

**SB**

**36**

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 1/21/09

FURTHER: Finance

Date of 5-Day Notice: \_\_\_\_\_  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 1/29/09

State Affairs Committee considered SENATE BILL NO. 36

SB 36 EXECUTIVE BRANCH RECORDS SECURITY

"An Act relating to the security of certain data processing records of the executive branch and making the Department of Administration responsible for the security of those records."

and recommends:

- be replaced with  SCS or  CS SB 36 (STA)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

|                                     |                          |
|-------------------------------------|--------------------------|
| <b>SENATE BILL:</b>                 |                          |
| <input type="checkbox"/>            | Same Title               |
| <input checked="" type="checkbox"/> | New Title                |
| <hr/>                               |                          |
| <b>HOUSE BILL:</b>                  |                          |
| <input type="checkbox"/>            | Same Title               |
| <input type="checkbox"/>            | Technical Title Change   |
| <input type="checkbox"/>            | New Title w/ SCR # _____ |

**NEW FISCAL NOTE(S):**

| Department | Date    | Fiscal | Indet | Zero                                | FN# |
|------------|---------|--------|-------|-------------------------------------|-----|
| Admin      | 1/29/09 |        |       | <input checked="" type="checkbox"/> | 1/  |
|            |         |        |       |                                     |     |
|            |         |        |       |                                     |     |
|            |         |        |       |                                     |     |
|            |         |        |       |                                     |     |

**PREVIOUS FISCAL NOTE(S):**

| Department | Date | Fiscal | Indet | Zero | FN# |
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|            |      |        |       |      |     |
|            |      |        |       |      |     |
|            |      |        |       |      |     |
|            |      |        |       |      |     |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS | PRINTED LAST NAME | DO PASS | DO NOT PASS | NO REC | AMEND |
|--------------------------------|-------------------|---------|-------------|--------|-------|
| <i>[Signature]</i>             | French            |         |             | X      |       |
| <i>[Signature]</i>             | KOOKER            | X       |             |        |       |
| <i>[Signature]</i>             | PASKVAN           | X       |             |        |       |
| <i>[Signature]</i>             | Meyer             | X       |             |        |       |
| CHAIR: <i>[Signature]</i>      | MENARD            | X       |             |        |       |

# Alaska State Legislature

SENATOR  
GENE THERRIAULT

Mailing Address:  
1292 Sadler Way, Suite 308  
Fairbanks, Alaska 99701  
(907) 488-0857  
Fax: (907) 488-4271



Senate

While in session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax: (907) 465-3884  
SENATE DISTRICT F

To: Senator Linda Menard, Chair  
Senate State Affairs Committee

From: Senator Gene Therriault  
Senate Republican Minority Leader

Date: January 21, 2009

Re: Request for Hearing – SB 36

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I respectfully request Senate Bill 36 be scheduled for hearing before the Senate State Affairs Committee.

Senate Bill 36 clarifies current state statute to ensure that the Department of Administration is responsible for setting policy for the security of data processing structures within the Executive Branch of the State of Alaska.

Thank you for your consideration.

26-LS0237AE  
Bannister  
1/28/09

**CS FOR SENATE BILL NO. 36( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR THERRIAULT**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the data processing and telecommunications activities of the state;**  
2 **relating to the security of certain data processing records of the executive branch and**  
3 **making the Department of Administration responsible for the security of those records;**  
4 **and making the commissioner of administration the chief information officer of the**  
5 **state."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 **\* Section 1. AS 40.21.030(b) is amended to read:**

8 (b) In order to carry out the records management program, the state archivist  
9 shall

10 (1) analyze, develop, and coordinate the standards and procedures for  
11 record making and current record keeping;

12 (2) ensure the maintenance and security of records, subject to  
13 AS 44.21.165;

1 (3) initiate action to recover state records removed without  
2 authorization;

3 (4) establish and operate state records centers for the purposes of  
4 accepting, servicing, storing, and protecting state records that must be preserved for  
5 varying periods of time but that [WHICH] are not needed for the transaction of  
6 current business;

7 (5) transfer records considered to have permanent value to the state  
8 archives;

9 (6) institute and maintain a training and information program in all  
10 phases of the management of current records for all state agencies, subject to  
11 AS 44.21.165;

12 (7) make continuing surveys of paperwork operations and recommend  
13 improvements in current records management practices, including the use of space,  
14 equipment, and supplies;

15 (8) initiate programs for improving the management of  
16 correspondence, forms, reports, and directives as integral parts of the overall records  
17 management program;

18 (9) provide centralized microfilm service for state agencies as  
19 determined to be necessary by the department;

20 (10) establish standards for the preparation of records retention  
21 schedules providing for the retention of state records of permanent value and for the  
22 prompt and orderly disposition of state records no longer possessing administrative,  
23 legal, or historical value to warrant their retention;

24 (11) receive records retention schedules from the agencies and submit  
25 them to the attorney general for review and approval;

26 (12) obtain from agencies reports that are required for the  
27 administration of the program.

