

JAN 27 2016

A BILL FOR AN ACT

RELATING TO ENTERPRISE TECHNOLOGY SERVICES.

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

1 SECTION 1. In 2009, the legislative auditor reported that
2 the State's management of information technology was weak and
3 ineffective, requiring clearly defined roles, duties, and
4 responsibilities. The report noted that, without an effective
5 chief information officer, the State cannot ensure that its
6 information technology investments are "cost effective,
7 optimally utilized, adequately planned for future growth, or
8 have the operational flexibility to easily adapt to changing
9 requirements."

10 The purposes of this Act are to clearly establish the chief
11 information officer as the State's information technology
12 leader; delete statutory references to the information and
13 communication services division of the department of accounting
14 and general service; and consolidate the office of information
15 management and technology and the information and communication
16 services division of the department of accounting and general
17 services, including all related information technology

S.B. NO. 2807

1 functions, in the office of enterprise technology services under
2 the direction of the chief information officer.

3 SECTION 2. Section 26-6, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The department shall:

- 6 (1) Preaudit and conduct after-the-fact audits of the
7 financial accounts of all state departments to
8 determine the legality of expenditures and the
9 accuracy of accounts;
- 10 (2) Report to the governor and to each regular session of
11 the legislature as to the finances of each department
12 of the State;
- 13 (3) Administer the state risk management program;
- 14 (4) Establish and manage motor pools;
- 15 (5) Manage the preservation and disposal of all records of
16 the State;
- 17 (6) Undertake the program of centralized engineering and
18 office leasing services, including operation and
19 maintenance and lease buyback processing pursuant to
20 subsection (d) of public buildings, for departments of
21 the State;
- 22 (7) Undertake the functions of the state surveyor;

S.B. NO. 2807

- 1 (8) Establish accounting and internal control systems;
- 2 (9) ~~[Provide]~~ Under the direction of the chief information
3 officer, provide centralized computer information
4 management and processing services [~~, coordination in~~
5 ~~the use of all information processing equipment,~~
6 ~~software, facilities, and services in the executive~~
7 ~~branch of the State, and consultation and support~~
8 ~~services in the use of information processing and~~
9 ~~management technologies to improve the efficiency,~~
10 ~~effectiveness, and productivity of state government~~
11 ~~programs; and]~~;
- 12 (10) Establish [~~, coordinate, and manage]~~ a program to
13 provide a means for public access to public
14 information and develop [~~and operate]~~ an information
15 network [~~in conjunction with its overall plans for~~
16 ~~establishing a communication backbone]~~ for state
17 government; and
- 18 (11) Assume administrative responsibility for the office of
19 information practices."

20 SECTION 3. Section 27-43, Hawaii Revised Statutes, is
21 amended by amending its title and subsection (a) to read as
22 follows:

S.B. NO. 2807

1 "§27-43 ~~[Information technology,]~~ Office of enterprise
2 technology services; chief information officer; information
3 technology steering committee; establishment;
4 responsibilities. (a) There is established within the
5 department of accounting and general services the office of
6 enterprise technology services which shall be headed by a full-
7 time chief information officer to organize, manage, and oversee
8 statewide information technology governance [~~, including~~
9 ~~supervision and oversight of the information and communication~~
10 ~~services division of the department of accounting and general~~
11 ~~services]~~. The chief information officer shall be appointed by
12 the governor as provided in section 26-34. The chief
13 information officer shall report directly to the governor and,
14 in conjunction with the information technology steering
15 committee, shall:

- 16 (1) Develop, implement, and manage statewide information
17 technology governance;
18 (2) Develop, implement, and manage the state information
19 technology strategic plans;
20 (3) Develop and implement statewide technology standards;
21 (4) As part of the budget execution process, work with
22 state departments and agencies to coordinate all

S.B. NO. 2807

1 information technology related procurement to ensure
2 that the purchases comply with the office of
3 enterprise technology services systems for software
4 updates, patch management, and security parameters;

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

8 [~~5~~] (6) Perform other necessary or desirable functions
9 to facilitate the intent of this section; [~~and~~]

10 [~~6~~] (7) Employ persons exempt from chapters 76 and 89;

11 (8) Provide centralized computer information management
12 and processing services, coordination in the use of
13 all information processing equipment, software,
14 facilities, and services in the executive branch of
15 the State, and consultation and support services in
16 the use of information processing and management
17 technologies to improve the efficiency, effectiveness,
18 and productivity of state government programs;

19 (9) Establish, coordinate, and manage a program to provide
20 a means for public access to public information and
21 develop and operate an information network in

S.B. NO. 2807

1 conjunction with its overall plans for establishing a
2 communication backbone for state government[-]; and
3 (10) Adopt rules, pursuant to chapter 91, necessary for the
4 purposes of this part."

