

1                   **STATE TECHNOLOGY GOVERNANCE AMENDMENTS**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Bruce R. Cutler**

5                           Senate Sponsor: \_\_\_\_\_

---

---

7   **LONG TITLE**

8   **General Description:**

9           This bill amends provisions related to state technology governance.

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ eliminates divisions within the Department of Technology Services;
- 13       ▶ assigns duties formerly assigned to divisions within the Department of Technology
- 14 Services to the Department of Technology Services and the chief information
- 15 officer within the Department of Technology Services;
- 16       ▶ directs the chief information officer within the Department of Technology Services
- 17 to appoint a chief information security officer; and
- 18       ▶ defines terms.

19 **Money Appropriated in this Bill:**

20       None

21 **Other Special Clauses:**

22       None

23 **Utah Code Sections Affected:**

24 AMENDS:

25       **63F-1-102**, as last amended by Laws of Utah 2015, Chapter 114

26       **63F-1-104**, as last amended by Laws of Utah 2016, Chapter 13

27       **63F-1-106**, as enacted by Laws of Utah 2005, Chapter 169



- 28            **63F-1-202**, as last amended by Laws of Utah 2014, Chapter 387
- 29            **63F-1-203**, as last amended by Laws of Utah 2016, Chapter 13
- 30            **63F-1-204**, as last amended by Laws of Utah 2013, Chapter 53
- 31            **63F-1-205**, as last amended by Laws of Utah 2016, Chapter 355
- 32            **63F-1-206**, as last amended by Laws of Utah 2015, Chapter 114
- 33            **63F-1-207**, as last amended by Laws of Utah 2008, Chapter 382
- 34            **63F-1-208**, as enacted by Laws of Utah 2005, Chapter 169
- 35            **63F-1-209**, as last amended by Laws of Utah 2008, Chapter 382
- 36            **63F-1-210**, as enacted by Laws of Utah 2015, Chapter 114
- 37            **63F-1-404**, as last amended by Laws of Utah 2016, Chapter 13
- 38            **63F-1-502**, as enacted by Laws of Utah 2005, Chapter 169
- 39            **63F-1-504**, as last amended by Laws of Utah 2016, Chapter 13
- 40            **63F-1-604**, as last amended by Laws of Utah 2016, Chapter 13

41 ENACTS:

- 42            **63F-1-211**, Utah Code Annotated 1953
- 43            **63F-1-212**, Utah Code Annotated 1953

44 REPEALS AND REENACTS:

- 45            **63F-1-401**, as enacted by Laws of Utah 2005, Chapter 169
- 46            **63F-1-403**, as enacted by Laws of Utah 2005, Chapter 169
- 47            **63F-1-501**, as enacted by Laws of Utah 2005, Chapter 169
- 48            **63F-1-503**, as enacted by Laws of Utah 2005, Chapter 169
- 49            **63F-1-601**, as enacted by Laws of Utah 2005, Chapter 169
- 50            **63F-1-603**, as enacted by Laws of Utah 2005, Chapter 169

51 REPEALS:

- 52            **63F-1-602**, as enacted by Laws of Utah 2005, Chapter 169



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

55            Section 1. Section **63F-1-102** is amended to read:

56            **63F-1-102. Definitions.**

57            As used in this title:

- 58            (1) "Board" means the Technology Advisory Board created in Section **63F-1-202**.

59 (2) "Chief information officer" means the chief information officer appointed under  
60 Section 63F-1-201.

61 [~~(3) "Computer center" means the location at which a central data processing platform  
62 is managed to serve multiple executive branch agencies;~~]

63 [~~(4)~~ (3) "Data center" means a centralized repository for the storage, management, and  
64 dissemination of data.

65 [~~(5)~~ (4) "Department" means the Department of Technology Services.

66 (5) "Enterprise architecture" means:

67 (a) information technology that can be applied across state government; and

68 (b) support for information technology that can be applied across state government,

69 including:

70 (i) technical support;

71 (ii) master software licenses; and

72 (iii) hardware and software standards.

73 (6) (a) Except as provided in Subsection (6)(b), "executive branch agency" means an  
74 agency or administrative subunit of state government.

75 (b) "Executive branch agency" does not include:

76 (i) the legislative branch;

77 (ii) the judicial branch;

78 (iii) the State Board of Education;

79 (iv) the Board of Regents;

80 (v) institutions of higher education;

81 (vi) independent entities as defined in Section 63E-1-102; and

82 (vii) elective constitutional offices of the executive department which includes:

83 (A) the state auditor;

84 (B) the state treasurer; and

85 (C) the attorney general.

86 (7) "Executive branch strategic plan" means the executive branch strategic plan created  
87 under Section 63F-1-203.

88 (8) "Individual with a disability" means an individual with a condition that meets the  
89 definition of "disability" in 42 U.S.C. Sec. 12102.

90 (9) "Information technology" means all computerized and auxiliary automated  
91 information handling, including:

- 92 (a) systems design and analysis;
- 93 (b) acquisition, storage, and conversion of data;
- 94 (c) computer programming;
- 95 (d) information storage and retrieval;
- 96 (e) voice, [radio,] video, and data communications;
- 97 (f) requisite systems controls;
- 98 (g) simulation; and
- 99 (h) all related interactions between people and machines.

100 (10) "State information architecture" means a logically consistent set of principles,  
101 policies, and standards that guide the engineering of state government's information technology  
102 and infrastructure in a way that ensures alignment with state government's business and service  
103 needs.

