

Assembly Bill No. 1498

CHAPTER 139

An act to amend, repeal, and add Section 11545 of the Government Code, relating to state technology.

[Approved by Governor July 17, 2012. Filed with
Secretary of State July 17, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1498, Buchanan. Department of Technology: state contracts: information technology goods and services acquisition.

Existing law provides that there is in state government the California Technology Agency, which duties include establishing and enforcing state information technology strategic plans, policies, standards, and enterprise architecture. The agency is governed by the Secretary of California Technology.

The Governor's Reorganization Plan No. 2 of 2012 (GRP 2) proposes to reorganize state departments and agencies to, among other things, recast the California Technology Agency as the Department of Technology within the Government Operations Agency, which is also proposed to be established by GRP 2. GRP 2 also proposes to recast the Secretary of California Technology as the Director of Technology, and to remove that position as a member of the Governor's cabinet. GRP 2 proposes to become effective on July 3, 2012, and operative on July 1, 2013, if not disapproved by the Legislature.

This bill would, if GRP 2 becomes effective, require the Director of Technology to report directly to the Governor on issues relating to information technology.

This bill would state the intent of the Legislature that, as part of the planning required for implementing those provisions of the Governor's Reorganization Plan No. 2 of 2012, a plan for transitioning information technology procurement authority from the Department of General Services to the Department of Technology be developed by the Governor or his or designee.

The people of the State of California do enact as follows:

SECTION 1. Section 11545 of the Government Code is amended to read:

11545. (a) (1) There is in state government the California Technology Agency. The Secretary of California Technology shall be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The

Secretary of California Technology shall supervise the California Technology Agency and be a member of the Governor's cabinet.

(2) Unless the context clearly requires otherwise, whenever the term "office of the State Chief Information Officer" appears in any statute, regulation, or contract, it shall be construed to refer to the California Technology Agency, and whenever the term "State Chief Information Officer" appears in any statute, regulation, or contract, it shall be construed to refer to the Secretary of California Technology.

(b) The duties of the Secretary of California Technology shall include, but are not limited to, all of the following:

(1) Advising the Governor on the strategic management and direction of the state's information technology resources.

(2) Establishing and enforcing state information technology strategic plans, policies, standards, and enterprise architecture. This shall include the periodic review and maintenance of the information technology sections of the State Administrative Manual, except for sections on information technology procurement procedures, and information technology fiscal policy. The Secretary of California Technology shall consult with the Director of General Services, the Director of Finance, and other relevant agencies concerning policies and standards these agencies are responsible to issue as they relate to information technology.

(3) Minimizing overlap, redundancy, and cost in state operations by promoting the efficient and effective use of information technology.

(4) Providing technology direction to agency and department chief information officers to ensure the integration of statewide technology initiatives, compliance with information technology policies and standards, and the promotion of the alignment and effective management of information technology services. Nothing in this paragraph shall be deemed to limit the authority of a constitutional officer, cabinet agency secretary, or department director to establish programmatic priorities and business direction to the respective agency or department chief information officer.

(5) Working to improve organizational maturity and capacity in the effective management of information technology.

(6) Establishing performance management and improvement processes to ensure state information technology systems and services are efficient and effective.

(7) Approving, suspending, terminating, and reinstating information technology projects.

(8) Performing enterprise information technology functions and services, including, but not limited to, implementing Geographic Information Systems (GIS), shared services, applications, and program and project management activities in partnership with the owning agency or department.

(c) The Secretary of California Technology shall produce an annual information technology strategic plan that shall guide the acquisition, management, and use of information technology. State agencies shall cooperate with the agency in the development of this plan, as required by the Secretary of California Technology.

(1) Upon establishment of the information technology strategic plan, the Secretary of California Technology shall take all appropriate and necessary steps to implement the plan, subject to any modifications and adjustments deemed necessary and reasonable.

(2) The information technology strategic plan shall be submitted to the Joint Legislative Budget Committee by January 15 of every year.

