

1                                   **TECHNOLOGY TECHNICAL AMENDMENTS**

2   2011 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Patrice M. Arent**

5                                   Senate Sponsor: Benjamin M. McAdams

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7 **LONG TITLE**

8 **General Description:**

9           This bill amends certain reporting requirements and deletes references to the Utah  
10 Information Technology Commission.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ eliminates the submission of model rules or standards and technology transfer
- 14 reports;
- 15           ▶ modifies the reporting requirements to include the Public Utilities and Technology
- 16 Interim Committee; and
- 17           ▶ makes technical corrections.

18 **Money Appropriated in this Bill:**

19           None

20 **Other Special Clauses:**

21           None

22 **Utah Code Sections Affected:**

23 AMENDS:

- 24           **46-4-501**, as last amended by Laws of Utah 2008, Chapter 382
- 25           **63A-9-801**, as last amended by Laws of Utah 2008, Chapters 3 and 382
- 26           **63B-3-301**, as last amended by Laws of Utah 2008, Chapter 382
- 27           **63F-1-102**, as enacted by Laws of Utah 2005, Chapter 169
- 28           **63F-1-104**, as enacted by Laws of Utah 2005, Chapter 169
- 29           **63F-1-201**, as last amended by Laws of Utah 2007, Chapter 117

- 30           **63F-1-203**, as enacted by Laws of Utah 2005, Chapter 169
- 31           **63F-1-404**, as enacted by Laws of Utah 2005, Chapter 169
- 32           **63F-1-504**, as enacted by Laws of Utah 2005, Chapter 169
- 33           **63F-1-604**, as enacted by Laws of Utah 2005, Chapter 169

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

36           Section 1. Section **46-4-501** is amended to read:

37           **46-4-501. Creation and retention of electronic records and conversion of written**  
38 **records by governmental agencies.**

39           (1) A state governmental agency may, by following the procedures and requirements of  
40 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that:

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

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

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

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

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

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

57           (2) A state governmental agency that makes rules under this section shall submit copies

58 of those rules, and any amendments to those rules, to~~[(a)]~~ the chief information officer  
59 established by Section 63F-1-201~~[-and]~~.

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

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

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

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

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

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

- 75 (a) conduct transactions by electronic means; or
- 76 (b) use or permit the use of electronic records or electronic signatures.

77 (5) Each state governmental agency shall:

- 78 (a) establish record retention schedules for any electronic records created or received in  
79 an electronic transaction according to the standards developed by the Division of Archives  
80 under Subsection 63A-12-101(2)(e); and

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

83 Section 2. Section **63A-9-801** is amended to read:

84 **63A-9-801. State surplus property program -- Definitions -- Administration.**

85 (1) As used in this section:

- 86 (a) "Agency" means:
- 87 (i) the Utah Departments of Administrative Services, Agriculture, Alcoholic Beverage
- 88 Control, Commerce, Community and Culture, Corrections, Workforce Services, Health,
- 89 Human Resource Management, Human Services, Insurance, Natural Resources, Public Safety,
- 90 Technology Services, and Transportation and the Labor Commission;
- 91 (ii) the Utah Offices of the Auditor, Attorney General, Court Administrator, Crime
- 92 Victim Reparations, Rehabilitation, and Treasurer;
- 93 (iii) the Public Service Commission and State Tax Commission;
- 94 (iv) the State Boards of Education, Pardons and Parole, and Regents;
- 95 (v) the Career Service Review Board;
- 96 (vi) other state agencies designated by the governor;
- 97 (vii) the legislative branch, the judicial branch, and the State Board of Regents; and
- 98 (viii) an institution of higher education, its president, and its board of trustees for
- 99 purposes of Section 63A-9-802.
- 100 (b) "Division" means the Division of Fleet Operations.
- 101 (c) "Information technology equipment" means any equipment that is designed to
- 102 electronically manipulate, store, or transfer any form of data.
- 103 (d) "Inventory property" means property in the possession of the division that is
- 104 available for purchase by an agency or the public.
- 105 (e) "Judicial district" means the geographic districts established by Section 78A-1-102.
- 106 (f) (i) "Surplus property" means property purchased by, seized by, or donated to, an
- 107 agency that the agency wishes to dispose of.
- 108 (ii) "Surplus property" does not mean real property.
- 109 (g) "Transfer" means transfer of surplus property without cash consideration.
- 110 (2) (a) The division shall make rules establishing a state surplus property program that
- 111 meets the requirements of this chapter by following the procedures and requirements of Title
- 112 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 113 (b) Those rules shall include:

- 114 (i) a requirement prohibiting the transfer of surplus property from one agency to  
115 another agency without written approval from the division;
- 116 (ii) procedures and requirements governing division administration requirements that  
117 an agency must follow;
- 118 (iii) requirements governing purchase priorities;
- 119 (iv) requirements governing accounting, reimbursement, and payment procedures;
- 120 (v) procedures for collecting bad debts;
- 121 (vi) requirements and procedures for disposing of firearms;
- 122 (vii) the elements of the rates or other charges assessed by the division for services and  
123 handling;
- 124 (viii) procedures governing the timing and location of public sales of inventory  
125 property; and
- 126 (ix) procedures governing the transfer of information technology equipment by state  
127 agencies directly to public schools.
- 128 (c) The division shall report all transfers of information technology equipment by state  
129 agencies to public schools [~~to the Utah Technology Commission and~~] to the Legislative Interim  
130 Education Committee at the end of each fiscal year.
- 131 (3) In creating and administering the program, the division shall:
- 132 (a) when conditions, inventory, and demand permit:
- 133 (i) establish facilities to store inventory property at geographically dispersed locations  
134 throughout the state; and
- 135 (ii) hold public sales of property at geographically dispersed locations throughout the  
136 state;
- 137 (b) establish, after consultation with the agency requesting the sale of surplus property,  
138 the price at which the surplus property shall be sold; and
- 139 (c) transfer proceeds arising from the sale of state surplus property to the agency  
140 requesting the sale in accordance with Title 63J, Chapter 1, Budgetary Procedures Act, less an  
141 amount established by the division by rule to pay the costs of administering the surplus

142 property program.

143 (4) Unless specifically exempted from this chapter by explicit reference to this chapter,  
144 each state agency shall dispose of and acquire surplus property only by participating in the  
145 division's program.

146 Section 3. Section **63B-3-301** is amended to read:

147 **63B-3-301. Legislative intent -- Additional projects.**

148 (1) It is the intent of the Legislature that, for any lease purchase agreement that the  
149 Legislature may authorize the Division of Facilities Construction and Management to enter into  
150 during its 1994 Annual General Session, the State Building Ownership Authority, at the  
151 reasonable rates and amounts it may determine, and with technical assistance from the state  
152 treasurer, the director of the Division of Finance, and the director of the Governor's Office of  
153 Planning and Budget, may seek out the most cost effective and prudent lease purchase plans  
154 available to the state and may, pursuant to Title 63B, Chapter 1, Part 3, State Building  
155 Ownership Authority Act, certificate out interests in, or obligations of the authority pertaining  
156 to:

- 157 (a) the lease purchase obligation; or
- 158 (b) lease rental payments under the lease purchase obligation.

159 (2) It is the intent of the Legislature that the Department of Transportation dispose of  
160 surplus real properties and use the proceeds from those properties to acquire or construct  
161 through the Division of Facilities Construction and Management a new District Two Complex.

162 (3) It is the intent of the Legislature that the State Building Board allocate funds from  
163 the Capital Improvement appropriation and donations to cover costs associated with the  
164 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered  
165 by insurance proceeds.

166 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership  
167 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
168 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
169 which participation interests may be created, to provide up to \$10,600,000 for the construction

170 of a Natural Resources Building in Salt Lake City, together with additional amounts necessary  
171 to:

- 172 (i) pay costs of issuance;
- 173 (ii) pay capitalized interest; and
- 174 (iii) fund any debt service reserve requirements.