104 [~~(11) "Telecommunications" means the transmission or reception of signs, signals,  
105 writing, images, sounds, messages, data, or other information of any nature by wire, radio, light  
106 waves, or other electromagnetic means.~~]

107 Section 2. Section **63F-1-104** is amended to read:

108 **63F-1-104. Purposes.**

109 The department shall:

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

- 113 (a) ensures compliance with the executive branch agency strategic plan; and
- 114 (b) ensures that cost-effective, efficient information and communication systems and  
115 resources are being used by agencies to:

- 116 (i) reduce data, hardware, and software redundancy;
- 117 (ii) improve system interoperability and data accessibility between agencies; and
- 118 (iii) meet the agency's and user's business and service needs;

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

120 [~~(3) each year, in coordination with the governor's office, convene a group of public~~]

121 and private sector information technology and data security experts to identify best practices  
122 from agencies and other public and private sector entities, including best practices for data and  
123 information technology system security standards;]

124 ~~[(4)]~~ (3) develop and implement processes to replicate information technology best  
125 practices and standards [~~identified in Subsection (3),~~] throughout the executive branch;

126 ~~[(5) by July 1, 2015, and]~~ (4) at least once every [~~two years thereafter]~~ odd-numbered  
127 year:

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

131 (b) communicate the results of the independent third party assessment to the  
132 appropriate executive branch agencies and to the president of the Senate and the speaker of the  
133 House of Representatives;

134 ~~[(6)]~~ (5) oversee the expanded use and implementation of project and contract  
135 management principles as they relate to information technology projects within the executive  
136 branch;

137 ~~[(7)]~~ (6) serve as general contractor between the state's information technology users  
138 and private sector providers of information technology products and services;

139 ~~[(8)]~~ (7) work toward building stronger partnering relationships with providers;

140 ~~[(9)]~~ (8) develop service level agreements with executive branch departments and  
141 agencies to ensure quality products and services are delivered on schedule and within budget;

142 ~~[(10)]~~ (9) develop standards for application development including a standard  
143 methodology and cost-benefit analysis that all agencies shall utilize for application  
144 development activities;

145 ~~[(11)]~~ (10) determine and implement statewide efforts to standardize data elements  
146 [~~and determine data ownership assignments among executive branch agencies~~];

147 ~~[(12)]~~ (11) develop systems and methodologies to review, evaluate, and prioritize  
148 existing information technology projects within the executive branch and report to the governor  
149 and the Public Utilities, Energy, and Technology Interim Committee on a semiannual basis  
150 regarding the status of information technology projects; and

151 ~~[(13)]~~ (12) assist the Governor's Office of Management and Budget with the

152 development of information technology budgets for agencies.

153 Section 3. Section **63F-1-106** is amended to read:

154 **63F-1-106. Executive director -- Jurisdiction over divisions and office directors --**

155 **Authority.**

156 (1) The executive director of the department:

157 (a) has administrative jurisdiction over each ~~[division and]~~ office in the department and  
158 the ~~[division and office directors. The executive director]~~ director of each office;

159 (b) may make changes in department personnel and each office's service functions in  
160 the divisions under the director's administrative jurisdiction~~[;]~~; and

161 (c) may authorize [designees] a designee to perform appropriate responsibilities~~[, to~~  
162 ~~effectuate greater efficiency and economy in the operations of the department as permitted by~~  
163 ~~this section.];~~

164 (2) The executive director may, to facilitate department management, establish offices  
165 and bureaus to perform functions such as budgeting, planning, and personnel administration ~~[to~~  
166 ~~facilitate management of the department.];~~

167 (3) (a) The executive director may hire employees in the department, divisions, and  
168 offices as permitted by department resources.

169 (b) Except as provided in Subsection (4), ~~[any employees]~~ each employee of the  
170 department ~~[are]~~ is exempt from career service or classified service status as provided in  
171 Section [67-19-15](#).

172 (4) (a) An employee of an executive branch agency who was a career service employee  
173 as of July 1, 2005 who is transferred to the Department of Technology Services continues in  
174 the employee's career service status during the employee's service to the Department of  
175 Technology Services if the duties of the position in the new department are substantially  
176 similar to those in the employee's previous position.

177 (b) A career service employee transferred to the new department under the provisions  
178 of Subsection (4)(a), whose duties or responsibilities subsequently change, may not be  
179 converted to exempt status without the review process required by Subsection [67-19-15\(3\)](#).

180 ~~[(c) The executive director shall work with executive branch agency directors, during~~  
181 ~~the period of transition to the new department, in good faith, to:]~~

182 ~~[(i) preserve relevant career service positions;]~~

183 ~~[(ii) retain qualified employees in non-relevant positions through transfers to other~~  
184 ~~positions in state government, with retraining as necessary, and]~~

185 ~~[(iii) promote greater economy and efficiencies for the department.]~~

186 ~~[(d) The Department of Technology Services together with the Department of Human~~  
187 ~~Resource Management may develop financial and other incentives to encourage a career~~  
188 ~~service employee who transfers to the department under the provisions of Subsection (4)(a) to~~  
189 ~~voluntarily convert to an exempt position under Section ~~67-19-15.~~]~~

190 ~~[(e) If a career service employee transfers to the department under the provisions of~~  
191 ~~Subsection (4)(a) and terminates his employment with the department for any reason, the~~  
192 ~~employment position shall be exempt from career service status under the provisions of~~  
193 ~~Subsection (3).]~~

