

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 498

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 FEDERAL, COUNTY AND CITY AGENCIES; AMENDING CHAPTER 8,
9 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-829, IDAHO
10 CODE, TO PROVIDE FOR ADVANCE PAYMENTS AND INTERACCOUNT TRANSACTIONS;
11 AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
12 TION 67-830, IDAHO CODE, TO PROVIDE A DECLARATION OF PURPOSE; AMENDING
13 CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-831,
14 IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE,
15 BY THE ADDITION OF A NEW SECTION 67-832, IDAHO CODE, TO PROVIDE FOR THE
16 IDAHO TECHNOLOGY AUTHORITY; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE,
17 BY THE ADDITION OF A NEW SECTION 67-833, IDAHO CODE, TO PROVIDE FOR THE
18 GENERAL POWERS AND DUTIES OF THE AUTHORITY; AMENDING CHAPTER 8, TITLE
19 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-834, IDAHO CODE, TO
20 DEFINE TERMS USED IN SPECIFIED PROVISIONS OF LAW; AMENDING CHAPTER 8,
21 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-835, IDAHO
22 CODE, TO PROVIDE FOR THE TRANSFER OF RESPONSIBILITY FOR THE INTEGRATED
23 PROPERTY RECORDS SYSTEM; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY
24 THE ADDITION OF A NEW SECTION 67-836, IDAHO CODE, TO PROVIDE THAT AGEN-
25 CIES SHALL UPDATE SPECIFIED RECORDS AND PROVIDE NEW RECORDS AND DATA
26 TO THE OFFICE OF INFORMATION TECHNOLOGY SERVICES; AMENDING CHAPTER 8,
27 TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-837, IDAHO
28 CODE, TO PROVIDE THAT THE OBLIGATION FOR QUALITY REMAINS WITH THE ORIG-
29 INATING AGENCY OR ENTITY PROVIDING RECORDS TO THE OFFICE OF INFORMATION
30 TECHNOLOGY SERVICES; REPEALING SECTION 67-5745, IDAHO CODE, RELATING
31 TO DECLARATION OF PURPOSE; REPEALING SECTION 67-5745A, IDAHO CODE, RE-
32 LATING TO THE DEFINITION OF TERMS; REPEALING SECTION 67-5745B, IDAHO
33 CODE, RELATING TO THE IDAHO TECHNOLOGY AUTHORITY; REPEALING SECTION
34 67-5745C, IDAHO CODE, RELATING TO THE GENERAL POWERS AND DUTIES OF THE
35 AUTHORITY; REPEALING SECTION 67-5747, IDAHO CODE, RELATING TO POWERS
36 AND DUTIES; REPEALING SECTION 67-5779, IDAHO CODE, RELATING TO THE
37 DEFINITION OF TERMS USED IN SPECIFIED LAW; REPEALING SECTION 67-5780,
38 IDAHO CODE, RELATING TO THE INTEGRATED PROPERTY RECORD SYSTEM AND THE
39 TRANSFER OF RESPONSIBILITY; REPEALING SECTION 67-5781, IDAHO CODE,
40 RELATING TO AGENCIES' PROVISION OF RECORDS AND DATA; AND REPEALING SEC-
41 TION 67-5782, IDAHO CODE, RELATING TO RESPONSIBILITY FOR QUALITY.
42

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 installation
19 of all communications equipment and facilities for all depart-
20 ments and institutions of state government, except as provided in
21 subparagraphs (ii), (iii) and (iv) of this paragraph;

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

25 (iii) To coordinate the acquisition and installation of all commu-
26 nications equipment and facilities for the legislative and judi-
27 cial branches;

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

31 (b) In approving or coordinating the acquisition or installation of
32 communications equipment or facilities, the office shall first consult
33 with and consider the recommendations and advice of the directors or
34 executive heads of the various departments or institutions. Any acqui-
35 sition or installation of any communications equipment or facilities
36 that is contrary to the office's recommendation, or is not in harmony
37 with the state's overall plan for communications and information shar-
38 ing, shall be reported in writing to the governor and the legislature.

