
A BILL FOR AN ACT

RELATING TO INFORMATION TECHNOLOGY.

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

1 SECTION 1. Section 27-44, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~f~~]§27-44[~~}]~~ **Electronic data set availability; updates.**

4 (a) Each executive branch department shall use reasonable
5 efforts to make appropriate and existing electronic data sets
6 maintained by the department electronically available to the
7 public through the State's open data portal at data.hawaii.gov
8 or successor website designated by the [~~chief information~~
9 ~~officer~~] comptroller; provided that:

10 (1) Nothing in this chapter shall require departments to
11 create new electronic data sets or to make data sets
12 available upon demand;

13 (2) Data licensed to the State by another person or entity
14 shall not be made public under this chapter unless the
15 person or entity licensing the data agrees to the
16 public disclosure; and



1 (3) Proprietary and other information protected from
2 disclosure by law or contract shall not be disclosed.
3 Such disclosure shall be consistent with the policies,
4 procedures, and standards developed by the [~~chief information~~
5 ~~officer;~~] comptroller and consistent with applicable law,
6 including chapter 92F and other state and federal laws related
7 to security and privacy, and no personally identifiable
8 information shall be posted online unless the identified
9 individual has consented to the posting or the posting is
10 necessary to fulfill the lawful purposes or duties of the
11 department.

12 (b) Nothing in this chapter shall require the [~~chief~~
13 ~~information officer;~~] comptroller to adopt rules pursuant to
14 chapter 91 and nothing in this chapter shall supersede chapter
15 27G.

16 (c) Each department shall update its electronic data sets
17 in the manner prescribed by the [~~chief information officer;~~]
18 comptroller and as often as is necessary to preserve the
19 integrity and usefulness of the data sets to the extent that the
20 department regularly maintains or updates the data sets."



1 SECTION 2. Section 27-44.2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~27-44.2~~§~~] **Data set licensing.** The [~~chief~~
4 ~~information officer,~~] comptroller may make the departments'
5 electronic data sets on data.hawaii.gov available to third
6 parties pursuant to a license, which may require the licensee to
7 allow any user to copy, distribute, display, or create
8 derivative works at no cost and with an appropriate level of
9 conditions placed on the use."

10 SECTION 3. Section 27-44.3, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The [~~chief information officer, in consultation with~~
13 ~~the office of information practices,~~] comptroller shall develop
14 policies and procedures to implement section 27-44, including
15 standards to determine which data sets are appropriate for
16 online disclosure as provided in section 27-44; provided that
17 the standards shall not require the departments to post
18 information that is otherwise required to be disclosed under
19 chapter 92F, but is personally identifiable information,
20 information that may pose a personal or public security risk, is



1 of minimal public interest, or is otherwise inappropriate for
2 online disclosure as part of a data set."

3 SECTION 4. Section 27G-3, Hawaii Revised Statutes, is
4 amended by amending subsections (b) and (c) to read as follows:

5 "(b) The committee shall consist of not more than
6 [~~fifteen~~] fourteen voting[+],[+] ex officio members, or their
7 designated representatives, as follows:

- 8 (1) The comptroller;
- 9 (2) The administrator of the information and communication
10 services division of the department of accounting and
11 general services;
- 12 (3) The administrator of the state procurement office;
- 13 (4) The director of the office of information practices;]
- 14 (5) The directors of not more than three government
15 agencies using or planning to use the services of the
16 portal manager;
- 17 (6) The administrative director of the courts;
- 18 (7) A representative of the Hawaii state senate appointed
19 by the president of the senate;



1 (8) A representative of the Hawaii state house of
2 representatives appointed by the speaker of the house
3 of representatives; and

4 (9) The chief information officers of the four counties[~~+~~
5 and].

6 [~~(10) The chief information officer.~~]

7 (c) The [~~chief information officer or the chief~~
8 ~~information officer's designee~~] comptroller shall serve as the
9 chairperson of the committee."

