

Bill as Introduced

HB 119 - AS INTRODUCED

2011 SESSION

11-0542
05/10

HOUSE BILL **119**

AN ACT relative to agency membership on the information technology council.

SPONSORS: Rep. Townsend, Graf 10; Rep. Kaen, Straf 7

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill clarifies that an agency head appointed to the information technology council by the governor may in turn appoint a designee to the council.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to agency membership on the information technology council.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Information Technology Council; Agency Membership. Amend RSA 21-R:6, II(f) to read as
2 follows:

3 (f) Two heads of other departments, *or their respective designees*, appointed by the
4 governor.

5 2 Effective Date. This act shall take effect 60 days after its passage.

HB 119 - AS AMENDED BY THE HOUSE

26JAN2011... 0025h

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4 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Sen. Luther, Dist. 12
May 17, 2011
2011-1991s
05/10

Amendment to HB 119

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to membership of the information technology council.

4

5 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
6 read as 3:

7

8 2 New Subparagraph; Information Technology Council; Public Members Added. Amend RSA
9 21-R:6, II by inserting after subparagraph (k) the following new subparagraph:

10 (l) Three representatives of the information technology industry, each of whom shall be
11 appointed by the chief information officer for a 3-year term.

Amendment to HB 119

- Page 2 -

2011-1991s

AMENDED ANALYSIS

This bill clarifies that an agency head appointed to the information technology council by the governor may appoint a designee to the council. The bill also adds 3 industry representatives to the council.

Amendment to HB 119

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to agency membership on the information technology council and relative
4 to the duties of the chief information officer.
5

6 Amend the bill by replacing all after section 1 with the following:

7

8 2 New Subparagraphs; Information Technology Council. Amend RSA 21-R:6, II by inserting
9 after subparagraph (k) the following new subparagraphs:

10 (l) One representative of academia, appointed by the governor for a 3-year term.

11 (m) Three representatives of the business community, appointed by the governor for 3-
12 year terms.

13 3 New Paragraph; Department of Information Technology; Duties of the Commissioner. Amend
14 RSA 21-R:4 by inserting after paragraph XV the following new paragraph:

15 XVI. Developing and implementing a strategy to address cyber security risks to the state's data,
16 information, and technology resources.

17 4 New Section; Department of Information Technology; Rulemaking. Amend RSA 21-R by
18 inserting after section 4 the following new section:

19 21-R:4-a Rulemaking. The chief information officer may adopt rules, pursuant to RSA 541-A,
20 relative to:

21 I. Computer system consolidations, implementation, and operation.

22 II. Implementation and operation of centralized services.

23 III. Implementation and operation of technology security.

24 5 Effective Date. This act shall take effect upon its passage.

2011-2038s

AMENDED ANALYSIS

This bill permits agency heads to appoint designees to the information technology council and adds public members to the council. The bill also requires the chief information officer to develop a cyber security strategy and authorizes the chief information officer to adopt related administrative rules.

Committee Minutes

SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Senator Sharon Carson Chairman
 Senator Fenton Groen V Chairman
 Senator Sylvia Larsen 9:10 A - 11A
 Senator Jim Luther
 Senator Raymond White

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 30, 2011

HEARINGS

Thursday

4/7/2011

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	HB119	relative to agency membership on the information technology council.
9:10 AM	HB80	(New Title) relative to ranks in the division of state police.
9:25 AM	HB88	relative to liquor enforcement and liquor licensing.
9:40 AM	HB508-FN	establishing a performance measurement system for state agencies.
10:00 AM	HB299-FN	relative to the method of financing for the judicial retirement plan.
10:30 AM	HB339-FN-A	allowing the state veterinarian to employ a meat inspection services administrator.

Sponsors:

HB119

Rep. Charles Townsend

Rep. Naida Kaen

HB80

Rep. David Welch

Rep. John Tholl

Rep. Gene Charron

HB88

Rep. David Kidder

Rep. Stephen Shurtleff

Sen. Lou D'Allesandro

Sen. Jeb Bradley

HB508-FN

Rep. Edward Moran

Rep. Daniel Itse

Rep. Stephen Stepanek

Rep. John Cebrowski

Rep. Carl Seidel

HB299-FN

Rep. Gary Richardson

Sen. Matthew Houde

HB339-FN-A

Rep. Laurie Harding

Rep. Tara Sad

Rep. Derek Owen

Rep. Carol McGuire

Sen. Bob Odell

Sen. Amanda Merrill

Deborah Chroniak 271-1403

Sen. Sharon Carson

Chairman

Executive Dept. and Administration Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Chroniak, Legislative Aide

RE: Hearing report on HB 119 – relative to agency membership on the information technology council.

