

1 Introduced by Committee on Energy and Technology

2 Date:

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

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

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

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

12 Sec. 1. 3 V.S.A. § 346 is amended to read:

13 § 346. STATE CONTRACTING; INTELLECTUAL PROPERTY,
14 SOFTWARE DESIGN, AND INFORMATION TECHNOLOGY

15 (a) The Secretary of Administration shall include in Administrative
16 Bulletin 3.5 a policy direction applicable to State procurement contracts that
17 include services for the development of software applications, computer
18 coding, or other intellectual property, which would allow the State of Vermont
19 to grant permission to the contractor to use or own the intellectual property
20 created under the contract for the contractor's commercial purposes.

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

Sec. 2. 3 V.S.A. § 2222 is amended to read:

§ 2222. POWERS AND DUTIES; BUDGET AND REPORT

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

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

* * *

(9) Submit to the General Assembly concurrent with the Governor’s annual budget request required under 32 V.S.A. § 306, a strategic plan for information technology and information security that outlines the significant deviations from the previous year’s plan, and that details the plans for information technology activities of State government for the following fiscal year as well as the administration’s financing recommendations for these activities. ~~For purposes of~~ As used in this section, “information security” shall

1 ~~mean~~ means protecting information and information systems from
2 unauthorized access, use, disclosure, disruption, modification, or destruction in
3 order to provide integrity, confidentiality, and availability. All such plans shall
4 be reviewed and approved by the State Chief Information Officer prior to
5 being included in the Governor’s annual budget request. The plan shall
6 identify the proposed sources of funds for each project identified. The plan
7 shall also contain a review of the State’s information technology and
8 information security and an identification of priority projects by agency. The
9 plan shall include, for any proposed information technology activity with a
10 cost in excess of \$500,000.00:

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

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

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

20 (D) ~~a statement identifying costs and issues related to public access~~
21 ~~to nonconfidential information;~~ [Repealed.]

1 Sec. 5. 10 V.S.A. § 122 is amended to read:

2 § 122. VERMONT CENTER FOR GEOGRAPHIC INFORMATION,
3 INCORPORATED; ESTABLISHMENT

4 (a) The State of Vermont shall support a comprehensive strategy for the
5 development and use of a geographic information system, including:

6 * * *

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

13 (c) [Repealed.]

14 Sec. 6. 10 V.S.A. § 128 is amended to read:

15 § 128. VERMONT CENTER FOR GEOGRAPHIC INFORMATION
16 SPECIAL FUND

17 (a) A Special Fund is created for the operation of the Vermont Center for
18 Geographic Information in the Agency of ~~Commerce and Community~~
19 ~~Development~~ Digital Services. The Fund shall consist of revenues derived
20 from the charges by the Agency of ~~Commerce and Community Development~~
21 Digital Services pursuant to subsection (c) of this section for the provision of

1 Geographic Information products and services, interest earned by the Fund,
2 and sums which from time to time may be made available for the support of
3 the Center and its operations. The Fund shall be established and managed
4 pursuant to 32 V.S.A. chapter 7, subchapter 5 and shall be available to the
5 Agency to support activities of the Center.

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

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

14 Sec. 7. 18 V.S.A. § 9351 is amended to read:

15 § 9351. HEALTH INFORMATION TECHNOLOGY PLAN

16 (a) The Secretary of Administration or designee shall be responsible for the
17 overall coordination of Vermont's statewide Health Information Technology
18 Plan. The Plan shall be revised annually and updated comprehensively every
19 five years to provide a strategic vision for clinical health information
20 technology. The Secretary or designee shall administer the Plan, which shall
21 include the implementation of an integrated electronic health information

1 infrastructure for the sharing of electronic health information among health
2 care facilities, health care professionals, public and private payers, and
3 patients. The Plan shall include standards and protocols designed to promote
4 patient education, patient privacy, physician best practices, electronic
5 connectivity to health care data, and, overall, a more efficient and less costly
6 means of delivering quality health care in Vermont.