10 SECTION 5. Section 36-27, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§36-27 Transfers from special funds for central service**
13 **expenses.** [~~(a)~~] Except as provided in this section, and
14 notwithstanding any other law to the contrary, from time to
15 time, the director of finance, for the purpose of defraying the
16 prorated estimate of central service expenses of government in
17 relation to all special funds, except the:

18 (1) Special out-of-school time instructional program fund
19 under section 302A-1310;

20 (2) School cafeteria special funds of the department of
21 education;



- 1 (3) Special funds of the University of Hawaii;
- 2 (4) State educational facilities improvement special fund;
- 3 (5) Convention center enterprise special fund under
- 4 section 201B-8;
- 5 (6) Special funds established by section 206E-6;
- 6 (7) Housing loan program revenue bond special fund;
- 7 (8) Housing project bond special fund;
- 8 (9) Aloha Tower fund created by section 206J-17;
- 9 (10) Funds of the employees' retirement system created by
- 10 section 88-109;
- 11 (11) Hawaii hurricane relief fund established under chapter
- 12 431P;
- 13 (12) Hawaii health systems corporation special funds and
- 14 the subaccounts of its regional system boards;
- 15 (13) Tourism special fund established under section 201B-
- 16 11;
- 17 (14) Universal service fund established under section 269-
- 18 42;
- 19 (15) Emergency and budget reserve fund under section 328L-
- 20 3;



- 1 (16) Public schools special fees and charges fund under
- 2 section 302A-1130;
- 3 (17) Sport fish special fund under section 187A-9.5;
- 4 (18) Glass advance disposal fee established by section
- 5 342G-82;
- 6 (19) Center for nursing special fund under section 304A-
- 7 2163;
- 8 (20) Passenger facility charge special fund established by
- 9 section 261-5.5;
- 10 (21) Court interpreting services revolving fund under
- 11 section 607-1.5;
- 12 (22) Hawaii cancer research special fund;
- 13 (23) Community health centers special fund;
- 14 (24) Emergency medical services special fund;
- 15 (25) Rental motor vehicle customer facility charge special
- 16 fund established under section 261-5.6;
- 17 ~~[(26) Shared services technology special fund under section~~
- 18 ~~27-43;~~
- 19 +(27)] (26) Automated victim information and notification
- 20 system special fund established under section 353-136;



1 ~~[(28)]~~ (27) Deposit beverage container deposit special fund
2 under section 342G-104; and

3 ~~[(29)]~~ (28) Hospital sustainability program special fund
4 under Act 217, Session Laws of Hawaii 2012, as amended
5 by Act 141, Session Laws of Hawaii 2013;

6 ~~[(30)]~~ (29) Nursing facility sustainability program special
7 fund under Act 156, Session Laws of Hawaii 2012;

8 ~~[(31)]~~ (30) Hawaii 3R's school improvement fund~~+~~ under
9 section 302A-1502.4; and

10 ~~[(32)]~~ (31) After-school plus program revolving fund under
11 section 302A-1149.5,

12 shall deduct five per cent of all receipts of all special funds,
13 which deduction shall be transferred to the general fund of the
14 State and become general realizations of the State. All
15 officers of the State and other persons having power to allocate
16 or disburse any special funds shall cooperate with the director
17 in effecting these transfers. To determine the proper revenue
18 base upon which the central service assessment is to be
19 calculated, the director shall adopt rules pursuant to chapter
20 91 for the purpose of suspending or limiting the application of
21 the central service assessment of any fund. No later than



1 twenty days prior to the convening of each regular session of
2 the legislature, the director shall report all central service
3 assessments made during the preceding fiscal year.

4 ~~[(b) Notwithstanding any other law to the contrary, the~~
5 ~~director shall deposit three per cent of all moneys collected~~
6 ~~pursuant to subsection (a) into the shared services technology~~
7 ~~special fund established pursuant to section 27-43.]"~~

8 SECTION 6. Section 36-30, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Administrative expenses shall include:

11 (1) Salaries;

12 (2) Maintenance of buildings and grounds;

13 (3) Utilities; and

14 (4) General office expenses[; ~~and~~

15 ~~(5) Implementation of information technology policies~~

16 ~~developed by the chief information officer and the~~

17 ~~information technology steering committee pursuant to~~

18 ~~section 27-43]."~~

19 SECTION 7. Section 138-2, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) There is created within the department of accounting
2 and general services, for administrative purposes, an enhanced
3 911 board consisting of thirteen voting members; provided that
4 the membership shall consist of:

5 (1) The [~~chief information officer or the chief~~
6 ~~information officer's~~] comptroller or the
7 comptroller's designee;

8 (2) Three representatives from wireless communications
9 service providers, who shall be appointed by the
10 governor as provided in section 26-34;

11 (3) One representative each from the public safety
12 answering points for Oahu, Hawaii, Kauai, Maui, and
13 Molokai and one representative, chosen by the mayor of
14 the city and county of Honolulu, who shall be
15 appointed by the governor as provided in section 26-
16 34;

17 (4) The consumer advocate or the consumer advocate's
18 designee;

19 (5) One representative from a communications service
20 company that offers Interconnected Voice over Internet



1 Protocol services, who shall be appointed by the
2 governor as provided in section 26-34; and
3 (6) One representative of the public utility providing
4 telecommunications services and land line enhanced 911
5 services through section 269-16.95."

6 SECTION 8. Section 435H-4, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) The governor shall designate one representative to
9 serve as the State's official representative on the board from
10 among the following: the director of commerce and consumer
11 affairs, the director of health, the director of human services,
12 the director of labor and industrial relations, or a
13 representative from the office of healthcare transformation[~~er~~
14 ~~a representative from the office of information management and~~
15 ~~technology~~].

16 The governor's designated representative shall be an ex
17 officio[+], [+] voting member of the board. The remaining state
18 officials shall be ex officio[+], [+] nonvoting members of the
19 board. The governor shall notify the chair of the [+board[+]
20 regarding the selection of the designated voting and nonvoting
21 state members of the board.



1 The director of commerce and consumer affairs, the director
2 of health, the director of human services, and the director of
3 labor and industrial relations may select a designee for a
4 specified meeting or meetings. Such selection of the designee
5 shall be submitted in writing to the board of directors prior to
6 or at the meeting in which the designee will serve."

7 SECTION 9. Section 487N-5, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) There is established an information privacy and
10 security council within the department of accounting and general
11 services for administrative purposes only. Members of the
12 council shall be appointed no later than September 1, 2008, by
13 the governor without regard to section 26-34 and shall be
14 composed of the following representatives:

15 (1) Executive agencies that maintain extensive personal
16 information in the conduct of their duties, including
17 the department of accounting and general services, the
18 department of education, the department of health, the
19 department of human resources development, the
20 department of human services, and the University of
21 Hawaii, to be selected by the governor;



- 1 (2) The legislature, to be selected by the president of
2 the senate and the speaker of the house of
3 representatives;
- 4 (3) The judiciary, to be selected by the administrator of
5 the courts; and
- 6 (4) The four counties, to be selected by the mayor of each
7 county; provided that the mayor of each county shall
8 determine the extent to which the county may or may
9 not participate.

10 The [~~chief information officer or the chief information~~
11 ~~officer's~~] comptroller or the comptroller's designee shall serve
12 as chair of the council."

13 SECTION 10. Section 27-43, Hawaii Revised Statutes, is
14 repealed.

15 [~~"§27-43 Information technology; chief information~~
16 ~~officer; information technology steering committee;~~
17 ~~establishment; responsibilities.~~— (a) There is established
18 within the department of accounting and general services a full-
19 time chief information officer to organize, manage, and oversee
20 statewide information technology governance, including
21 supervision and oversight of the information and communication



1 ~~services division of the department of accounting and general~~
2 ~~services. The chief information officer shall be appointed by~~
3 ~~the governor as provided in section 26-34. The chief~~
4 ~~information officer shall report directly to the governor and,~~
5 ~~in conjunction with the information technology steering~~
6 ~~committee, shall:~~

7 ~~(1) Develop, implement, and manage statewide information~~
8 ~~technology governance;~~

9 ~~(2) Develop, implement, and manage the state information~~
10 ~~technology strategic plans;~~

11 ~~(3) Develop and implement statewide technology standards;~~

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

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

17 ~~(6) Employ persons exempt from chapters 76 and 89.~~

18 ~~(b) There is established an information technology~~
19 ~~steering committee to assist the chief information officer in~~
20 ~~developing the State's information technology standards and~~
21 ~~policies, including but not limited to:~~



