

## **ANNUAL REPORT TO GOVERNOR AND LEGISLATURE REGARDING IRMB FY 2000**

Major focus during FY 2000 was on Y2K remediation issues. The worldwide anxiety concerning possible major disruptions to services affected Rhode Island as well. Through an unprecedented show of cooperation and coordination, led by Governor Almond, state agencies, local governments, and the private sector united to push the Y2K initiative forward. Copies of two Executive Orders issued by Governor Almond appear here as Appendix 1. As the century rollover neared, the needs for oversight, testing, evaluation, contingency planning, and public information became better understood by all concerned, and coordination of all these efforts became far more complicated than had been originally estimated.

Fortunately for the state of Rhode Island, state government experienced no disruption whatever in its "mission critical" systems, and the century rollover passed uneventfully though with great celebration by those who had worked so intensively to assure its success. Particular thanks go to Sally Spadaro, who coordinated the statewide efforts, and to General Reginald Centracchio, who coordinated the emergency response efforts for the state. Congratulations also must go to the staff of the Information Technology unit of OLIS, whose knowledge of the computer systems and whose dedication was of immeasurable value. Unlike many organizations elsewhere, the state employees in OLIS IT have many years of experience with the systems, and were able to bypass much of the "learning curve" that would otherwise have been needed. Finally, the cooperation of all state departments and agencies was impeccable, with staff resources made available promptly and cheerfully regardless of the demands the Y2K project placed upon them.

Because of the Y2K issue, much of the work anticipated in the IRMB's five-year plan's FY 2000 objectives was delayed; however, much has been accomplished despite Y2K, and to some extent, because of Y2K. Some advantages of such a crucial and time-dependent project was that for the first time state government has a realistic inventory of its information technology systems and equipment, and has a much better understanding of its needs for upgrades or replacement of equipment, for upgrades of staff skills, and of the needs and opportunities for outsourcing functions that are either not appropriate to do in-house or for which the state does not have staff with appropriate skills. Another advantage was that equipment that could not be made Y2K-compliant was replaced, probably much sooner than would otherwise have happened, regardless of the need and other service-related urgency.

It should be noted that delays in significant initiatives, such as the FMIS Project and the Motor Vehicles computer system, have also delayed the state's ability to move forward with electronic government efficiencies and associated customer service improvements. Without the kind of top-level support that was forthcoming for the Y2K effort, these projects will continue to leave state government at a disadvantage in promoting the economic development of Rhode Island.

## **IRMB Activities**

The Information Resources Management Board met five times during the year, and received presentations on the following topics:

- Dorothy Frechette, Library Program Manager of OLIS, distributed copies of the recently completed library study “New Possibilities: Rhode Island Libraries for the New Millennium” and explained the implications for library services and access to information of the rapid changes in technology.
- George Loftus, Executive Director of OSHEAN (Ocean State Higher Education, Economic Development, and Administrative Network), described the status of OSHEAN and its anticipated benefits to state government, as well as to the economic development of the state.
- Don Wolfe, IRMB Board member and Vice President of Computer and Information Services at Brown University, organized a tour of the CAVE at Brown, which is an experimental project that is developing virtual reality scenarios and demonstrations.
- Major Kevin Entwistle, Project Director for the Rhode Island National Guard, explained a nationwide National Guard Project to establish distance learning centers in every state. In Rhode Island, the National Guard is working with OLIS to set up a center at the Computer Center in Johnston.
- Gwenn Stearn, IRMB Board member and State Archivist, reported on a project underway by the State Archives to develop an appropriate process to protect and preserve state records.

The Board held a special meeting in October with Representative Gordon Fox and members of the House Finance Subcommittee on General Government. At this meeting the Committee members viewed a presentation by CIO Barbara Weaver on the vision, mission, and priorities adopted by the IRMB, and had an opportunity to discuss issues with the IRMB members. A copy of the Power Point presentation is attached as Appendix 2.

Two IRMB committees were established during the year: the IRMB Legislation Committee, chaired by Don Wolfe of Brown University, and the IRMB Policy Development Committee, chaired by Dean Paul Gandell of URI. In addition, the IRMB Working Group, consisting of management-level and IT-related staff members from state departments, began meeting again after the Y2K crisis was resolved. Their primary function is to review areas where coordination and cooperation among agencies can be beneficial to state clients, and to make recommendations to the Board in this regard.

The IRMB Legislation Committee monitored state legislation and made recommendations for support or opposition to specific bills in the areas of information

technology and access. The Committee Chair wrote a letter to the House and Senate leadership in support of funding for a new Technology Fund as part of the FY 2001 budget.

A bill to remove the requirement that the Rhode Island Press Association be represented on the Board, which had been earlier endorsed by the Board, was passed into law. This bill had been introduced the previous year to accommodate the request of the Press Association, since their adopted policy precludes them from having representation on any public boards or commissions.

The IRMB Policy Development Committee is charged with making recommendations to the entire Board on appropriate policies to be established throughout state government. A survey of the Board members last year brought out that their priorities were for policies relating to public access to information and to security and confidentiality issues. The Committee has developed draft recommendations concerning appropriate use of the Internet for the Board's consideration.

The Board also endorsed a statement concerning the concept of government information locator services (see Appendix 3) and applauded Rhode Island's efforts to institute the principles included in the statement. The statement was a joint effort by three national organizations (COSLA, NASIRE, and NAGARA) and had been endorsed by all three associations earlier in the year.

During the upcoming year, the Board will be focusing on developing a recommended architecture for the state and for its individual agencies, and will be reviewing departmental IT plans in preparation for the FY 2002 budget process.

Appendix 4 lists the level of accomplishment during FY 2000 of the specific objectives within the six goal areas adopted by the IRMB, as well as the objectives adopted for FY 2001. The paragraphs below summarize the objectives and hopes for the future in each of these goal areas.

### **Goal Area 1: Complete Mission-Critical Y2K System Remediation**

This goal area has been completed, on time, and within the budget allocated for the project.

### **Goal Area 2: Implement Statewide Financial Management Information System**

This project continues to be delayed for several reasons. First, of course, was the emphasis on Y2K remediation, which took valuable staff time away from the project. Secondly, as we have moved forward during the pilot phase of this project, it has become obvious that state government does not have the experience or the staff skills needed to conduct a project of this size and complexity. Given that, the budgeted amounts are

nowhere near adequate to engage the needed external and internal staff required. Thirdly, for a project of this magnitude, there should have been a concerted effort to conduct a “business process review” of existing processes and to plan for changes that would be needed once the new computerized system is in place. Unfortunately, this aspect of the project has not received the needed attention or budgetary allocation, and is lagging the actual modifications of the Oracle FMIS software implementation. Finally, over the course of the past two years, it has also become obvious that neither Oracle nor the State of Rhode Island has experience with the kind of “partnership” arrangement that was anticipated at the beginning of the contract. For FY 2001, it is hoped that the \$2 million allocated in the budget will allow the “core” financial systems (general ledger, accounts payable, purchase orders, and accounts receivable) to be implemented statewide, and that the budget module and perhaps other modules can be implemented in the pilot agencies.

