

ACT 58

S.B. NO. 2807

A Bill for an Act Relating to Enterprise Technology Services.

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

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

The purpose of this Act is to:

- (1) Clearly establish the chief information officer as the State's information technology leader;
- (2) Delete statutory references to the information and communication services division of the department of accounting and general services; and
- (3) 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.

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

"(b) The department shall:

- (1) Preaudit and conduct after-the-fact audits of the financial accounts of all state departments to determine the legality of expenditures and the accuracy of accounts;
- (2) Report to the governor and to each regular session of the legislature as to the finances of each department of the State;
- (3) Administer the state risk management program;
- (4) Establish and manage motor pools;
- (5) Manage the preservation and disposal of all records of the State;
- (6) Undertake the program of centralized engineering and office leasing services, including operation and maintenance and lease buy-back processing pursuant to subsection (d) of public buildings, for departments of the State;
- (7) Undertake the functions of the state surveyor;
- (8) Establish accounting and internal control systems;
- (9) [Provide] Under the direction of the chief information officer, provide centralized computer information management and processing services~~], coordination in the use of all information processing equipment, software, facilities, and services in the executive branch of the State, and consultation and support services in the use of information processing and management technologies to improve the efficiency, effectiveness, and productivity of state government programs];~~

- (10) Establish~~[-, coordinate, and manage]~~ a program to provide a means for public access to public information and develop ~~[and operate]~~ an information network ~~[in conjunction with its overall plans for establishing a communication backbone]~~ for state government; and
- (11) Assume administrative responsibility for the office of information practices.”

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

“§27-43 ~~[Information technology:] Office of enterprise technology services; chief information officer; information technology steering committee; establishment; responsibilities.~~ (a) There is established within the department of accounting and general services the office of enterprise technology services, which shall be headed by 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) Work with each executive branch department and agency to develop and maintain its respective multi-year information technology strategic and tactical plans and roadmaps that are part of the State’s overall information technology strategic plans, roadmaps, and directions;
- (5) Coordinate each executive branch department and agency’s information technology budget request, forecast, and procurement purchase to ensure compliance with the department or agency’s strategic plan and roadmap and with the office of enterprise technology services’ information technology governance processes and enterprise architecture policies and standards, including policies and standards for systems, services, hardware, software, and security management;
- ~~[(4)]~~ (6) Report annually to the governor and the legislature on the status and implementation of the state information technology strategic plan;
- ~~[(5)]~~ (7) Perform other necessary or desirable functions to facilitate the intent of this section; ~~[and]~~
- ~~[(6)]~~ (8) Employ persons exempt from chapters 76 and 89~~[-];~~
- (9) Provide centralized computer information management and processing services, coordination in the use of all information processing equipment, software, facilities, and services in the executive branch of the State, and consultation and support services in the use of information processing and management technologies to improve the efficiency, effectiveness, and productivity of state government programs;
- (10) Establish, coordinate, and manage a program to provide a means for public access to public information and develop and operate an

information network in conjunction with overall plans for establishing a communication backbone for state government; and

(11) Adopt rules, pursuant to chapter 91, necessary for the purposes of this part.

(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,]~~ office of enterprise technology services, specifically as it relates to its statewide duties.

The information technology steering committee shall consist of eleven members, with four members to be appointed by the senate president, four members to be appointed by the speaker of the house of representatives, one member to be appointed by the chief justice, and one member to be appointed by the governor, 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.”

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

“(b) The committee shall consist of not more than fifteen voting~~[[,]]~~ ex officio members, or their designated representatives, as follows:

- (1) The comptroller;
- ~~[(2)]~~ ~~The administrator of the information and communication services division of the department of accounting and general services;~~
- ~~[(3)]~~ (2) The administrator of the state procurement office;
- ~~[(4)]~~ (3) The director of the office of information practices;
- ~~[(5)]~~ (4) The directors of not more than three government agencies using or planning to use the services of the portal manager;
- ~~[(6)]~~ (5) The administrative director of the courts;
- ~~[(7)]~~ (6) A representative of the Hawaii state senate appointed by the president of the senate;
- ~~[(8)]~~ (7) A representative of the Hawaii state house of representatives appointed by the speaker of the house of representatives;
- ~~[(9)]~~ (8) The chief information officers of the four counties; and
- ~~[(10)]~~ (9) The chief information officer.”

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

“~~[[§27G-6]]~~ **Access Hawaii committee special fund.** There is established in the state treasury the access Hawaii committee special fund, into which shall be deposited fees collected by the ~~[information and communication services division within the department of accounting and general services]~~ office of enterprise technology services for the purpose of supporting the access Hawaii committee. The chief information officer may appoint a portal program manager exempt from chapter 76, which may be funded by the access Hawaii committee special fund. Expenditures from the access Hawaii committee special fund shall be approved by the access Hawaii committee; provided that information on income and expenditures shall be subject to legislative review and oversight in each budget submittal from the department of accounting and general services.”

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

“(d) The governor shall designate one representative to serve as the State’s official representative on the board from among the following: the director of commerce and consumer affairs, the director of health, the director of human services, the director of labor and industrial relations, a representative from the office of healthcare transformation, or a representative from the ~~[office of information management and technology.]~~ office of enterprise technology services.

The governor’s designated representative shall be an ex officio, voting member of the board. The remaining state officials shall be ex officio, nonvoting members of the board. The governor shall notify the chair of the board regarding the selection of the designated voting and nonvoting state members of the board.

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

SECTION 7. Section 487N-5, Hawaii Revised Statutes is amended as follows:

1. By amending subsection (a) to read:

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

- (1) Executive agencies that maintain extensive personal information in the conduct of their duties, including the department of commerce and consumer affairs, the department of education, the department of health, the department of human resources development, the department of human services, and the University of Hawaii, to be selected by the governor;
- (2) The legislature, to be selected by the president of the senate and the speaker of the house of representatives;
- (3) The judiciary, to be selected by the ~~[administrator of the courts;]~~ chief justice of the Hawaii supreme court; and
- (4) The four counties, to be selected by the mayor of each county; provided that the mayor of each county shall determine the extent to which the county may or may not participate.

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

2. By amending subsection (e) to read:

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

SECTION 8. All rights, powers, functions, and duties of the office of information management and technology and the information and communication services division of the department of accounting and general services relating to information technology are consolidated under the office of enterprise technology services. The chief information officer shall amend or repeal rules under chapter 91, Hawaii Revised Statutes, as necessary.

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

SECTION 10. All leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the office of information management and technology or the information and communication services division of the department of accounting and general services pursuant to the provisions of the Hawaii Revised Statutes, which are reenacted or made applicable to the office of enterprise technology services by this Act, shall remain in full force and effect. Effective July 2, 2016, every reference to the office of information management and technology and the information and communication services division therein shall be construed as a reference to the office of enterprise technology services as appropriate.

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

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 13. This Act shall take effect on July 2, 2016.

(Approved June 6, 2016.)