

1 **PUBLIC UTILITIES AND TECHNOLOGY COMMITTEE**

2 **NAME CHANGE**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Stephen G. Handy**

6 Senate Sponsor: David P. Hinkins

7

8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ updates references to the name of the Public Utilities, Energy, and Technology

14 Interim Committee.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **19-6-1203**, as enacted by Laws of Utah 2011, Chapter 213

22 **53-2a-902**, as renumbered and amended by Laws of Utah 2013, Chapter 295

23 **54-1-13**, as enacted by Laws of Utah 2013, Chapter 311

24 **54-17-701**, as last amended by Laws of Utah 2009, Chapter 344

25 **63B-3-301**, as last amended by Laws of Utah 2013, Chapter 310

26 **63F-1-104**, as last amended by Laws of Utah 2013, Chapters 53 and 310

27 **63F-1-201**, as last amended by Laws of Utah 2011, Chapter 270



- 28 **63F-1-203**, as last amended by Laws of Utah 2013, Chapter 53
- 29 **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

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.

Legislative Review Note
Office of Legislative Research and General Counsel