HEARING DATE: April 7, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Sharon Carson, Dist. 14; Senator Fenton Groen, Dist. 6; Senator Sylvia Larsen, Dist 15; Senator Jim Luther, Dist. 12; Senator Ray White, Dist. 9

MEMBERS OF THE COMMITTEE ABSENT: None

Sponsor(s): Rep. Townsend, Graf 10; Rep. Kaen, Straf 7

What the bill does: This bill clarifies that an agency head appointed to the information technology council by the governor may in turn appoint a designee to the council.

Who supports the bill: Rep. Ken Hawkins, House, ED & A Committee; Rep. Charles Townsend, Grafton, 10; Theresa Pare' Curtis, Director, Support Division, DOIT; Bill Rogers; Commissioner, DOIT

Who opposes the bill: No one.

The public hearing on HB 119 opened at 9:02 a.m.

Senator Carson opened the hearing by calling on the prime sponsor of the bill.

Summary of testimony received:

- Representative Charles Townsend stated that the Information Technology Council was created under RSA 21-R:6, created to serve as a board of directors, setting a strategic direction for the Department, which has

worked well, and trying to get departments to work together in implementing the work of the Department of Information Technology.

- The Council have discussed issues involving data center consolidation, full-time staffed data centers for more of the departments within the state; discussions on smart phone standardization within all the state departments and their applications. There have been discussions about replacing the MS Office software in departments with open-source software, which would be less costly for maintenance, training, etc. Also discussions have been on security issues; e-mail retention, security archiving, etc.

- In one of their discussions, it turned out that one of the members on the Council should not have been a voting member because the legislation that created the Information Council, after listing the Commissioner of Transportation, or designee, the Commissioner of Health and Human Services, or designee, the Commissioner of Safety, or designee, then listed two heads of other departments appointed by the governor, without allowing any provisions to designating the governor to replace.

- The amendment on HB 119 corrects this issue by adding 3 words, "or their designees".

- Representative Townsend stated, two months ago, Mr. Bill Rogers was named Commissioner of the Department of Information Technology, and that since that time, he and the staff have been looking at the enabling legislation, and came up with a few additional changes to make the Department and the Council more effective.

- Commissioner Bill Rogers (in favor) (proposed amendment), Information Technology and CIO for the State of New Hampshire stating that there are three changes which his office is suggesting.

- The first would be the addition of two representatives on the Information Technology Council; one from academia and one from the business community, appointed by the governor for 3-year terms. When the Department was looking at the overall composition of the Council, they did not have representation from these two areas. They do have an informal partnership with the University System of New Hampshire, but believe the private sector could bring an advisory role to the Council.

- Under RSA 21-R:4 a key part needs to be added, which would be that of information security or cyber security. They are recommending this under the duties of the Commissioner.

- The third addition would be included under a new section of the RSA relative to rulemaking authority. It was stated that when the Division was

formed this was not thought about, and right now all they presently have are policies to bring people to the table. The Commissioner stated that rulemaking authority was now needed.

- Three areas that are relevant are the computer system consolidation; the need for rulemaking authority to bring people to the table. Thirty some computer places are not protected from the environment; no air conditioning, no fire suppression, HVAC – could possibly not be backed up. One agency has equipment under a sprinkler head.

- Second area that is relevant is the implementation of centralized services. Today that is done in a fragmented fashion and what the Department would like to do is to have rulemaking authority to bring these departments to the table, and see what does make sense.

- Lastly is information technology security, which is paramount. The New England Region has been given a federal grant and New Hampshire is part of that, to deal with cyber disruption. Sometime in the future, there will be some type of cyber disruption event. The point is they will need rulemaking authority if there were to be a cyber-disruption in order for the Department to step in and to take action relating to cyber securities.

- Senator Larsen questioned the limiting of rulemaking authority to three topics, and asked if it would not be better to say, under RSA 541-A to allow the Chief Information Officer to adopt rulemaking authority (and stop there). Senator Larsen did not think they were allowing themselves enough authority. She also stated she thought that they should incorporate rulemaking authority under RSA 541-A for computer system operations and consolidation.

- Theresa Pare' Curtis, (in support) Director of the Support Division, DOIT stated that Senator Larsen was correct, and that they have requested limited rulemaking authority. Ms. Curtis agreed and stated that the implementation and operation should also be included under those rules.

- Under the duties of the Commissioner, the 16th item would be information security, and proceeded to state that they do not need rules around all 15 items which are there.

- The significant pieces are data center consolidation implementation and operation centralized services and the implementation and operation information technology services would be excellent additions to how they write the strategic IT plan that is required. They did not want to ask for broad rulemaking authority on behalf of the Department. Ms. Curtis stated that something as simple as IT Security should be a standard state-wide computer-use policy, as to how employees use computers, e-mails, etc. The

Department is trying to be strategic at providing services to all state agencies.

