

ACT 84

H.B. NO. 1060

A Bill for an Act Relating to Information Technology.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 200, Session Laws of Hawaii 2010, implemented the information technology recommendations of Auditor's Report No. 09-06, "Audit of the State of Hawai'i's Information Technology:

Who's in Charge?", by establishing a full-time chief information officer and an information technology steering committee. This Act also established the shared services technology special fund to facilitate the State's ability to generate overall cost reductions through economies of scale and decreased administrative burdens.

In addition, Act 200 requested that the governor report to the legislature prior to the 2011 regular session with recommendations for the most appropriate state agency to house the chief information officer and any personnel under the authority of the chief information officer; the appropriate funding level for the shared services technology special fund established in section 27-43(c), Hawaii Revised Statutes; and the designated percentage of all moneys collected pursuant to section 36-27(a), Hawaii Revised Statutes, for deposit into the shared services technology special fund.

The legislature further finds that the provisions of Act 200 have proven essential – and prophetic – regarding the State's information technology security, given recent high profile security breaches affecting state agencies. In particular, fourteen positions requested in H.B. No. 200, H.D. 1, S.D. 1,¹ are critical to the successful implementation of increased data security requirements and enhanced training for state agencies.

The purpose of this Act is to implement recommendations regarding:

- (1) Placement of the chief information officer in the department of accounting and general services; and
- (2) Designation of the percentage of all moneys collected pursuant to section 36-27(a), Hawaii Revised Statutes, for deposit into the shared services technology special fund at three per cent, which will ensure an income of approximately \$1,200,000 annually for the uses of the fund, and a significant savings of general fund revenues.

SECTION 2. Section 27-43, Hawaii Revised Statutes, is amended to read as follows:

“[§27-43] Information technology; chief information officer; information technology steering committee; establishment; responsibilities. (a) There is established within the ~~[office of the governor]~~ department of accounting and general services a full-time chief information officer to organize, manage, and oversee statewide information technology governance, including supervision and oversight of the information and communication services division of the department of accounting and general services. The chief information officer shall be appointed by the governor as provided in section 26-34. The chief information officer shall report directly to the governor and, in conjunction with the information technology steering committee, shall:

- (1) Develop, implement, and manage statewide information technology governance;
- (2) Develop, implement, and manage the state information technology strategic plans;
- (3) Develop and implement statewide technology standards;
- (4) Report annually to the governor and the legislature on the status and implementation of the state information technology strategic plan; ~~[and]~~
- (5) Perform other necessary or desirable functions to facilitate the intent of this section[-]; and
- (6) Employ persons exempt from chapters 76 and 89.

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

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

The members of the information technology steering committee shall be appointed in equal number by the senate president and speaker of the house of representatives [~~in equal number~~], respectively, and shall include representatives from executive branch departments, including large user agencies such as the department of education and the University of Hawaii; the judiciary; the legislature; and private individuals. The chief information officer shall serve as the chair of the committee and shall ensure that the committee is evaluated periodically.

(c) There is established within the department of [~~budget and finance~~] accounting and general services a special fund to be known as the shared services technology special fund to be administered and expended by the chief information officer for the purposes of this subsection. Three per cent of the receipts collected from special funds pursuant to section 36-27 shall be deposited into the shared services technology special fund. Any law to the contrary notwithstanding, the moneys in the fund shall be used to fund the operations of the chief information officer and the information technology steering committee, including the employment and training of staff and any other activities deemed necessary by the chief information officer to carry out the purposes of this section.

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

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

SECTION 3. Section 36-27, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Notwithstanding any other law to the contrary, the director shall deposit three per cent of all moneys collected pursuant to subsection (a) into the shared services technology special fund established pursuant to section 27-43.”

SECTION 4. There is appropriated out of the shared services technology special fund established pursuant to section 27-43, Hawaii Revised Statutes, the sum of \$1,200,000 or so much thereof as may be necessary for fiscal year 2011-2012 and the same sum or so much thereof as may be necessary for fiscal year 2012-2013 to fund the operations of the chief information officer and the information technology steering committee, including the employment and training of staff and any other activities deemed necessary by the chief information officer.

The sums appropriated shall be expended by the department of accounting and general services for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2011.

(Approved June 7, 2011.)

Note

1. Act 164.