

1 H.135

2 Introduced by Representatives Briglin of Thetford, Scheuermann of Stowe,  
3 and Sibia of Dover

4 Referred to Committee on

5 Date:

6 Subject: Information technology; Agency of Digital Services; technical  
7 corrections; Vermont Statutes Annotated

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

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

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

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

16 § 218. ~~AGENCY/DEPARTMENT~~ AGENCY AND DEPARTMENT

17 RECORDS MANAGEMENT PROGRAM

18 (a) The General Assembly finds that public records are essential to the  
19 administration of State and local government. Public records contain  
20 information ~~which~~ that allows government programs to function, provides

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

11 \* \* \*

12 (c) For an agency or department records program to be approved by the  
13 Vermont State Archives and Records Administration, the head of each State  
14 agency or department shall:

15 \* \* \*

16 (10) implement and sustain a record schedule in accordance with  
17 requirements established by the Vermont State Archives and Records  
18 Administration under section 117 of this title and the ~~Department of~~  
19 ~~Information and Innovation~~ Agency of Digital Services under ~~subdivision~~  
20 ~~2222(a)(10)~~ chapter 56 of this title.

21 \* \* \*





1           ~~(A) a life-cycle costs analysis including planning, purchase, and~~  
2           ~~development of applications, the purchase of hardware, and the ongoing~~  
3           ~~operation and maintenance costs to be incurred over the expected life of the~~  
4           ~~systems; and a cost-benefit analysis that shall include acquisition costs as well~~  
5           ~~as operational and maintenance costs over the expected life of the system;~~

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

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

10           ~~(D) a statement identifying costs and issues related to public access to~~  
11           ~~nonconfidential information;~~

12           ~~(E) a statewide budget for all information technology activities with a~~  
13           ~~cost in excess of \$500,000.00. [Repealed.]~~

14           ~~(10) The Secretary shall annually submit to the General Assembly a five-~~  
15           ~~year information technology and information security plan that indicates the~~  
16           ~~anticipated information technology activities of the Executive Branch of State~~  
17           ~~government. For purposes of this section, “information technology activities”~~  
18           ~~shall mean:~~

19           ~~(A) the creation, collection, processing, storage, management,~~  
20           ~~transmission, or conversion of electronic data, documents, or records;~~





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

3           (3) Prepare and submit an annual report to the General Assembly for  
4           information technology. The report shall include an annual update to the  
5           strategic plan prepared pursuant to subdivision (4) of this section; performance  
6           metrics and trends, including baseline and annual measurements, for each  
7           division of the Agency; and a financial report of revenues and expenditures to  
8           date for the current fiscal year. The annual report shall also include costs  
9           avoided or saved as a result of technology optimization for the previous fiscal  
10          year; shall outline summary information, including scope, schedule, budget,  
11          and status for information technology projects with a total cost in excess of  
12          \$500,000.00; and shall reflect the priority of projects by agency. The report  
13          shall also include a summary of independent reviews as required by  
14          subdivision (5) of this subsection. The Agency shall maintain the following  
15          records for information technology projects with a total cost in excess of  
16          \$500,000.00:

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

1           (B) Detailed project plans and status reports, including risk  
2           identification and risk mitigation plans.

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

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

13           (A) an acquisition cost assessment;

14           (B) a technology architecture review;

15           (C) an implementation plan assessment;

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

17           (E) an analysis of alternatives, and

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

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

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

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

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

10 (9) Create information technology procurement policy and process for  
11 State government in collaboration with the Agency of Administration, and  
12 review all information technology and information technology requests for  
13 proposal in accordance with Agency of Administration policies.

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

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

17 (12) Manage the training and classification of information technology  
18 employees within State government in collaboration with the Agency of  
19 Administration.

20 (13) Support the statewide development of broadband  
21 telecommunications infrastructure and services, in a manner consistent with

1 the telecommunications plan prepared pursuant to 30 V.S.A. § 202d and  
2 community development objectives established by the Agency of Commerce  
3 and Community Development, by:

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

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

7 (C) establishing equipment colocation arrangements with service  
8 providers; or

9 (D) making other reasonable arrangements.

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

11 (15) Provide technical support and services to the Legislative and  
12 Judicial branches, as needed.

13 (b) As used in this section:

14 (1) “Information security” means protecting information and  
15 information systems from unauthorized access, use, disclosure, disruption,  
16 modification, or destruction in order to provide integrity, confidentiality, and  
17 availability.

18 (2) “Information technology activities” means:

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

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

4           (3) “State government” means the agencies of the Executive Branch of  
5           State government.

6           § 3302. APPOINTMENT OF SECRETARY; POWERS AND DUTIES

7           (a) The Governor, with the advice and consent of the Senate, shall appoint  
8           the Secretary of Digital Services who shall be the Chief Information Officer of  
9           the State. The Secretary shall appoint a deputy secretary who shall serve at the  
10           pleasure of the Secretary.

11           (b) The Secretary shall serve as the administrative head of the Agency of  
12           Digital Services, and shall have the following responsibilities:

13           (1) coordinate and optimize the use of technology within State  
14           government;

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

17           (3) review and approve State government information technology  
18           policies;

19           (4) approve State government information technology recruitment and  
20           classification of employees; and

1           (5) supervise all information technology employees in State  
2           government.

3           § 3303. INFORMATION TECHNOLOGY INTERNAL SERVICE FUND

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

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

10          Sec. 6. REPEAL

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

13          Sec. 7. 22 V.S.A. § 952 is amended to read:

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

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

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

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

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





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

\* \* \*

(d) In establishing plans, public hearings shall be held and the Department shall consult with members of the public, representatives of telecommunications utilities with a certificate of public good, other providers, including the Vermont Electric Power Co., Inc. (VELCO), and other interested State agencies, particularly the Agency of Commerce and Community Development, the Agency of Transportation, and the ~~Department of Innovation and Information~~ Agency of Digital Services, whose views shall be considered in preparation of the Plan. To the extent necessary, the Department shall include in the Plan surveys to determine existing, needed, and desirable plant improvements and extensions, access and coordination between telecommunications providers, methods of operations, and any change that will produce better service or reduce costs. To this end, the Department may require the submission of data by each company subject to supervision by the Public Utility Commission.

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Sec. 10. 32 V.S.A. § 183 is amended to read:

§ 183. FINANCIAL AND HUMAN RESOURCE INFORMATION  
INTERNAL SERVICE FUND

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

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

Sec. 11. 32 V.S.A. § 315 is amended to read:

§ 315. ~~ANNUAL REPORT; INFORMATION TECHNOLOGY~~

~~(a) Annual report. The Agency of Administration shall annually present to the General Assembly a five-year Information Technology (IT) Program. The~~

1 ~~Program shall be consistent with the planning process established in 22 V.S.A.~~

2 ~~§ 901 and shall include for each fiscal year:~~

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

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

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

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

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

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

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

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

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

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

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

18 ~~(2) The reporting requirements set forth in subdivision (1) of this~~  
19 ~~subsection shall not be interpreted or applied to limit the project methodology~~  
20 ~~chosen for any project.~~

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

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

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

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

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

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

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

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

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

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

3           ~~(2) shall track the performance measures over time;~~

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

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

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

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

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

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

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

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

17          ~~(1) the recommended budget for DII; and~~

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

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

3       [Repealed.]

4       Sec. 12. EFFECTIVE DATE

5       This act shall take effect on passage.