(d) The Secretary of California Technology shall produce an annual information technology performance report that shall assess and measure the state's progress toward enhancing information technology human capital management; reducing and avoiding costs and risks associated with the acquisition, development, implementation, management, and operation of information technology assets, infrastructure, and systems; improving energy efficiency in the use of information technology assets; enhancing the security, reliability, and quality of information technology networks, services, and systems; and improving the information technology procurement process. The agency shall establish those policies and procedures required to improve the performance of the state's information technology program.

(1) The agency shall submit an information technology performance management framework to the Joint Legislative Budget Committee by May 15, 2009, accompanied by the most current baseline data for each performance measure or metric contained in the framework. The information technology performance management framework shall include the performance measures and targets that the agency will utilize to assess the performance of, and measure the costs and risks avoided by, the state's information technology program. The agency shall provide notice to the Joint Legislative Budget Committee within 30 days of making changes to the framework. This notice shall include the rationale for changes in specific measures or metrics.

(2) State agencies shall take all necessary steps to achieve the targets set forth by the agency and shall report their progress to the agency on a quarterly basis.

(3) Notwithstanding Section 10231.5, the information technology performance report shall be submitted to the Joint Legislative Budget Committee by January 15 of every year. To enhance transparency, the agency shall post performance targets and progress toward these targets on its public Internet Web site.

(4) The agency shall at least annually report to the Director of Finance cost savings and avoidances achieved through improvements to the way the state acquires, develops, implements, manages, and operates state technology assets, infrastructure, and systems. This report shall be submitted in a timeframe determined by the Department of Finance and shall identify the actual savings achieved by each office, department, and agency. Notwithstanding Section 10231.5, the agency shall also, within 30 days, submit a copy of that report to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Appropriations, and the Assembly Committee on Budget.

(e) If the Governor's Reorganization Plan No. 2 of 2012 becomes effective, this section shall become inoperative on July 1, 2013, and as of January 1, 2014, is repealed.

SEC. 2. Section 11545 is added to the Government Code, to read:

11545. (a) (1) There is in state government the Department of Technology within the Government Operations Agency. The Director of Technology shall be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The Director of Technology shall supervise the Department of Technology and report directly to the Governor on issues relating to information technology.

(2) Unless the context clearly requires otherwise, whenever the term "office of the State Chief Information Officer" or "California Technology Agency" appears in any statute, regulation, or contract, or any other code, it shall be construed to refer to the Department of Technology, and whenever the term "State Chief Information Officer" or "Secretary of California Technology" appears in any statute, regulation, or contract, or any other code, it shall be construed to refer to the Director of Technology.

(3) The Director of Technology shall be the State Chief Information Officer.

(b) The duties of the Director of Technology shall include, but are not limited to, all of the following:

(1) Advising the Governor on the strategic management and direction of the state's information technology resources.

(2) Establishing and enforcing state information technology strategic plans, policies, standards, and enterprise architecture. This shall include the periodic review and maintenance of the information technology sections of the State Administrative Manual, except for sections on information technology procurement procedures, and information technology fiscal policy. The Director of Technology shall consult with the Director of General Services, the Director of Finance, and other relevant agencies concerning policies and standards these agencies are responsible to issue as they relate to information technology.

(3) Minimizing overlap, redundancy, and cost in state operations by promoting the efficient and effective use of information technology.

(4) Providing technology direction to agency and department chief information officers to ensure the integration of statewide technology initiatives, compliance with information technology policies and standards, and the promotion of the alignment and effective management of information technology services. Nothing in this paragraph shall be deemed to limit the authority of a constitutional officer, cabinet agency secretary, or department director to establish programmatic priorities and business direction to the respective agency or department chief information officer.

(5) Working to improve organizational maturity and capacity in the effective management of information technology.

(6) Establishing performance management and improvement processes to ensure state information technology systems and services are efficient and effective.

(7) Approving, suspending, terminating, and reinstating information technology projects.