194 Section 4. Section **63F-1-202** is amended to read:

195 **63F-1-202. Technology Advisory Board -- Membership -- Duties.**

196 (1) There is created the Technology Advisory Board to the chief information officer.  
197 The board shall have seven members as follows:

198 (a) three members appointed by the governor who are individuals actively involved in  
199 business planning for state agencies;

200 (b) one member appointed by the governor who is actively involved in business  
201 planning for higher education or public education;

202 (c) one member appointed by the speaker of the House of Representatives and  
203 president of the Senate ~~[from the Legislative Automation Committee of the Legislature to~~  
204 ~~represent the legislative branch];~~

205 (d) one member appointed by the Judicial Council ~~[to represent the judicial branch];~~  
206 and

207 (e) one member appointed by the governor who represents private sector business  
208 needs in the state, but who is not an information technology vendor for the state.

209 (2) (a) The members of the advisory board shall elect a chair from the board by  
210 majority vote.

211 (b) The department shall provide staff to the board.

212 (c) (i) A majority of the members of the board constitutes a quorum.

213 (ii) Action by a majority of a quorum of the board constitutes an action of the board.

214 (3) The board shall meet as necessary to advise the chief information officer and assist  
215 the chief information officer and executive branch agencies in coming to consensus on:

216 (a) the development and implementation of the state's information technology strategic  
217 plan;

218 (b) critical information technology initiatives for the state;

219 (c) the development of standards for state information architecture;

220 (d) identification of the business and technical needs of state agencies;

221 (e) the department's performance measures for service agreements with executive  
222 branch agencies and subscribers of services, including a process in which an executive branch  
223 agency may review the department's implementation of and compliance with an executive  
224 branch agency's data security requirements; and

225 (f) the efficient and effective operation of the department.

226 (4) (a) A member who is not a legislator may not receive compensation or benefits for  
227 the member's service, but may receive per diem and travel expenses as allowed in:

228 (i) Section 63A-3-106;

229 (ii) Section 63A-3-107; and

230 (iii) rules made by the Division of Finance [~~according to~~] in accordance with Sections  
231 63A-3-106 and 63A-3-107.

232 (b) Compensation and expenses of a member who is a legislator are governed by  
233 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

234 Section 5. Section 63F-1-203 is amended to read:

235 **63F-1-203. Executive branch information technology strategic plan.**

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

238 (a) that complies with this chapter; and

239 (b) [~~which shall include~~] that includes:

240 (i) a strategic plan for the:

241 (A) interchange of information related to information technology between executive  
242 branch agencies;

243 (B) coordination between executive branch agencies in the development and  
244 maintenance of information technology and information systems, including the coordination of



245 agency information technology plans described in Section 63F-1-204; and

246 (C) protection of the privacy of individuals who use state information technology or  
247 information systems, including the implementation of industry best practices for data and  
248 system security [~~that are identified in Subsection 63F-1-104(3)~~];

249 (ii) priorities for the development and implementation of information technology or  
250 information systems including priorities determined on the basis of:

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

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

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

254 (2) In the development of the executive branch strategic plan, the chief information  
255 officer shall consult with:

256 (a) all cabinet level officials; and

257 (b) the advisory board created in Section 63F-1-202[; ~~and (c) the group convened in~~  
258 ~~accordance with Subsection 63F-1-104(3)~~].

259 (3) (a) Unless withdrawn by the chief information officer or the governor in accordance  
260 with Subsection (3)(b), the executive branch strategic plan takes effect 30 days after the day on  
261 which the executive branch strategic plan is submitted to:

262 (i) the governor; and

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

264 (b) The chief information officer or the governor may withdraw the executive branch  
265 strategic plan submitted under Subsection (3)(a) if the governor or chief information officer  
266 determines that the executive branch strategic plan:

267 (i) should be modified; or

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

269 (c) The Public Utilities, Energy, and Technology Interim Committee may make  
270 recommendations to the governor and to the chief information officer if the commission  
271 determines that the executive branch strategic plan should be modified or for any other reason  
272 should not take effect.

273 (d) Modifications adopted by the chief information officer shall be resubmitted to the  
274 governor and the Public Utilities, Energy, and Technology Interim Committee for their review  
275 or approval as provided in Subsections (3)(a) and (b).

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

279 (i) are identified as industry best practices in accordance with Subsections  
280 63F-1-104(3) and (4); and

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

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

287 (5) ~~[The]~~ Each executive branch agency shall implement the executive branch strategic  
288 plan ~~[is to be implemented by executive branch agencies through each executive branch~~  
289 ~~agency]~~ by adopting an agency information technology plan in accordance with Section  
290 63F-1-204.

291 Section 6. Section 63F-1-204 is amended to read:

292 **63F-1-204. Agency information technology plans.**

293 (1) (a) By July 1 of each year, each executive branch agency shall submit an agency  
294 information technology plan to the chief information officer at the department level, unless the  
295 governor or the chief information officer request an information technology plan be submitted  
296 by a subunit of a department, or by an executive branch agency other than a department.