Also during FY 2001, several individual departments will be piloting separate modules that are needed expeditiously for those departments, but will be coordinated with the overall FMIS project to assure that these modules will be usable statewide. Departments already working on these additional modules are the Department of Corrections (human resources), Department of Transportation (project tracking), and Department of Elementary & Secondary Education (grants).

### **Goal Area 3: Build a Statewide Information Infrastructure for State Agencies and Residents**

Major accomplishments in this goal area include issuance of two iterations of statewide standards for hardware and software, and establishment of Master Price Agreements for procurement of desktop computer hardware and software, maintenance, and training. Also of importance has been the consolidation of statewide e-mail, Internet access, and establishment of policies relating to acceptable use of both these services.

The SONET Ring connecting the three major hubs of state government (Capitol Complex in Providence, Howard Complex in Cranston, and Computer Center in Johnston) was completed on schedule by Bell Atlantic, and several agencies were connected by the end of the fiscal year, thus enabling much more reliable and faster access to voice and data communications. During FY 2001, it is expected that most state agencies will connect in this manner, allowing for consistent and redundant communications links.

One objective in this area has not been met in the fashion originally intended (a strategic plan for statewide distance learning); however, arrangements have been completed for a cooperative venture with the U. S. National Guard to establish a distance learning center at the Johnston Computer Center that will be available to state employees and the public as well as to National Guard personnel. This center is scheduled to become operational in August 2000. This center, together with existing centers at the URI Shepard Building and at CCRI and Channel 36, will form the basis for a statewide distance learning capacity in the future.

#### **Goal Area 4: Assure Convenient Public Access to State Government Information and Services**

State government has made considerable strides toward achievement of objectives in this area, despite the lack of sufficient staff to make this a major initiative. Web development and electronic mail access have moved forward rapidly, and state employees and the general public now have available to them interactive Websites for most state agencies and a comprehensive on-line directory of state agencies and services. Development of Find-It Rhode Island, a government information locator service that will allow anyone to request and receive information on-line without having to know what agency is responsible for the information, has proceeded during the year as a cooperative project between OLIS and the Secretary of State, and is expected to be launched publicly by the end of summer.

Particularly promising has been the development of a realistic plan to share information among the state's social service and education departments. This has long been a goal of the Children's Cabinet. This year the effort took on new impetus as Representative Nancy Benoit convened a group to consider barriers to achieving the goal. The group, representing staff members from all the departments involved, made recommendations to the Children's Cabinet for an action plan to assure that information relating to children gathered by one department is input in a standard manner and is available to the other departments on an as-needed basis. Funding for the plan is expected to be introduced as part of the FY 2002 budget.

#### **Goal Area 5: Expand Electronic Commerce Activities**

This goal area has not received sufficient attention on a coordinated basis, although several individual departments are working on projects or plans to introduce on-line transactions. An advantage that Rhode Island has over many other states is the fact that in 1998 the state enacted a law authorizing the use of digital signatures by state government. This law was amended and expanded during FY 2000 (See Appendix 5).

One indication of the speed with which this area changes is the fact that, when this goal area was adopted in 1998, the only term in use was "electronic commerce." During 1999, a distinction was made between "electronic commerce" as pursued by the private sector, and "electronic government" (or "e-government"). By early 2000, the preferred term has become "digital government."

Most state agencies now provide information electronically. Shining examples include RIPTA with its bus schedules and route maps, DOT with its highway maps, construction schedules, and traffic advisories, and DLT with its up-to-date job postings and opportunities. A few interactive transactions are in place, notably the ability for a resident or business to pay various taxes on line, using an intermediary vendor to actually collect the fees and deposit them on behalf of the state. Appendix 6 lists some of the

interactive transactions available through various departments, either for the benefit of state employees or the general public.

Several agencies are developing elaborate plans for electronic communication and transactions. Among them are DOH, which will post information about individuals, facilities and other entities licenses or certified by the Department of Health through its License 2000 Website early this summer; DEM, with its Permit Streamlining Project that will allow individuals to request and be issued various kinds of permits on-line; DBR, which is developing an interactive electronic transaction process involving banks, insurance companies, hospitals, and other business regulated by DBR. The J-Link Project operated under the supervision of the Judiciary to establish a single communications vehicle among federal, state, and local law enforcement agencies is now in operation, and has been cited as a model nationwide.

For FY 2001, OLIS is preparing concept papers for a partnership arrangement with a vendor to be selected to develop and operate a portal that will support on-line transactions of various types from any agency, where the vendor will coordinate the exchange of funds from the customer to the state's financial institution in exchange for a portion of the revenue generated.

#### **Goal Area 6: Safeguard Current Level of Essential State Government Services**

None of the objectives specified for this goal area have been accomplished this year. It has been difficult enough to maintain the existing levels of service without having staff available to do the kind of planning that was envisioned when the objectives were adopted. As mentioned above, the Y2K effort required multiple responsibilities added to the existing responsibilities of IT staff both within OLIS and in all other departments. In fact, the IRMB Workgroup had to cancel its scheduled meetings for several months because it became apparent that the people making up this group were the same people responsible for Y2K success, for FMIS development, and for continuing their day-to-day operations, as well as for planning for the future. Meanwhile, severe budgetary constraints within IT budget object codes, as well as FTE caps imposed on all departments, have made it unwise to place additional burdens on already overworked staff members.

Of particular concern in this goal area is the fact that state government is hampered both by the FTE cap issue and by the current shortage of a technically competent workforce. State government, with its rigid system of employee classifications and salary schedules and its lengthy process for initiating employment, let alone its requirement that classified employees live in Rhode Island, is not able to compete for available personnel even if allowed to fill vacant positions. For example, two major departments recently advertised for MIS Directors, received some applications from qualified people, but were not able to hire anyone either because the people were not willing to work for the salary offered, or because by the time the department was able to offer the position the person had already

accepted another offer. State government must recognize and act on the need for changes in its approach to hiring technical staff.

In order to alleviate the situation, we have been able to make significant use of vendors qualified under our various Master Price Agreements. In the case of technical support personnel, we have been able to both save money and engage appropriate people to do what needed to be done. In the case of programmers, however, the cost is significantly more than it would be to use state staff, and there is the additional cost of the “learning curve” required every time a new person comes in from the vendor.

