

HB0120S01 compared with HB0120

~~{deleted text}~~ shows text that was in HB0120 but was deleted in HB0120S01.

inserted text shows text that was not in HB0120 but was inserted into HB0120S01.

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~~{INFORMATION TECHNOLOGY COST SAVINGS INCENTIVE}~~
Representative Lee B. Perry proposes the following substitute bill:

DEPARTMENT OF TECHNOLOGY SERVICES AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends ~~{the Utah Technology Governance Act to, under certain circumstances, allow an executive branch agency to acquire information technology and related equipment without going through, or acquiring the information technology or equipment from,}~~ Title 63F, Chapter 1, Department of Technology Services, by establishing billing procedure requirements for the Department of Technology Services ~~{, and creates a financial incentive for an agency that makes this type of acquisition if it results in a cost savings}~~ (department) and requiring reporting relating to acquisitions from the department.

Highlighted Provisions:

This bill:

- ▶ defines ~~{terms}~~

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- allows ~~the term "technology or service item";~~
 - prohibits the department from billing an executive branch agency for a technology or service item using a process that automatically transfers money from the agency without prior executive branch agency approval for each separate bill;
 - requires an executive branch agency, other than the department, to annually report to the legislative appropriations subcommittee that makes budget recommendations for the executive branch agency, regarding the technology or service items acquired by the executive branch agency from the department; and
 - requires an executive branch agency to ~~{acquire}~~ establish an information technology ~~{and related equipment without going through, or acquiring the information technology or equipment from, the Department of Technology Services, if the executive branch agency demonstrates that it can acquire the information technology or equipment:~~
 - at a level of quality that is at least as high as the level of quality that can be obtained from or through the department; and
 - at a cost that is lower than the cost available from or through the department;
- ~~permits an executive branch agency that realizes a cost savings by acquiring information technology or related equipment in the manner described above to apply for and, upon approval, use the cost-savings realized, in subsequent fiscal years, for another specified purpose that is in the interest of the executive branch agency, the state, and the public;~~
- ~~modifies other provisions of the Utah Technology Governance Act to avoid conflicts with the provisions of this bill; and~~
- ~~makes technical changes}~~ steering committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

~~{AMENDS:~~

—• ~~63F-1-104, as last amended by Laws of Utah 2011, Chapter 270~~

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- ~~63F-1-203~~, as last amended by Laws of Utah 2011, Chapter 270
- ~~63F-1-204~~, as last amended by Laws of Utah 2008, Chapter 382
- ~~63F-1-205~~, as last amended by Laws of Utah 2011, Chapter 376
- ~~63F-1-206~~, as last amended by Laws of Utah 2008, Chapter 382
- ~~63F-1-303~~, as enacted by Laws of Utah 2005, Chapter 169
- ~~63F-1-404~~, as last amended by Laws of Utah 2011, Chapter 270
- ~~63F-1-504~~, as last amended by Laws of Utah 2011, Chapter 270

ENACTS:

- 63F-1-901, Utah Code Annotated 1953
- 63F-1-902, Utah Code Annotated 1953
- 63F-1-903, Utah Code Annotated 1953
- 63F-1-904, Utah Code Annotated 1953
- 63F-1-905, Utah Code Annotated 1953

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

Section 1. Section ~~{63F-1-104}~~ 63F-1-901 is ~~{amended 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~~

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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) except as provided in Section 63F-1-903, 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 Public Utilities and Technology Interim Committee 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[.]; and~~

~~—— (11) fulfill the duties described in this section in a manner that does not interfere with an executive branch agency's rights under Section 63F-1-903.~~

~~—— Section 2. Section **63F-1-203** is amended 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~~

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~~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) (a) 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.~~

~~—— (b) The executive branch strategic plan may not prohibit or interfere with an executive branch agency's rights under Section 63F-1-903.~~

~~—— (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 Public Utilities and Technology Interim Committee.~~