297 (b) The information technology plans required by this section shall be in the form and  
298 level of detail required by the chief information officer, by administrative rule adopted in  
299 accordance with Section 63F-1-206, and shall include, at least:

300 (i) the information technology objectives of the agency;

301 (ii) any performance measures used by the agency for implementing the agency's  
302 information technology objectives;

303 (iii) any planned expenditures related to information technology;

304 (iv) the agency's need for appropriations for information technology;

305 (v) how the agency's development of information technology coordinates with other  
306 state and local governmental entities;

307 (vi) any efforts the agency has taken to develop public and private partnerships to  
308 accomplish the information technology objectives of the agency;

309 (vii) the efforts the executive branch agency has taken to conduct transactions  
310 electronically in compliance with Section 46-4-503; and

311 (viii) the executive branch agency's plan for the timing and method of verifying the  
312 department's security standards, if an agency intends to verify the department's security  
313 standards for the data that the agency maintains or transmits through the department's servers.

314 (2) (a) Except as provided in Subsection (2)(b), an agency information technology plan  
315 described in Subsection (1) shall comply with the executive branch strategic plan established in  
316 accordance with Section 63F-1-203.

317 (b) If the executive branch agency submitting the agency information technology plan  
318 justifies the need to depart from the executive branch strategic plan, an agency information  
319 technology plan may depart from the executive branch strategic plan to the extent approved by  
320 the chief information officer.

321 ~~[(3)(a) On receipt of a state agency information technology plan, the chief information~~  
322 ~~officer shall forward a complete copy of the agency information technology plan to the~~  
323 ~~Division of Enterprise Technology created in Section 63F-1-401 and the Division of Integrated~~  
324 ~~Technology created in Section 63F-1-501.]~~

325 ~~[(b) The divisions shall provide the chief information officer a written analysis of each~~  
326 ~~agency plan submitted in accordance with Subsections 63F-1-404(14) and 63F-1-504(3).]~~

327 ~~[(4)(a)]~~ (3) The chief information officer shall review each agency plan to determine:

328 ~~[(i)(A)]~~ (a) (i) whether the agency plan complies with the executive branch strategic  
329 plan and state information architecture; or

330 ~~[(B)]~~ (ii) to the extent that the agency plan does not comply with the executive branch  
331 strategic plan or state information architecture, whether the executive branch entity is justified  
332 in departing from the executive branch strategic plan, or state information architecture; and

333 ~~[(ii)]~~ (b) whether the agency plan meets the information technology and other needs of:

334 ~~[(A)]~~ (i) the executive branch agency submitting the plan; and

335 ~~[(B)]~~ (ii) the state.

336 ~~[(b) In conducting the review required by Subsection (4)(a), the chief information~~  
337 ~~officer shall consider the analysis submitted by the divisions under Subsection (3).]~~

338           ~~[(5)]~~ (4) After the chief information officer conducts the review described in  
339 Subsection ~~[(4)]~~ (3) of an agency information technology plan, the chief information officer  
340 may:

- 341           (a) approve the agency information technology plan;
- 342           (b) disapprove the agency information technology plan; or
- 343           (c) recommend modifications to the agency information technology plan.

344           ~~[(6)]~~ (5) An executive branch agency or the department may not submit a request for  
345 appropriation related to information technology or an information technology system to the  
346 governor in accordance with Section 63J-1-201 until after the executive branch agency's  
347 information technology plan is approved by the chief information officer.

348           Section 7. Section 63F-1-205 is amended to read:

349           **63F-1-205. Approval of acquisitions of information technology.**

350           (1) (a) Except as provided in Title 63N, Chapter 13, Part 2, Government Procurement  
351 Private Proposal Program, in accordance with Subsection (2), the chief information officer  
352 shall approve the acquisition by an executive branch agency of:

- 353           (i) information technology equipment;
- 354           (ii) telecommunications equipment;
- 355           (iii) software;
- 356           (iv) services related to the items listed in Subsections (1)(a)(i) through (iii); and
- 357           (v) data acquisition.

358           (b) The chief information officer may negotiate the purchase, lease, or rental of private  
359 or public information technology or telecommunication services or facilities in accordance with  
360 this section.

361           (c) Where practical, efficient, and economically beneficial, the chief information  
362 officer shall use existing private and public information technology or telecommunication  
363 resources.

364           (d) Notwithstanding another provision of this section, an acquisition authorized by this  
365 section shall comply with rules made by the applicable rulemaking authority under Title 63G,  
366 Chapter 6a, Utah Procurement Code.

367           (2) Before negotiating a purchase, lease, or rental under Subsection (1) for an amount  
368 that exceeds the value established by the chief information officer by rule in accordance with

369 Section 63F-1-206, the chief information officer shall:

370 (a) conduct an analysis of the needs of executive branch agencies and subscribers of  
371 services and the ability of the proposed information technology or telecommunications services  
372 or supplies to meet those needs; and

373 (b) for purchases, leases, or rentals not covered by an existing statewide contract,  
374 certify in writing to the chief procurement officer in the Division of Purchasing and General  
375 Services that:

376 (i) the analysis required in Subsection (2)(a) was completed; and

377 (ii) based on the analysis, the proposed purchase, lease, rental, or master contract of  
378 services, products, or supplies is practical, efficient, and economically beneficial to the state  
379 and the executive branch agency or subscriber of services.

380 (3) In approving an acquisition described in Subsections (1) and (2), the chief  
381 information officer shall:

382 (a) establish by administrative rule, in accordance with Section 63F-1-206, standards  
383 under which an agency must obtain approval from the chief information officer before  
384 acquiring the items listed in Subsections (1) and (2);

385 (b) for those acquisitions requiring approval, determine whether the acquisition is in  
386 compliance with:

387 (i) the executive branch strategic plan;

388 (ii) the applicable agency information technology plan;

389 (iii) the budget for the executive branch agency or department as adopted by the  
390 Legislature;

391 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

392 (v) the information technology accessibility standards described in Section 63F-1-210;

393 and

394 (c) in accordance with Section 63F-1-207, require coordination of acquisitions between  
395 two or more executive branch agencies if it is in the best interests of the state.

