

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 607

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO INFORMATION TECHNOLOGY SERVICES; AMENDING CHAPTER 8, TITLE
2 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-827, IDAHO CODE, TO
3 PROVIDE FOR THE OFFICE OF INFORMATION TECHNOLOGY SERVICES IN THE OF-
4 FICE OF THE GOVERNOR; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE
5 ADDITION OF A NEW SECTION 67-827A, IDAHO CODE, TO PROVIDE POWERS AND
6 DUTIES; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A
7 NEW SECTION 67-828, IDAHO CODE, TO PROVIDE FOR THE RECEIPT OF PAYMENT
8 FOR SERVICES TO UNITS OF STATE GOVERNMENT; AMENDING CHAPTER 8, TITLE
9 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-829, IDAHO CODE, TO
10 PROVIDE FOR ADVANCE PAYMENTS AND INTERACCOUNT TRANSACTIONS; AMENDING
11 CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-830,
12 IDAHO CODE, TO PROVIDE A DECLARATION OF PURPOSE; AMENDING CHAPTER 8,
13 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-831, IDAHO
14 CODE, TO DEFINE TERMS; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE
15 ADDITION OF A NEW SECTION 67-832, IDAHO CODE, TO PROVIDE FOR THE IDAHO
16 TECHNOLOGY AUTHORITY; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE
17 ADDITION OF A NEW SECTION 67-833, IDAHO CODE, TO PROVIDE FOR THE GENERAL
18 POWERS AND DUTIES OF THE AUTHORITY; AMENDING CHAPTER 8, TITLE 67, IDAHO
19 CODE, BY THE ADDITION OF A NEW SECTION 67-834, IDAHO CODE, TO DEFINE
20 TERMS USED IN SPECIFIED PROVISIONS OF LAW; AMENDING CHAPTER 8, TITLE
21 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-835, IDAHO CODE, TO
22 PROVIDE FOR THE TRANSFER OF RESPONSIBILITY FOR THE INTEGRATED PROPERTY
23 RECORDS SYSTEM; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDI-
24 TION OF A NEW SECTION 67-836, IDAHO CODE, TO PROVIDE THAT AGENCIES SHALL
25 UPDATE SPECIFIED RECORDS AND PROVIDE NEW RECORDS AND DATA TO THE OFFICE
26 OF INFORMATION TECHNOLOGY SERVICES; AMENDING CHAPTER 8, TITLE 67, IDAHO
27 CODE, BY THE ADDITION OF A NEW SECTION 67-837, IDAHO CODE, TO PROVIDE
28 THAT THE OBLIGATION FOR QUALITY REMAINS WITH THE ORIGINATING AGENCY
29 OR ENTITY PROVIDING RECORDS TO THE OFFICE OF INFORMATION TECHNOLOGY
30 SERVICES; REPEALING SECTION 67-5745, IDAHO CODE, RELATING TO DECLARA-
31 TION OF PURPOSE; REPEALING SECTION 67-5745A, IDAHO CODE, RELATING TO
32 THE DEFINITION OF TERMS; REPEALING SECTION 67-5745B, IDAHO CODE, RE-
33 LATING TO THE IDAHO TECHNOLOGY AUTHORITY; REPEALING SECTION 67-5745C,
34 IDAHO CODE, RELATING TO THE GENERAL POWERS AND DUTIES OF THE AUTHORITY;
35 REPEALING SECTION 67-5747, IDAHO CODE, RELATING TO POWERS AND DUTIES;
36 REPEALING SECTION 67-5779, IDAHO CODE, RELATING TO THE DEFINITION OF
37 TERMS USED IN SPECIFIED LAW; REPEALING SECTION 67-5780, IDAHO CODE,
38 RELATING TO THE INTEGRATED PROPERTY RECORD SYSTEM AND THE TRANSFER OF
39 RESPONSIBILITY; REPEALING SECTION 67-5781, IDAHO CODE, RELATING TO
40 AGENCIES' PROVISION OF RECORDS AND DATA; AND REPEALING SECTION 67-5782,
41 IDAHO CODE, RELATING TO RESPONSIBILITY FOR QUALITY.
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43 Be It Enacted by the Legislature of the State of Idaho:

1 SECTION 1. That Chapter 8, Title 67, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 67-827, Idaho Code, and to read as follows:

4 67-827. COORDINATION OF POLICY AND PROGRAMS -- INFORMATION TECHNOLOGY
5 SERVICES AND CYBERSECURITY. (1) There is hereby established in the office of
6 the governor the "Office of Information Technology Services."

7 (2) The administrator of the office of information technology services
8 shall be the official in the state designated to oversee and execute the
9 coordination and implementation of all information technology services and
10 cybersecurity policies within the state of Idaho. The administrator shall
11 be appointed by and shall serve at the pleasure of the governor and shall be
12 subject to confirmation by the senate.

13 SECTION 2. That Chapter 8, Title 67, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 67-827A, Idaho Code, and to read as follows:

16 67-827A. POWERS AND DUTIES. The office of information technology ser-
17 vices is hereby authorized and directed:

18 (1) (a) (i) To control and approve the acquisition and installa-
19 tion of all telecommunications equipment and facilities for all
20 departments and institutions of state government, except as pro-
21 vided in subparagraphs (ii), (iii) and (iv) of this paragraph;

22 (ii) To coordinate the acquisition and installation of all
23 telecommunications equipment and facilities for the institutions
24 of higher education and the elected officers in the executive
25 branch;

26 (iii) To coordinate the acquisition and installation of all
27 telecommunications equipment and facilities for the legislative
28 and judicial branches;

29 (iv) Provided however, that the acquisition and installation of
30 all public safety and microwave equipment shall be under the con-
31 trol of the military division.

32 (b) In approving or coordinating the acquisition or installation of
33 telecommunications equipment or facilities, the office shall first
34 consult with and consider the recommendations and advice of the direc-
35 tors or executive heads of the various departments or institutions.
36 Any acquisition or installation of any telecommunications equipment or
37 facilities that is contrary to the office's recommendation, or is not
38 in harmony with the state's overall plan for telecommunications and in-
39 formation sharing, shall be reported in writing to the governor and the
40 legislature.

41 (2) To provide a system of telecommunications for all departments and
42 institutions of state government. Funds received pursuant to this subsec-
43 tion shall be appropriated for payment of telecommunication and telephone
44 charges incurred by the various agencies and institutions of state govern-
45 ment.

46 (3) To provide a means whereby political subdivisions of the state may
47 use the state telecommunications system, upon such terms and under such con-
48 ditions as the office of information technology services may establish.

1 (4) To accept federal funds granted by congress or by executive order
2 for all or any of the purposes of this chapter, as well as gifts and donations
3 from individuals and private organizations or foundations.

4 (5) To oversee implementation of cybersecurity policies to foster risk
5 and cybersecurity management telecommunications and decision-making with
6 both internal and external organizational stakeholders.

7 (6) To coordinate and consult with state agencies and officials regard-
8 ing information security needs.

9 (7) To coordinate with state agencies and officials on penetration
10 tests and vulnerability scans of state technology systems in order to iden-
11 tify steps to mitigate identified risks.

12 (8) To coordinate with state agencies and officials to ensure that
13 state agencies implement mandatory education and training of state em-
14 ployees and provide guidance on appropriate levels of training for various
15 classifications of state employees.

16 (9) To coordinate with appropriate state agencies to create, coordi-
17 nate, publish, routinely update and market a statewide cybersecurity web-
18 site as an information repository for intelligence-sharing and cybersecu-
19 rity best practices.

20 (10) To coordinate public and private entities to develop, create and
21 promote statewide public outreach efforts to protect personal information
22 and sensitive data from cyber threats.