--July 31, 2000

**Executive Order 97-1**  
January 9, 1997  
Lincoln Almond, Governor

**YEAR 2000 TECHNOLOGY CORECTION INITIATIVE**

WHEREAS, the potential failure of many computer programs and systems due to their inability to process information properly, commencing in the Year 2000, is a serious problem both within state government and private industry; and

WHEREAS, the State of Rhode Island is increasingly dependent upon the reliable performance of its computerized systems and information technology; and

WHEREAS, sequencing of dates, date arithmetic, leap year identification, and date logic are vital to provide proper calculation of ages, benefit payments and payment due dates, among other calculations; and

WHEREAS, corrective action will include rewriting programs, replacing date-affected applications and systems, and renovating existing programs to address the Year 2000 issue, and

WHEREAS, the precise scope and complexity of the problems associated with the Year 2000 issue within state government are as yet unknown, and

WHEREAS, sound public policy requires a full analysis of the scope and cost of resolving the Year 2000 issue to be commenced and completed at the earliest possible time.

NOW, THEREFORE, I, LINCOLN C. ALMOND, by the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. The Chief Information Officer for the state is hereby named as coordinator of Year 2000 remediation efforts by state government.
2. The Chief Information Officer shall establish a Year 2000 task force consisting of representatives of the office of information processing and other state entities directly affected by this issue.
3. The Chief Information Officer shall present a report and recommendation to the Governor and Director of Administration on the scope of the problem and options to address it by June 30, 1997. Each option shall contain a cost estimate.
4. All state departments and agencies shall cooperate to the fullest with the Chief Information Officer concerning this issue.

So Ordered:  
Lincoln Almond

January 9, 1997

**Executive Order 99-1**  
January 21, 1999  
Lincoln Almond, Governor

**THE YEAR 2000 TECHNOLOGY CORRECTION INITIATIVE**

WHEREAS, the State of Rhode Island and its citizens are dependent upon the accurate and reliable performance of computer systems and technology to provide vital public services; and

WHEREAS, many computer systems (including software and hardware) and other systems and devices containing internal controllers or processors (collectively "systems") are unable to process correctly data containing dates after December 31, 1999; and

WHEREAS, such inability, which is called the "Year 2000" or "Y2K" problem, requires corrective action involving the expenditure of substantial time, effort and resources by state government and private industry so as to make such systems Year 2000 compliant; and

WHEREAS, by Executive Order 97Ä1, I directed the establishment of a Year 2000 Task Force to report on the scope of the problem by June 30, 1997; and

WHEREAS, departments, agencies, authorities, commissions and boards of state government (collectively "departments") working in cooperation with the Chief Information Officer have made substantial progress in remediating those systems related to the fulfillment of statutory requirements, and those systems that perform important departmental operations and those systems that serve to maintain the public health, safety and welfare ("mission critical systems"); and

WHEREAS, this progress must continue in order to ensure Year 2000 compliance; and

WHEREAS, the successful completion of this task is vital to the continuing operations of the government, to the provision of important services to the citizens of Rhode Island and generally to the public health, safety and welfare; and

WHEREAS, contingency planning is a critical component of the successful completion of these efforts and requires a coordinated approach by all departments of the state government; and

WHEREAS, comprehensive testing of all systems an independent validation and verification ("IV&V") of mission critical systems are important steps in ensuring Year 2000 compliance; and

WHEREAS, departments must confirm that their critical suppliers and vendors (including entities with which they exchange dates electronically) are or will be Year 2000 compliant; and

WHEREAS, it is critical to establish a comprehensive plan for the successful completion of this work during 1999.

NOW, THEREFORE, I, LINCOLN C. ALMOND, by the virtue of the power vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. Each director or other chief executive officer of each department (hereafter "director") shall formally designate a Y2K team for the department, including representatives from information technology, finance, operations and management, which team shall report directly to the director.
2. Each team shall endeavor to achieve the following goals for the resolution of departmental Y2K issues within the time frames provided:

Mission Critical

| Task              | Svstems | Other Svstems |
|-------------------|---------|---------------|
| Remediation       | 6/30/99 | 8/31/99       |
| Testing           | 8/15/99 | 9/30/99       |
| Develop           |         |               |
| Contingency Plans | 7/31/99 | 8/31/99       |
| Confirm           |         |               |
| Vendor/Supplier   |         |               |
| Compliance        | 6/30/99 | 6/30/99       |
| IV&V              | 9/15/99 | N/A           |

Testing shall include the simulation of operations of the systems as they will be used after December 31, i999, including sufficient data with dates before and after December 31, 1999 to ensure comprehensiveness.

3. Each team shall, on or before January 31, 1999, submit a written report to the director and to the CIO updating the department's prior report(s) as to the current status of the efforts to achieve Y2K compliance and the other tasks listed above for all systems within the department, including the preparation of appropriate contingency plans and confirmation of vendor and supplier compliance. Each such report shall include the numbers of programs, which have successfully completed each of the tasks above.
4. The CIO shall, on or before February 15, 1999, in cooperation with the Year 2000 Task Force, review departmental reports and approve reasonable

variances from the schedule provided above, where necessary, so long as she receives reasonable assurance from the director that the tasks will be achieved in time to avoid any Y2K-related system failures.

5. On March 15, 1999 and monthly thereafter each Y2K team shall report to its director the status of its Y2K remediation efforts, comparing its progress on the tasks listed above during the past month and overall with the schedule provided above and any variances in the schedule for the department approved by the CIO. The report shall include such additional information which the CIO may reasonably request and a copy of the report, signed by the director, shall be filed with the CIO.
6. The CIO shall summarize the monthly reports including the identification of any non-reporting departments and shall provide copies of each such summary to the Governor and shall make it available to the public on the State's Y2K web site.
7. Directors shall, to the maximum extent possible, defer until after January 1, 2000 the purchase or upgrade of computer systems that are not Y2K related.
8. Directors shall, to the extent consistent with the mandates of law, defer the adoption of new or amended regulations after June 30, 1999 until March 31, 2000 if such regulations would require the department, citizens of the State or regulated entities to upgrade, modify or otherwise change computer programs and operations.
9. The chief executive officer of all public and quasi-public bodies of the state or any political subdivision thereof which are not subject to the mandates of this Executive Order, including each city and town in Rhode Island, are encouraged to adopt measures similar to those contained in this Executive Order to ensure that the vital services provided to the citizens of Rhode Island will continue uninterrupted.
10. Departments and state employees shall cooperate fully with the CIO who shall have the authority to define terms and to specify schedules, procedures, and forms to implement this Executive Order.

This Executive Order shall take effect immediately upon the date hereof.