7 * * *

8 (c) The Secretary of Administration or designee may update the Plan as
9 needed to reflect emerging technologies, the State's changing needs, and such
10 other areas as the Secretary or designee deems appropriate. The Secretary or
11 designee shall solicit recommendations from Vermont Information Technology
12 Leaders, Inc. (VITL) and other entities in order to update the Health
13 Information Technology Plan pursuant to this section, including applicable
14 standards, protocols, and pilot programs, and may enter into a contract or grant
15 agreement with VITL or other entities to update some or all of the Plan. Upon
16 approval by the Secretary, the updated Plan shall be distributed to the
17 ~~Commissioner of Information and Innovation~~ Secretary of Digital Services; the
18 Commissioner of Financial Regulation; the Commissioner of Vermont Health
19 Access; the Secretary of Human Services; the Commissioner of Health; the
20 Commissioner of Mental Health; the Commissioner of Disabilities, Aging, and
21 Independent Living; the Senate Committee on Health and Welfare; the House

1 Committee on Health Care; affected parties; and interested stakeholders.

2 Unless major modifications are required, the Secretary may present updated
3 information about the Plan to the Green Mountain Care Board and legislative
4 committees of jurisdiction in lieu of creating a written report.

5 * * *

6 Sec. 8. 18 V.S.A. § 9352 is amended to read:

7 § 9352. VERMONT INFORMATION TECHNOLOGY LEADERS

8 (a)(1) Governance. The Vermont Information Technology Leaders, Inc.
9 (VITL) Board of Directors shall consist of no fewer than nine nor more than
10 14 members. The term of each member shall be two years, except that of the
11 members first appointed, approximately one-half shall serve a term of one year
12 and approximately one-half shall serve a term of two years, and members shall
13 continue to hold office until their successors have been duly appointed. The
14 Board of Directors shall comprise the following:

15 * * *

16 (c)(1) Health information exchange operation. VITL shall be designated in
17 the Health Information Technology Plan pursuant to section 9351 of this title
18 to operate the exclusive statewide health information exchange network for
19 this State. After the Green Mountain Care Board approves VITL's core
20 activities and budget pursuant to chapter 220 of this title, the Secretary of
21 Administration or designee shall enter into procurement grant agreements with

1 VITL pursuant to 8 V.S.A. § 4089k. Nothing in this chapter shall impede local
2 community providers from the exchange of electronic medical data.

3 (2) Notwithstanding any provision of 3 V.S.A. § 2222 ~~or 2283b~~ to the
4 contrary, upon request of the Secretary of Administration, the ~~Department of~~
5 ~~Information and Innovation~~ Agency of Digital Services shall review VITL's
6 technology for security, privacy, and interoperability with State government
7 information technology, consistent with the State's health information
8 technology plan required by section 9351 of this title.

9 * * *

10 (e) Report. ~~No later than~~ On or before January 15 of each year, VITL shall
11 file a report with the Secretary of Administration; the ~~Commissioner of~~
12 ~~Information and Innovation~~ Secretary of Digital Services; the Commissioner of
13 Financial Regulation; the Commissioner of Vermont Health Access; the
14 Secretary of Human Services; the Commissioner of Health; the Commissioner
15 of Mental Health; the Commissioner of Disabilities, Aging, and Independent
16 Living; the Senate Committee on Health and Welfare; and the House
17 Committee on Health Care. The report shall include an assessment of progress
18 in implementing health information technology in Vermont and
19 recommendations for additional funding and legislation required. In addition,
20 VITL shall publish minutes of VITL meetings and any other relevant
21 information on a public website. The provisions of 2 V.S.A. § 20(d)

1 (expiration of required reports) shall not apply to the report to be made under
2 this subsection.

