

**PUBLIC UTILITIES AND TECHNOLOGY COMMITTEE**

**NAME CHANGE**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill updates references to the name of an interim committee.

**Highlighted Provisions:**

This bill:

- ▶ updates references to the name of the Public Utilities, Energy, and Technology Interim Committee.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**19-6-1203**, as enacted by Laws of Utah 2011, Chapter 213

**53-2a-902**, as renumbered and amended by Laws of Utah 2013, Chapter 295

**54-1-13**, as enacted by Laws of Utah 2013, Chapter 311

**54-17-701**, as last amended by Laws of Utah 2009, Chapter 344

**63B-3-301**, as last amended by Laws of Utah 2013, Chapter 310

**63F-1-104**, as last amended by Laws of Utah 2013, Chapters 53 and 310

**63F-1-201**, as last amended by Laws of Utah 2011, Chapter 270

**63F-1-203**, as last amended by Laws of Utah 2013, Chapter 53

**63F-1-404**, as last amended by Laws of Utah 2011, Chapter 270

- 30           **63F-1-504**, as last amended by Laws of Utah 2011, Chapter 270
- 31           **63F-1-604**, as last amended by Laws of Utah 2013, Chapter 53
- 32           **63F-2-103**, as enacted by Laws of Utah 2015, Chapter 371
- 33           **63M-4-302**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 34           **63M-4-505**, as enacted by Laws of Utah 2012, Chapter 410
- 35           **63M-4-605**, as enacted by Laws of Utah 2015, Chapter 356
- 36           **69-4-1**, as last amended by Laws of Utah 1998, Chapter 13

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

39           Section 1. Section **19-6-1203** is amended to read:

40           **19-6-1203. Reporting requirements.**

41           (1) On or after July 1, 2011, a manufacturer may not offer a consumer electronic device  
42 for sale in the state unless the manufacturer, either individually, through a group manufacturer  
43 organization, or through the manufacturer's industry trade group, prepares and submits, subject  
44 to Subsection (2), a report on or before August 1 of each year to the department.

45           (2) The report required under Subsection (1):

46           (a) shall include a list of eligible programs, subject to Subsection (3); and

47           (b) may include:

48           (i) an existing collection, transportation, or recycling system for a consumer electronic  
49 device; and

50           (ii) an eligible program offered by:

51           (A) a consumer electronic device recycler;

52           (B) a consumer electronic device repair shop;

53           (C) a recycler of other commodities;

54           (D) a reuse organization;

55           (E) a not-for-profit corporation;

56           (F) a retailer; or

57           (G) another similar operation, including a local government collection event.

58 (3) The list required in Subsection (2)(a) may be in the form of a geographic map  
59 identifying the type and location of an eligible program.

60 (4) The department shall:

61 (a) compile the report required under Subsection (1); and

62 (b) beginning on October 31, 2012, submit annually on or before October 31 the  
63 compiled report to the Natural Resources, Agriculture, and Environment Interim Committee  
64 and the Public Utilities, Energy, and Technology Interim Committee.

65 Section 2. Section **53-2a-902** is amended to read:

66 **53-2a-902. Energy emergency plan.**

67 (1) The division shall develop an energy emergency plan consistent with Title 53,  
68 Chapter 2a, Part 10, Energy Emergency Powers of the Governor Act.

69 (2) In developing the energy emergency plan, the division shall coordinate with:

70 (a) the Division of Public Utilities;

71 (b) the Division of Oil, Gas, and Mining;

72 (c) the Division of Air Quality; and

73 (d) the Department of Agriculture and Food with regard to weights and measures.

74 (3) The energy emergency plan shall:

75 (a) designate the division as the entity that will coordinate the implementation of the  
76 energy emergency plan;

77 (b) provide for annual review of the energy emergency plan;

78 (c) provide for cooperation with public utilities and other relevant private sector  
79 persons;

80 (d) provide a procedure for maintaining a current list of contact persons required under  
81 the energy emergency plan; and

82 (e) provide that the energy emergency plan may only be implemented if the governor  
83 declares:

84 (i) a state of emergency as provided in Title 53, Chapter 2a, Part 2, Disaster Response  
85 and Recovery Act; or

86 (ii) a state of emergency related to energy as provided in Title 53, Chapter 2a, Part 10,  
87 Energy Emergency Powers of the Governor Act.