SO ORDERED:  
Lincoln Almond

Dated: 1/21/99



Lincoln Almond, Governor

Barbara Weaver, Chief Information Officer

# Information Resources Management Board

October 7, 1999

# IRMB

Authorized July 1996

First Meeting June 1997

Representation:

Public and private sectors

Legislature

Executive Branch agencies

Cities and towns

IT Professionals

Users of Information Technology

# Responsibilities

- Exercise leadership and policy direction
- Formulate five-year plan
- Coordinate IT training and career development
- Promote executive level support
- Maintain clearinghouse of information
- Establish research and development capability in State Government re emerging technologies
- Foster cooperation in improving public services delivery

# Accomplishments

- Web site ([www.irmb.state.ri.us](http://www.irmb.state.ri.us))
- Annual Reports
- Five-Year Plan
- Information Policies

# Overall Policy Areas

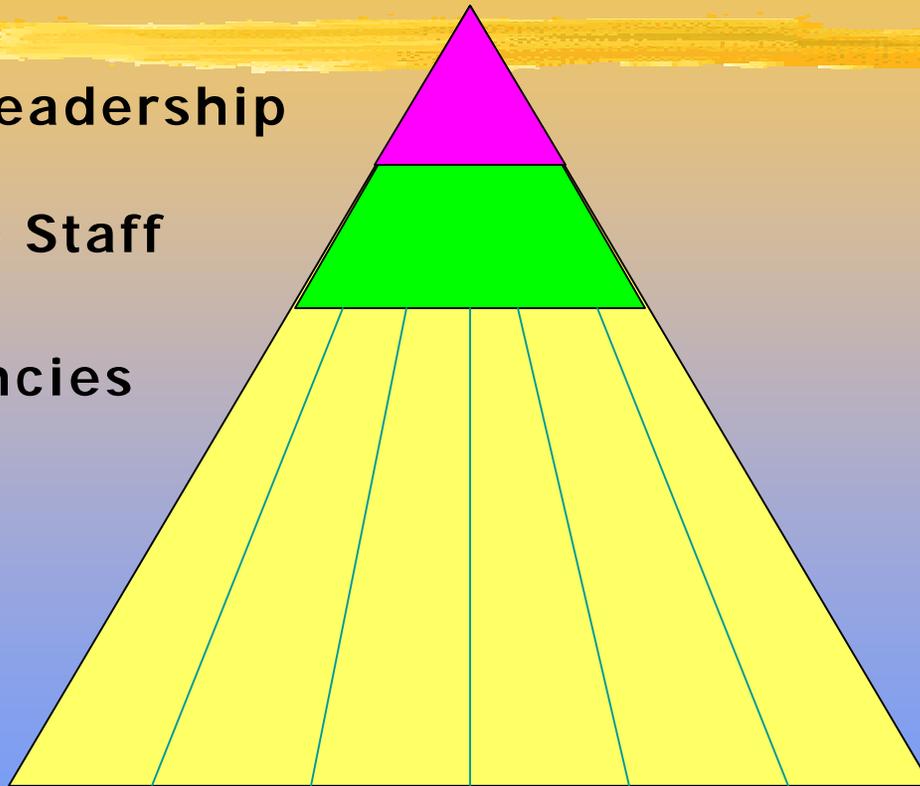
- Public Information
- Management
- Data Sharing
- Standard Setting
- Data Integrity
- Universal Web Site Accessibility

# Traditional Information Flow

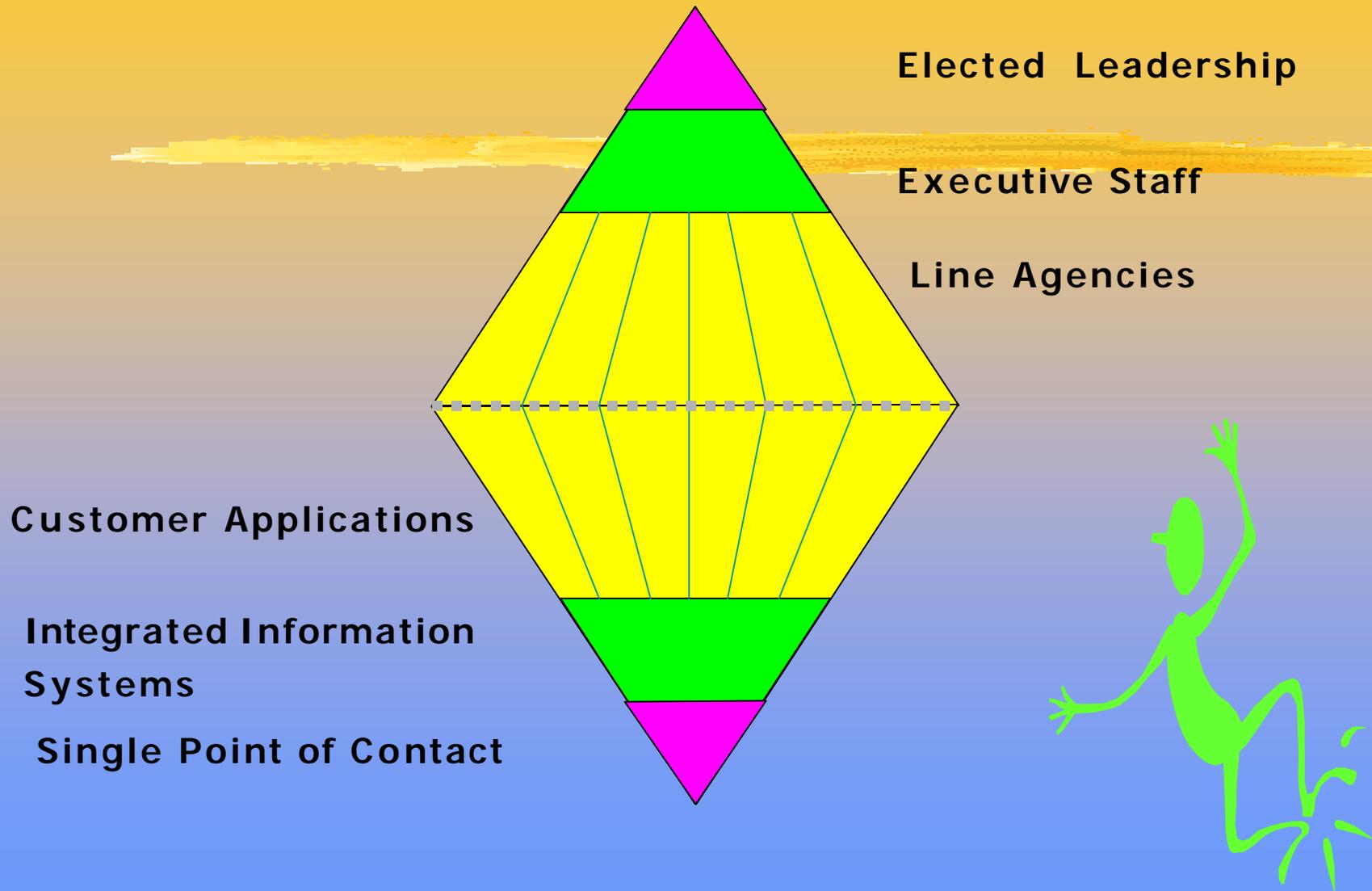
Elected Leadership

Executive Staff

Line Agencies



# Strategic Vision



# PRIORITY GOAL AREAS - FY2000 - FY2004

- Year 2000 Remediation
- FMIS Statewide Implementation
- Infrastructure/Telecommunications
- Public Access
- Electronic Commerce
- Safeguard Existing Service Levels

