

JAN 28 2015

A BILL FOR AN ACT

RELATING TO TECHNOLOGY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that state offices
2 relating to information technology are undergoing significant
3 changes due to the constant development of particular types of
4 information technology. The legislature further finds that
5 certain offices within state government are mandated with
6 various duties relating to the establishment, implementation,
7 and management of the state services and programs that involve
8 information technology and communications services; however,
9 these offices are currently scattered throughout state
10 government. The merging and consolidation of these discrete
11 offices into a single office will increase the efficiency of
12 existing projects and enhance the implementation and management
13 of future programs.

14 The purpose of this Act is to establish within the
15 department of accounting and general services an office of
16 information technology, which consolidates the functions of the
17 chief information officer, office of information management and



1 technology, and information and communication services division
2 of the department of accounting and general services to improve
3 coordination and delivery of technology services.

4 SECTION 2. Section 27-43, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§27-43 Information technology; [~~chief information~~**
7 **~~officer;]~~ office of information technology; information**
8 **technology steering committee; establishment; responsibilities.**

9 (a) There is established within the department of accounting
10 and general services [~~a full time chief information officer~~] an
11 office of information technology to organize, manage, and
12 oversee statewide information technology governance, including
13 supervision and oversight of [~~the~~] information and communication
14 services [~~division~~] of the department of accounting and general
15 services. [~~The chief information officer shall be appointed by~~
16 ~~the governor as provided in section 26-34. The chief~~
17 ~~information officer shall report directly to the governor]~~ The
18 office of information technology, led by the chief information
19 officer who shall be appointed by the governor in coordination
20 with the information technology steering committee as provided
21 in subsection (b), may employ persons exempt from chapters 76



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1 and 89 and, in conjunction with the information technology
2 steering committee, shall:

3 (1) Shall nominate a chief information officer to the
4 governor for appointment;

5 ~~[(1)]~~ (2) Develop, implement, and manage statewide
6 information technology governance;

7 ~~[(2)]~~ (3) Develop, implement, and manage the state
8 information technology strategic plans;

9 ~~[(3)]~~ (4) Develop and implement statewide technology
10 standards;

11 ~~[(4)]~~ (5) Report annually to the governor and the
12 legislature on the status and implementation of the
13 state information technology strategic plan;

14 ~~[(5)]~~ (6) Perform other necessary or desirable functions to
15 facilitate the intent of this section; and

16 ~~[(6)]~~ (7) ~~[Employ persons exempt from chapters 76 and 89.]~~
17 Perform general supervision, oversight, and control
18 over the design, acquisition, and utilization of
19 information technology, and telecommunications
20 infrastructure, facilities, and resources within the
21 executive branch, with the exception of the University



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1 of Hawaii, the department of education, and the office
2 of Hawaiian affairs; as such, all information
3 technology and telecommunications acquisitions and
4 consulting services procured by the executive branch
5 except the University of Hawaii, department of
6 education, and office of Hawaiian affairs, shall
7 require prior approval by the office of information
8 technology.

9 (b) There is established an information technology
10 steering committee to assist the [~~chief information officer~~]
11 office of information technology in developing the State's
12 information technology standards and policies, including but not
13 limited to:

- 14 (1) Assisting the [~~chief information officer~~] office of
15 information technology in developing and implementing
16 the state information technology strategic plans;
17 (2) Assessing executive branch departments' progress in
18 meeting the objectives defined in the state
19 information technology strategic plans and identifying
20 best practices for shared or consolidated services;



- 1 (3) Ensuring technology projects are selected based on
2 their potential impact and risk to the State, as well
3 as their strategic value;
- 4 (4) Ensuring that executive branch departments maintain
5 sufficient tools to assess the value and benefits of
6 technology initiatives;
- 7 (5) Assisting the [~~chief information officer~~] office of
8 information technology in developing state information
9 technology standards and policies; and
- 10 (6) Clarifying the roles, responsibilities, and authority
11 of the information and communication services
12 division, specifically as it relates to its statewide
13 duties.

14 The information technology steering committee shall consist
15 of eleven members, with four members to be appointed by the
16 senate president, four members to be appointed by the speaker of
17 the house of representatives, one member to be appointed by the
18 chief justice, and one member to be appointed by the governor,
19 and shall include representatives from executive branch
20 departments, including large user agencies such as the
21 department of education and the University of Hawaii; the



1 judiciary; the legislature; and private individuals. The chief
2 information officer shall serve as the chair of the committee
3 and shall ensure that the committee is evaluated periodically.

4 (c) There is established within the department of
5 accounting and general services a special fund to be known as
6 the shared services technology special fund to be administered
7 and expended by the [~~chief information officer~~] office of
8 information technology for the purposes of this subsection.
9 [~~Three~~] 3 per cent of the receipts collected from special funds
10 pursuant to section 36-27 shall be deposited into the shared
11 services technology special fund. Any law to the contrary
12 notwithstanding, the moneys in the fund shall be used to fund
13 the operations of the [~~chief information officer~~] office of
14 information technology and the information technology steering
15 committee, including the employment and training of staff and
16 any other activities deemed necessary by the [~~chief information~~
17 ~~officer~~] office of information technology to carry out the
18 purposes of this section.

