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CHAPTER 6

DIVISION OF INFORMATION TECHNOLOGY SERVICES AND STATE INFORMATION TECHNOLOGY COORDINATOR

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PART 1

DIVISION OF INFORMATION TECHNOLOGY SERVICES

63A-6-101. Creation — Administration.

There is created within the department the Division of Information Technology Services, to be administered by a director.

History: C. 1953, 63-1-51, enacted by L. 1986, ch. 102, § 2; 1990, ch. 57, § 3; renumbered by L. 1993, ch. 212, § 100.

Amendment Notes. — The 1990 amendment, effective April 23, 1990, substituted "Information Technology Services" for "Telecommunications" after "Division of" in Subsection (1) and rewrote Subsection (2), which read "The director of the Division of Telecommunications shall be appointed by the executive director of the Department of Administrative Services with the approval of the governor."

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-51; deleted former Subsection

(2), relating to the appointment of a director; deleted the (1) designation from the remaining provisions; and made stylistic changes. The subject matter of former Subsection (2) is now covered by § 63A-6-102.

Compiler's Notes. — Laws 1993, ch. 212, creates a legislative Information Technology Task Force to study Utah's present and future information technology needs and appropriate funds for compensation and expenses. The task force is required to report to the State and Local Interim Committee before December 1, 1993. The task force expires on January 1, 1994.

63A-6-102. Director of division — Appointment.

The executive director shall appoint a director of the Division of Information Technology Services with the approval of the governor.

History: C. 1953, 63A-6-102, enacted by L. 1993, ch. 212, § 101.

came effective on May 3, 1993, pursuant to Utah Const., Art. VI, Sec. 25.

Effective Dates. — Laws 1993, ch. 212 be-

63A-6-103. Duties of the division — Advisory committee.

The Division of Information Technology Services shall:

- (1) establish telecommunication system specifications and standards for use by state agencies;
- (2) coordinate state telecommunication planning in cooperation with state telecommunication users and other departments and state agencies;
- (3) coordinate the development and implementation of advanced state telecommunication systems;
- (4) provide data processing and telecommunication technical assistance to state agencies;
- (5) cooperate with other federal, state, county, or city data processing and telecommunication departments, divisions, sections, or units in the development, implementation, and maintenance of governmental data processing and telecommunication systems in a cooperative organization or otherwise;
- (6) establish, operate, manage, and maintain the central state computer center and regional computer centers;
- (7) design, implement, and manage all state-owned, leased, or rented land mobile or radio telecommunication systems which are used in the delivery of services for state government or its political subdivisions; and
- (8) coordinate the implementation of minimum standards for compatibility of procedures, programming languages, codes, and media to facilitate the exchange of information within and among systems.

History: C. 1953, 63-1-54, enacted by L. 1986, ch. 102, § 5; 1990, ch. 57, § 6; 1991, ch. 85, § 2; renumbered by L. 1993, ch. 212, § 102.

Amendment Notes. — The 1990 amendment, effective April 23, 1990, substituted "Information Technology Services" for "Telecommunications" near the beginning of Subsection (1); deleted former Subsection (1)(c), relating to the telecommunications resource management system; designated former Subsections (1)(d) to (1)(f) as present Subsections (1)(c) to (1)(e); inserted "data processing and" in present Subsection (1)(d) and in two places in present Subsection (1)(e); deleted former Subsection (2), relating to creation and duties of an advisory com-

mittee; added Subsections (1)(f) and (1)(g); and made a stylistic change.

The 1991 amendment, effective April 29, 1991, inserted present Subsection (7), redesignated former Subsection (7) as present Subsection (8), and made a related change.

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-54.

Compiler's Notes. — After the 1990 amendment, a Subsection (1) designation at the beginning of the introductory language was deleted and former Subsections (1)(a) through (1)(g) were redesignated as Subsections (1) through (7) by the Office of Legislative Research and General Counsel.

63A-6-104. Delegation of division duties.

(1) The director of the Division of Information Technology Services, with the approval of the executive director, may delegate the division's authority to other state agencies and institutions by contract or other means authorized by law, if, in the judgment of the director:

- (a) the state agency or institution has requested the authority; and
- (b) the state agency or institution has the necessary resources and skills to perform or control the functions of the division.

(2) The director may delegate the division's authority only when the delegation results in net cost savings or improved service delivery to the state as a whole.

(3) The delegation shall contain the following:

- (a) a precise definition of each function to be delegated;
- (b) a clear description of the standards to be met in performing each function delegated;
- (c) a provision for periodic administrative audits by the Department of Administrative Services; and
- (d) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed.

(4) An agreement to delegate functions to a state agency or institution may be terminated by the department if the results of administrative audits conducted by the department reveal lack of compliance with the terms of the agreement by the state agency or institution.

History: C. 1953, 63-1-55, enacted by L. 1986, ch. 102, § 6; 1990, ch. 57, § 7; renumbered by L. 1993, ch. 212, § 103.

Amendment Notes. — The 1990 amendment, effective April 23, 1990, substituted "Information Technology Services" for "Telecommunications" and "the division's authority" for "his authority to perform or control telecommunications functions" in the first paragraph in Subsection (1); substituted "state agency or institution" for "state department or agency"

and deleted "of Telecommunications" after "division" in Subsection (1)(b); and made a change in phraseology in Subsection (2).

