

1 H.920

2 Introduced by Committee on Energy and Technology

3 Date:

4 Subject: Information technology; Agency of Digital Services; technical
5 corrections; Vermont Statutes Annotated

6 Statement of purpose of bill as introduced: This bill proposes to make
7 technical corrections to the Vermont Statutes Annotated to transfer the
8 authority from the former Department of Information and Innovation to the
9 newly created Agency of Digital Services and to amend the authority of the
10 Agency of Digital Services.

11 An act relating to the authority of the Agency of Digital Services

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 3 V.S.A. § 218 is amended to read:

14 § 218. ~~AGENCY/DEPARTMENT~~ AGENCY AND DEPARTMENT
15 RECORDS MANAGEMENT PROGRAM

16 (a) The General Assembly finds that public records are essential to the
17 administration of State and local government. Public records contain
18 information ~~which~~ that allows government programs to function, provides
19 officials with a basis for making decisions, and ensures continuity with past

1 operations. Public records document the legal responsibilities of government,
2 help protect the rights of citizens, and provide citizens a means of monitoring
3 government programs and measuring the performance of public officials.
4 Public records provide documentation for the functioning of government and
5 for the retrospective analysis of the development of Vermont government and
6 the impact of programs on citizens. Public records in general and archival
7 records in particular need to be systematically managed to preserve their legal,
8 historic, and informational value, to provide ready access to vital information,
9 and to promote the efficient and economical operation of government.

10 * * *

11 (10) implement and sustain a record schedule in accordance with
12 requirements established by the Vermont State Archives and Records
13 Administration under section 117 of this title and the ~~Department of~~
14 ~~Information and Innovation~~ Agency of Digital Services under subdivision
15 ~~2222(a)(10)~~ chapter 56 of this title.

16 * * *

17 Sec. 2. 3 V.S.A. § 346 is amended to read:

18 § 346. STATE CONTRACTING; INTELLECTUAL PROPERTY,
19 SOFTWARE DESIGN, AND INFORMATION TECHNOLOGY

20 (a) The Secretary of Administration shall include in Administrative
21 Bulletin 3.5 a policy direction applicable to State procurement contracts that

1 include services for the development of software applications, computer
2 coding, or other intellectual property, which would allow the State of Vermont
3 to grant permission to the contractor to use or own the intellectual property
4 created under the contract for the contractor's commercial purposes.

5 * * *

6 (c) If the Secretary authorizes a contractor to own intellectual property
7 developed under a State contract, the Secretary may recommend language to
8 ensure the State retains a perpetual, irrevocable, royalty-free, and fully paid
9 right to continue to use the intellectual property, including escrow for
10 perpetual use at least annually.

11 Sec. 3. 3 V.S.A. § 2222 is amended to read:

12 § 2222. POWERS AND DUTIES; BUDGET AND REPORT

13 (a) In addition to the duties expressly set forth elsewhere by law, the
14 Secretary shall:

15 (1) As principal administrative aide to the Governor, plan, organize,
16 direct, control, integrate, coordinate, and supervise all functions and programs
17 of the Agency and its departments and divisions.

18 * * *

19 ~~(9) Submit to the General Assembly, concurrent with the Governor's~~
20 ~~annual budget request required under 32 V.S.A. § 306, a strategic plan for~~
21 ~~information technology and information security that outlines the significant~~
22 ~~deviations from the previous year's plan, and that details the plans for~~

1 information technology activities of State government for the following fiscal
2 year as well as the administration's financing recommendations for these
3 activities. For purposes of this section, "information security" shall mean
4 protecting information and information systems from unauthorized access, use,
5 disclosure, disruption, modification, or destruction in order to provide
6 integrity, confidentiality, and availability. All such plans shall be reviewed and
7 approved by the State Chief Information Officer prior to being included in the
8 Governor's annual budget request. The plan shall identify the proposed
9 sources of funds for each project identified. The plan shall also contain a
10 review of the State's information technology and information security and an
11 identification of priority projects by agency. The plan shall include, for any
12 proposed information technology activity with a cost in excess of \$500,000.00:

13 (A) a life-cycle costs analysis including planning, purchase, and
14 development of applications, the purchase of hardware, and the ongoing
15 operation and maintenance costs to be incurred over the expected life of the
16 systems; and a cost-benefit analysis that shall include acquisition costs as well
17 as operational and maintenance costs over the expected life of the system;

18 (B) the cost savings and any service delivery improvements, or both,
19 that will accrue to the public or to State government;

20 (C) a statement identifying any impact of the proposed new computer
21 system on the privacy or disclosure of individually identifiable information;

1 ~~Documentation of this independent review shall be included when plans are~~
2 ~~submitted for review pursuant to subdivisions (a)(9) and (10) of this section.~~

3 ~~The independent review shall include:~~

4 ~~(A) an acquisition cost assessment;~~

5 ~~(B) a technology architecture review;~~

6 ~~(C) an implementation plan assessment;~~

7 ~~(D) a cost analysis and a model for benefit analysis;~~

8 ~~(E) a procurement negotiation advisory services contract; and~~

9 ~~(F) an impact analysis on net operating costs for the agency carrying~~
10 ~~out the activity.~~

11 ~~(2) The Secretary of Administration may assess the costs of any review~~
12 ~~to the entity making the information technology recommendations.~~

13 [Repealed.]

14 * * *

15 Sec. 4. 3 V.S.A. § 2283b is amended to read:

16 § 2283b. ~~DEPARTMENT OF INFORMATION AND INNOVATION~~

17 ~~The Department of Information and Innovation is created within the~~
18 ~~Agency of Administration. The Department shall administer the programs and~~
19 ~~perform the functions assigned to it in 22 V.S.A. chapter 15 and is charged~~
20 ~~with other responsibilities assigned to it by law. [Repealed.]~~

21 Sec. 5. 3 V.S.A. chapter 56 is added to read:

1 CHAPTER 56. AGENCY OF DIGITAL SERVICES

2 § 3301. AGENCY OF DIGITAL SERVICES; CREATED

3 (a) The Agency of Digital Services is created to provide oversight for all
4 information technology services and solutions in State government. The
5 Agency shall have all the responsibilities assigned to it by law, including the
6 following:

7 (1) Provide services for all activities directly related to information
8 technology and information security, including telecommunications services,
9 information technology equipment, software, accessibility, networks in State
10 government, and the sharing of data and information within State government.

11 (2) Review and approve information technology activities within State
12 government with a total cost in excess of \$500,000.00.

13 (3) Prepare and submit an annual report to the General Assembly for
14 information technology. The report shall include an annual update to the
15 strategic plan prepared pursuant to subdivision (4) of this section; performance
16 metrics and trends, including baseline and annual measurements, for each
17 division of the Agency; and a financial report of revenues and expenditures to
18 date for the current fiscal year. The annual report shall also include costs
19 avoided or saved as a result of technology optimization for the previous fiscal
20 year; shall outline summary information, including scope, schedule, budget,
21 and status for information technology projects with a total cost in excess of

1 \$500,000.00; and shall reflect the priority of projects by agency. The report
2 shall also include a summary of independent reviews as required by
3 subdivision (5) of this subsection. The Agency shall maintain the following
4 records for information technology projects with a total cost in excess of
5 \$500,000.00:

6 (A) A business case, including life-cycle costs and sources of funds
7 for design, development, and implementation, as well as maintenance and
8 operations. The business case shall include expected benefits, including cost
9 savings and service delivery improvements.

10 (B) Detailed project plans and status reports, including risk
11 identification and risk mitigation plans.

(4) Prepare and submit ~~biannually~~ *biennially*, in consultation with the
Secretary of Administration, a strategic plan for information technology and
security to the General Assembly. The strategic plan shall include the
Agency's vision, mission, objectives, strategies, and overarching action plans
for information technology within State government and shall update the
information technology goals for State government for the following fiscal
year.