19 (d) The chief information officer and the comptroller may
20 raise funds to defray administrative costs and may accept
21 donations of money and personal property on behalf of the



1 information technology steering committee; provided that all
2 donations accepted from private sources shall be expended in the
3 manner prescribed by the contributor, and all moneys received
4 shall be deposited into the information technology trust
5 account. The [~~chief information officer~~] office of information
6 technology may also directly receive donated personal services
7 and personal property for which funding is not required.

8 (e) The [~~chief information officer~~] office of information
9 technology shall submit an annual report to the governor and the
10 legislature no later than twenty days prior to the convening of
11 each regular session of the legislature on the activities and
12 programs under the authority of the [~~chief information officer~~]
13 office of information technology and the information technology
14 steering committee, and the expenditures of all moneys received
15 from all sources and deposited into the information technology
16 trust account and the shared services technology special fund."

17 SECTION 3. Section 27-43.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+]§27-43.5[+] **Additional duties of the [~~chief~~**
20 **~~information officer~~] office of information technology relating**
21 **to security of government information.** (a) The [~~chief~~



1 ~~information officer]~~ office of information technology shall
2 provide for periodic security audits of all executive branch
3 departments and agencies regarding the protection of government
4 information and data communication infrastructure.

5 (b) Security audits may include on-site audits as well as
6 reviews of all written security procedures and documented
7 practices. The [~~chief information officer]~~ office of
8 information technology may contract with a private firm or firms
9 that specialize in conducting security audits; provided that
10 information protected from disclosure by federal or state law,
11 including confidential tax information, shall not be disclosed.
12 All executive branch departments, agencies, boards, or
13 commissions subject to the security audits authorized by this
14 section shall fully cooperate with the entity designated to
15 perform the audit. The [~~chief information officer]~~ office of
16 information technology may direct specific remedial actions to
17 mitigate findings of insufficient administrative, technical, and
18 physical controls necessary to protect state government
19 information or data communication infrastructure.



1 (c) This section shall not infringe upon responsibilities
2 assigned to the comptroller or the auditor by any state or
3 federal law."

4 SECTION 4. All rights, powers, functions, and duties of
5 the chief information officer, office of information management
6 and technology, and information and communication services
7 division of the department of accounting and general services
8 are transferred to the office of information technology.

9 All employees who occupy civil service positions and whose
10 functions are transferred to the office of information
11 technology by this Act shall retain their civil service status,
12 whether permanent or temporary. Employees shall be transferred
13 without loss of salary, seniority (except as prescribed by
14 applicable collective bargaining agreements), retention points,
15 prior service credit, any vacation and sick leave credits
16 previously earned, and other rights, benefits, and privileges,
17 in accordance with state personnel laws and this Act; provided
18 that the employees possess the minimum qualifications and public
19 employment requirements for the class or position to which
20 transferred or appointed, as applicable; provided further that



1 subsequent changes in status may be made pursuant to applicable
2 civil service and compensation laws.

3 Any employee who, prior to this Act, is exempt from civil
4 service and is transferred as a consequence of this Act may
5 retain the employee's exempt status, but shall not be appointed
6 to a civil service position as a consequence of this Act. An
7 exempt employee who is transferred by this Act shall not suffer
8 any loss of prior service credit, vacation or sick leave credits
9 previously earned, or other employee benefits or privileges as a
10 consequence of this Act; provided that the employees possess
11 legal and public employment requirements for the position to
12 which transferred or appointed, as applicable; provided further
13 that subsequent changes in status may be made pursuant to
14 applicable employment and compensation laws. The comptroller
15 may prescribe the duties and qualifications of these employees
16 and fix their salaries without regard to chapter 76, Hawaii
17 Revised Statutes.

18 SECTION 5. All appropriations, records, equipment,
19 machines, files, supplies, contracts, books, papers, documents,
20 maps, and other personal property heretofore made, used,
21 acquired, or held by the chief information officer, office of



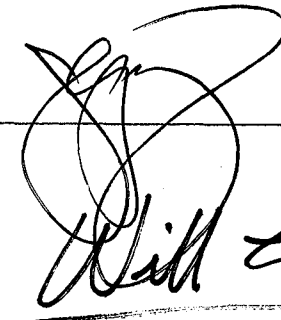
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1 information management and technology, and information and
 2 communications services division of the department of accounting
 3 and general services relating to the functions transferred to
 4 the office of information technology shall be transferred with
 5 the functions to which they relate.

6 SECTION 6. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon its approval.
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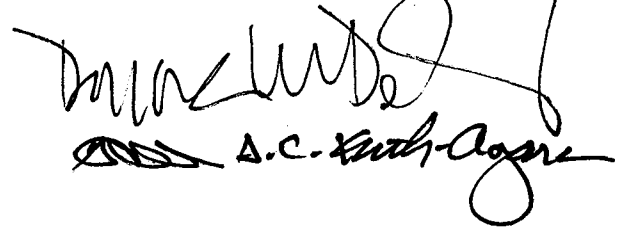
INTRODUCED BY: _____


Will Lyer


 Whine


 Paul E. P...


 Clarence R. Richman


 D.C. Keith-Adams



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Report Title:

Office of Information Technology; Information and Communications Services Division; Office of Information Management and Technology

Description:

Establishes within the department of accounting and general services an office of information technology, which consolidates the functions of the chief information officer, office of information management and technology, and department of accounting and general services' information and communication services division.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