175 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
176 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
177 director of the Division of Finance, and the director of the Governor's Office of Planning and  
178 Budget.

179 (c) It is the intent of the Legislature that the operating budget for the Department of  
180 Natural Resources not be increased to fund these lease payments.

181 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership  
182 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
183 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
184 which participation interests may be created, to provide up to \$8,300,000 for the acquisition of  
185 the office buildings currently occupied by the Department of Environmental Quality and  
186 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake  
187 City, together with additional amounts necessary to:

- 188 (i) pay costs of issuance;
- 189 (ii) pay capitalized interest; and
- 190 (iii) fund any debt service reserve requirements.

191 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
192 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
193 director of the Division of Finance, and the director of the Governor's Office of Planning and  
194 Budget.

195 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership  
196 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
197 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in

198 which participation interests may be created, to provide up to \$9,000,000 for the acquisition or  
199 construction of up to two field offices for the Department of Human Services in the  
200 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 201 (i) pay costs of issuance;
- 202 (ii) pay capitalized interest; and
- 203 (iii) fund any debt service reserve requirements.

204 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
205 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
206 director of the Division of Finance, and the director of the Governor's Office of Planning and  
207 Budget.

208 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership  
209 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
210 Act, to issue or execute obligations or enter into or arrange for lease purchase agreements in  
211 which participation interests may be created, to provide up to \$5,000,000 for the acquisition or  
212 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together  
213 with additional amounts necessary to:

- 214 (i) pay costs of issuance;
- 215 (ii) pay capitalized interest; and
- 216 (iii) fund any debt service reserve requirements.

217 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
218 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
219 director of the Division of Finance, and the director of the Governor's Office of Planning and  
220 Budget.

221 (c) It is the intent of the Legislature that the operating budget for the Department of  
222 Alcoholic Beverage Control not be increased to fund these lease payments.

223 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership  
224 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
225 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in



226 which participation interests may be created, to provide up to \$6,800,000 for the construction  
227 of a Prerelease and Parole Center for the Department of Corrections, containing a minimum of  
228 300 beds, together with additional amounts necessary to:

- 229 (i) pay costs of issuance;
- 230 (ii) pay capitalized interest; and
- 231 (iii) fund any debt service reserve requirements.

232 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
233 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
234 director of the Division of Finance, and the director of the Governor's Office of Planning and  
235 Budget.

236 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex  
237 in Salt Lake City, becomes law, it is the intent of the Legislature that:

238 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees  
239 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,  
240 the Office of the Legislative Fiscal Analyst, the Governor's Office of Planning and Budget, and  
241 the State Building Board participate in a review of the proposed facility design for the Courts  
242 Complex no later than December 1994; and

243 (b) although this review will not affect the funding authorization issued by the 1994  
244 Legislature, it is expected that Division of Facilities Construction and Management will give  
245 proper attention to concerns raised in these reviews and make appropriate design changes  
246 pursuant to the review.

247 (10) It is the intent of the Legislature that:

248 (a) the Division of Facilities Construction and Management, in cooperation with the  
249 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,  
250 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003  
251 to the Division of Juvenile Justice Services;

252 (b) the development process use existing prototype proposals unless it can be  
253 quantifiably demonstrated that the proposals cannot be used;

254 (c) the facility is designed so that with minor modifications, it can accommodate  
255 detention, observation and assessment, transition, and secure programs as needed at specific  
256 geographical locations;

257 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division  
258 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to  
259 design and construct one facility and design the other;

260 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile  
261 Justice Services shall:

262 (A) determine the location for the facility for which design and construction are fully  
263 funded; and

264 (B) in conjunction with the Division of Facilities Construction and Management,  
265 determine the best methodology for design and construction of the fully funded facility;