- 1 ~~(1) Assisting the chief information officer in developing~~
2 ~~and implementing the state information technology~~
3 ~~strategic plans;~~
- 4 ~~(2) Assessing executive branch departments' progress in~~
5 ~~meeting the objectives defined in the state~~
6 ~~information technology strategic plans and identifying~~
7 ~~best practices for shared or consolidated services;~~
- 8 ~~(3) Ensuring technology projects are selected based on~~
9 ~~their potential impact and risk to the State, as well~~
10 ~~as their strategic value;~~
- 11 ~~(4) Ensuring that executive branch departments maintain~~
12 ~~sufficient tools to assess the value and benefits of~~
13 ~~technology initiatives;~~
- 14 ~~(5) Assisting the chief information officer in developing~~
15 ~~state information technology standards and policies;~~
16 ~~and~~
- 17 ~~(6) Clarifying the roles, responsibilities, and authority~~
18 ~~of the information and communication services~~
19 ~~division, specifically as it relates to its statewide~~
20 ~~duties.~~



1 ~~The information technology steering committee shall consist~~
2 ~~of eleven members, with four members to be appointed by the~~
3 ~~senate president, four members to be appointed by the speaker of~~
4 ~~the house of representatives, one member to be appointed by the~~
5 ~~chief justice, and one member to be appointed by the governor,~~
6 ~~and shall include representatives from executive branch~~
7 ~~departments, including large user agencies such as the~~
8 ~~department of education and the University of Hawaii; the~~
9 ~~judiciary; the legislature; and private individuals. The chief~~
10 ~~information officer shall serve as the chair of the committee~~
11 ~~and shall ensure that the committee is evaluated periodically.~~

12 ~~(c) There is established within the department of~~
13 ~~accounting and general services a special fund to be known as~~
14 ~~the shared services technology special fund to be administered~~
15 ~~and expended by the chief information officer for the purposes~~
16 ~~of this subsection. Three per cent of the receipts collected~~
17 ~~from special funds pursuant to section 36-27 shall be deposited~~
18 ~~into the shared services technology special fund. Any law to~~
19 ~~the contrary notwithstanding, the moneys in the fund shall be~~
20 ~~used to fund the operations of the chief information officer and~~
21 ~~the information technology steering committee, including the~~



1 ~~employment and training of staff and any other activities deemed~~
2 ~~necessary by the chief information officer to carry out the~~
3 ~~purposes of this section.~~

4 ~~(d) The chief information officer and the comptroller may~~
5 ~~raise funds to defray administrative costs and may accept~~
6 ~~donations of money and personal property on behalf of the~~
7 ~~information technology steering committee; provided that all~~
8 ~~donations accepted from private sources shall be expended in the~~
9 ~~manner prescribed by the contributor, and all moneys received~~
10 ~~shall be deposited into the information technology trust~~
11 ~~account. The chief information officer may also directly~~
12 ~~receive donated personal services and personal property for~~
13 ~~which funding is not required.~~

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



1 SECTION 11. Section 27-43.5, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§27-43.5] Additional duties of the chief information
4 officer relating to security of government information. (a)~~

5 ~~The chief information officer shall provide for periodic
6 security audits of all executive branch departments and agencies
7 regarding the protection of government information and data
8 communication infrastructure.~~

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



1 ~~necessary to protect state government information or data~~
2 ~~communication infrastructure.~~

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

6 SECTION 12. On July 1, 2015, all unencumbered balances
7 remaining in the shared services technology special fund
8 repealed by this Act shall lapse to the credit of the general
9 fund.

10 SECTION 13. The governor shall review all executive orders
11 filed, employees hired, employees terminated, and contracts
12 entered into by the office of information technology management
13 or the chief information officer during the 2014 calendar year,
14 determine whether those actions were appropriate, and submit a
15 report to the legislature on the governor's findings no later
16 than twenty days prior to the convening of the regular session
17 of 2016.

18 SECTION 14. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



H.B. NO. 651

1 SECTION 15. This Act shall take effect on July 1, 2015.

2

INTRODUCED BY:

Calvin R. ...
...
...

JAN 23 2015



H.B. NO. 651

Report Title:

Chief Information Officer; Office of Information Management and Technology

Description:

Repeals the State CIO, OIMT, and shared services technology special fund. Transfers remaining responsibilities of the State CIO to the comptroller.

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