# Y2K

## Where Are We Now?

Priority Goal Area

◆ Remediation

Done

◆ Testing

Done

◆ Contingency Plans

In place

◆ Public Information

On going

◆ Brochure

◆ Public Forums

◆ Community Conversation

# FMIS

## Where Are We Now?

Priority Goal Area

### ■ FMIS Pilot Project

#### ◆ DOA, DOC MHRH

◆ Development

Done

◆ Lab Stage  
process

In

◆ Statewide Rollout

### ■ Higher Education FMIS Project

◆ Rhode Island College

Done

◆ URI

In process

◆ CCRI

In process

# Infrastructure/Telecommunications

## Where Are We Now?

Priority Goal Area

- ◆ Standards for desktop hardware, software, e-mail
- ◆ RINet, OSHEAN, CLAN
- ◆ E-rate, Bell Atlantic agreement
- ◆ Distance Learning Initiatives

# Public Access

## Where Are We Now?

Priority Goal Area

- ◆ **DMV office in Rhode Island Mall**
- ◆ **DLT Employment Offices**
- ◆ **DHS Regionalization**
- ◆ **COZ's**
- ◆ **Libraries**
  - ◆ **VIP access**
  - ◆ **Regulations - online**
  - ◆ **Legislative actions - online**
  - ◆ **Web pages**

# Electronic Commerce

## Where Are We Now?

Priority Goal Area

- ◆ Electronic Benefits Transfer
- ◆ Vendor Information Program
- ◆ Electronic Payments to Municipalities
- ◆ Web pages

# Maintain Service Levels

Where Are We Now?

Priority Goal Area

- ◆ Dedicated Employees
- ◆ Training Programs
- ◆ Strained Resources

## ■ Strategies

- ◆ Standardize
- ◆ Centralize
- ◆ Support
- ◆ Outsource
- ◆ Expand

## ■ Standardize

- ◆ Technical Architecture
  - ◆ Hardware
  - ◆ Software
  - ◆ End User Products
- ◆ Planning Processes

## ■ Centralize

- ◆ **Telecommunications**
  - ◆ Howard Center voice and data
  - ◆ Statewide Network Operations Center
  - ◆ World Wide Web Services
- ◆ Geographic Information System
- ◆ Mail and Printing Services

## ■ Support

- ◆ Procurement Agreements
- ◆ Application Development
- ◆ Training
- ◆ Help Desk
- ◆ Interagency collaboration
- ◆ Partnerships
- ◆ Best practices
- ◆ Project-based collaboration

## ■ **Outsource**

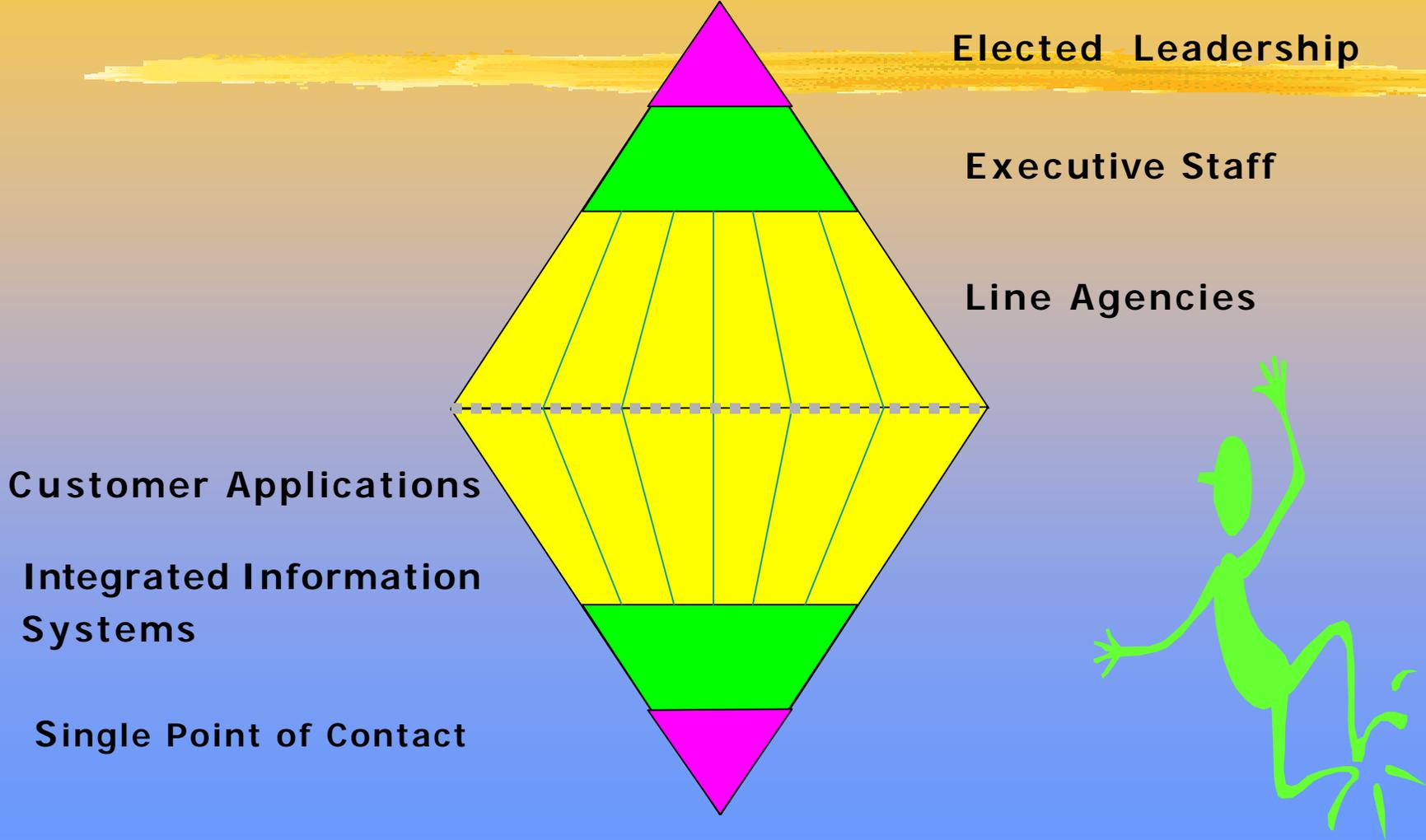
- ◆ **Telephone Billing**
- ◆ **Inter-departmental Mail Delivery**
- ◆ **Intrastate Courier Service**
- ◆ **Help Desk**
- ◆ **Employee Training**

## ■ Expand

### ◆ Electronic Commerce

- ◆ Licenses and permits
- ◆ Internet purchasing
- ◆ Smart cards
- ◆ Credit card transactions
- ◆ Digital imaging
- ◆ Electronic Benefits Transfer
- ◆ Tax filing
- ◆ Internal/External business customers

# Strategic Vision



Elected Leadership

Executive Staff

Line Agencies

Customer Applications

Integrated Information Systems

Single Point of Contact



## ■ Results

- ◆ Productive employees
- ◆ Effective State Government
- ◆ Satisfied Customers

**INFORMATION RESOURCE MANAGEMENT  
IMPLEMENTATION GOALS FOR FY 2000**

(Approved: 1-21-99)

**Status Report as of June 30, 2000**

**Goal 1: Complete Mission-Critical Y2K System Remediation**

Objective 1: Implement Statewide Y2K Testing Standards by September 30, 1999.