23 (11) To promulgate and adopt reasonable rules for effecting the pur-
24 poses of this act pursuant to the provisions of chapter 52, title 67, Idaho
25 Code.

26 SECTION 3. That Chapter 8, Title 67, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 67-828, Idaho Code, and to read as follows:

29 67-828. OFFICE OF INFORMATION TECHNOLOGY SERVICES MAY CHARGE AND RE-
30 CEIVE PAYMENT FOR CERTAIN SERVICES TO UNITS OF STATE GOVERNMENT -- APPROPRI-
31 ATION. The office of information technology services is authorized to charge
32 and receive payment for actual and necessary expenses incurred in providing
33 services to any unit of state government under the provisions of this sec-
34 tion. Any money received for services provided under the provisions of this
35 section is hereby continually appropriated to the unit providing the ser-
36 vices as compensation for such actual and necessary expenses.

37 SECTION 4. That Chapter 8, Title 67, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 67-829, Idaho Code, and to read as follows:

40 67-829. ADVANCE PAYMENTS AND INTERACCOUNT TRANSACTIONS. Any unit
41 of the office of information technology services providing services to
42 departments of state government as authorized in this chapter may charge
43 and receive payment in advance of performance thereof for a period of time
44 not to exceed the current appropriation of the department requesting such
45 services. Such payments may be used for personnel costs and operating expen-
46 ditures of the unit providing the services.

1 SECTION 5. That Chapter 8, Title 67, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 67-830, Idaho Code, and to read as follows:

4 67-830. DECLARATION OF PURPOSE. The legislature finds that advances
5 in information technology and telecommunications present significant
6 opportunities for the state of Idaho to improve the efficiency and pro-
7 ductivity of state government, to encourage public access to government
8 information and to enhance lifelong educational and training opportunities.
9 The implications of these information technology and telecommunications
10 advances require a centralized and coordinated strategic planning process
11 involving the expertise and participation of experienced persons from both
12 state government and the private sector. The establishment of the Idaho
13 technology authority will facilitate a centralized approach to the acqui-
14 sition and evaluation of necessary technical information and the informed
15 development of a statewide strategic plan to ensure a coordinated approach
16 to the design, procurement and implementation of information technology and
17 telecommunications systems for both state government and the public.

18 SECTION 6. That Chapter 8, Title 67, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 67-831, Idaho Code, and to read as follows:

21 67-831. DEFINITIONS. As used in this chapter:

22 (1) "Information technology" means all present and future forms of com-
23 puter hardware, computer software and services used or required for auto-
24 mated data processing, computer-related office automation or telecommuni-
25 cations.

26 (2) "State agencies" means all state agencies or departments, boards,
27 commissions, councils and institutions of higher education but shall not in-
28 clude the elected constitutional officers and their staffs, the legislature
29 and its staffs or the judiciary.

30 (3) "Telecommunications" means all present and future forms of hard-
31 ware, software or services used or required for transmitting voice, data,
32 video or images over a distance.

33 SECTION 7. That Chapter 8, Title 67, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 67-832, Idaho Code, and to read as follows:

36 67-832. IDAHO TECHNOLOGY AUTHORITY -- COMPOSITION -- APPOINTMENT AND
37 TERM OF OFFICE -- REIMBURSEMENT -- CONTRACTING FOR NECESSARY SERVICES. (1)
38 An Idaho technology authority is hereby created within the office of infor-
39 mation technology services. The authority shall consist of up to eighteen
40 (18) members. The governor shall appoint up to two (2) members of the author-
41 ity that shall include an information technology executive from private in-
42 dustry and an employee of state government. The remaining membership of the
43 authority shall be comprised of the following: one (1) legislator appointed
44 by the president pro tempore of the senate and one (1) legislator appointed
45 by the speaker of the house of representatives to include one (1) legisla-
46 tor from each of the two (2) largest parties; one (1) person appointed by the