88 (4) If an event requires the implementation of the energy emergency plan, the division  
89 shall report on that event and the implementation of the energy emergency plan to:

90 (a) the governor; and

91 (b) the Public Utilities, Energy, and Technology Interim Committee.

92 (5) If the energy emergency plan includes a procedure for obtaining information, the  
93 energy emergency plan shall incorporate reporting procedures that conform to existing  
94 requirements of federal, state, and local regulatory authorities wherever possible.

95 Section 3. Section **54-1-13** is amended to read:

96 **54-1-13. Commission exploration and development of cleaner air options.**

97 (1) The commission shall immediately initiate and conduct proceedings to explore and  
98 develop options and opportunities for advancing and promoting measures designed to result in  
99 cleaner air in the state through the enhanced use of alternative fuel vehicles, including:

100 (a) consideration of the role that gas corporations should play in the enhancement and  
101 expansion of the infrastructure and maintenance and other facilities for alternative fuel  
102 vehicles;

103 (b) the potential funding options available to pay for the enhancement and expansion of  
104 infrastructure and facilities for alternative fuel vehicles;

105 (c) the role local government, including any local government entity established for the  
106 purpose of facilitating conversion to alternative fuel vehicles and of promoting the  
107 enhancement and expansion of the infrastructure and facilities for those vehicles, can or should  
108 play; and

109 (d) the most effective ways to overcome any obstacles to converting to alternative fuel  
110 vehicles and to enhancing and expanding the infrastructure and facilities for alternative fuel  
111 vehicles.

112 (2) As soon as an interlocal entity described in Subsection [11-13-224\(2\)](#) is created, the  
113 commission shall seek, encourage, and accept the interlocal entity's participation in the

114 commission's proceedings under this section.

115 (3) By September 30, 2013, the commission and the interlocal entity described in  
116 Subsection 11-13-224(2) shall report to the governor, the Legislative Management Committee,  
117 and the Public Utilities, Energy, and Technology Interim Committee:

118 (a) the results of the commission proceedings under Subsection (1); and

119 (b) recommendations for specific actions to implement mechanisms to provide funding  
120 for the enhancement and expansion of the infrastructure and facilities for alternative fuel  
121 vehicles.

122 Section 4. Section **54-17-701** is amended to read:

123 **54-17-701. Rules for carbon capture and geological storage.**

124 (1) By January 1, 2011, the Division of Water Quality and the Division of Air Quality,  
125 on behalf of the Board of Water Quality and the Board of Air Quality, respectively, in  
126 collaboration with the commission and the Division of Oil, Gas, and Mining and the Utah  
127 Geological Survey, shall present recommended rules to the Legislature's Administrative Rules  
128 Review Committee for the following in connection with carbon capture and accompanying  
129 geological sequestration of captured carbon:

130 (a) site characterization approval;

131 (b) geomechanical, geochemical, and hydrogeological simulation;

132 (c) risk assessment;

133 (d) mitigation and remediation protocols;

134 (e) issuance of permits for test, injection, and monitoring wells;

135 (f) specifications for the drilling, construction, and maintenance of wells;

136 (g) issues concerning ownership of subsurface rights and pore space;

137 (h) allowed composition of injected matter;

138 (i) testing, monitoring, measurement, and verification for the entirety of the carbon  
139 capture and geologic sequestration chain of operations, from the point of capture of the carbon  
140 dioxide to the sequestration site;

141 (j) closure and decommissioning procedure;

- 142 (k) short- and long-term liability and indemnification for sequestration sites;
- 143 (l) conversion of enhanced oil recovery operations to carbon dioxide geological
- 144 sequestration sites; and
- 145 (m) other issues as identified.

146 (2) The entities listed in Subsection (1) shall report to the Legislature's Administrative  
147 Rules Review Committee any proposals for additional statutory changes needed to implement  
148 rules contemplated under Subsection (1).