396 (4) ~~(a)~~ Each executive branch agency shall provide the chief information officer with  
397 complete access to all information technology records, documents, and reports:

398 ~~(i)~~ (a) at the request of the chief information officer; and

399 ~~(ii)~~ (b) related to the executive branch agency's acquisition of any item listed in

400 Subsection (1).

401 ~~[(b) Beginning July 1, 2006 and in]~~

402 (5) (a) In accordance with administrative rules established by the department under  
403 Section 63F-1-206, [no new technology projects may be initiated by an executive branch  
404 agency or the department] an executive branch agency and the department may not initiate a  
405 new technology project unless the technology project is described in a formal project plan and  
406 [the] a business case analysis [has been] is approved by the chief information officer and  
407 [agency head] the highest ranking executive branch agency official.

408 (b) The project plan and business case analysis required by this Subsection [(4)] (5)  
409 shall [be in the form required by the chief information officer, and shall] include:

410 (i) a statement of work to be done and existing work to be modified or displaced;

411 (ii) total cost of system development and conversion effort, including system analysis  
412 and programming costs, establishment of master files, testing, documentation, special  
413 equipment cost and all other costs, including overhead;

414 (iii) savings or added operating costs that will result after conversion;

415 (iv) other advantages or reasons that justify the work;

416 (v) source of funding of the work, including ongoing costs;

417 (vi) consistency with budget submissions and planning components of budgets; and

418 (vii) whether the work is within the scope of projects or initiatives envisioned when the  
419 current fiscal year budget was approved.

420 (c) The chief information officer shall determine the required form of the project plan  
421 and business case analysis described in this Subsection (5).

422 [(5)] (6) The chief information officer and the Division of Purchasing and General  
423 Services within the Department of Administrative Services shall work cooperatively to  
424 establish procedures under which the chief information officer shall monitor and approve  
425 acquisitions as provided in this section.

426 Section 8. Section **63F-1-206** is amended to read:

427 **63F-1-206. Rulemaking -- Policies.**

428 (1) (a) Except as provided in Subsection (2), the chief information officer shall, by rule  
429 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[; the  
430 chief information officer shall make rules that]:

- 431 (i) provide standards that impose requirements on executive branch agencies that:  
432 (A) are related to the security of the statewide area network; and  
433 (B) establish standards for when an agency must obtain approval before obtaining  
434 items listed in Subsection 63F-1-205(1);
- 435 (ii) specify the detail and format required in an agency information technology plan  
436 submitted in accordance with Section 63F-1-204;
- 437 (iii) provide for standards related to the privacy policies of websites operated by or on  
438 behalf of an executive branch agency;
- 439 (iv) provide for the acquisition, licensing, and sale of computer software;
- 440 (v) specify the requirements for the project plan and business case analysis required by  
441 Section 63F-1-205;
- 442 (vi) provide for project oversight of agency technology projects when required by  
443 Section 63F-1-205;
- 444 (vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the  
445 needs assessment for information technology purchases;
- 446 (viii) establish telecommunications standards and specifications in accordance with  
447 Section 63F-1-404; and
- 448 (ix) establish standards for accessibility of information technology by individuals with  
449 disabilities in accordance with Section 63F-1-210.
- 450 (b) The rulemaking authority [in] granted by this Subsection (1) is in addition to any  
451 other rulemaking authority granted by this title.
- 452 (2) (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
453 and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines  
454 procedures to be followed by the chief information officer in facilitating the implementation of  
455 this title by executive branch agencies if the policy:
- 456 (i) is consistent with the executive branch strategic plan; and  
457 (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.
- 458 (b) (i) A policy adopted by the chief information officer under Subsection (2)(a) may  
459 not take effect until 30 days after the day on which the chief information officer submits the  
460 policy to:
- 461 (A) the governor; and

462 (B) all cabinet level officials.

463 (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials  
464 may review and comment on a policy submitted under Subsection (2)(b)(i).

465 (3) (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah  
466 Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the  
467 chief information officer may adopt a security procedure to be followed by executive branch  
468 agencies to protect the statewide area network if:

469 (i) broad communication of the security procedure would create a significant potential  
470 for increasing the vulnerability of the statewide area network to breach or attack; and

471 (ii) after consultation with the chief information officer, the governor agrees that broad  
472 communication of the security procedure would create a significant potential increase in the  
473 vulnerability of the statewide area network to breach or attack.

474 (b) A security procedure described in Subsection (3)(a) is classified as a protected  
475 record under Title 63G, Chapter 2, Government Records Access and Management Act.

476 (c) The chief information officer shall provide a copy of the security procedure as a  
477 protected record to:

478 (i) the chief justice of the Utah Supreme Court for the judicial branch;

479 (ii) the speaker of the House of Representatives and the president of the Senate for the  
480 legislative branch;

481 (iii) the chair of the Board of Regents; and

482 (iv) the chair of the State Board of Education.