266 (e) the Division of Facilities Construction and Management submit the prototype as  
267 soon as possible to the Capital Facilities and Administrative Services Appropriation  
268 Subcommittee and Executive Offices, Criminal Justice, and Legislature Appropriation  
269 Subcommittee for review;

270 (f) the Division of Facilities Construction and Management issue a Request for  
271 Proposal for one of the facilities, with that facility designed and constructed entirely by the  
272 winning firm;

273 (g) the other facility be designed and constructed under the existing Division of  
274 Facilities Construction and Management process;

275 (h) that both facilities follow the program needs and specifications as identified by  
276 Division of Facilities Construction and Management and the Division of Youth Corrections  
277 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

278 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

279 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair  
280 Park Master Study be used by the Division of Facilities Construction and Management to  
281 develop a master plan for the State Fair Park that:

282 (a) identifies capital facilities needs, capital improvement needs, building  
283 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

284 (b) establishes priorities for development, estimated costs, and projected timetables.

285 (12) It is the intent of the Legislature that:

286 (a) the Division of Facilities Construction and Management, in cooperation with the  
287 Division of Parks and Recreation and surrounding counties, develop a master plan and general  
288 program for the phased development of Antelope Island;

289 (b) the master plan:

290 (i) establish priorities for development;

291 (ii) include estimated costs and projected time tables; and

292 (iii) include recommendations for funding methods and the allocation of  
293 responsibilities between the parties; and

294 (c) the results of the effort be reported to the Natural Resources Appropriations  
295 Subcommittee and Capital Facilities and Administrative Services Appropriation  
296 Subcommittee.

297 (13) It is the intent of the Legislature to authorize the University of Utah to use:

298 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under  
299 the supervision of the director of the Division of Facilities Construction and Management  
300 unless supervisory authority is delegated by the director; and

301 (b) donated and other nonappropriated funds to plan, design, and construct the Biology  
302 Research Building under the supervision of the director of the Division of Facilities  
303 Construction and Management unless supervisory authority is delegated by the director.

304 (14) It is the intent of the Legislature to authorize Utah State University to use:

305 (a) federal and other funds to plan, design, and construct the Bee Lab under the  
306 supervision of the director of the Division of Facilities Construction and Management unless  
307 supervisory authority is delegated by the director;

308 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic  
309 Facility addition and renovation under the supervision of the director of the Division of

310 Facilities Construction and Management unless supervisory authority is delegated by the  
311 director;

312 (c) donated and other nonappropriated funds to plan, design, and construct a renovation  
313 to the Nutrition and Food Science Building under the supervision of the director of the  
314 Division of Facilities Construction and Management unless supervisory authority is delegated  
315 by the director; and

316 (d) federal and private funds to plan, design, and construct the Millville Research  
317 Facility under the supervision of the director of the Division of Facilities Construction and  
318 Management unless supervisory authority is delegated by the director.

319 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

320 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades  
321 Office and Learning Center under the supervision of the director of the Division of Facilities  
322 Construction and Management unless supervisory authority is delegated by the director;

323 (b) institutional funds to plan, design, and construct the relocation and expansion of a  
324 temporary maintenance compound under the supervision of the director of the Division of  
325 Facilities Construction and Management unless supervisory authority is delegated by the  
326 director; and

327 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the  
328 supervision of the director of the Division of Facilities Construction and Management unless  
329 supervisory authority is delegated by the director.

330 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

331 (a) federal funds to plan, design, and construct a Community Services Building under  
332 the supervision of the director of the Division of Facilities Construction and Management  
333 unless supervisory authority is delegated by the director; and

334 (b) donated and other nonappropriated funds to plan, design, and construct a stadium  
335 expansion under the supervision of the director of the Division of Facilities Construction and  
336 Management unless supervisory authority is delegated by the director.

337 (17) It is the intent of the Legislature to authorize the Department of Corrections to use

338 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional  
339 Facility in Gunnison under the supervision of the director of the Division of Facilities  
340 Construction and Management unless supervisory authority is delegated by the director.