149 (3) On or before July 1, 2009, the entities listed in Subsection (1) shall submit to the  
150 Legislature's Public Utilities, Energy, and Technology and Natural Resources, Agriculture, and  
151 Environment Interim Committees a progress report on the development of the recommended  
152 rules required by this part.

153 (4) The recommended rules developed under this section apply to the injection of  
154 carbon dioxide and other associated injectants in allowable types of geological formations for  
155 the purpose of reducing emissions to the atmosphere through long-term geological  
156 sequestration as required by law or undertaken voluntarily or for subsequent beneficial reuse.

157 (5) The recommended rules developed under this section do not apply to the injection  
158 of fluids through the use of Class II injection wells as defined in 40 C.F.R. 144.6(b) for the  
159 purpose of enhanced hydrocarbon recovery.

160 (6) Rules recommended under this section shall:

- 161 (a) ensure that adequate health and safety standards are met;
- 162 (b) minimize the risk of unacceptable leakage from the injection well and injection
- 163 zone for carbon capture and geologic sequestration; and
- 164 (c) provide adequate regulatory oversight and public information concerning carbon
- 165 capture and geologic sequestration.

166 Section 5. Section **63B-3-301** is amended to read:

167 **63B-3-301. Legislative intent -- Additional projects.**

168 (1) It is the intent of the Legislature that, for any lease purchase agreement that the  
169 Legislature may authorize the Division of Facilities Construction and Management to enter into

170 during its 1994 Annual General Session, the State Building Ownership Authority, at the  
171 reasonable rates and amounts it may determine, and with technical assistance from the state  
172 treasurer, the director of the Division of Finance, and the executive director of the Governor's  
173 Office of Management and Budget, may seek out the most cost effective and prudent lease  
174 purchase plans available to the state and may, pursuant to Title 63B, Chapter 1, Part 3, State  
175 Building Ownership Authority Act, certificate out interests in, or obligations of the authority  
176 pertaining to:

- 177 (a) the lease purchase obligation; or
- 178 (b) lease rental payments under the lease purchase obligation.

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

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

186 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership  
187 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
188 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
189 which participation interests may be created, to provide up to \$10,600,000 for the construction  
190 of a Natural Resources Building in Salt Lake City, together with additional amounts necessary  
191 to:

- 192 (i) pay costs of issuance;
- 193 (ii) pay capitalized interest; and
- 194 (iii) fund any debt service reserve requirements.

195 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
196 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
197 director of the Division of Finance, and the executive director of the Governor's Office of

198 Management and Budget.

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

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

- 208 (i) pay costs of issuance;
- 209 (ii) pay capitalized interest; and
- 210 (iii) fund any debt service reserve requirements.

211 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
212 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
213 director of the Division of Finance, and the executive director of the Governor's Office of  
214 Management and Budget.

215 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership  
216 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
217 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
218 which participation interests may be created, to provide up to \$9,000,000 for the acquisition or  
219 construction of up to two field offices for the Department of Human Services in the  
220 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 221 (i) pay costs of issuance;
- 222 (ii) pay capitalized interest; and
- 223 (iii) fund any debt service reserve requirements.

224 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
225 and prudent lease purchase plan available with technical assistance from the state treasurer, the



226 director of the Division of Finance, and the executive director of the Governor's Office of  
227 Management and Budget.

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

- 234 (i) pay costs of issuance;
- 235 (ii) pay capitalized interest; and
- 236 (iii) fund any debt service reserve requirements.

237 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
238 and prudent lease purchase plan available with technical assistance from the state treasurer, the  
239 director of the Division of Finance, and the executive director of the Governor's Office of  
240 Management and Budget.

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

243 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership  
244 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority  
245 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in  
246 which participation interests may be created, to provide up to \$6,800,000 for the construction  
247 of a Prerelease and Parole Center for the Department of Corrections, containing a minimum of  
248 300 beds, together with additional amounts necessary to:

- 249 (i) pay costs of issuance;
- 250 (ii) pay capitalized interest; and
- 251 (iii) fund any debt service reserve requirements.