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

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

10 (1) The comptroller;

11 ~~[-(2)- The administrator of the information and~~
12 ~~communication services division of the department of~~
13 ~~accounting and general services;~~

14 ~~[-(3)-] (2) The administrator of the state procurement~~
15 office;

16 ~~[-(4)-] (3) The director of the office of information~~
17 practices;

18 ~~[-(5)-] (4) The directors of not more than three government~~
19 agencies using or planning to use the services of the
20 portal manager;

21 ~~[-(6)-] (5) The administrative director of the courts;~~

S.B. NO. 2807

1 ~~[(7)]~~ (6) A representative of the Hawaii state senate
2 appointed by the president of the senate;

3 ~~[(8)]~~ (7) A representative of the Hawaii state house of
4 representatives appointed by the speaker of the house
5 of representatives;

6 ~~[(9)]~~ (8) The chief information officers of the four
7 counties; and

8 ~~[(10)]~~ (9) The chief information officer."

9 SECTION 5. Section 27G-6, Hawaii Revised Statutes, is
10 amended to read as follows:

11 " ~~[(1)]~~ §27G-6 ~~[(1)]~~ Access Hawaii committee special fund. There
12 is established in the state treasury the access Hawaii committee
13 special fund, into which shall be deposited fees collected by
14 the ~~[information and communication services division within the~~
15 ~~department of accounting and general services]~~ office of
16 enterprise technology services for the purpose of supporting the
17 access Hawaii committee. The chief information officer may
18 appoint a portal program manager exempt from chapter 76, which
19 may be funded by the special fund. Expenditures from the access
20 Hawaii committee special fund shall be approved by the access
21 Hawaii committee; provided that information on income and
22 expenditures shall be subject to legislative review and

S.B. NO. 2807

1 oversight in each budget submittal from the department of
2 accounting and general services."

3 SECTION 6. Section 487N-5, Hawaii Revised Statutes is
4 amended to read as follows:

5 "§487N-5 Information privacy and security council;
6 established; duties; reports. (a) There is established an
7 information privacy and security council within the department
8 of accounting and general services for administrative purposes
9 only. Members of the council shall be appointed no later than
10 September 1, 2008, by the governor without regard to section 26-
11 34 and shall be composed of the following representatives:

12 (1) Executive agencies that maintain extensive personal
13 information in the conduct of their duties, including
14 the department of commerce and consumer affairs, the
15 department of education, the department of health, the
16 department of human resources development, the
17 department of human services, and the University of
18 Hawaii, to be selected by the governor;

19 (2) The legislature, to be selected by the president of
20 the senate and the speaker of the house of
21 representatives;

S.B. NO. 2807

1 (3) The judiciary, to be selected by the [~~administrator of~~
2 ~~the courts~~] chief justice of the Hawaii supreme court;
3 and

4 (4) The four counties, to be selected by the mayor of each
5 county; provided that the mayor of each county shall
6 determine the extent to which the county may or may
7 not participate.

8 The chief information officer or the chief information
9 officer's designee shall serve as chair of the council.

10 (b) By January 1, 2009, the council shall submit to the
11 legislature a report of the council's assessment and
12 recommendations on initiatives to mitigate the negative impacts
13 of identity theft incidents on individuals. The report shall
14 emphasize assessing the merits of identity theft passport and
15 identity theft registry initiatives that have been implemented
16 in other states.

17 (c) No later than June 30, 2009, the council shall develop
18 guidelines to be considered by government agencies in deciding
19 whether, how, and when a government agency shall inform affected
20 individuals of the loss, disclosure, or security breach of
21 personal information that can contribute to identify theft. The

S.B. NO. 2807

1 guidelines shall provide a standardized, risk-based notification
2 process in the instance of a security breach.

3 (d) The council shall review the individual annual reports
4 submitted by government agencies, pursuant to section 487N-7 and
5 submit a summary report to the legislature no later than twenty
6 days prior to the convening of the regular session of 2010 and
7 each year thereafter. The summary report shall include the
8 council's findings, significant trends, and recommendations to
9 protect personal information used by government agencies.

10 The initial report to the legislature also shall include
11 proposed legislation to amend section 487N-2 or any other law
12 that the council deems necessary to conform to the guidelines
13 established under subsection (c).