341 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the  
342 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City  
343 to plan and design an Armory in Provo, Utah, under the supervision of the director of the  
344 Division of Facilities Construction and Management unless supervisory authority is delegated  
345 by the director.

346 (19) It is the intent of the Legislature that the Utah Department of Transportation use  
347 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in  
348 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

349 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology  
350 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building  
351 and purchase equipment for use in that building that could be used in metal trades or other  
352 programs in other Applied Technology Centers.

353 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center  
354 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be  
355 considered as the highest priority projects for construction funding in fiscal year 1996.

356 (22) It is the intent of the Legislature that:

357 (a) the Division of Facilities Construction and Management complete physical space  
358 utilization standards by June 30, 1995, for the use of technology education activities;

359 (b) these standards are to be developed with and approved by the State Office of  
360 Education, the Board of Regents, and the Utah State Building Board;

361 (c) these physical standards be used as the basis for:

362 (i) determining utilization of any technology space based on number of stations capable  
363 and occupied for any given hour of operation; and

364 (ii) requests for any new space or remodeling;

365 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the

366 Ogden-Weber Applied Technology Center are exempt from this process; and

367 (e) the design of the Davis Applied Technology Center take into account the utilization  
368 formulas established by the Division of Facilities Construction and Management.

369 (23) It is the intent of the Legislature that Utah Valley State College may use the  
370 money from the bond allocated to the remodel of the Signetics building to relocate its technical  
371 education programs at other designated sites or facilities under the supervision of the director  
372 of the Division of Facilities Construction and Management unless supervisory authority is  
373 delegated by the director.

374 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995  
375 project for the Bridgerland Applied Technology Center be used to design and construct the  
376 space associated with Utah State University and design the technology center portion of the  
377 project.

378 (25) It is the intent of the Legislature that the governor provide periodic reports on the  
379 expenditure of the funds provided for electronic technology, equipment, and hardware to the  
380 ~~[Information Technology Commission]~~ Public Utilities and Technology Interim Committee,  
381 the Capital Facilities and Administrative Services Appropriation Subcommittee, and the  
382 Legislative Management Committee.

383 Section 4. Section **63F-1-102** is amended to read:

384 **63F-1-102. Definitions.**

385 As used in this title:

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

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

389 ~~[(3) "Commission" means the Utah Technology Commission created in Section  
390 63D-1a-201.]~~

391 ~~[(4)]~~ (3) "Computer center" means the location at which a central data processing  
392 platform is managed to serve multiple executive branch agencies.

393 ~~[(5)]~~ (4) "Data center" means a centralized repository for the storage, management, and

394 dissemination of data.

395 ~~[(6)]~~ (5) "Department" means the Department of Technology Services.

396 ~~[(7)]~~ (6) (a) Except as provided in Subsection ~~[(7)]~~ (6)(b), "executive branch agency"

397 means an agency or administrative subunit of state government.

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

399 (i) the legislative branch;

400 (ii) the judicial branch;

401 (iii) the State Board of Education;

402 (iv) the Board of Regents;

403 (v) institutions of higher education;

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

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

406 (A) the state auditor;

407 (B) the state treasurer; and

408 (C) the attorney general.

409 ~~[(8)]~~ (7) "Executive branch strategic plan" means the executive branch strategic plan

410 created under Section 63F-1-203.

411 ~~[(9)]~~ (8) "Information technology" means all computerized and auxiliary automated

412 information handling, including:

413 (a) systems design and analysis;

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

415 (c) computer programming;

416 (d) information storage and retrieval;

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

418 (f) requisite systems controls;

419 (g) simulation; and

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

421 ~~[(10)]~~ (9) "State information architecture" means a logically consistent set of

422 principles, policies, and standards that guide the engineering of state government's information  
423 technology and infrastructure in a way that ensures alignment with state government's business  
424 and service needs.