252 (b) It is the intent of the Legislature that the authority seek out the most cost effective  
253 and prudent lease purchase plan available with technical assistance from the state treasurer, the

254 director of the Division of Finance, and the executive director of the Governor's Office of  
255 Management and Budget.

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

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

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

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

268 (a) the Division of Facilities Construction and Management, in cooperation with the  
269 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,  
270 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003  
271 to the Division of Juvenile Justice Services;

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

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

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

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

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

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

286 (e) the Division of Facilities Construction and Management submit the prototype as  
287 soon as possible to the Infrastructure and General Government Appropriations Subcommittee  
288 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for  
289 review;

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

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

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

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

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

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

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

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

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

309 (b) the master plan:

310 (i) establish priorities for development;

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

312 (iii) include recommendations for funding methods and the allocation of

313 responsibilities between the parties; and

314 (c) the results of the effort be reported to the Natural Resources, Agriculture, and

315 Environmental Quality Appropriations Subcommittee and Infrastructure and General

316 Government Appropriations Subcommittee.

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

318 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under

319 the supervision of the director of the Division of Facilities Construction and Management

320 unless supervisory authority is delegated by the director; and

321 (b) donated and other nonappropriated funds to plan, design, and construct the Biology

322 Research Building under the supervision of the director of the Division of Facilities

323 Construction and Management unless supervisory authority is delegated by the director.

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

325 (a) federal and other funds to plan, design, and construct the Bee Lab under the

326 supervision of the director of the Division of Facilities Construction and Management unless

327 supervisory authority is delegated by the director;

328 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic

329 Facility addition and renovation under the supervision of the director of the Division of

330 Facilities Construction and Management unless supervisory authority is delegated by the

331 director;

332 (c) donated and other nonappropriated funds to plan, design, and construct a renovation

333 to the Nutrition and Food Science Building under the supervision of the director of the

334 Division of Facilities Construction and Management unless supervisory authority is delegated

335 by the director; and

336 (d) federal and private funds to plan, design, and construct the Millville Research

337 Facility under the supervision of the director of the Division of Facilities Construction and

338 Management unless supervisory authority is delegated by the director.

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

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

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

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

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

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

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

357 (17) It is the intent of the Legislature to authorize the Department of Corrections to use  
358 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional  
359 Facility in Gunnison under the supervision of the director of the Division of Facilities  
360 Construction and Management unless supervisory authority is delegated by the director.

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

366 (19) It is the intent of the Legislature that the Utah Department of Transportation use  
367 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in  
368 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

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

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

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

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

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

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

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

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

385 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the  
386 Ogden-Weber Applied Technology Center are exempt from this process; and

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

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

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

398 (25) It is the intent of the Legislature that the governor provide periodic reports on the  
399 expenditure of the funds provided for electronic technology, equipment, and hardware to the  
400 Public Utilities, Energy, and Technology Interim Committee, the Infrastructure and General  
401 Government Appropriations Subcommittee, and the Legislative Management Committee.

402 Section 6. Section **63F-1-104** is amended to read:

403 **63F-1-104. Purposes.**

404 The department shall:

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

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

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

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

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

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

414 (2) coordinate an executive branch strategic plan for all agencies;

415 (3) each year, in coordination with the governor's office, convene a group of public and  
416 private sector information technology and data security experts to identify best practices from  
417 agencies and other public and private sector entities, including best practices for data and  
418 information technology system security standards;

419 (4) develop and implement processes to replicate information technology best practices  
420 and standards identified in Subsection (3), throughout the executive branch;

421 (5) by July 1, 2015, and at least once every two years thereafter:

422 (a) evaluate the adequacy of the department's and the executive branch agencies' data  
423 and information technology system security standards through an independent third party  
424 assessment; and

425 (b) communicate the results of the independent third party assessment to the  
426 appropriate executive branch agencies and to the president of the Senate and the speaker of the  
427 House of Representatives;

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

430 (7) serve as general contractor between the state's information technology users and  
431 private sector providers of information technology products and services;