DONE.

Objective 2: Complete Remediation of Mission-Critical Systems by June 30, 1999.

DONE.

Objective 3: Develop Business Continuity Plans for State Government by September 30, 1999.

DONE.

Objective 4: Develop State Emergency Response Plan by August 15, 1999.

DONE.

Objective 5: Continue to promote awareness of Y2K issues among local business groups through FY 2000.

DONE.

**Goal 2: Implement Statewide Financial Management Information System**

Objective 1: Complete and thoroughly test FMIS Initial Pilot Project implementation by July 1, 1999.

DONE.

Objective 2: Negotiate contract with Oracle for statewide deployment by July 1, 1999.

Objective 3: Finalize and implement a statewide FMIS training plan by July 1, 1999.

Objective 4: Apply Business Process Review results during pilot to all state agencies by June 30, 2000.

Objective 5: Deploy General Ledger, Accounts Payable and Purchasing modules statewide by June 30, 2000.

Objective 6: Implement Human Resources and payroll modules in original pilot departments by December 1, 1999.

Objective 7: Scale the Inventory and Accounts Receivable modules implemented at the Department of Corrections statewide by June 30, 2000.

NOTES: This project has turned out to be far more complex than originally envisioned. In addition, the proposed budget for the current year was reduced drastically from the Governor's original proposal, so many aspects of the project had to be scaled down or postponed. All objectives have slipped in time. At present the "core" financial modules are still being developed in the pilot agencies.

### **Goal 3: Build a Statewide Information Infrastructure for State Agencies and Residents**

Objective 1: Plan and begin to implement upgrade of Johnston Computer Center into a statewide technology operations center, including network, data, print, mail, and technology training by June 30, 2000.

IN PROCESS.

Objective 2: Establish hardware and software standards statewide by December 31, 1999.

DONE.

Objective 3: All procurement of desktop computer hardware and software, maintenance and training will proceed through Master Price Agreements monitored by OLIS by January 1, 2000.

DONE

Objective 4: By September 30, 1999, all state office locations will be connected to the RISGIN Frame Relay network via optimal Frame Relay or dial-in configurations for electronic mail, Internet access, and other data transmission needs. 70% of known state government locations completed to date (covering 90% of state employees). Limitation is Bell Atlantic's capacity to accommodate new locations.

Objective 5: By March 31, 2000, a RISGIN high speed SONET Ring backbone will interconnect Capitol Hill, the Johnston Operations Center, the Howard Complex, and URI for data, voice and video transmission.

DONE.

Objective 6: By December 31, 1999, create a strategic plan for statewide Distributive Training Technology Instruction (distance learning).

Strategic plan not being worked on as such. A facility at the Johnston Computer Center in conjunction with the RI National Guard is expected to be operational by August 2000.

### **Goal 4: Assure Convenient Public Access to State Government Information and Services**

Objective 1: By June 30, 2000, the state will present a coherent presence on the WWW, including a gateway to websites for at least 50% of all state agencies.

DONE. Success largely due to IRMB passing web accessibility policy statement earlier this year.

Objective 2: By September 30, 1999, all state agencies will have the capability of communicating with the public via electronic mail.

DONE.

Objective 3: By March 31, 2000, OLIS will have the capacity to design and implement sophisticated websites for state agencies, including database searching and interactive pages.

This objective has redefined the term "capacity" to mean that OLIS will help agencies find a vendor to meet their requirements.

Objective 4: By June 30, 2000, the RI public will have access to state WWW sites from all of the state's public libraries (via CLAN), schools (via RINET), and other state operated public offices.

Access via public libraries and schools essentially complete. Web access available through various state web sites, but not commonly at state offices themselves.

Objective 5: By December 31, 1999, OLIS will provide a public information service on all aspects of state government, including directory information, with a staffed public information center in the lobby at One Capitol Hill for both telephone and in-person state government information services.

DONE.

Objective 6: By June 30, 2000, all agencies of state government will be listed on an indexed website maintained by state government with links to online information about each agency and its programs, which are designed in accordance with handicapped accessibility requirements.

DONE.

Objective 7: By June 30, 2000, the state's human service agencies (Children's Cabinet) will have developed an implementation plan to share data across agency lines.

DONE.

#### **Goal 5: Expand Electronic Commerce Activities**

Objective 1: By December 31, 1999 the IRMB Working Group will develop a consensus plan to introduce electronic commerce transactions in at least 50% of Cabinet-level departments.

Objective 2: By December 31, 1999, state department and agencies that are already conducting transactions via e-commerce will develop plans to expand into appropriate additional areas in cooperation with other state agencies.

Objective 3: By December 31, 1999, at least three agencies in the Department of Administration and three other Departments will implement new e-commerce transactions.

This entire goal area has received minimal attention so far this year, because of the urgency and workload of the Y2K and FMIS projects. Also, over the past 12 months the term "electronic commerce" is being replaced by the preferred terms "e-government" or "digital government," since government does not usually provide the same kind of on-line financial transactions that otherwise are described as electronic commerce. Many financial interactions (e.g., taxes, EFT of paychecks and pension allowances, and federal money paid to welfare recipients) are already being done electronically. This goal area will become a major focus in FY 2001.

**Goal 6: Safeguard Current Level of Essential State Government Services**

Objective 1: By March 31, 2000, at least 50% of Cabinet-level Departments will have formulated formal IT plans and submitted them to the IRMB for review and approval.

NOT DONE.

Objective 2: By December 31, 1999, OLIS will have developed an inventory of essential services being provided by state agencies and will have worked with those agencies to identify areas in which significant fiscal or service improvements can be made.

NOT DONE.

Objective 3: By December 31, 1999, the IRMB, in consultation with affected state agencies, will have adopted a technical architecture for IT throughout the state.

NOT DONE.

NOTES: These objectives have turned out to be unrealistic given the workload and urgency of the Y2K and FMIS projects, and the stringent budgetary limits imposed on the state. Major efforts are being concentrated only on responding to demands of existing customers.