483 Section 9. Section **63F-1-207** is amended to read:

484 **63F-1-207. Coordination within the executive branch -- Cooperation with other**  
485 **branches.**

486 (1) In accordance with the executive branch strategic plan and the requirements of this  
487 title, the chief information officer shall coordinate the development of information technology  
488 systems between two or more executive branch agencies subject to:

489 (a) the budget approved by the Legislature; and

490 (b) Title 63J, Chapter 1, Budgetary Procedures Act.

491 (2) In addition to the coordination described in Subsection (1), the chief information  
492 officer shall promote cooperation regarding information technology [~~in a manner consistent~~



493 ~~with the interbranch coordination plan created in accordance with Section 63F-1-201.] between~~  
494 ~~branches of state government.~~

495 Section 10. Section **63F-1-208** is amended to read:

496 **63F-1-208. Delegation of department functions.**

497 (1) (a) If the conditions of Subsections (1)(b) and (2) are met and subject to the other  
498 provisions of this section, the chief information officer may delegate a function of the  
499 department to another executive branch agency or an institution of higher education by contract  
500 or other means authorized by law.

501 (b) The chief information officer may delegate a function of the department as  
502 provided in Subsection (1)(a) if in the judgment of the director of the executive branch agency[;  
503 ~~the director of the division,]~~ and the chief information officer:

504 (i) the executive branch agency or institution of higher education has requested that the  
505 function be delegated;

506 (ii) the executive branch agency or institution of higher education has the necessary  
507 resources and skills to perform or control the function to be delegated; and

508 (iii) the function to be delegated is a unique or ~~[mission critical]~~ mission-critical  
509 function of the agency or institution of higher education [~~which is not appropriate to: (A)~~  
510 ~~govern or manage under the Division of Enterprise Technology, or (B) govern or manage under~~  
511 ~~the Division of Integrated Technology.].~~

512 (2) The chief information officer may delegate a function of the department only when  
513 the delegation results in net cost savings or improved service delivery to the state as a whole or  
514 to the unique mission critical function of the executive branch agency.

515 (3) The delegation of a function under this section shall:

516 (a) be in writing;

517 (b) contain all of the following:

518 (i) a precise definition of each function to be delegated;

519 (ii) a clear description of the standards to be met in performing each function  
520 delegated;

521 (iii) a provision for periodic administrative audits by the [~~Division of Agency Services~~  
522 ~~in accordance with Section 63F-1-604]~~ department;

523 (iv) a date on which the agreement shall terminate if the agreement has not been

524 previously terminated or renewed; and

525 (v) any delegation of department staff to the agency to support the function in-house  
526 with the agency and rates to be charged for the delegated staff; and

527 (c) include a cost-benefit analysis justifying the delegation [~~in accordance with Section~~  
528 ~~63F-1-604~~].

529 (4) An agreement to delegate functions to an executive branch agency or an institution  
530 of higher education may be terminated by the department if the results of an administrative  
531 audit conducted by the [~~division~~] department reveals a lack of compliance with the terms of the  
532 agreement by the executive branch agency or institution of higher education.

533 Section 11. Section **63F-1-209** is amended to read:

534 **63F-1-209. Delegation of department staff to executive branch agencies --**  
535 **Prohibition against executive branch agency information technology staff.**

536 (1) (a) The chief information officer shall assign department staff to serve an agency  
537 in-house if the chief information officer and the executive branch agency director jointly  
538 determine it is appropriate to provide information technology services to:

539 (i) the agency's unique [~~mission-critical~~] mission-critical functions and applications;

540 (ii) the agency's participation in and use of statewide enterprise architecture [~~under the~~  
541 ~~Division of Enterprise Technology~~]; and

542 (iii) the agency's use of coordinated technology services with other agencies that share  
543 similar characteristics with the agency [~~under the Division of Integrated Technology~~].

544 (b) (i) An agency may request the chief information officer to assign in-house staff  
545 support from the department.

546 (ii) The chief information officer shall respond to the agency's request for in-house  
547 staff support in accordance with Subsection (1)(a).

548 (c) The department shall enter into service agreements with an agency when  
549 department staff is assigned in-house to the agency under the provisions of this section.

550 (d) An agency that receives in-house staff support assigned from the department under  
551 the provision of this section is responsible for paying the rates charged by the department for  
552 that staff as established under Section [63F-1-301](#).

553 (2) (a) [~~After July 1, 2006, an~~] An executive branch agency may not create a full-time  
554 equivalent position or part-time position, or request an appropriation to fund a full-time

555 equivalent position or part-time position under the provisions of Section 63J-1-201 for the  
556 purpose of providing information technology services to the agency unless:

557 (i) the chief information officer has approved a delegation under Section 63F-1-208;  
558 and

559 (ii) the [~~Division of Agency Services~~] department conducts an audit under Section  
560 63F-1-604 and finds that the delegation of information technology services to the agency meets  
561 the requirements of Section 63F-1-208.

562 (b) The prohibition against a request for appropriation under Subsection (2)(a) does not  
563 apply to a request for appropriation needed to pay rates imposed under Subsection (1)(d).