3 * * *

4 Sec. 9. 22 V.S.A. chapter 15 is amended to read:

5 CHAPTER 15. ~~DEPARTMENT OF INFORMATION AND INNOVATION~~

6 AGENCY OF DIGITAL SERVICES

7 § 901. ~~DEPARTMENT OF INFORMATION AND INNOVATION~~

8 AGENCY OF DIGITAL SERVICES

9 (a) The ~~Department of Information and Innovation~~ Agency of Digital
10 Services, ~~created in 3 V.S.A. § 2283b~~, shall have all the responsibilities
11 assigned to it by law, including the following:

12 (1) To provide ~~direction and oversight~~ services for all activities directly
13 related to information technology and information security, including
14 telecommunications services, information technology equipment, software,
15 accessibility, and networks in State government. As used in this section,
16 “information security” ~~is defined as~~ shall have the same meaning as set forth in
17 3 V.S.A. § 2222(a)(9).

18 (2) ~~To manage wide area network connectivity within State government.~~
19 [Repealed.]

20 (3) To review all information technology and information security
21 requests for proposal in accordance with Agency of Administration policies.

1 (4)(A) To review and approve information technology activities within
2 State government ~~with a cost in excess of \$500,000.00~~ and annually submit to
3 the General Assembly a strategic plan and a budget for information technology
4 as required ~~of the Secretary of Administration~~ by 3 V.S.A. § 2222(a)(9). As
5 used in this section, “information technology activities” ~~is defined as shall~~
6 have the same meaning as in 3 V.S.A. § 2222(a)(10).

7 (B) To provide ~~oversight, monitoring, and control of strategy,~~
8 services, and solutions for information technology activities within State
9 government ~~with a cost in excess of \$500,000.00~~. The cost of the oversight,
10 monitoring, and control shall be assessed to the entity requesting the activity.

11 (C) To ~~review and approve~~ provide in accordance with Agency of
12 Administration policies ~~the assignment of~~ appropriate project managers for
13 information technology activities within State government ~~with a cost in~~
14 ~~excess of \$500,000.00~~.

15 (D) To provide standards for the management, organization, and
16 tracking of information technology activities within State government ~~with a~~
17 ~~cost in excess of \$500,000.00~~.

18 (5) To administer the independent review responsibilities of the
19 Secretary of Administration described in 3 V.S.A. § 2222(g).

20 (6) To perform the responsibilities of the Secretary of Administration
21 under 30 V.S.A. § 227b.

1 Secretary shall appoint a deputy ~~commissioner~~ secretary who shall serve at the
2 pleasure of the ~~Commissioner~~ Secretary.

3 (b) The ~~Commissioner~~ Secretary shall serve as the administrative head of
4 the ~~Department of Information and Innovation~~ Agency of Digital Services.

5 § 902a. INFORMATION TECHNOLOGY INTERNAL SERVICE FUND

6 (a) An Information Technology Internal Service Fund is created to support
7 activities of the ~~Department of Information and Innovation~~ Agency of Digital
8 Services.

9 (b) An agency, department, or division or other State or nonstate entity
10 which receives services of the ~~Department of Information and Innovation~~
11 Agency of Digital Services shall be charged for those services on a basis
12 established by the ~~Commissioner of Information and Innovation~~ Secretary of
13 Digital Services with the approval of the Secretary of Administration.

14 Sec. 10. 22 V.S.A. § 952 is amended to read:

15 § 952. VERMONT WEB PORTAL; VERMONT WEB PORTAL BOARD;

16 MEMBERSHIP

17 (a) There is created the Vermont web portal which shall be governed by a
18 Board consisting of 10 members as follows:

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

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

1 (b) The Department shall prepare the Telecommunications Plan for the
2 State. The ~~Department of Innovation and Information~~ Agency of Digital
3 Services, the Agency of Commerce and Community Development, and the
4 Agency of Transportation shall assist the Department in preparing the Plan.
5 The Plan shall be for a 10-year period and shall serve as a basis for State
6 telecommunications policy. Prior to preparing the Plan, the Department shall
7 prepare:

8 * * *

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

14 * * *

15 (d) In establishing plans, public hearings shall be held and the Department
16 shall consult with members of the public, representatives of
17 telecommunications utilities with a certificate of public good, other providers,
18 including the Vermont Electric Power Co., Inc. (VELCO), and other interested
19 State agencies, particularly the Agency of Commerce and Community
20 Development, the Agency of Transportation, and the ~~Department of Innovation~~
21 ~~and Information~~ Agency of Digital Services, whose views shall be considered

1 in preparation of the Plan. To the extent necessary, the Department shall
2 include in the Plan surveys to determine existing, needed, and desirable plant
3 improvements and extensions, access and coordination between
4 telecommunications providers, methods of operations, and any change that will
5 produce better service or reduce costs. To this end, the Department may
6 require the submission of data by each company subject to supervision by the
7 Public Utility Commission.

8 * * *

9 Sec. 13. 32 V.S.A. § 183 is amended to read:

10 § 183. FINANCIAL AND HUMAN RESOURCE INFORMATION

11 INTERNAL SERVICE FUND

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

1 (b) The rate of the charges shall be proposed by the Commissioner of
2 Finance and Management, subject to the approval of the Secretary of
3 Administration. Proposed rates of charges shall be based upon the cost of
4 operations.

5 Sec. 14. 32 V.S.A. § 315 is amended to read:

6 § 315. ANNUAL REPORT; INFORMATION TECHNOLOGY

7 (a) Annual report. The ~~Agency of Administration~~ Secretary of Digital
8 Services shall annually present to the General Assembly a five-year
9 Information Technology (IT) Program. The Program shall be consistent with
10 the planning process established in 22 V.S.A. § 901 and shall include for each
11 fiscal year:

- 12 (1) IT activities estimated to cost \$1,000,000.00 or more;
- 13 (2) systemwide performance measures;
- 14 (3) performance measures for projects; and
- 15 (4) the budget for the ~~Department of Information and Innovation (DII)~~
16 Agency of Digital Services (ADS).

17 * * *

18 (c) Systemwide performance measures. The Agency of ~~Administration~~
19 Digital Services shall develop systemwide performance measures ~~which that~~
20 analyze the overall performance of the State government IT system. The
21 Program:

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(d) Performance measures. The ~~Agency of Administration~~ Secretary of Digital Services shall develop performance measures for projects. The Program:

* * *

(e) The budget for ~~DH~~ ADS. The Program shall include:

(1) the recommended budget for ~~DH~~ ADS; and

(2) the ~~DH~~ ADS fee charged to each branch, agency, and department and the services provided.

(f) Each year following the submission of an IT Program under this section, the Agency shall prepare and make available to the public the Program.

Sec. 15. 32 V.S.A. § 1003(b) is amended to read:

(b) The Governor may appoint each officer of the Executive Branch listed in this subsection at a starting salary ranging from the base salary stated for that position to a salary ~~which~~ that does not exceed the maximum salary unless otherwise authorized by this subsection. The maximum salary for each appointive officer shall be 50 percent above the base salary. Annually, the Governor may grant to each of those officers an annual salary adjustment subject to the maximum salary. The annual salary adjustment granted to officers under this subsection shall not exceed the average of the total rate of adjustment available to classified employees under the collective bargaining

1 agreement then in effect. In addition to the annual salary adjustment specified
2 in this subsection, the Governor may grant a special salary increase subject to
3 the maximum salary, or a bonus, to any officer listed in this subsection whose
4 job duties have significantly increased, or whose contributions to the State in
5 the preceding year are deemed especially significant. Special salary increases
6 or bonuses granted to any individual shall not exceed the average of the total
7 rate of adjustment available to classified employees under the collective
8 bargaining agreement then in effect.

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

	Base Salary	Base Salary
	As of	as of
	July 10, 2016	July 09, 2017
13 (A) Administration	\$100,416	\$104,382

14 * * *

15 (T) ~~Information and Innovation~~ Digital Services

16 93,874 100,416 97,582 104,382

17 * * *

18 Sec. 16. EFFECTIVE DATE

19 This act shall take effect on passage.