425        ~~[(H)]~~ (10) "Telecommunications" means the transmission or reception of signs,  
426 signals, writing, images, sounds, messages, data, or other information of any nature by wire,  
427 radio, light waves, or other electromagnetic means.

428        Section 5. Section **63F-1-104** is amended to read:

429        **63F-1-104. Purposes.**

430        The department shall:

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

- 434           (a) ensures compliance with the executive branch agency strategic plan; and
- 435           (b) ensures that cost-effective, efficient information and communication systems and  
436 resources are being used by agencies to:

- 437           (i) reduce data, hardware, and software redundancy;
- 438           (ii) improve system interoperability and data accessibility between agencies; and
- 439           (iii) meet the agency's and user's business and service needs;

- 440        (2) (a) coordinate an executive branch strategic plan for all agencies;
- 441        (b) identify best practices from agencies and other public and private sector entities;

442 and

- 443        (c) develop and implement processes to replicate information technology best practices  
444 and standards throughout the executive branch;

445        (3) oversee the expanded use and implementation of project and contract management  
446 principles as they relate to information technology projects within the executive branch;

447        (4) serve as general contractor between the state's information technology users and  
448 private sector providers of information technology products and services;

449        (5) work toward building stronger partnering relationships with providers;



450 (6) develop service level agreements with executive branch departments and agencies  
451 to ensure quality products and services are delivered on schedule and within budget;

452 (7) develop standards for application development including a standard methodology  
453 and cost-benefit analysis that all agencies shall utilize for application development activities;

454 (8) determine and implement statewide efforts to standardize data elements and  
455 determine data ownership assignments among executive branch agencies;

456 (9) develop systems and methodologies to review, evaluate, and prioritize existing  
457 information technology projects within the executive branch and report to the governor and the  
458 ~~[commission]~~ Public Utilities and Technology Interim Committee on a semiannual basis  
459 regarding the status of information technology projects; and

460 (10) assist the Governor's Office of Planning and Budget with the development of  
461 information technology budgets for agencies.

462 Section 6. Section **63F-1-201** is amended to read:

463 **63F-1-201. Chief information officer -- Appointment -- Powers -- Reporting.**

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

465 (2) The chief information officer shall:

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

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

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

469 (i) the governor; and

470 ~~[(ii) the commission; and]~~

471 ~~[(iii)]~~ (ii) the Public Utilities and Technology Interim Committee.

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

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

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

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

477 (4) (a) In accordance with this section, the chief information officer shall prepare an

478 interbranch information technology coordination plan that provides for the coordination where  
479 possible of the development, acquisition, and maintenance of information technology and  
480 information systems of:

- 481 (i) the executive branch;
- 482 (ii) the judicial branch;
- 483 (iii) the legislative branch;
- 484 (iv) the Board of Regents; and
- 485 (v) the State Board of Education.

486 (b) In the development of the interbranch coordination plan, the chief information  
487 officer shall consult with the entities described in Subsection (4)(a).

488 (c) The interbranch coordination plan:

- 489 (i) is an advisory document; and
- 490 (ii) does not bind any entity described in Subsection (4)(a).

491 (d) (i) The chief information officer shall submit the interbranch coordination plan to  
492 the Public Utilities and Technology Interim Committee for comment.

493 (ii) The chief information officer may modify the interbranch coordination plan:

- 494 (A) at the request of the Public Utilities and Technology Interim Committee; or
- 495 (B) to improve the coordination between the entities described in Subsection (4)(a).

496 (iii) Any amendment to the interbranch coordination plan is subject to this Subsection  
497 (4) in the same manner as the interbranch coordination plan is subject to this Subsection (4).

498 (5) In a manner consistent with the interbranch coordination plan created in accordance  
499 with Subsection (4), the chief information officer shall maintain liaisons with:

- 500 (a) the judicial branch;
- 501 (b) the legislative branch;
- 502 (c) the Board of Regents;
- 503 (d) the State Board of Education;
- 504 (e) local government;
- 505 (f) the federal government;

506 (g) business and industry; and  
507 (h) those members of the public who use information technology or systems of the  
508 state.