28 \* **Sec. 2.** AS 40.21.060 is amended to read:

29 **Sec. 40.21.060. Duties of chief executive officers of state agencies. Subject**  
30 **to AS 44.21.165, the [THE] chief executive officer of each state agency shall**

31 (1) make and preserve public records containing adequate and proper

1 documentation of the organization, functions, policies, decisions, procedures, and  
2 essential transactions of the agency, and designed to furnish the information necessary  
3 to protect the legal and financial rights of the state and of persons directly affected by  
4 the agency's activities;

5 (2) establish and maintain an active, continuing program for the  
6 efficient management of the records of the agency under the procedures prescribed by  
7 the department, including effective controls over the creation, maintenance, and use of  
8 records in the conduct of current business;

9 (3) submit to the department, in accordance with the standards  
10 established by it, records retention schedules proposing the length of time that  
11 [WHICH] records having administrative, legal, or historical value shall be retained;

12 (4) apply the provisions of approved records retention schedules to  
13 ensure the orderly disposition of state records including transfer to a state records  
14 center;

15 (5) identify, segregate, and protect records vital to the continuing  
16 operation of an agency in the event of natural, man-made, or war-caused disaster;

17 (6) cooperate with the department in conducting surveys made by it  
18 under the provisions of this chapter;

19 (7) establish safeguards against unauthorized or unlawful removal or  
20 loss of state records;

21 (8) comply with the regulations, standards, and procedures relating to  
22 records management and archives established by the department;

23 (9) appoint a records officer who shall act as a liaison between the  
24 department and the agency on all matters relating to the records management program.

25 \* **Sec. 3.** AS 44.21.010 is amended by adding a new subsection to read:

26 (b) The commissioner of administration is the chief information officer for the  
27 state. The chief information officer for the state carries out the duties and powers of  
28 the commissioner of administration and the Department of Administration under  
29 AS 44.21.150 - 44.21.170 and 44.21.305 - 44.21.330.

30 \* **Sec. 4.** AS 44.21 is amended by adding a new section to read:

31 **Sec. 44.21.165. Security of records.** (a) As the department responsible for the

1 operation and management of automatic data processing resources and activities of the  
2 executive branch under AS 44.21.150, the department is the state agency responsible  
3 for ensuring the security of the nonarchived records produced or maintained by the  
4 automatic data processing resources and activities of state agencies through the  
5 development and adoption of standards, policies and procedures.

6 (b) The department shall

7 (1) develop, implement, and maintain policies to ensure that data  
8 processing records are secure from unlawful release;

9 (2) define the responsibilities for the security of the data processing  
10 records of each state agency, communicate the responsibilities to the state agency, and  
11 coordinate the responsibilities among state agencies; and

12 (3) establish procedures for maintaining the security of the data  
13 processing records and provide training for state agency personnel to implement the  
14 procedures.

15 (c) The state information systems plan adopted by the commissioner must  
16 satisfy the security requirements of this section.

17 (d) The department shall adopt regulations to implement this section.

18 (e) On or before January 1 every two years, the department shall submit to the  
19 legislature a report that evaluates, for the two years since the period covered by the  
20 previous report under this subsection, the effectiveness of the department's  
21 implementation of this section in maintaining the security of data processing records.

22 (f) In this section,

23 (1) "data processing records" means the records that are produced or  
24 maintained by the automatic data processing resources and activities of a state agency  
25 and that are not being held by the Alaska State Archives;

26 (2) "records" includes personally identifiable information in a record;

27 (3) "state agency" means an agency of the executive branch.

28 \* Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to  
29 read:

30 FIRST REPORT. Notwithstanding AS 44.21.165(e), enacted by sec. 4 of this Act, the  
31 first report under AS 44.21.165(e) is due on January 1 of the fifth calendar year after this Act

1 takes effect.