432 (8) work toward building stronger partnering relationships with providers;

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

435 (10) develop standards for application development including a standard methodology  
436 and cost-benefit analysis that all agencies shall utilize for application development activities;

437 (11) determine and implement statewide efforts to standardize data elements and  
438 determine data ownership assignments among executive branch agencies;

439 (12) develop systems and methodologies to review, evaluate, and prioritize existing  
440 information technology projects within the executive branch and report to the governor and the  
441 Public Utilities, Energy, and Technology Interim Committee on a semiannual basis regarding  
442 the status of information technology projects; and

443 (13) assist the Governor's Office of Management and Budget with the development of  
444 information technology budgets for agencies.

445 Section 7. Section **63F-1-201** is amended to read:

446 **63F-1-201. Chief information officer -- Appointment -- Powers -- Reporting.**

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

448 (2) The chief information officer shall:

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



- 450 (b) perform those duties given the chief information officer by statute.
- 451 (3) (a) The chief information officer shall report annually to:
- 452 (i) the governor; and
- 453 (ii) the Public Utilities, Energy, and Technology Interim Committee.
- 454 (b) The report required under Subsection (3)(a) shall:
- 455 (i) summarize the state's current and projected use of information technology;
- 456 (ii) summarize the executive branch strategic plan including a description of major
- 457 changes in the executive branch strategic plan; and
- 458 (iii) provide a brief description of each state agency's information technology plan.
- 459 (4) (a) In accordance with this section, the chief information officer shall prepare an
- 460 interbranch information technology coordination plan that provides for the coordination where
- 461 possible of the development, acquisition, and maintenance of information technology and
- 462 information systems of:
- 463 (i) the executive branch;
- 464 (ii) the judicial branch;
- 465 (iii) the legislative branch;
- 466 (iv) the Board of Regents; and
- 467 (v) the State Board of Education.
- 468 (b) In the development of the interbranch coordination plan, the chief information
- 469 officer shall consult with the entities described in Subsection (4)(a).
- 470 (c) The interbranch coordination plan:
- 471 (i) is an advisory document; and
- 472 (ii) does not bind any entity described in Subsection (4)(a).
- 473 (d) (i) The chief information officer shall submit the interbranch coordination plan to
- 474 the Public Utilities, Energy, and Technology Interim Committee for comment.
- 475 (ii) The chief information officer may modify the interbranch coordination plan:
- 476 (A) at the request of the Public Utilities, Energy, and Technology Interim Committee;
- 477 or

478 (B) to improve the coordination between the entities described in Subsection (4)(a).

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

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

483 (a) the judicial branch;

484 (b) the legislative branch;

485 (c) the Board of Regents;

486 (d) the State Board of Education;

487 (e) local government;

488 (f) the federal government;

489 (g) business and industry; and

490 (h) those members of the public who use information technology or systems of the  
491 state.

492 Section 8. Section **63F-1-203** is amended to read:

493 **63F-1-203. Executive branch information technology strategic plan.**

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

496 (a) that complies with this chapter; and

497 (b) which shall include:

498 (i) a strategic plan for the:

499 (A) interchange of information related to information technology between executive  
500 branch agencies;

501 (B) coordination between executive branch agencies in the development and  
502 maintenance of information technology and information systems, including the coordination of  
503 agency information technology plans described in Section [63F-1-204](#); and

504 (C) protection of the privacy of individuals who use state information technology or  
505 information systems, including the implementation of industry best practices for data and

506 system security that are identified in Subsection 63F-1-104(3);

507 (ii) priorities for the development and implementation of information technology or

508 information systems including priorities determined on the basis of:

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

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

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

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

513 officer shall consult with:

514 (a) all cabinet level officials;

515 (b) the advisory board created in Section 63F-1-202; and

516 (c) the group convened in accordance with Subsection 63F-1-104(3).

517 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance

518 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on

519 which the executive branch strategic plan is submitted to:

520 (i) the governor; and

521 (ii) the Public Utilities, Energy, and Technology Interim Committee.