509 Section 7. Section **63F-1-203** is amended to read:

510 **63F-1-203. Executive branch information technology strategic plan.**

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

513 (a) that complies with this chapter; and

514 (b) which shall include:

515 (i) a strategic plan for the:

516 (A) interchange of information related to information technology between executive  
517 branch agencies;

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

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

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

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

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

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

528 (2) In the development of the executive branch strategic plan, the chief information  
529 officer shall consult with all cabinet level officials and the advisory board created in Section  
530 63F-1-202.

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

- 534 (i) the governor; and
- 535 (ii) the ~~[commission]~~ Public Utilities and Technology Interim Committee.
- 536 (b) The chief information officer or the governor may withdraw the executive branch
- 537 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer
- 538 determines that the executive branch strategic plan:
- 539 (i) should be modified; or
- 540 (ii) for any other reason should not take effect.
- 541 (c) The ~~[commission]~~ Public Utilities and Technology Interim Committee may make
- 542 recommendations to the governor and to the chief information officer if the commission
- 543 determines that the executive branch strategic plan should be modified or for any other reason
- 544 should not take effect.
- 545 (d) Modifications adopted by the chief information officer shall be resubmitted to the
- 546 governor and the ~~[commission]~~ Public Utilities and Technology Interim Committee for their
- 547 review or approval as provided in Subsections (3)(a) and (b).
- 548 (4) The executive branch strategic plan is to be implemented by executive branch
- 549 agencies through each executive branch agency adopting an agency information technology
- 550 plan in accordance with Section 63F-1-204.
- 551 Section 8. Section **63F-1-404** is amended to read:
- 552 **63F-1-404. Duties of the division.**
- 553 The division shall:
- 554 (1) develop and implement an effective enterprise architecture governance model for
- 555 the executive branch;
- 556 (2) provide oversight of information technology projects that impact statewide
- 557 information technology services, assets, or functions of state government to:
- 558 (a) control costs;
- 559 (b) ensure business value to a project;
- 560 (c) maximize resources;
- 561 (d) ensure the uniform application of best practices; and

- 562 (e) avoid duplication of resources;
- 563 (3) develop a method of accountability to agencies for services provided by the
- 564 division through service agreements with the agencies;
- 565 (4) beginning September 1, 2006, and each September 1 thereafter, provide the chief
- 566 information officer and the [~~commission~~] Public Utilities and Technology Interim Committee
- 567 with performance measures used by the division to measure the quality of service delivered by
- 568 the division and the results of the performance measures;
- 569 (5) serve as a project manager for enterprise architecture which includes the
- 570 management of applications, standards, and procurement of enterprise architecture;
- 571 (6) coordinate the development and implementation of advanced state
- 572 telecommunication systems;
- 573 (7) provide services including technical assistance:
- 574 (a) to executive branch agencies and subscribers to the services; and
- 575 (b) related to information technology or telecommunications;
- 576 (8) establish telecommunication system specifications and standards for use by:
- 577 (a) one or more executive branch agencies; or
- 578 (b) one or more entities that subscribe to the telecommunication systems in accordance
- 579 with Section 63F-1-303;
- 580 (9) coordinate state telecommunication planning in cooperation with:
- 581 (a) state telecommunication users;
- 582 (b) executive branch agencies; and
- 583 (c) other subscribers to the state's telecommunication systems;
- 584 (10) cooperate with the federal government, other state entities, counties, and
- 585 municipalities in the development, implementation, and maintenance of:
- 586 (a) (i) governmental information technology; or
- 587 (ii) governmental telecommunication systems; and
- 588 (b) (i) as part of a cooperative organization; or
- 589 (ii) through means other than a cooperative organization;