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: SB 36  
 () Publish Date: \_\_\_\_\_

Identifier (file name): \_\_\_\_\_ Dept. Affected: ADMIN  
 Title Executive Branch Records Systems RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Therriault  
 Requester SSTA Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

|                               | Appropriation<br>Required | Information |            |            |            |            |            |            |
|-------------------------------|---------------------------|-------------|------------|------------|------------|------------|------------|------------|
|                               |                           | FY 2010     | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    |
| <b>OPERATING EXPENDITURES</b> |                           |             |            |            |            |            |            |            |
| Personal Services             |                           |             |            |            |            |            |            |            |
| Travel                        |                           |             |            |            |            |            |            |            |
| Contractual                   |                           |             |            |            |            |            |            |            |
| Supplies                      |                           |             |            |            |            |            |            |            |
| Equipment                     |                           |             |            |            |            |            |            |            |
| Land & Structures             |                           |             |            |            |            |            |            |            |
| Grants & Claims               |                           |             |            |            |            |            |            |            |
| Miscellaneous                 |                           |             |            |            |            |            |            |            |
| <b>TOTAL OPERATING</b>        | <b>0.0</b>                | <b>0.0</b>  | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |
| <b>CAPITAL EXPENDITURES</b>   |                           |             |            |            |            |            |            |            |
| <b>CHANGE IN REVENUES ( )</b> |                           |             |            |            |            |            |            |            |

**FUND SOURCE** (Thousands of Dollars)

|                            | FY 2010    | FY 2010    | FY 2011    | FY 2012    | FY 2013    | FY 2014    | FY 2015    |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts      |            |            |            |            |            |            |            |
| 1003 GF Match              |            |            |            |            |            |            |            |
| 1004 GF                    |            |            |            |            |            |            |            |
| 1005 GF/Program Receipts   |            |            |            |            |            |            |            |
| 1037 GF/Mental Health      |            |            |            |            |            |            |            |
| Other Interagency Receipts |            |            |            |            |            |            |            |
| <b>TOTAL</b>               | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

Estimate of any current year (FY2009) cost: \_\_\_\_\_

**POSITIONS**

|           | FY 2010 | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
|-----------|---------|---------|---------|---------|---------|---------|---------|
| Full-time |         |         |         |         |         |         |         |
| Part-time |         |         |         |         |         |         |         |
| Temporary |         |         |         |         |         |         |         |

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: Senate State Affairs Committee Phone 465-4522  
 Division: \_\_\_\_\_ Date/Time 1/29/09 12:00 AM  
 Approved by: \_\_\_\_\_ Date \_\_\_\_\_



**25<sup>th</sup> ALASKA STATE LEGISLATURE**  
**SENATE REPUBLICAN CAUCUS**  
[www.aksenateminority.com](http://www.aksenateminority.com)

SENATOR GENE THERRIALT, MINORITY LEADER  
STATE CAPITOL, ROOM 427, 465.4797 (FAX 465.3884)

SENATOR CON BUNDE  
SENATOR FRED DYSON  
SENATOR TOM WAGONER

**Fact Sheet for : Senate Bill 36**  
**Sponsor: Senator Gene Therriault**

**Contact: Heather Brakes, 465.4797**

**Short Title: EXECUTIVE BRANCH RECORDS SECURITY**

**Summary:**

- Clarifies the duty and responsibility for implementation of security standards related to information systems within Executive Branch is vested in the Department of Administration.
- The Department of Administration has the authority to set security policy, and monitor the implementation and adherence to those standards throughout the Executive Branch departments.
- The department will audit and report the effectiveness of those policies to the Legislature 5 years from the effective date of the Act.

**Benefits:**

- By clarifying the Department's statutory authority to implement security policy for the state data processing framework, the department will have the clear ability it needs to implement such policy.

**Background:**

The Legislative Budget and Audit Committee released a report on the Department of Administration, Governance Framework for Selected Information System Security Controls that found that the statutes lacked clarity when it came to the State Security Office's authority to set policy and implement it throughout the Executive Branch. This legislation clarifies that statutory authority for the development, implementation, and monitoring of such security policies for the state's information systems.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

January 29, 2009

**SUBJECT:** CSSB 36(STA) relating to the information systems of the state  
(Work Order No. 26-LS0232\S)

**TO:** Senator Linda Menard  
Chair of the Senate State Affairs Committee  
Attn: Debbie

**FROM:**  Theresa Bannister  
Legislative Counsel

This memo accompanies the bill described above.

Judicial branch. Establishing the commissioner as the chief information officer for the entire state, including the judicial branch, may violate the separation of powers if this position is considered to affect an activity that is intrinsic to the judicial branch. To avoid this issue, the position could be limited to the executive and legislative branches.

If I may be of further assistance, please advise.

TLB:plm  
09-050.plm

Enclosure