2000 -- S 2569 AS AMENDED

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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2000

—————  
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ELECTRONIC  
SIGNATURES AND RECORDS ACT

**Introduced By:** Senators Irons, Bates, Roney, Cote and  
DaPonte

**Date Introduced:** February 9, 2000

**Referred To:** Committee on Corporations

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 127 of the General Laws entitled "Electronic Signatures and Records Act" is hereby repealed in its entirety.

~~CHAPTER 127~~

~~Electronic Signatures and Records Act~~

~~**42-127-1. Title** -- This act shall be known and may be cited as the "Electronic Signatures and Records Act".~~

~~**42-127-2. Purpose** -- The provisions of this act shall be construed to promote electronic commerce and on-line government, and to ensure the security and reliability of electronic communications and records.~~

~~**42-127-3. Definitions** -- As used in this chapter, the following terms shall have the following meanings:~~

(1) "Electronic signatures" means an electronic identifier, created by a computer, and intended by the party using it to have the same force and effect as the use of a manual signature.

(2) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form. The term "record" includes both electronic records and written records.

**42-127-4. Electronic signatures** — (a) In any written communication among state departments and/or public agencies, and between individuals and entities engaged in transactions or communications with the state as defined in this title, in which a signature is required or used, any party to the communication may affix a signature by use of an electronic signature that complies with the requirements of this section.

(b) Nothing in this section requires state departments and/or public agencies to use or permit the use of an electronic signature.

(c) Where any rule of law requires a signature, or provides for certain consequences in the absence of a signature, that rule is satisfied by an electronic signature. In assessing whether an electronic signature was executed or adopted with respect to a record by a particular person, the trier of fact may consider any relevant information or circumstances, including whether the signature is unique to the signer, unauthorized persons had the opportunity to create the signature, the signature is capable of verification, the signature is invalidated if the record is altered, and the reliability of the method used to create, store, and communicate the signature was appropriate for the purposes for which it was created.

(d) Where any rule of law requires a signature to be notarized or acknowledged for filing with any department, agency, board, authority, commission or other instrumentality of the state that rule is satisfied by an electronic signature that meets the standards established and promulgated by the office of the secretary of state.

(e) This section shall not apply when its application would involve a construction of a rule or law that is clearly inconsistent with the manifest intent of the law making body or is repugnant to the context of that rule or law, provided that the mere requirement of a "signature" or that a record be "signed" shall not itself be sufficient to establish that intent.

**42-127-5. Electronic records** — (a) Where the law requires information to be in writing, that requirement is met by a record, including an electronic record.

(b) In any legal proceeding, nothing in the application of the rules of evidence applies so as to deny the admissibility of an electronic record into evidence on the sole basis that it is an electronic record or that it has been retrieved in perceivable form from an electronic or other medium. An electronic duplicate of a record, or any perceivable reproduction of a record that accurately reproduces the original, is admissible to the same extent as the

~~original record unless or in the circumstances that it would be unfair to admit the duplicate in lieu of the original. In assessing the evidentiary weight of an electronic record, the trier of fact may consider any relevant information or circumstances, including the manner in which the record was created, stored, and communicated and the reliability of those processes.~~

~~(c) Every agency, department, board, authority, commission or other instrumentality of the state may create and receive electronic records in lieu of written records, and may also convert written records to electronic records. Rules governing the disposition of written records after they have been converted to electronic form shall be established by the office of the secretary of state.~~

~~(d) This section shall not apply when its application would be inconsistent with the manifest intent of the parties or when its application would involve a construction of a rule or law that is clearly inconsistent with the manifest intent of the lawmaking body or repugnant to the context of that rule or law, provided that the mere requirement that a record be "in writing" or "written" shall not itself be sufficient to establish that intent.~~

~~**42-127-6. Severability** -- If any provisions of this act, or the applications of those provisions to any person or circumstances are held invalid or unconstitutional, the other provisions of this act or the application of those provisions to any person or circumstances other than that as to which it is held invalid or unconstitutional shall not be affected by this invalidity or unconstitutional ruling.~~

SECTION 2. Title 42 of the General Laws entitled "State Affairs and Government" is hereby amended by adding thereto the following chapter:

**CHAPTER 131**  
**UNIFORM ELECTRONIC TRANSACTIONS ACT**

**42-131-1. Short title.** -- This chapter may be cited as the "Uniform Electronic Transactions Act."

**42-131-2. Definitions.** -- For the purpose of this chapter: (1) "Agreement" means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures given the effect of agreements under laws otherwise applicable to a particular transaction.

(2) "Automated transaction" means a transaction conducted or performed, in whole or in part, by electronic means or electronic records, in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(3) "Computer program" means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(4) "Contract" means the total legal obligation resulting from the parties' agreement as affected by this chapter and other applicable law.

(5) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(6) "Electronic agent" means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances in whole or in part, without review or action by an individual.

(7) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

(8) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(9) "Governmental agency" means an executive, legislative, or judicial agency, department, public or quasi-public corporation, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

(10) "Information" means data, text, images, sounds, codes, computer programs, software, databases, or the like.

(11) "Information processing system" means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(13) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(16) "Transaction" means an action or set of actions occurring between two (2) or more persons relating to the conduct of business, commercial, or governmental affairs.

**42-131-3. Scope. --** (a) Except as otherwise provided in subsection (b), this chapter applies to electronic records and electronic signatures relating to a transaction.

(b) This chapter does not apply to a transaction to the extent it is governed by:

(1) a law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) Title 6A other than sections 6A-1-107 and 6A-1-206, chapter 6A-2, and chapter 6A-2.1;

(c) This chapter applies to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection (b) to the extent it is governed by a law other than those specified in subsection (b).

(d) A transaction subject to this chapter is also subject to other applicable substantive law.

**42-131-4. Prospective application. --** This chapter applies to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after the effective date of this chapter. Any electronic record or electronic signature created, generated, sent, communicated, received, or stored prior to the effective date of this chapter, but on or after the effective date of the Electronic Signatures Records Act which this replaces, shall be subject to the terms of the Electronic Records Signatures Act as it stood at the time of such creation, generation, sending, communication, reception, or storage.

**42-131-5. Use of electronic records and electronic signatures - Variations by agreement. --** (a) This chapter does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

(b) This chapter applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties conduct.

(c) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection may not be waived by agreement.

(d) Except as otherwise provided in this chapter, the effect of any of its provisions may be varied by agreement. The presence in certain provisions of this chapter of the words

"unless otherwise agreed," or words of similar import, does not imply that the effect of other provisions may not be varied by agreement.

(e) Whether an electronic record or electronic signature has legal consequences is determined by this chapter and other applicable law.