590 (11) establish, operate, manage, and maintain:  
591 (a) one or more state data centers; and  
592 (b) one or more regional computer centers;  
593 (12) design, implement, and manage all state-owned, leased, or rented land, mobile, or  
594 radio telecommunication systems that are used in the delivery of services for state government  
595 or its political subdivisions;  
596 (13) in accordance with the executive branch strategic plan, implement minimum  
597 standards to be used by the division for purposes of compatibility of procedures, programming  
598 languages, codes, and media that facilitate the exchange of information within and among  
599 telecommunication systems; and  
600 (14) provide the chief information officer with an analysis of an executive branch  
601 agency information technology plan that includes:  
602 (a) an assessment of how the implementation of the agency information technology  
603 plan will affect the costs, operations, and services of:  
604 (i) the department; and  
605 (ii) other executive branch agencies; and  
606 (b) any recommended changes to the plan.  
607 Section 9. Section **63F-1-504** is amended to read:  
608 **63F-1-504. Duties of the division.**  
609 The division shall:  
610 (1) establish standards for the information technology needs of a collection of  
611 executive branch agencies or programs that share common characteristics relative to the types  
612 of stakeholders they serve, including:  
613 (a) project management;  
614 (b) application development; and  
615 (c) procurement;  
616 (2) provide oversight of information technology standards that impact multiple  
617 executive branch agency information technology services, assets, or functions to:

- 618 (a) control costs;
- 619 (b) ensure business value to a project;
- 620 (c) maximize resources;
- 621 (d) ensure the uniform application of best practices; and
- 622 (e) avoid duplication of resources;
- 623 (3) in accordance with Section 63F-1-204, provide the chief information officer a
- 624 written analysis of any agency information technology plan provided to the division, which
- 625 shall include:
  - 626 (a) a review of whether the agency's technology projects impact multiple agencies and
  - 627 if so, whether the information technology projects are appropriately designed and developed;
  - 628 (b) an assessment of whether the agency plan complies with the state information
  - 629 architecture; and
  - 630 (c) an assessment of whether the information technology projects included in the
  - 631 agency plan comply with policies, procedures, and rules adopted by the department to ensure
  - 632 that:
    - 633 (i) information technology projects are phased in;
    - 634 (ii) funding is released in phases;
    - 635 (iii) an agency's authority to proceed to the next phase of an information technology
    - 636 project is contingent upon the successful completion of the prior phase; and
    - 637 (iv) one or more specific deliverables is identified for each phase of a technology
    - 638 project;
  - 639 (4) establish a system of accountability to user agencies through the use of service
  - 640 agreements;
  - 641 (5) each year, provide the chief information officer and the [~~commission~~] Public
  - 642 Utilities and Technology Interim Committee with performance measures used by the division
  - 643 to measure the quality of services delivered by the division and results of those measures; and
  - 644 (6) establish administrative rules in accordance with Section 63F-1-206 and as required
  - 645 by Section 63F-1-506.

646 Section 10. Section **63F-1-604** is amended to read:

647 **63F-1-604. Duties of the division.**

648 The division shall:

649 (1) be responsible for providing support to executive branch agencies for an agency's  
650 information technology assets and functions that are unique to the executive branch agency and  
651 are mission critical functions of the agency;

652 (2) conduct audits of an executive branch agency when requested under the provisions  
653 of Section 63F-1-208;

654 (3) conduct cost-benefit analysis of delegating a department function to an agency in  
655 accordance with Section 63F-1-208;

656 (4) provide in-house information technology staff support to executive branch  
657 agencies;

658 (5) establish accountability and performance measures for the division to assure that  
659 the division is meeting the business and service needs of the state and individual executive  
660 branch agencies;

661 (6) establish a committee composed of agency user groups for the purpose of  
662 coordinating department services with agency needs;

663 (7) assist executive branch agencies in complying with the requirements of any rule  
664 adopted by the chief information officer; and

665 (8) by July 1, 2006 and each July 1 thereafter, report to the [~~commission~~] Public  
666 Utilities and Technology Interim Committee on the performance measures used by the division  
667 under Subsection (5) and the results.