522 (b) The chief information officer or the governor may withdraw the executive branch

523 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer

524 determines that the executive branch strategic plan:

525 (i) should be modified; or

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

527 (c) The Public Utilities, Energy, and Technology Interim Committee may make

528 recommendations to the governor and to the chief information officer if the commission

529 determines that the executive branch strategic plan should be modified or for any other reason

530 should not take effect.

531 (d) Modifications adopted by the chief information officer shall be resubmitted to the

532 governor and the Public Utilities, Energy, and Technology Interim Committee for their review

533 or approval as provided in Subsections (3)(a) and (b).

534 (4) (a) The chief information officer shall, on or before January 1, 2014, and each year  
535 thereafter, modify the executive branch information technology strategic plan to incorporate  
536 security standards that:

537 (i) are identified as industry best practices in accordance with Subsections  
538 63F-1-104(3) and (4); and

539 (ii) can be implemented within the budget of the department or the executive branch  
540 agencies.

541 (b) The chief information officer shall inform the speaker of the House of  
542 Representatives and the president of the Senate on or before January 1 of each year if best  
543 practices identified in Subsection (4)(a)(i) are not adopted due to budget issues considered  
544 under Subsection (4)(a)(ii).

545 (5) The executive branch strategic plan is to be implemented by executive branch  
546 agencies through each executive branch agency adopting an agency information technology  
547 plan in accordance with Section 63F-1-204.

548 Section 9. Section 63F-1-404 is amended to read:

549 **63F-1-404. Duties of the division.**

550 The division shall:

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

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

555 (a) control costs;

556 (b) ensure business value to a project;

557 (c) maximize resources;

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

559 (e) avoid duplication of resources;

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

562 (4) beginning September 1, 2006, and each September 1 thereafter, provide the chief  
563 information officer and the Public Utilities, Energy, and Technology Interim Committee with  
564 performance measures used by the division to measure the quality of service delivered by the  
565 division and the results of the performance measures;

566 (5) serve as a project manager for enterprise architecture which includes the  
567 management of applications, standards, and procurement of enterprise architecture;

568 (6) coordinate the development and implementation of advanced state  
569 telecommunication systems;

570 (7) provide services including technical assistance:

571 (a) to executive branch agencies and subscribers to the services; and

572 (b) related to information technology or telecommunications;

573 (8) establish telecommunication system specifications and standards for use by:

574 (a) one or more executive branch agencies; or

575 (b) one or more entities that subscribe to the telecommunication systems in accordance  
576 with Section [63F-1-303](#);

577 (9) coordinate state telecommunication planning in cooperation with:

578 (a) state telecommunication users;

579 (b) executive branch agencies; and

580 (c) other subscribers to the state's telecommunication systems;

581 (10) cooperate with the federal government, other state entities, counties, and  
582 municipalities in the development, implementation, and maintenance of:

583 (a) (i) governmental information technology; or

584 (ii) governmental telecommunication systems; and

585 (b) (i) as part of a cooperative organization; or

586 (ii) through means other than a cooperative organization;

587 (11) establish, operate, manage, and maintain:

588 (a) one or more state data centers; and

589 (b) one or more regional computer centers;

590 (12) design, implement, and manage all state-owned, leased, or rented land, mobile, or  
591 radio telecommunication systems that are used in the delivery of services for state government  
592 or its political subdivisions;

593 (13) in accordance with the executive branch strategic plan, implement minimum  
594 standards to be used by the division for purposes of compatibility of procedures, programming  
595 languages, codes, and media that facilitate the exchange of information within and among  
596 telecommunication systems; and

597 (14) provide the chief information officer with an analysis of an executive branch  
598 agency information technology plan that includes:

599 (a) an assessment of how the implementation of the agency information technology  
600 plan will affect the costs, operations, and services of:

- 601 (i) the department; and
- 602 (ii) other executive branch agencies; and
- 603 (b) any recommended changes to the plan.