39 (2) To receive and hold, upon order of the board of examiners, physical
40 custody and control of such existing communications equipment and facili-
41 ties used by or in the possession of any department or institution, as may be
42 necessary to carry out the purposes of this chapter.

43 (3) To provide a system of communications for all departments and in-
44 stitutions of state government. Funds received pursuant to this subsection
45 shall be appropriated for payment of communication and telephone charges in-
46 curred by the various agencies and institutions of state government.

1 (4) To provide a means whereby political subdivisions of the state may
2 use the state communications system, upon such terms and under such condi-
3 tions as the office of information technology services may establish.

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

7 (6) To oversee implementation of cybersecurity policies to foster risk
8 and cybersecurity management communications and decision-making with both
9 internal and external organizational stakeholders.

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

12 (8) To coordinate with state agencies and officials on penetration
13 tests and vulnerability scans of state technology systems in order to iden-
14 tify steps to mitigate identified risks.

15 (9) To coordinate with state agencies and officials to ensure that
16 state agencies implement mandatory education and training of state em-
17 ployees and provide guidance on appropriate levels of training for various
18 classifications of state employees.

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

23 (11) To coordinate public and private entities to develop, create and
24 promote statewide public outreach efforts to protect personal information
25 and sensitive data from cyber threats.

26 (12) To promulgate and adopt reasonable rules for effecting the pur-
27 poses of this act pursuant to the provisions of chapter 52, title 67, Idaho
28 Code.

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

32 67-828. OFFICE OF INFORMATION TECHNOLOGY SERVICES MAY RECEIVE PAYMENT
33 FOR SERVICES TO FEDERAL, COUNTY AND CITY AGENCIES -- APPROPRIATION. The
34 office of information technology services may enter and execute contracts
35 to provide services to any federal, county or city agency within the state
36 of Idaho when justified and requested by such nonstate agency if approved
37 by the state board of examiners. The office of information technology ser-
38 vices is authorized to charge and receive payment for actual and necessary
39 expenses incurred in providing services to any unit of government under the
40 provisions of this section. Any money received for services provided under
41 the provisions of this section is hereby continually appropriated to the
42 unit providing the services as compensation for such actual and necessary
43 expenses.

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

1 67-829. ADVANCE PAYMENTS AND INTERACCOUNT TRANSACTIONS. Any unit
2 of the office of information technology services providing services to
3 departments of state government as authorized in this chapter may charge
4 and receive payment in advance of performance thereof for a period of time
5 not to exceed the current appropriation of the department requesting such
6 services. Such payments may be used for personnel costs and operating expen-
7 ditures of the unit providing the services.

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

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

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

28 67-831. DEFINITIONS. As used in this chapter:

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

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

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

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

43 67-832. IDAHO TECHNOLOGY AUTHORITY -- COMPOSITION -- APPOINTMENT AND
44 TERM OF OFFICE -- REIMBURSEMENT -- CONTRACTING FOR NECESSARY SERVICES. (1)
45 An Idaho technology authority is hereby created within the office of infor-

1 mation technology services. The authority shall consist of up to seventeen
 2 (17) members. The governor shall appoint up to two (2) members of the author-
 3 ity that shall include an information technology executive from private in-
 4 dustry and an employee of state government. The remaining membership of the
 5 authority shall be comprised of the following: one (1) legislator appointed
 6 by the president pro tempore of the senate and one (1) legislator appointed
 7 by the speaker of the house of representatives to include one (1) legisla-
 8 tor from each of the two (2) largest parties; one (1) person appointed by the
 9 chief justice of the supreme court to represent the judicial branch of state
 10 government; the state controller; the director of the department of admin-
 11 istration; the director of the department of health and welfare; the direc-
 12 tor of the department of labor; the director of the transportation depart-
 13 ment; the director of the Idaho state police; the director of the department
 14 of correction; the chair of the Idaho geospatial council executive commit-
 15 tee; the director of the legislative services office; the administrator of
 16 the office of information technology services; the administrator of the di-
 17 vision of financial management in the office of the governor; the executive
 18 director of the state board of education; and the adjutant general of the
 19 military division in the office of the governor. The governor shall desig-
 20 nate a member of the authority to act as chair and all appointed members of
 21 the authority shall serve at the pleasure of the appointing authority. An
 22 agency director may delegate responsibility to serve as a member of the au-
 23 thority to another senior management executive within the agency with au-
 24 thority for general agency operations whose responsibilities may include,
 25 but not be limited to, information technology operations.