~~—— (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 Public Utilities and Technology Interim Committee 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 Public Utilities and Technology Interim Committee for their review or approval as provided in Subsections (3)(a) and (b).~~

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~~———— (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 3. Section **63F-1-204** is amended 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] Subject to Subsection (7), 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~~

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~~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 63J-1-201 until after the executive branch agency's information technology plan is approved by the chief information officer.~~

~~———— (7) The chief information officer may not:~~

~~———— (a) require that a plan submitted by an executive branch agency disclose whether the executive branch agency is planning to obtain information technology or equipment from or through a source other than the department; or~~

~~———— (b) make approval of a plan, or any portion of a plan, subject to an executive branch agency not exercising its rights under Section 63F-1-903.~~

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~~Section 4. Section 63F-1-205 is amended to read:~~

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

~~(1) (a) Except as provided in Title 63M, Chapter 1, Part 26, Government Procurement Private Proposal Program, 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.~~

~~(d) Notwithstanding another provision of this section, an acquisition authorized by this section shall comply with rules made by the State Procurement Policy Board under Title 63G, Chapter 6, Utah Procurement Code.~~

~~(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~~

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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 63G, Chapter 6, 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;~~

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~~(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 63G-6-204(8).~~

~~(6) This section does not apply to acquisitions under Section 63F-1-903.~~

~~Section 5. Section 63F-1-206 is amended to read:~~

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

~~(1) (a) Except as provided in Subsection (2), in accordance with Title 63G, Chapter 3, 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; and~~

~~(viii) establish telecommunications standards and specifications in accordance with~~

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~~Section 63F-1-404.~~

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

~~—— (2) (a) Notwithstanding Title 63G, Chapter 3, 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 63G-3-201.~~

~~—— (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 63G, Chapter 3, 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 63G, 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~~

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legislative branch;

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

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

~~—— (4) (a) Rules made under Subsection (1), and policies made under Subsection (2), may not interfere with an executive branch agency's rights under Section 63F-1-903.~~

~~—— (b) A security procedure described in Subsection (3)(a) may not unreasonably interfere with an executive branch agency's rights under Section 63F-1-903.~~

~~—— Section 6. Section **63F-1-303** is amended to read:~~

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

~~—— (1) [An] Except as provided in Section 63F-1-903, 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;~~

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- ~~—— (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 7. Section **63F-1-404** is amended 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] on September 1[, 2006, and each September 1 thereafter] of each year; provide the chief information officer and the Public Utilities and Technology Interim Committee 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;~~

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- ~~—— (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[.]; and~~~~

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~~(15) fulfill the duties described in this section in a manner that does not interfere with an executive branch agency's rights under Section 63F-1-903.~~

~~Section 8. Section 63F-1-504 is amended 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~~

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~~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 Public Utilities and Technology Interim Committee 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[.]; and~~

~~—— (7) fulfill the duties described in this section in a manner that does not interfere with an executive branch agency's rights under Section 63F-1-903.~~

~~—— Section 9. Section **63F-1-901** is enacted to read:~~

~~Part 9. Exceptions~~

~~}; enacted to read:~~

Part 9. Miscellaneous Provisions

63F-1-901. Title.

This part is known as "~~{Exceptions}~~Miscellaneous Provisions."

Section ~~{10}~~2. Section **63F-1-902** is enacted to read:

63F-1-902. Definitions.

As used in this part{:

~~—— (1) "Budget savings" means the amount appropriated for a fiscal year to an executive branch agency for}; "technology or service item" means information technology~~{ that is not spent during that fiscal year, to the extent that the amount not spent was due to a cost savings realized under Section 63F-1-903.~~~~

~~—— (2) "Cost savings" means that the actual expenditure by an executive branch agency for the information technology and equipment acquired from or through a person other than the department, under Section 63F-1-903, is less than the amount that it would have cost to acquire the information technology and equipment from or through the department.~~

~~—— (3) "Equipment" means:~~

~~—— (a) information technology equipment;~~

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~~— (b) telecommunications equipment; or~~

