorie D. Fowlke
Rep. Brent H. Goodfellow
Rep. Aaron Tilton
Rep. Richard Wheeler
Rep. Larry B. Wiley

MEMBERS ABSENT: Rep. Ben C. Ferry
Rep. Michael E. Noel
Rep. David Ure

STAFF PRESENT: Richard North, Policy Analyst
Linda Black, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Representative Hunsaker called the meeting to order at 8:07 a.m.

MOTION: Rep. Tilton moved to approve the minutes of February 9, 2005. The motion passed unanimously .

H.B. 109 Information Technology Governance Amendments *(Rep. D. Clark)*

Rep. Clark presented the bill with the assistance of Cathy Dupont, Legislative Research and General Counsel.

DESCRIPTION OF PROVISIONS IN H.B. 109

This bill:

- Creates the Department of Technology Services on July 1, 2005
- Establishes an 18 month transition process
- Directs the Chief Information Officer and executive branch agency department director s to

work together to:

- 1) develop agreements (plans) to transfer information technology functions, personnel and assets of the executive branch to the new department and
 - 2) this transfer of people and functions may be either an actual move into the new department or it may be a symbolic move with the personnel or functions physically remaining in the agency to provide agency services.
- Provides the statutory road map for the change in governance of technology.
 - The bill establishes Legislative oversight of that process and the budget during that change.

Lines 1607-1618: CIO Authority--

- 1) CIO authority to move people and functions into the new department and maintain the career service status of those employees.
- 2) Establishes any new positions in the department as exempt, non-career service status.
- 3) This bill does not instruct the CIO or the executive branch agencies to fire people or take away an employee's career service status.
- 4) Gives the CIO flexibility with the agency directors to determine if a current function or position is relevant and whether it should stay in house with the agency or move over to the new department.

MOTION: Rep. Daw moved to amend H.B. 109 as follows:

1. *Page 2, Line 57:*

57 This bill provides revisor instructions. =
This bill provides a coordination clause.

2. *Page 50, Lines 1521 through 1522:*

- 1521 (iv) the Board of Regents; ~~{and}~~
1522 (v) institutions of higher education ;
(vi) independent entities as defined in Section 63E-1-102; and
(vii) the state auditor's office .

3. Page 50, Line 1528:

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

4. Page 58, Lines 1782 through 1783:

- 1782 (iii) software; ~~{and}~~
1783 (iv) services related to the items listed in Subsections (1)(a)(i) through (iii) ; and
(v) data acquisition .

5. Page 64, Line 1975:

- 1975 (ii) the ~~{Department}~~ Division of Agency Services conducts an audit
under Section 63F-1-604 and

6. Page 67, Lines 2072 through 2073:

- 2072 (e) an agency of the federal government; ~~{or}~~
2073 (f) an independent entity as defined in Section 63E-1-102 ; and
(g) the state auditor's office .

7. Page 85, Lines 2617 through 2620:

- 2617 (b) submit a supplemental budget request and, if needed, a 2006-07 budget
recommendation to
2618 the commission by October 31, 2005 and to the Legislature prior to the 2006
General Session detailing steps necessary to transition
2619 employees, activities, assets, liabilities, budgets, and other authorities of appropriated and
2620 internal services fund technology functions into the department;

8. Page 87, Lines 2667 through 2668:

- 2667 "this bill" in Section 69, Transition to new department, with the bill ' s designated
chapter
2668 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 Neetwork, shall be re-numbered 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."

The motion passed unanimously with Rep. Becker and Rep. Goodfellow absent for the vote.

Spoke to the bill: Eric Johnson, Utah Public Employees Association
 Brian Kasteller, Division of Workforce Services, State of Utah
 Jim Cook, Citizen
 Stan Lockhart, Chairman, Utah Information Technology Association
 Richard Nelson, Chairman, Utah Information Technology Association

MOTION: Rep. Becker moved to amend the bill.

The motion failed with Rep. Daw, Rep. Tilton, Rep. Wheeler, Rep. Hunsaker, and Rep. Allen voting in opposition to the motion.

MOTION: Rep. Tilton moved to pass the bill out favorably.

The motion passed with Rep. Becker, Rep. Fowlke, Rep. Goodfellow, and Rep. Wiley voting in opposition to the motion.

MOTION: Rep. Allen moved to adjourn. The motion passed unanimously. Rep. Hunsaker adjourned the meeting at 9:58 a.m.

Rep. Sheryl L. Allen, Chair