1 chief justice of the supreme court to represent the judicial branch of state
 2 government; the state controller; the director of the department of admin-
 3 istration; the director of the department of health and welfare; the direc-
 4 tor of the department of labor; the director of the transportation depart-
 5 ment; the director of the Idaho state police; the director of the department
 6 of correction; the chair of the Idaho geospatial council executive commit-
 7 tee; the director of the legislative services office; the administrator of
 8 the office of information technology services; the administrator of the di-
 9 vision of financial management in the office of the governor; the executive
 10 director of the state board of education; and the adjutant general of the
 11 military division in the office of the governor. The governor shall desig-
 12 nate a member of the authority to act as chair and all appointed members of
 13 the authority shall serve at the pleasure of the appointing authority. An
 14 agency director may delegate responsibility to serve as a member of the au-
 15 thority to another senior management executive within the agency with au-
 16 thority for general agency operations whose responsibilities may include,
 17 but not be limited to, information technology operations.

18 (2) The authority shall hold no fewer than two (2) regular meetings an-
 19 nually at such time and place as may be directed by its chair. The authority
 20 may meet more frequently at the call of the chair or if requested by a major-
 21 ity of the authority's members. Members of the authority shall serve with no
 22 salary or benefits, but are entitled to reimbursement as provided in section
 23 59-509(b), Idaho Code.

24 (3) The authority may contract for professional services or assistance
 25 when necessary or desirable to carry out its powers and duties.

26 SECTION 8. That Chapter 8, Title 67, Idaho Code, be, and the same is
 27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 28 ignated as Section 67-833, Idaho Code, and to read as follows:

29 67-833. GENERAL POWERS AND DUTIES OF THE AUTHORITY. The authority
 30 shall:

31 (1) Review and evaluate the information technology and telecommunica-
 32 tions systems presently in use by state agencies;

33 (2) Prepare statewide short-range and long-range information technol-
 34 ogy and telecommunications systems plans to meet the needs of state agen-
 35 cies;

36 (3) Within the context of its strategic plans, establish statewide
 37 information technology and telecommunications policies, standards, guide-
 38 lines, conventions and comprehensive risk assessment criteria that will
 39 assure uniformity and compatibility of such systems within state agencies;

40 (4) Recommend and coordinate the use and application of state agencies'
 41 information technology and telecommunications resources;

42 (5) Review and approve large-scale information technology and telecom-
 43 munications projects for state agencies including, but not limited to, risk
 44 assessment methodologies used by state agencies using authority risk as-
 45 sessment criteria;

46 (6) Review state agencies' compliance with statewide information tech-
 47 nology and telecommunications systems plans;

1 (7) Recommend cost-efficient procedures for state agencies' acquisition and procurement of information technology and telecommunications systems;
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4 (8) Upon request, provide technical expertise to state government and any other governmental entity;
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6 (9) Maintain a continuous and comprehensive inventory of information technology and telecommunications systems within state agencies;
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8 (10) In accordance with statutes governing the availability or confidentiality of public records and information, establish guidelines for the accessing of public information by the public;
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11 (11) On an annual basis, publish a report of the activities of the authority for the governor and the legislature;
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13 (12) Recommend the enactment or promulgation of any statutes or rules necessary to carry out the statewide information technology and telecommunications systems plans;
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16 (13) Enter into contracts for professional services and assistance not otherwise available in state government;
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18 (14) Encourage and promote cooperative information technology efforts and activities between the state, local government, private enterprise and the public;
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21 (15) Encourage and support education and training opportunities relating to information technology and telecommunications; and
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23 (16) Appoint subcommittees, delegate responsibilities and perform any additional functions consistent with the purpose of this act which are necessary and appropriate for the proper conduct of the authority.
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26 SECTION 9. That Chapter 8, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-834, Idaho Code, and to read as follows:
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29 67-834. DEFINITIONS. As used in sections 67-835, 67-836 and 67-837, Idaho Code:
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31 (1) "Geographic information" means data and datasets containing location information including, but not limited to, remotely sensed imagery, global positioning systems files, geospatially referenced computer-aided design files, digital cartographic products, spatially enabled databases, and geospatial datasets locating and describing features and their attributes on, above or under the earth.
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37 (2) "Geographic information systems" or "GIS" means an information system capable of capturing, integrating, storing, editing, analyzing, managing, sharing, and displaying geographic information. A GIS involves computer hardware, software, networks and applications, as well as the people to operate, develop, administer and use them.
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42 (3) "Metadata" means a description of the quality, currency, attributes, methods and other salient aspects of geographic and tabular information.
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45 (4) "State agency" means all state agencies or departments, boards, commissions, councils and institutions of higher education but shall not include the elected constitutional officers and their staffs, the legislature and its staffs or the judiciary.
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1 SECTION 10. That Chapter 8, Title 67, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 67-835, Idaho Code, and to read as follows:

4 67-835. INTEGRATED PROPERTY RECORDS SYSTEM -- TRANSFER OF RESPONSI-
5 BILITY. The office of information technology services shall:

6 (1) Take possession and control of the state's integrated property
7 records system previously created pursuant to section 58-330, Idaho Code;

8 (2) Manage the state's integrated property records system;

9 (3) Lead the establishment of a standard format, workflow and technical
10 procedures to permit updating of the integrated property records system with
11 geographic and other relevant data and information received from state agen-
12 cies; and

13 (4) Lead the planning and deployment of multiagency enterprise use of
14 the integrated property records system.

15 SECTION 11. That Chapter 8, Title 67, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 67-836, Idaho Code, and to read as follows:

18 67-836. AGENCIES TO PROVIDE RECORDS AND DATA. (1) Every state agency
19 shall, no later than January 15, 2009, provide records in an electronic
20 format acceptable to the department of administration of all interests in
21 any real property owned, used or granted by it including, without limita-
22 tion, records of ownership, leases, encumbrances, easements, rights-of-way
23 leases or any other interest in real property. On and after July 1, 2018,
24 and on a regular and continuous basis thereafter, every state agency shall
25 update such records and provide any new records to the office of information
26 technology services. Metadata will accompany all state agency records.

27 (2) For the purposes of this section, the Idaho transportation de-
28 partment shall provide highway right-of-way records from January 1, 2002,
29 forward, augmented thereafter each time real property owned by the state of
30 Idaho is affected as part of the Idaho transportation department's regular
31 course of business.

32 (3) For the purposes of this section, state agencies shall provide only
33 records and geographic information that are subject to disclosure under
34 chapter 1, title 74, Idaho Code, or that the agency has determined to dis-
35 close as a public record.

36 SECTION 12. That Chapter 8, Title 67, Idaho Code, be, and the same is
37 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
38 ignated as Section 67-837, Idaho Code, and to read as follows:

39 67-837. RESPONSIBILITY FOR QUALITY. In regard to any obligation on any
40 state agency or other entity to provide records to the office of information
41 technology services pursuant to section 67-835 or 67-836, Idaho Code, the
42 obligation for quality remains with the originator and does not transfer to
43 the office of information technology services by virtue of its receipt or by
44 integration or other use of such records.

1 SECTION 13. That Section [67-5745](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 14. That Section [67-5745A](#), Idaho Code, be, and the same is
4 hereby repealed.

5 SECTION 15. That Section [67-5745B](#), Idaho Code, be, and the same is
6 hereby repealed.

7 SECTION 16. That Section [67-5745C](#), Idaho Code, be, and the same is
8 hereby repealed.

9 SECTION 17. That Section [67-5747](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 18. That Section [67-5779](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 19. That Section [67-5780](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 20. That Section [67-5781](#), Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 21. That Section [67-5782](#), Idaho Code, be, and the same is hereby
18 repealed.