- Senator Luther had a concern that the users, especially if they are dealing with multiple groups, that he would lean towards Senator Larsen's direction to be able to have the flexibility to work across departments to have standards, but not just in use. This is one of the greatest dangers when you have multiple groups and divisions. Having this broader approach would be helpful.

- Senator Carson stated the problem with that is you would be treading between statutory and rulemaking authority, and that if you were looking to do something very broad you should be looking at statutory authority. She suggested that Senator Luther work with the Department on that.

- Senator Luther asked why just one representative from the business community because most businesses have IT backgrounds, and suggested that they make that area of representation a little larger, because having that wisdom is very important.

- Senator Carson stated that possibly Senator Luther could work with the Department with the types of businesses, which should be included.

- Suggested, rather than the effective date being 60 days after passage, to change that to upon passage, which would be better. All agreed.

The hearing closed at 9:22 a.m.

Funding: None.

Action: Pending.

DAC

[file: HB 119 report]

Date: 04-08-11

Speakers

Testimony

DRAFT

Bill Rogers
CIO DOIT
#1

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In the Year of Our Lord Two Thousand Eleven

AN ACT relative to agency membership on the information technology council *and relative to the duties of the Chief Information Officer.*

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Information Technology Council; Agency Membership. Amend RSA 21-R:6, II(f) to read as follows:

- (f) Two heads of other departments, *or their designees*, appointed by the governor.
- (g) *One representative from academia, appointed by the governor for a 3-year term.*
- (h) *One representative from the business community, appointed by the governor for a 3-year term.*
- (i) One state senator, appointed by the president of the senate for the duration of his or her legislative term.
- (j) One state representative, appointed by the speaker of the house of representatives for the duration of his or her legislative term.
- (k) One representative of municipal government, appointed by the governor for a 3-year term.
- (l) One representative of county government, nominated by the New Hampshire Association of Counties and appointed by the governor for a 3-year term.
- (m) One person appointed by the governor for a 3-year term, who shall serve as the chairperson of the council.

2 Duties of the Commissioner. Amend RSA 21-R:4 by inserting after section XV the following new section:

XVI Developing and implementing a strategy to address cyber security risks to the state's data, information and technology resources

3 New Section; Rulemaking Authority; Amend RSA 21-R:4 by inserting the following new section:

RSA 21-A:4-a Rulemaking Authority. To allow the Chief Information Officer to adopt rules, pursuant to RSA 541-A relative to:

- (a) *Computer System Consolidation*
- (b) *Implementation of Centralized Services*
- (c) *Information Technology Security*

4 Effective Date. This act shall take effect 60 days after its passage.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 19, 2011

THE COMMITTEE ON Executive Departments and Administration
to which was referred House Bill 119

AN ACT relative to agency membership on the information
 technology council.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2038s

Senator Jim Luther
For the Committee

Deb Chroniak 271-1403

New Hampshire General Court - Bill Status System

Docket of HB119

Docket Abbreviations

Bill Title: relative to agency membership on the information technology council.*Official Docket of HB119:*

Date	Body	Description
1/3/2011	H	Introduced 1/5/2011 and Referred to Executive Departments and Administration; HJ 8 , PG.130
1/6/2011	H	Public Hearing: 1/13/2011 10:15 AM LOB 306
1/13/2011	H	Executive Session: 1/18/2011 11:00 AM LOB 306
1/19/2011	H	Committee Report: Ought to Pass with Amendment #0025h for Jan 26 (Vote 12-0; CC); HC 9 , PG.133
1/19/2011	H	Proposed Committee Amendment #2011-0025h ; HC 9 , PG.144
1/26/2011	H	Amendment #0025h Adopted, VV; HJ 14 , PG.261
1/26/2011	H	Ought to Pass with Amendment #0025h: MA VV; HJ 14 , PG.261
3/16/2011	S	Introduced and Referred to Executive Departments and Administration
3/31/2011	S	Hearing: 4/7/11, Room 100, State House, 9:00 a.m.; SC18
5/19/2011	S	Committee Report: Ought to Pass with Amendment #2011-2038s , NT, 5/25/11; SC25
5/25/2011	S	Committee Amendment 2038s, NT, AA, VV; SJ 18
5/25/2011	S	Ought to Pass with Amendment 2038s, NT, MA, VV; OT3rdg; SJ 18
5/25/2011	S	Passed by Third Reading Resolution
6/8/2011	H	House Non-Concurs with Senate AM 2038s(NT) (Rep C.McGuire): MA VV

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 119 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING
#1
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 19915 _____ - AMENDMENT # _____
- AMENDMENT # 20385 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED AS AMENDED BY THE HOUSE
- _____ FINAL VERSION _____ AS AMENDED BY THE SENATE

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

7/30/11

BY:


COMMITTEE AIDE