**42-131-6. Construction and application. --** This chapter must be construed and applied:

(1) to facilitate electronic transactions consistent with other applicable law;

(2) to be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and

(3) to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

**42-131-7. Legal recognition of electronic records, electronic signatures and electronic contracts. --** (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record satisfies the law.

(d) If a law requires a signature, an electronic signature satisfies the law.

**42-131-8. Provision of information in writing - Presentation of records. --** (a) If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

(b) If a law other than this chapter requires a record (i) to be posted or displayed in a certain manner; (ii) to be sent, communicated, or transmitted by a specified method, or (iii) to contain information that is formatted in a certain manner, the following rules apply:

(1) The record must be posted or displayed in the manner specified in the other law.

(2) Except as otherwise provided in subsection (d)(2), the record must be sent, communicated, or transmitted by the method specified in the other law.

(3) The record must contain the information formatted in the manner specified in the other law.

(c) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record is not enforceable against the recipient.

(d) The requirements of this section may not be varied by agreement, but:

(1) to the extent a law other than this chapter requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under subsection (a) that the information be in the form of an electronic record capable of retention may also be varied by agreement; and

(2) a requirement under a law other than this chapter to send, communicate, or transmit a record by first-class mail, postage prepaid or regular United States mail, may be varied by agreement to the extent permitted by the other law.

**42-131-9. Attribution and effect of electronic record and electronic signature. - (a)**  
An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(b) The effect of an electronic record or electronic signature attributed to a person under subsection (a) is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

**42-131-10. Effect of change or error. -** If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules apply:

(1) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

(2) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

(A) promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person;

(B) takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

(C) has not used or received any benefit or value from the consideration, if any, received from the other person.

(3) If neither paragraph (1) nor paragraph (2) applies, the change or error has the effect provided by other law, including the law of mistake, and the parties' contract, if any.

(4) Paragraphs (2) and (3) may not be varied by agreement.

**42-131-11. Notarization and acknowledgement.** - If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

**42-131-12. Retention of electronic records - Originals.** - (a) If a law requires that a record be retained, the requirements is satisfied by retaining an electronic record of the information in the record which:

(1) accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

(b) A requirement to retain a record in accordance with subsection (a) does not apply to any information the sole purpose of which is to enable the record to be sent, communicated, or received.

(c) A person may satisfy subsection (a) by using the services of another person if the requirements of that subsection are satisfied.

(d) If a law requires a record to be presented or retained in its original form, or provides consequences if the record is not presented or retained in its original form, that law is satisfied by an electronic record retained in accordance with subsection (a).

(e) If a law requires retention of a check, that requirement is satisfied by retention of an electronic record of the information on the front and back of the check in accordance with subsection (a).

(f) A record retained as an electronic record in accordance with subsection (a) satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after the effective date of this chapter specifically prohibits the use of an electronic record for the specified purpose.

(g) This section does not preclude a governmental agency of this state from specifying additional requirements for the retention of a record subject to the agency's jurisdiction.

**42-131-13. Admissibility in evidence.** -- In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.

**42-131-14. Automated transaction.** - In an automated transaction, the following rules apply:

(1) A contract may be formed by the interaction of electronic agents of the parties, even if no individual was aware of or reviewed the electronic agents' actions or the resulting terms and agreements;

(2) A contract may be formed by the interaction of an electronic agent and an individual, acting on the individual's own behalf or for another person, including by an interaction in which the individual performs actions that the individual is free to refuse to perform and which the individual knows or has reason to know will cause the electronic agent to complete the transaction or performance;

(3) The terms of the contract are determined by the substantive law applicable to it.

**42-131-15. Time and place of sending and receipt.** - (a) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:

(1) is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

(2) is in a form capable of being processed by that system; and

(3) enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

(b) Unless otherwise agreed between a sender and the recipient, an electronic record is received when:

(1) it enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(2) it is in a form capable of being processed by that system.

(c) Subsection (b) applies even if the place the information processing system is located is different from the place the electronic record is deemed to be received under subsection (d).

(d) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the senders' place of business and to be received at the recipient's place of business. For purposes of this subsection, the following rules apply:

(1) If the sender or recipient has more than one place of business, the place of business of that person is the place having the closest relationship to the underlying transaction;

(2) If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

(e) An electronic record is received under subsection (b) even if no individual is aware of its receipt.

(f) Receipt of an electronic acknowledgment from an information processing system described in subsection (b) establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

(g) If a person is aware that an electronic record purportedly sent under subsection (a), or purportedly received under subsection (b), was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection may not be varied by agreement.

**42-131-16. Transferable records.** - (a) In this section, "transferable record" means an electronic record that:

(1) would be a note under chapter 6A-3 or a document under chapter 6A-7 if the electronic record were in writing; and

(2) the issuer of the electronic record expressly has agreed is a transferable record.

(b) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) A system satisfies subsection (b), and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:

(1) a single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as: (A) the person to which the transferable record was issued; (B) if the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in section 6A-1-201(20), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under title 6A, including if the applicable statutory requirements under sections 6A-3-302(a), 6A-7-501, or 6A-9-308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and endorsement are not required to obtain or exercise any of the rights under this subsection.

(e) Except as otherwise agreed, an obligor under a transferable record has the same rights and defenses as an equivalent obligor under equivalent records or writings under title 6A.

(f) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and to establish the identity of the person having control of the transferable record.

**42-131-17. Creation and retention of electronic records and conversion of written records by governmental agencies.** -- Each governmental agency of the state shall determine whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records; provided however, all determinations shall be governed by the provisions of title 38.

**42-127-18. Acceptance and distribution of electronic records by governmental agencies.** -- (a) Except as otherwise provided in section 42-131-12(f), each governmental

agency of the state shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures; provided however, all determinations shall be governed by the provisions of title 38.

(b) To the extent that a governmental agency uses electronic records and electronic signatures under subsection (a), the governmental agency, giving due consideration to security, may specify:

(1) the manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes;

(2) if electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

(3) control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and

(4) any other required attributes for electronic records which are specified for correspondence non-electronic records or reasonably necessary under the circumstances.

(c) Except as otherwise provided in section 42-131-12(f), this chapter does not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

**42-131-19. Interoperability.** - A governmental agency of this state which adopts standards pursuant to section 42-131-18 may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the federal government and non-governmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.

**42-131-20 Severability.** -- If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTION 3. This act shall take effect upon passage.

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**EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF**

**A N A C T**

**RELATING TO STATE AFFAIRS AND GOVERNMENT -- ELECTRONIC  
SIGNATURES AND RECORDS ACT**

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This act would repeal the Electronic Signatures and Records Act and replace such act with the Uniform Electronic Transactions Act, which would provide for the validity of, and govern the use of, electronic records and signatures.

This act would take effect upon passage.

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As always, your [comments](#) concerning this page are welcomed and appreciated.

Thank you for stopping by!