564 Section 12. Section 63F-1-210 is amended to read:

565 **63F-1-210. Accessibility standards for executive branch agency information**  
566 **technology.**

567 (1) The chief information officer shall establish, by rule made in accordance with Title  
568 63G, Chapter 3, Utah Administrative Rulemaking Act:

569 (a) minimum standards for accessibility of executive branch agency information  
570 technology by an individual with a disability that:

571 (i) include accessibility criteria for:

572 (A) agency websites;

573 (B) hardware and software procured by an executive branch agency; and

574 (C) information systems used by executive branch agency employees; [~~and~~]

575 (ii) include a protocol to evaluate the standards via testing by individuals with a variety  
576 of access limitations; and

577 (iii) are, at minimum, consistent with the most recent Web Content Accessibility  
578 guidelines published by the World Wide Web Consortium; and

579 (b) grievance procedures for an individual with a disability who is unable to access  
580 executive branch agency information technology, including:

581 (i) a process for an individual with a disability to report the access issue to the chief  
582 information officer; and

583 (ii) a mechanism through which the chief information officer can respond to the  
584 report[; and (c) are, at minimum, consistent with the ~~Web Content Accessibility 2.0 guidelines~~  
585 ~~published by the World Wide Web Consortium.~~].

586 (2) The chief information officer shall update the standards described in Subsection  
587 (1)(a) at least every three years to reflect advances in technology.

588 Section 13. Section 63F-1-211 is enacted to read:

589 **63F-1-211. Chief information security officer.**

590 (1) The chief information officer shall appoint a chief information security officer.

591 (2) The chief information security officer described in Subsection (1) shall:

592 (a) assess cybersecurity risks;

593 (b) coordinate with executive branch agencies to assess the sensitivity of information;

594 and

595 (c) manage cybersecurity support for the department and executive branch agencies.

596 Section 14. Section 63F-1-212 is enacted to read:

597 **63F-1-212. Report to the Legislature.**

598 The department shall, before November 1 of each year, report to the Public Utilities,  
599 Energy, and Technology Interim Committee on:

600 (1) performance measures that the department uses to assess the department's  
601 effectiveness in performing the department's duties under this chapter; and

602 (2) the department's performance, evaluated in accordance with the performance  
603 measures described in Subsection (1).

604 Section 15. Section 63F-1-401 is repealed and reenacted to read:

605 **Part 4. Enterprise Technology**

606 **63F-1-401. Title.**

607 This part is known as "Enterprise Technology."

608 Section 16. Section 63F-1-403 is repealed and reenacted to read:

609 **63F-1-403. Enterprise technology -- Chief information officer manages.**

610 The chief information officer shall manage the department's duties related to enterprise  
611 technology.

612 Section 17. Section 63F-1-404 is amended to read:

613 **63F-1-404. Duties of the department -- Enterprise technology.**

614 The [division] department shall:

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

- 617 (2) provide oversight of information technology projects that impact statewide  
618 information technology services, assets, or functions of state government to:
- 619 (a) control costs;
  - 620 (b) ensure business value to a project;
  - 621 (c) maximize resources;
  - 622 (d) ensure the uniform application of best practices; and
  - 623 (e) avoid duplication of resources;
- 624 (3) develop a method of accountability to agencies for services provided by the  
625 ~~[division]~~ department through service agreements with the agencies;
- 626 ~~[(4) beginning September 1, 2006, and each September 1 thereafter, provide the chief~~  
627 ~~information officer and the Public Utilities, Energy, and Technology Interim Committee with~~  
628 ~~performance measures used by the division to measure the quality of service delivered by the~~  
629 ~~division and the results of the performance measures;]~~
- 630 ~~[(5)]~~ (4) serve as a project manager for enterprise architecture which includes the  
631 management of applications, standards, and procurement of enterprise architecture;
- 632 ~~[(6)]~~ (5) coordinate the development and implementation of advanced state  
633 telecommunication systems;
- 634 ~~[(7)]~~ (6) provide services including technical assistance:
- 635 (a) to executive branch agencies and subscribers to the services; and
  - 636 (b) related to information technology or telecommunications;
- 637 ~~[(8)]~~ (7) establish telecommunication system specifications and standards for use by:
- 638 (a) one or more executive branch agencies; or
  - 639 (b) one or more entities that subscribe to the telecommunication systems in accordance  
640 with Section [63F-1-303](#);
- 641 ~~[(9)]~~ (8) coordinate state telecommunication planning in cooperation with:
- 642 (a) state telecommunication users;
  - 643 (b) executive branch agencies; and
  - 644 (c) other subscribers to the state's telecommunication systems;
- 645 ~~[(10)]~~ (9) cooperate with the federal government, other state entities, counties, and  
646 municipalities in the development, implementation, and maintenance of:
- 647 (a) (i) governmental information technology; or

648 (ii) governmental telecommunication systems; and  
 649 (b) (i) as part of a cooperative organization; or  
 650 (ii) through means other than a cooperative organization;  
 651 ~~[(11)]~~ (10) establish, operate, manage, and maintain:  
 652 (a) one or more state data centers; and  
 653 (b) one or more regional computer centers;  
 654 ~~[(12)]~~ (11) design, implement, and manage all state-owned, leased, or rented land,  
 655 mobile, or radio telecommunication systems that are used in the delivery of services for state  
 656 government or its political subdivisions; and  
 657 ~~[(13)]~~ (12) in accordance with the executive branch strategic plan, implement  
 658 minimum standards to be used by the ~~[division]~~ department for purposes of compatibility of  
 659 procedures, programming languages, codes, and media that facilitate the exchange of  
 660 information within and among telecommunication systems~~;~~and.  
 661 ~~[(14) provide the chief information officer with an analysis of an executive branch~~  
 662 ~~agency information technology plan that includes:]~~  
 663 ~~[(a) an assessment of how the implementation of the agency information technology~~  
 664 ~~plan will affect the costs, operations, and services of:]~~  
 665 ~~[(i) the department; and]~~  
 666 ~~[(ii) other executive branch agencies; and]~~  
 667 ~~[(b) any recommended changes to the plan.]~~