14 (e) The [~~comptroller~~] chief information officer may
15 establish support positions for the [~~information and~~
16 ~~communication services division~~] office of enterprise technology
17 services, including but not limited to, [~~legal support,~~]
18 information technology, human resources and personnel, records
19 management, and administrative support."

20 SECTION 7. All rights, powers, functions, and duties of
21 the office of information management and technology and the
22 information and communication services division of the

S.B. NO. 2807

1 department of accounting and general services relating to
2 information technology are consolidated under the office of
3 enterprise technology services. The chief information officer
4 shall amend or repeal rules under chapter 91, Hawaii Revised
5 Statutes, as necessary.

6 SECTION 8. All rules, policies, procedures, guidelines,
7 and other materials adopted or developed by the department of
8 accounting and general services or the information and
9 communication services division of the department of accounting
10 and general services to implement provisions of the Hawaii
11 Revised Statutes which are reenacted or made applicable to the
12 office of enterprise technology services by this Act shall
13 remain in full force and effect until amended or repealed by
14 chief information officer pursuant to chapter 91, Hawaii Revised
15 Statutes. In the interim, every reference to the department of
16 accounting and general services or the information and
17 communication services division in those rules, policies,
18 procedures, guidelines, and other material is deemed to refer to
19 the office of enterprise technology services, as appropriate.

20 SECTION 9. All leases, contracts, loans, agreements,
21 permits, or other documents executed or entered into by or on
22 behalf of the office of information management and technology of

S.B. NO. 2807

1 the department of accounting and general services or the
2 information and communication services division of the
3 department of accounting and general services pursuant to the
4 provisions of the Hawaii Revised Statutes, which are reenacted
5 or made applicable to the office of enterprise technology
6 services by this Act, shall remain in full force and effect.
7 Effective July 2, 2016, every reference to the information and
8 communication services division therein shall be construed as a
9 reference to the office of enterprise technology services as
10 appropriate.

11 SECTION 10. All appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property heretofore made, used,
14 acquired, or held by the department of accounting and general
15 services or information and communication services division of
16 the department of accounting and general services relating to
17 the functions transferred to the office of enterprise technology
18 services shall be transferred with the functions to which they
19 relate.

20 SECTION 11. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

S.B. NO. 2807

1 SECTION 12. This Act, upon its approval, shall take effect
2 on July 2, 2016.

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INTRODUCED BY: 

BY REQUEST

S.B. NO. 2807

Report Title:

Consolidation of the Office of Information Management and Technology and the Information and Communication Services Division

Description:

Consolidates the Office of Information Management and Technology and the Information and Communication Services Division of the Department of Accounting and General Services, including all related information technology functions, in the Office of Enterprise Technology Services under the direction of the Chief Information Officer. The amendments are intended to create greater efficiency in state government and clarify roles and responsibilities in new governance processes by consolidating the two programs that already fall under the oversight of the Chief Information Officer.

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

SB. NO. 2807

JUSTIFICATION SHEET

REVISED: January 8, 2016

DATE: December 29, 2015

DEPARTMENT: Accounting and General Services

TITLE: A BILL FOR AN ACT RELATING TO ENTERPRISE TECHNOLOGY SERVICES.

PURPOSE: To clearly establish the Chief Information Officer as the State's information technology leader; delete statutory references to the Information and Communication Services Division of the Department of Accounting and General Services; and to consolidate the Office of Information Management and Technology and the Information and Communication Services Division of the Department of Accounting and General Services, including all related information technology functions, in the Office of Enterprise Technology Services under the direction of the Chief Information Officer. The amendments are intended to create greater efficiency in State government and clarify roles and responsibilities in new governance processes by consolidating the Information and Communication Services Division and the Office of Information Management and Technology, two programs that already fall under the oversight of the Chief Information Officer.

MEANS: Amend Hawaii Revised Statutes Sections 26-6(b), 27-43(a), 27G-3(b), 27G-6, and 487N-5.

Impact on the public: Creates an opportunity for improved delivery of technology services through consolidation of functions and modifications to method of reporting.

Impact on the department and other agencies: Creates an opportunity for improved coordination and efficiency of technology

SB. NO. 2807

services through consolidation of functions and modifications to method of reporting.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: AGS130, AGS131

OTHER AFFECTED
AGENCIES: All agencies utilizing or procuring information technology and information resource management programs, equipment and services, pursuant to chapters 26 and 27, Hawaii Revised Statutes.

EFFECTIVE DATE: July 2, 2016.