12 (5) Obtain independent expert review of any new information
13 technology projects with a total cost in excess of \$1,000,000.00 or when
14 required by the State Chief Information Officer. The independent review shall

1 include:

2 (A) an acquisition cost assessment;

3 (B) a technology architecture review;

4 (C) an implementation plan assessment;

5 (D) a cost analysis and a model for benefit analysis;

6 (E) an analysis of alternatives, and

7 (F) an impact analysis on net operating costs for the agency carrying
8 out the activity.

9 (6) Provide strategy, services, and solutions for information technology
10 activities within State government with a total cost in excess of \$500,000.00.

11 The cost of the oversight, monitoring, and control shall be assessed to the
12 entity requesting the activity.

13 (7) Provide information technology project management services and
14 business analyst services to the Executive Branch. When project managers are
15 not available, the Agency shall procure those services and bill them back to the
16 agencies using the services.

17 (8) Provide standards for the management, organization, and tracking of
18 information technology activities within State government with a total cost in
19 excess of \$500,000.00.

(9) Create information technology procurement policy and process for
State government ~~within~~ *in collaboration with* the Agency of Administration,

and review all information technology and information technology requests for proposal in accordance with Agency of Administration policies.

1 (10) Perform the responsibilities of the Secretary of Administration
2 under 30 V.S.A. § 227b.

3 (11) Inventory technology fixed assets within State government.

4 (12) Manage the training and classification of information technology
5 employees within State government in collaboration with the Agency of
6 Administration.

7 (13) Support the statewide development of broadband
8 telecommunications infrastructure and services, in a manner consistent with
9 the telecommunications plan prepared pursuant to 30 V.S.A. § 202d and
10 community development objectives established by the Agency of Commerce
11 and Community Development, by:

12 (A) purchasing telecommunications services or facilities at rates
13 competitive within the national marketplace;

14 (B) sharing bandwidth with service providers or other users;

15 (C) establishing equipment colocation arrangements with service
16 providers; or

17 (D) making other reasonable arrangements.

18 (14) Develop information technology policies for State government.

19 (15) Provide technical support and services to the Legislative and

1 Judicial branches, as needed.

2 (b) As used in this section:

3 (1) “Information security” means protecting information and
4 information systems from unauthorized access, use, disclosure, disruption,
5 modification, or destruction in order to provide integrity, confidentiality, and
6 availability.

7 (2) “Information technology activities” means:

8 (A) the creation, collection, processing, storage, management,
9 transmission, or conversion of electronic data, documents, or records; and

10 (B) the design, construction, purchase, installation, maintenance, or
11 operation of systems, including hardware, software, and services that perform
12 or are contracted under Administrative Bulletin 3.5 to perform these activities.

13 (3) “State government” means the agencies of the Executive Branch of
14 State government.

15 § 3302. APPOINTMENT OF SECRETARY; POWERS

16 AND DUTIES

17 (a) The Governor, with the advice and consent of the Senate, shall appoint
18 the Secretary of Digital Services who shall be the Chief Information Officer of
19 the State. The Secretary shall appoint a deputy secretary who shall serve at the
20 pleasure of the Secretary.

21 (b) The Secretary shall serve as the administrative head of the Agency of

1 Digital Services, and shall have the following responsibilities:

2 (1) coordinate and optimize the use of technology within State
3 government;

4 (2) approve, in consultation with the Agency of Administration, State
5 government information technology contracts and procurement activity;

6 (3) review and approve State government information technology
7 policies;

8 (4) approve State government information technology recruitment and
9 classification of employees; and

10 (5) supervise all information technology employees in State
11 government.

12 § 3303. INFORMATION TECHNOLOGY INTERNAL SERVICE FUND

13 (a) An Information Technology Internal Service Fund is created to support
14 activities of the Agency of Digital Services.