26 (2) The authority shall hold no fewer than two (2) regular meetings an-
 27 nually at such time and place as may be directed by its chair. The authority
 28 may meet more frequently at the call of the chair or if requested by a major-
 29 ity of the authority's members. Members of the authority shall serve with no
 30 salary or benefits, but are entitled to reimbursement as provided in section
 31 59-509(b), Idaho Code.

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

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

37 67-833. GENERAL POWERS AND DUTIES OF THE AUTHORITY. The authority
 38 shall:

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

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

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

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

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

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

7 (7) Recommend cost-efficient procedures for state agencies' acquisi-
8 tion and procurement of information technology and telecommunications sys-
9 tems;

10 (8) Upon request, provide technical expertise to state government and
11 any other governmental entity;

12 (9) Maintain a continuous and comprehensive inventory of information
13 technology and telecommunications systems within state agencies;

14 (10) In accordance with statutes governing the availability or confi-
15 dentiality of public records and information, establish guidelines for the
16 accessing of public information by the public;

17 (11) On an annual basis, publish a report of the activities of the au-
18 thority for the governor and the legislature;

19 (12) Recommend the enactment or promulgation of any statutes or rules
20 necessary to carry out the statewide information technology and telecommu-
21 nications systems plans;

22 (13) Enter into contracts for professional services and assistance not
23 otherwise available in state government;

24 (14) Encourage and promote cooperative information technology efforts
25 and activities between the state, local government, private enterprise and
26 the public;

27 (15) Encourage and support education and training opportunities relat-
28 ing to information technology and telecommunications; and

29 (16) Appoint subcommittees, delegate responsibilities and perform any
30 additional functions consistent with the purpose of this act which are nec-
31 essary and appropriate for the proper conduct of the authority.

32 SECTION 9. That Chapter 8, Title 67, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 67-834, Idaho Code, and to read as follows:

35 67-834. DEFINITIONS. As used in sections 67-835, 67-836 and 67-837,
36 Idaho Code:

37 (1) "Geographic information" means data and datasets containing lo-
38 cation information including, but not limited to, remotely sensed imagery,
39 global positioning systems files, geospatially referenced computer-aided
40 design files, digital cartographic products, spatially enabled databases,
41 and geospatial datasets locating and describing features and their at-
42 tributes on, above or under the earth.

43 (2) "Geographic information systems" or "GIS" means an information
44 system capable of capturing, integrating, storing, editing, analyzing,
45 managing, sharing, and displaying geographic information. A GIS involves
46 computer hardware, software, networks and applications, as well as the peo-
47 ple to operate, develop, administer and use them.

1 (3) "Metadata" means a description of the quality, currency, at-
2 tributes, methods and other salient aspects of geographic and tabular
3 information.

4 (4) "State agency" means all state agencies or departments, boards,
5 commissions, councils and institutions of higher education but shall not in-
6 clude the elected constitutional officers and their staffs, the legislature
7 and its staffs or the judiciary.

8 SECTION 10. That Chapter 8, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-835, Idaho Code, and to read as follows:

11 67-835. INTEGRATED PROPERTY RECORDS SYSTEM -- TRANSFER OF RESPONSI-
12 BILITY. The office of information technology services shall:

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

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

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

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

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

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

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

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

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

1 67-837. RESPONSIBILITY FOR QUALITY. In regard to any obligation on any
2 state agency or other entity to provide records to the office of information
3 technology services pursuant to section 67-835 or 67-836, Idaho Code, the
4 obligation for quality remains with the originator and does not transfer to
5 the office of information technology services by virtue of its receipt or by
6 integration or other use of such records.

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

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

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

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

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

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

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

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

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