(8) Performing enterprise information technology functions and services, including, but not limited to, implementing Geographic Information Systems (GIS), shared services, applications, and program and project management activities in partnership with the owning agency or department.

(c) The Director of Technology shall produce an annual information technology strategic plan that shall guide the acquisition, management, and use of information technology. State agencies shall cooperate with the department in the development of this plan, as required by the Director of Technology.

(1) Upon establishment of the information technology strategic plan, the Director of Technology shall take all appropriate and necessary steps to implement the plan, subject to any modifications and adjustments deemed necessary and reasonable.

(2) The information technology strategic plan shall be submitted to the Joint Legislative Budget Committee by January 15 of every year.

(d) The Director of Technology shall produce an annual information technology performance report that shall assess and measure the state's progress toward enhancing information technology human capital management; reducing and avoiding costs and risks associated with the acquisition, development, implementation, management, and operation of information technology assets, infrastructure, and systems; improving energy efficiency in the use of information technology assets; enhancing the security, reliability, and quality of information technology networks, services, and systems; and improving the information technology procurement process. The department shall establish those policies and procedures required to improve the performance of the state's information technology program.

(1) The department shall submit an information technology performance management framework to the Joint Legislative Budget Committee by May 15, 2009, accompanied by the most current baseline data for each performance measure or metric contained in the framework. The information technology performance management framework shall include the performance measures and targets that the department will utilize to assess the performance of, and measure the costs and risks avoided by, the state's information technology program. The department shall provide notice to the Joint Legislative Budget Committee within 30 days of making changes to the framework. This notice shall include the rationale for changes in specific measures or metrics.

(2) State agencies shall take all necessary steps to achieve the targets set forth by the department and shall report their progress to the department on a quarterly basis.

(3) Notwithstanding Section 10231.5, the information technology performance report shall be submitted to the Joint Legislative Budget Committee by January 15 of every year. To enhance transparency, the department shall post performance targets and progress toward these targets on its public Internet Web site.

(4) The department shall at least annually report to the Director of Finance cost savings and avoidances achieved through improvements to the way the state acquires, develops, implements, manages, and operates state technology assets, infrastructure, and systems. This report shall be submitted in a timeframe determined by the Department of Finance and shall identify the actual savings achieved by each office, department, and agency. Notwithstanding Section 10231.5, the department shall also, within 30 days, submit a copy of that report to the Joint Legislative Budget Committee, the Senate Committee on Appropriations, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Appropriations, and the Assembly Committee on Budget.

(e) If the Governor's Reorganization Plan No. 2 of 2012 becomes effective, this section shall prevail over Section 186 of the Governor's Reorganization Plan No. 2 of 2012, regardless of the dates on which this section and that plan take effect, and this section shall become operative on July 1, 2013.

SEC. 3. The Legislature finds and declares that the Governor's Reorganization Plan No. 2 of 2012 proposes to recast and realign the California Technology Agency as the Department of Technology within the newly created Government Operations Agency. As part of the planning required for implementing those provisions of the Governor's Reorganization Plan No. 2 of 2012, it is the intent of the Legislature that a plan for transitioning information technology procurement authority from the Department of General Services to the Department of Technology be developed by the Governor or his or her designee. That plan shall evaluate the appropriate scope, timing, and methodology for both transitioning procurement authority for information technology goods and services, as well as developing or transferring the appropriate human and capital resources to the Department of Technology in order to enable the timely acquisition of information technology goods and services, and to meet the state's information technology needs in the most value-effective manner.

Further, it is the intent of the Legislature that any planning process for transferring the procurement authority to the Department of Technology include consideration of stakeholder input from relevant groups, including, but not limited to, the Milton Marks "Little Hoover" Commission on California State Government and Economy, the Legislature, the Department of Finance, the Department of General Services, and the Department of Technology.

This section shall become operative only if the Governor's Reorganization Plan No. 2 of 2012 becomes effective.