15 (b) An agency, department, or division or other State or nonstate entity that
16 receives services of the Agency of Digital Services shall be charged for those
17 services on a basis established by the Secretary of Digital Services with the
18 approval of the Secretary of Administration.

19 Sec. 6. 10 V.S.A. § 122 is amended to read:

20 § 122. VERMONT CENTER FOR GEOGRAPHIC INFORMATION,
21 INCORPORATED; ESTABLISHMENT

22 (a) The State of Vermont shall support a comprehensive strategy for the

1 development and use of a geographic information system, including:

2 * * *

3 (b) In order to develop and implement that strategy, and to ensure that all
4 data gathered by State agencies that is relevant to the VGIS shall be in a form
5 that is compatible with, useful to, and shared with that geographic information
6 system, there is hereby established as a division under the Agency of
7 ~~Commerce and Community Development~~ Digital Services the Vermont Center
8 for Geographic Information (the Center).

9 (c) [Repealed.]

10 Sec. 7. 10 V.S.A. § 128 is amended to read:

11 § 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION
12 SPECIAL FUND

13 (a) A Special Fund is created for the operation of the Vermont Center for
14 Geographic Information in the Agency of ~~Commerce and Community~~
15 ~~Development~~ Digital Services. The Fund shall consist of revenues derived
16 from the charges by the Agency of ~~Commerce and Community Development~~
17 Digital Services pursuant to subsection (c) of this section for the provision of
18 Geographic Information products and services, interest earned by the Fund,
19 and sums which from time to time may be made available for the support of
20 the Center and its operations. The Fund shall be established and managed
21 pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the
22 Agency to support activities of the Center.

1 (b) The receipt and expenditure of monies from the Special Fund shall be
2 under the supervision of the Secretary of ~~Commerce and Community~~
3 ~~Development~~ Digital Services.

4 (c) Notwithstanding 32 V.S.A. § 603, the Secretary of ~~Commerce and~~
5 ~~Community Development~~ Digital Services is authorized to impose charges
6 reasonably related to the costs of the products and services of the Vermont
7 Center for Geographic Information, including the cost of personnel,
8 equipment, supplies, and intellectual property.

9 Sec. 8. REPEAL

10 22 V.S.A. chapter 15 (Department of Information and Innovation) is
11 repealed.

12 Sec. 9. 22 V.S.A. § 952 is amended to read:

13 § 952. VERMONT WEB PORTAL; VERMONT WEB PORTAL BOARD;
14 MEMBERSHIP

15 (a) There is created the Vermont web portal ~~which~~ that shall be governed
16 by a Board consisting of 10 members as follows:

17 (1) The ~~Commissioner of Information and Innovation~~ Secretary of
18 Digital Services or ~~his or her~~ designee;

19 (2) The Secretary of State or ~~his or her~~ designee;

20 (3) The Secretary of Administration or ~~his or her~~ designee;

21 (4) The State Librarian or ~~his or her~~ designee;

22 (5) The Court Administrator or ~~his or her~~ designee;

1 information access, gateway services, add-on services, and electronic filing of
2 information.

3 (5) Accept gifts, donations, and grants for the support of the Vermont
4 web portal.

5 (6) Oversee drafting and implementation by the ~~Department of~~
6 Information and Innovation Agency of Digital Services of the contract with
7 the web portal service provider. This contract shall comply with State security
8 and privacy standards.

9 * * *

10 Sec. 11. 30 V.S.A. § 202d is amended to read:

11 § 202d. TELECOMMUNICATIONS PLAN

12 (a) The Department of Public Service shall constitute the responsible
13 planning agency of the State for the purpose of obtaining for all consumers in
14 the State stable and predictable rates and a technologically advanced
15 telecommunications network serving all service areas in the State. The
16 Department shall be responsible for the provision of plans for meeting
17 emerging trends related to telecommunications technology, markets, financing,
18 and competition.