604 Section 10. Section **63F-1-504** is amended to read:

605 **63F-1-504. Duties of the division.**

606 The division shall:

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

- 610 (a) project management;
- 611 (b) application development; and
- 612 (c) procurement;

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

- 615 (a) control costs;
- 616 (b) ensure business value to a project;
- 617 (c) maximize resources;

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

643 Section 11. Section 63F-1-604 is amended to read:

644 **63F-1-604. Duties of the division.**

645 The division shall:

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

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

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

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

655 (5) establish accountability and performance measures for the division to assure that  
656 the division is:

657 (a) meeting the business and service needs of the state and individual executive branch  
658 agencies; and

659 (b) implementing security standards in accordance with Subsection 63F-1-203(4);

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

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

664 (8) by July 1, 2013, and each July 1 thereafter, report to the Public Utilities, Energy,  
665 and Technology Interim Committee on the performance measures used by the division under  
666 Subsection (5) and the results.

667 Section 12. Section 63F-2-103 is amended to read:

668 **63F-2-103. Data Security Management Council -- Report to Legislature --**  
669 **Recommendations.**

670 (1) The council chair or the council chair's designee shall report annually no later than  
671 October 1 of each year to the Public Utilities, Energy, and Technology Interim Committee.

672 (2) The council's annual report shall contain:

673 (a) a summary of topics the council studied during the year;



674 (b) best practice recommendations for state government; and  
675 (c) recommendations for implementing the council's best practice recommendations.  
676 Section 13. Section **63M-4-302** is amended to read:

677 **63M-4-302. Legislative committee review.**

678 The Natural Resources, Agriculture, and Environment Interim Committee and the  
679 Public Utilities, Energy, and Technology Interim Committee shall review the state energy  
680 policy annually and propose any changes to the Legislature.

681 Section 14. Section **63M-4-505** is amended to read:

682 **63M-4-505. Report to the Legislature.**

683 The office shall report annually to the Public Utilities, Energy, and Technology Interim  
684 Committee and the Revenue and Taxation Interim Committee describing:

685 (1) its success in attracting alternative energy projects to the state and the resulting  
686 increase in new state revenues under this part;

687 (2) the amount of tax credits the office has granted or will grant and the time period  
688 during which the tax credits have been or will be granted; and

689 (3) the economic impact on the state by comparing new state revenues to tax credits  
690 that have been or will be granted under this part.

691 Section 15. Section **63M-4-605** is amended to read:

692 **63M-4-605. Report to the Legislature.**

693 The office shall report annually to the Public Utilities, Energy, and Technology Interim  
694 Committee and the Revenue and Taxation Interim Committee describing:

695 (1) the office's success in attracting high cost infrastructure projects to the state and the  
696 resulting increase in infrastructure-related revenue under this part;

697 (2) the amount of tax credits the office has granted or will grant and the time period  
698 during which the tax credits have been or will be granted; and

699 (3) the economic impact on the state by comparing infrastructure-related revenue to tax  
700 credits that have been or will be granted under this part.

701 Section 16. Section **69-4-1** is amended to read:

702           **69-4-1. Telecommunication network review.**

703           (1) Before the creation, expansion, or upgrade of a state-owned or state-funded  
704 telecommunication network, whether voice, data, or video transmission, the agency or entity  
705 proposing any change shall submit a plan to the governor detailing the proposed changes.

706           (2) If, after consultation with the agency or entity it is the opinion of the governor that  
707 implementation of the plan would result in significant impact on telephone ratepayers, the  
708 governor shall direct the Public Service Commission to prepare an advisory report detailing  
709 how implementing the plan will affect telephone ratepayers where the plan would be in effect.

710           (3) (a) The Public Service Commission shall complete and provide the advisory report  
711 to the governor, the agency or entity involved, and the Public Utilities, Energy, and Technology  
712 Interim Committee within 60 days after receiving the governor's request.

713           (b) The Public Service Commission may not conduct any public hearings or  
714 proceedings in the preparation of the report.

715           Section 17. **Contingent effective date.**

716           If approved by two-thirds of all the members elected to each house, and if H.J.R. 3,  
717 Joint Resolution Changing an Interim Committee Name, 2016 General Session, passes, this bill  
718 takes effect upon approval by the governor, or the day following the constitutional time limit of  
719 Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a  
720 veto, the date of veto override.