668 Section 18. Section **63F-1-501** is repealed and reenacted to read:

669 **Part 5. Integrated Technology**

670 **63F-1-501. Title.**

671 This part is known as "Integrated Technology."

672 Section 19. Section **63F-1-502** is amended to read:

673 **63F-1-502. Definitions.**

674 As used in this part:

- 675 (1) "Center" means the Automated Geographic Reference Center created in Section  
 676 **63F-1-506.**
- 677 (2) "Database" means the State Geographic Information Database created in Section  
 678 **63F-1-507.**

679 ~~[(3) "Director" means the director appointed in accordance with Section 63F-1-503.]~~

680 ~~[(4) "Division" means the Division of Integrated Technology created in this part.]~~

681 ~~[(5) (3) "Geographic Information System" or "GIS" means a computer driven data~~  
 682 integration and map production system that interrelates disparate layers of data to specific  
 683 geographic locations.

684 ~~[(6) (4) "State Geographic Information Database" means the database created in~~  
 685 Section 63F-1-507.

686 ~~[(7) (5) "Statewide Global Positioning Reference Network" or "network" means the~~  
 687 network created in Section 63F-1-509.

688 Section 20. Section 63F-1-503 is repealed and reenacted to read:

689 **63F-1-503. Integrated technology -- Chief information officer manages.**

690 The chief information officer shall manage the department's duties related to integrated  
 691 technology.

692 Section 21. Section 63F-1-504 is amended to read:

693 **63F-1-504. Duties of the department -- Integrated technology.**

694 The ~~[division]~~ department shall:

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

- 698 (a) project management;
- 699 (b) application development; and
- 700 (c) procurement;

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

- 703 (a) control costs;
- 704 (b) ensure business value to a project;
- 705 (c) maximize resources;
- 706 (d) ensure the uniform application of best practices; and
- 707 (e) avoid duplication of resources; and

708 ~~[(3) in accordance with Section 63F-1-204, provide the chief information officer a~~  
 709 ~~written analysis of any agency information technology plan provided to the division, which~~

710 shall include:]

711 [~~(a) a review of whether the agency's technology projects impact multiple agencies and~~  
712 ~~if so, whether the information technology projects are appropriately designed and developed;]~~

713 [~~(b) an assessment of whether the agency plan complies with the state information~~  
714 ~~architecture; and]~~

715 [~~(c) an assessment of whether the information technology projects included in the~~  
716 ~~agency plan comply with policies, procedures, and rules adopted by the department to ensure~~  
717 ~~that:]~~

718 [~~(i) information technology projects are phased in;]~~

719 [~~(ii) funding is released in phases;]~~

720 [~~(iii) an agency's authority to proceed to the next phase of an information technology~~  
721 ~~project is contingent upon the successful completion of the prior phase; and]~~

722 [~~(iv) one or more specific deliverables is identified for each phase of a technology~~  
723 ~~project;]~~

724 [~~(4)~~] (3) establish a system of accountability to user agencies through the use of service  
725 agreements[;].

726 [~~(5) each year, provide the chief information officer and the Public Utilities, Energy,~~  
727 ~~and Technology Interim Committee with performance measures used by the division to~~  
728 ~~measure the quality of services delivered by the division and results of those measures; and]~~

729 [~~(6) establish administrative rules in accordance with Section 63F-1-206 and as~~  
730 ~~required by Section 63F-1-506.]~~

731 Section 22. Section 63F-1-601 is repealed and reenacted to read:

732 **Part 6. Agency Services**

733 **63F-1-601. Title.**

734 This part is known as "Agency Services."

735 Section 23. Section 63F-1-603 is repealed and reenacted to read:

736 **63F-1-603. Agency services -- Chief information officer manages.**

737 The chief information officer shall manage the department's duties related to agency  
738 services.

739 Section 24. Section 63F-1-604 is amended to read:

740 **63F-1-604. Duties of the department -- Agency services.**



741 The ~~[division]~~ department shall:

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

745 ~~[(2) conduct audits of an executive branch agency when requested under the provisions~~  
746 ~~of Section 63F-1-208;]~~

747 ~~[(3) conduct cost-benefit analysis of delegating a department function to an agency in~~  
748 ~~accordance with Section 63F-1-208;]~~

749 ~~[(4)]~~ (2) provide in-house information technology staff support to executive branch  
750 agencies;

751 ~~[(5) establish accountability and performance measures for the division to assure that~~  
752 ~~the division is:]~~

753 ~~[(a) meeting the business and service needs of the state and individual executive branch~~  
754 ~~agencies; and]~~

755 ~~[(b) implementing security standards in accordance with Subsection 63F-1-203(4);]~~

756 ~~[(6)]~~ (3) establish a committee composed of agency user groups for the purpose of  
757 coordinating department services with agency needs; and

758 ~~[(7)]~~ (4) assist executive branch agencies in complying with the requirements of any  
759 rule adopted by the chief information officer~~[-; and (8) by July 1, 2013, and each July 1~~  
760 ~~thereafter, report to the Public Utilities, Energy, and Technology Interim Committee on the~~  
761 ~~performance measures used by the division under Subsection (5) and the results.].~~

762 Section 25. **Repealer.**

763 This bill repeals:

764 Section **63F-1-602, Definitions.**