19 (b) The Department shall prepare the Telecommunications Plan for the
20 State. The ~~Department of Innovation and Information~~ Agency of Digital
21 Services, the Agency of Commerce and Community Development, and the
22 Agency of Transportation shall assist the Department in preparing the Plan.

1 The Plan shall be for a 10-year period and shall serve as a basis for State
2 telecommunications policy. Prior to preparing the Plan, the Department shall
3 prepare:

4 * * *

5 (4) An assessment, conducted in cooperation with the ~~Department of~~
6 ~~Innovation and Information~~ Agency of Digital Services and the Agency of
7 Transportation, of the current State telecommunications system and evaluation
8 of alternative proposals for upgrading the system to provide the best available
9 and affordable technology for use by government.

10 * * *

11 (d) In establishing plans, public hearings shall be held and the Department
12 shall consult with members of the public, representatives of
13 telecommunications utilities with a certificate of public good, other providers,
14 including the Vermont Electric Power Co., Inc. (VELCO), and other interested
15 State agencies, particularly the Agency of Commerce and Community
16 Development, the Agency of Transportation, and the ~~Department of~~
17 ~~Innovation and Information~~ Agency of Digital Services, whose views shall be
18 considered in preparation of the Plan. To the extent necessary, the Department
19 shall include in the Plan surveys to determine existing, needed, and desirable
20 plant improvements and extensions, access and coordination between
21 telecommunications providers, methods of operations, and any change that

1 will produce better service or reduce costs. To this end, the Department may
2 require the submission of data by each company subject to supervision by the
3 Public Utility Commission.

4 * * *

5 Sec. 12. 32 V.S.A. § 183 is amended to read:

6 § 183. FINANCIAL AND HUMAN RESOURCE INFORMATION
7 INTERNAL SERVICE FUND

8 (a) There is established in the Department of Finance and Management a
9 Financial and Human Resource Information Internal Service Fund, to consist
10 of revenues from charges to agencies, departments, and similar units of
11 Vermont State government, and to be available to fund the costs of the
12 Division of Financial Operations in the Department of Finance and
13 Management, and the technical support and services provided by the
14 ~~Department of Information and Innovation~~ Agency of Digital Services for the
15 statewide central accounting and encumbrance, budget development, and
16 human resource management systems.

17 (b) The rate of the charges shall be proposed by the Commissioner of
18 Finance and Management, subject to the approval of the Secretary of
19 Administration. Proposed rates of charges shall be based upon the cost of
20 operations.

21 Sec. 13. 32 V.S.A. § 315 is amended to read:

22 § 315. ~~ANNUAL REPORT, INFORMATION TECHNOLOGY~~

1 ~~(a) Annual report. The Agency of Administration shall annually present to~~
2 ~~the General Assembly a five-year Information Technology (IT) Program. The~~
3 ~~Program shall be consistent with the planning process established in 22 V.S.A.~~
4 ~~§ 901 and shall include for each fiscal year:~~

5 ~~(1) IT activities estimated to cost \$1,000,000.00 or more;~~

6 ~~(2) systemwide performance measures;~~

7 ~~(3) performance measures for projects; and~~

8 ~~(4) the budget for the Department of Information and Innovation (DII).~~

9 ~~(b) IT activities estimated to cost \$1,000,000.00 or more.~~

10 ~~(1) For each new proposed project with an estimated total cost that~~
11 ~~exceeds \$1,000,000.00, there shall be:~~

12 ~~(A) a description of the project;~~

13 ~~(B) the justification for the scope of the project;~~

14 ~~(C) an explanation of proposed project management methodology,~~
15 ~~including the relationship between chosen methodology and project scope;~~

16 ~~(D) a project budget that includes all projected costs, including~~
17 ~~operating costs and personnel services; and~~

18 ~~(E) a project timeline with projected costs, matched to a detailed list~~
19 ~~of all estimated funding sources and amounts.~~

20 ~~(2) The reporting requirements set forth in subdivision (1) of this~~
21 ~~subsection shall not be interpreted or applied to limit the project methodology~~

1 chosen for any project.