~~— (c) software.~~

~~— Section 11}, equipment, and other items and services.~~

Section 3. Section 63F-1-903 is enacted to read:

63F-1-903.} ~~Direct acquisition of information technology or equipment.~~

~~— (1) Notwithstanding any provision of this chapter to the contrary,} Billing by the department.~~

The department may not bill an executive branch agency ~~{may acquire information} for~~ a technology or ~~{equipment from a person other than the department without going through the department and without approval from the department, if:~~

~~— (a) the chief information officer, under Section 63F-1-204, has already given approval for} service item using a process that automatically transfers money from the executive branch agency ~~{to acquire the information technology or equipment directly from or through the department;~~~~

~~— (b) an appropriation is made by the Legislature for acquisition of the information technology or equipment; and~~

~~— (c) the executive branch agency:~~

~~— (i) establishes, in writing, that it can acquire the information technology or equipment:~~

~~— (A) at a level of quality that is at least as high as the level of quality that can be obtained from or through the department; and~~

~~— (B) at a cost that is lower than the cost available from or through the department;~~

~~— (ii) provides a copy of the written document described in Subsection (1)(c)(i) to the department and the Division of Finance; and~~

~~— (iii) except as provided in Subsection (2), acquires the property in accordance with Title 63G, Chapter 6, Utah Procurement Code;~~

~~— (2) An} without prior executive branch agency ~~{that otherwise complies with Subsection (1) is, with respect to the acquisition described in Subsection (1), exempt from a provision of Title 63G, Chapter 6, Utah Procurement Code, or a rule made under Title 63G, Chapter 6, Utah Procurement Code, that requires an executive branch agency to purchase under an existing state contract.~~~~

~~— Section 12} approval for each separate bill.~~

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Section 4. Section **63F-1-904** is enacted to read:

63F-1-904. ~~Application to use cost savings for specified purpose~~ **Annual report by executive branch agencies.**

~~{(1) }An executive branch agency{ that is able to demonstrate that it realized a cost savings through an acquisition described in Section 63F-1-903 may, in the fiscal year following the fiscal year in which the cost savings occurred, apply, to the}, other than the department, shall annually report to the legislative appropriations subcommittee {responsible for making}that makes budget recommendations {relating to the executive branch agency, for permission to use the cost savings realized for another specified purpose that is in the interest of};for the executive branch agency, the {state, and the public, in subsequent fiscal years.~~

———(2) Upon receipt of an application described in Subsection (1), the subcommittee is encouraged to recommend to the Executive Appropriations Committee that} following information:

(1) the technology or service items purchased by the executive branch agency, from the department, during the most recently completed fiscal year;

(2) the amount charged by the department for the technology or service items; and

(3) whether the department provided a positive or negative value to the executive branch agency {be permitted to use some or all of the cost savings, in subsequent fiscal years. for a specified purpose that is in the interest};for the technology or service items provided by the department.

Section 5. Section **63F-1-905** is enacted to read:

63F-1-905. Information technology steering committees.

(1) Each executive branch agency shall:

(a) establish an information technology steering committee consisting of employees of the executive branch agency{, the state, and the public.

———(3) The Executive Appropriations Committee is encouraged to approve the recommendation,}; and

(b) provide an updated list of the members of the information technology steering committee to the department.

(2) An information technology steering committee described in Subsection (1) shall:

(a) assist the executive branch agency in developing an agency information technology

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plan described in Section 63F-1-204; and

(b) in providing the assistance described in Subsection (2)(a), ~~of the appropriations subcommittee.~~

~~(4) The Legislature is encouraged to appropriate money approved by the Executive Appropriations Committee, under Subsection (3), for the specified purpose recommended under Subsection (2).~~

Legislative Review Note

~~as of 1-27-12 10:26 AM~~

Office of Legislative Research and General Counsel consider the matters described in Subsection 63F-1-202(3) as they relate to the executive branch agency.