

**SENATE . . . . . No. 26**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Brendan P. Crighton***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the modernization of state agency information technology systems.

PETITION OF:

NAME:

*Brendan P. Crighton*

DISTRICT/ADDRESS:

*Third Essex*

**SENATE . . . . . No. 26**

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By Mr. Crighton, a petition (accompanied by bill, Senate, No. 26) of Brendan P. Crighton for legislation to modernize state agency information technology systems. Advanced Information Technology, the Internet and Cybersecurity.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to the modernization of state agency information technology systems.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 7D of the General Laws, as appearing in the Official 2018 Edition,  
2 is hereby amended by inserting the following section:-

3 "SECTION 11. Massachusetts Innovation Fund and State Agency Technology Upgrades  
4 Account

5 (a) As used in this section, the following terms shall have the following meanings:-

6 "Account," the state agency technology upgrades account.

7 "Board," the Massachusetts innovation fund board.

8 "Cloud computing service" has the meaning given the term by the National Institute of  
9 Standards and Technology in NIST Special Publication 800-145 and any amendatory or  
10 superseding document thereto.

11 "Device-as-a-service," a managed service in which hardware that belongs to a managed  
12 service provider is installed at a state agency and a service level agreement defines the  
13 responsibilities of each party to the agreement.

14 "Fund," means the Massachusetts Innovation Fund.

15 "Information technology system," any equipment or interconnected system or subsystem  
16 of equipment used by a state agency, or a person under a contract with a state agency if the  
17 contract requires use of the equipment, to acquire, store, analyze, evaluate, manipulate, manage,  
18 move, control, display, switch, interchange, transmit, print, copy, scan, or receive data or other  
19 information. "Information technology system" shall include a computer, a device-as-a-service  
20 solution, ancillary computer equipment such as imaging, printing, scanning, and copying  
21 peripherals and input, output, and storage devices necessary for security and surveillance,  
22 peripheral equipment designed to be controlled by the central processing unit of a computer,  
23 software and firmware and similar procedures, and services, including support services, and  
24 related resources. "Information technology system" shall not include equipment acquired by a  
25 contractor incidental to a state contract.

26 "Legacy information technology system," is an information technology system that is  
27 operated with outdated or obsolete, or inefficient hardware or software system of information  
28 technology.

29 "Qualifying information technology modernization project," a project by a state agency to  
30 (i) replace the agency's information technology systems;(ii) transition the agency's legacy  
31 information technology systems to a cloud computing service or other innovative commercial  
32 platform or technology; or (iii) develop and implement a method to provide adequate, risk-based,

33 and cost-effective information technology responses to threats to the agency's information  
34 security.

35 (b) The Massachusetts innovation fund board is established to administer the  
36 Massachusetts innovation fund and the state agency technology upgrades account and to make  
37 awards of financial assistance to state agencies from the fund or account for qualifying  
38 information technology modernization projects. The board shall consist of: (i) the comptroller or  
39 a designee (ii) the secretary of the executive office of technology services and security or a  
40 designee (iii) the governor or a designee (iv) two members of the senate appointed by the  
41 president of the senate;(v) two members of the house of representatives appointed by the speaker  
42 of the house of representatives; (vi) one member of the public with relevant subject matter  
43 expertise appointed by the governor; and (vii) three state employees primarily having technical  
44 expertise information technology development, financial management, cybersecurity and  
45 privacy, and acquisition, appointed by the secretary of the executive office of technology  
46 services and security.

47 (c) Members of the board shall serve six two-year terms. A board member is not entitled  
48 to compensation for service on the board but is entitled to reimbursement of expenses incurred  
49 while performing duties as a board member.

50 (d) The Massachusetts innovation fund and the state agency technology upgrades account  
51 are special funds outside the state treasury to be used by the board, without further legislative  
52 appropriation, as provided by this section.

53 (e) The fund consists of:

54 (1) money appropriated, credited, or transferred to the fund by the legislature;

55 (2) money received by the board for the repayment of a loan made from the fund; and

56 (3) interest and other earnings earned on deposits and investments of money in the fund.

57 (f) The account consists of:

58 (1) money deposited to the account by the comptroller in the manner prescribed by  
59 subsection (h); and

60 (2) interest and other earnings earned on deposits and investments of money in the  
61 account.

62 (g) The comptroller, in consultation with the executive office of technology services and  
63 security, shall establish a loan program to authorize the board to use money from the fund to  
64 provide loans to state agencies for qualifying information technology modernization projects. A  
65 state agency must apply to the board for a loan from the fund. The application must include a  
66 description of the qualifying information technology modernization project for which the state  
67 agency is requesting a loan. A loan agreement entered into under this subsection must require the  
68 state agency to:

69 (1) repay the loan to the board within seven years of the date the loan is made to the  
70 agency; and

71 (2) make annual reports to the board identifying cost savings realized by the agency as a  
72 result of the project for which the agency received the loan.

73 (h) At the end of each state fiscal year, on the written request of a state agency, the  
74 comptroller shall deposit to the account the unexpended balance of any money appropriated to  
75 the agency for that state fiscal year that is budgeted by the agency for information technology

76 services or cybersecurity purposes. A state agency may request money from the account from the  
77 board at any time for a qualifying information technology modernization project.

78 (i) The comptroller shall separately account for the amount of money deposited to the  
79 account at the request of each state agency under Subsection (h). Money deposited to the account  
80 under subsection (h) and any interest and other earnings on that money may be provided only to  
81 the state agency for which the comptroller deposited the money to the account and may be used  
82 by the agency only for a qualifying information technology modernization project.

83 (j) Any money deposited to the account at the request of a state agency under subsection  
84 (h) that is not requested by the agency within three years from the date the money is deposited  
85 shall be transferred by the comptroller to the general revenue fund to be used in accordance with  
86 legislative appropriation.

87 (k) A state agency that receives money from the fund or the account may collaborate with  
88 one or more other state agencies that also receive money from the fund or the account to  
89 purchase information technology systems that may be shared between the agencies.

90 (l) The comptroller may adopt rules to implement and administer this section.”

91 SECTION 2. This Act shall take effect upon its passage.