2 ~~(3) For each ongoing project with an estimated total cost that exceeds~~
3 ~~\$1,000,000.00, there shall be:~~

4 ~~(A) a budget that includes all costs including operating costs and~~
5 ~~personnel services;~~

6 ~~(B) a cost benefit analysis, which shall include:~~

7 ~~(i) an explanation of ongoing costs, including training and~~
8 ~~maintenance, after project implementation;~~

9 ~~(ii) an analysis of the net benefit to the project users, and to the~~
10 ~~State, from proceeding with the project, in comparison to not proceeding with~~
11 ~~the project;~~

12 ~~(iii) projected savings, including personnel services, if any, that~~
13 ~~will result from the project; and~~

14 ~~(iv) other benefits to the project users, and to the State, from~~
15 ~~proceeding with the project, in comparison to not proceeding with the~~
16 ~~project; and~~

17 ~~(C) a statement whether any of the information provided pursuant to~~
18 ~~subdivision (1) of this subsection (b) has changed or is no longer accurate and~~
19 ~~an explanation of the reasons.~~

20 ~~(e) Systemwide performance measures. The Agency of Administration~~
21 ~~shall develop systemwide performance measures which analyze the overall~~

1 performance of the State government IT system. The Program:

2 (1) shall indicate the background and utility of the performance
3 measures;

4 (2) shall track the performance measures over time;

5 (3) where appropriate, shall recommend the setting of targets for the
6 performance measures;

7 (4) shall indicate the overall condition of the system; and

8 (5) shall indicate potential risks measured by severity and likelihood and
9 plans to mitigate those risks.

10 (d) Performance measures. The Agency of Administration shall develop
11 performance measures for projects. The Program:

12 (1) shall indicate the background and utility of the performance
13 measures;

14 (2) shall track the performance measures over time; and

15 (3) shall indicate potential risks measured by severity and likelihood and
16 plans to mitigate those risks.

17 (e) The budget for DII. The Program shall include:

18 (1) the recommended budget for DII; and

19 (2) the DII fee charged to each branch, agency, and department and the
20 services provided.

21 (f) Each year following the submission of an IT Program under this

1 ~~section, the Agency shall prepare and make available to the public the~~
2 ~~Program.~~ [Repealed.]

3 Sec. 14. 32 V.S.A. § 1003(b) is amended to read:

4 (b) The Governor may appoint each officer of the Executive Branch listed
5 in this subsection at a starting salary ranging from the base salary stated for
6 that position to a salary ~~which~~ that does not exceed the maximum salary unless
7 otherwise authorized by this subsection. The maximum salary for each
8 appointive officer shall be 50 percent above the base salary. Annually, the
9 Governor may grant to each of those officers an annual salary adjustment
10 subject to the maximum salary. The annual salary adjustment granted to
11 officers under this subsection shall not exceed the average of the total rate of
12 adjustment available to classified employees under the collective bargaining
13 agreement then in effect. In addition to the annual salary adjustment specified
14 in this subsection, the Governor may grant a special salary increase subject to
15 the maximum salary, or a bonus, to any officer listed in this subsection whose
16 job duties have significantly increased, or whose contributions to the State in
17 the preceding year are deemed especially significant. Special salary increases
18 or bonuses granted to any individual shall not exceed the average of the total
19 rate of adjustment available to classified employees under the collective
20 bargaining agreement then in effect.

21 (1) Heads of the following Departments and Agencies:

1		Base Salary	Base Salary
2		as of	as of
3		July 10, 2016	July 09, 2017
4	(A) Administration	\$100,416	\$104,382
5		* * *	
6	(T) Information and Innovation <u>Digital Services</u>		
7		93,874 <u>100,416</u>	97,582 <u>104,382</u>
8		* * *	

9 Sec. 15. EFFECTIVE DATE

10 This act shall take effect on passage.