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-55; deleted "of the Department of Administrative Services" after "executive director" in Subsection (1); and deleted "Administrative Services" after "department" in Subsection (4), making related changes.

63A-6-105. Duties of director.

(1) The director of the Division of Information Technology Services shall

- (a) manage the delivery of efficient and cost-effective data processing and telecommunication services for all state agencies at the lowest practical cost; and
- (b) provide priority service to public safety agencies.

(2) The director may negotiate the purchase, lease, or rental of private or public data processing or telecommunication services or facilities.

(3) Where practical, efficient, and economically beneficial, the director shall use existing private and public data processing or telecommunication resources.

(4) The director shall prescribe a schedule of fees to be charged for all services rendered to any state agency by the division that are equitable and sufficient to recover all the costs of operation, including the cost of capital equipment and facilities.

- (5) (a) The director shall provide the state information technology coordinator and the state information technology review committee a written analysis of each state agency's annual information technology plan.
- (b) That analysis shall:
- (i) include an assessment of how the implementation of each plan will affect the costs, operations, and the services of the Division of Information Technology Services and state government; and
 - (ii) where appropriate, make alternative recommendations.
- (6) (a) Before charging the fees, the director shall obtain approval of the fee schedules from:
- (i) the executive director;
 - (ii) the director of the Division of Finance;
 - (iii) the director of the Office of Planning and Budget; and
 - (iv) the state information technology coordinator.
- (b) When modifying fees, the director shall attempt to provide sufficient notice to agencies and institutions so that they may reflect those fee changes in their budgets.
- (7) (a) The director shall create advisory committees composed of representatives of user agencies.
- (b) Those advisory committees may recommend policies and practices for the efficient and effective operation of the division.
- (8) (a) The director shall create a Local Government Information Technology Review Committee whose membership shall include representatives from:
- (i) the Chief of Police Association;
 - (ii) the Sheriff's Association;
 - (iii) the Associated Public Safety Communications Officers;
 - (iv) the Fire Chief Association; and
 - (v) the State School Bus Association.
- (b) Representatives from additional agencies may be added upon a majority vote of the existing committee members.

History: C. 1953, 63-1-53, enacted by L. 1986, ch. 102, § 4; 1990, ch. 57, § 5; 1991, ch. 85, § 1; 1991, ch. 105, § 2; 1992, ch. 257, § 2; renumbered by L. 1993, ch. 212, § 104.

Amendment Notes. — The 1990 amendment, effective April 23, 1990, substituted "Information Technology Services" for "Telecommunications" near the beginning of Subsection (1); rewrote Subsection (1)(a), which read "manage efficient and cost effective telecommunications services for all state agencies"; substituted "director" for "telecommunications director or his representative" in subsection (2); inserted "data processing or" after "public" in subsections (2) and (3); deleted "telecommunications" before "director" and substituted "use" for "utilize" in Subsection (3); substituted the phrase beginning "that are equitable" for "of Telecommunications, after receiving prior

approval of the fee schedules from the director of the Division of Finance" at the end of Subsection (4); and added Subsections (5) and (6).

The 1991 amendment by ch. 85, effective April 29, 1991, added Subsection (7).

The 1991 amendment by ch. 105, effective April 29, 1991, substituted "information technology" for "data processing" in Subsection (5)(a)(iv).

The 1992 amendment, effective April 27, 1992, added Subsection (5) and redesignated former Subsections (5) through (7) as Subsections (6) through (8).

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-53, and deleted "of the Department of Administrative Services" after "executive director" in Subsection (6)(a)(i).

63A-6-106. Subscription by state agencies and institutions.

(1) All state agencies shall subscribe to the telecommunications service provided by the Division of Information Technology Services unless the state agency or department complies with the requirements of Section 63A-6-104.

(2) An institution of higher education may subscribe to the services provided by the division if:

(a) the president of the institution recommends that the institution subscribe to the services of the division; and

(b) the Board of Regents determines that subscription to the services of the division will result in cost savings or increased efficiency to the institution.

History: C. 1953, 63-1-52, enacted by L. 1986, ch. 102, § 3; 1990, ch. 57, § 4; renumbered by L. 1993, ch. 212, § 105.

Amendment Notes. — The 1990 amendment, effective April 23, 1990, inserted "telecommunications" before "services" in Subsec-

tion (1) and deleted "of Telecommunications" after "division" in four places.

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-52, and inserted "of Information Technology Services" and substituted "63A-6-104" for "63-1-55" in Subsection (1).

63A-6-107. Exception — Public safety dispatch.

(1) The operation of the Department of Public Safety's dispatch services is excluded from the management of the Division of Information Technology Services.

(2) The Department of Administrative Services and the Department of Public Safety shall meet on a regular basis to formulate contracts, establish priorities, and develop funding mechanisms for dispatch and telecommunications operations.

History: C. 1953, 63-1-56, enacted by L. 1986, ch. 102, § 7; 1990, ch. 57, § 8; 1991, ch. 85, § 3; renumbered by L. 1993, ch. 212, § 106.

Amendment Notes. — The 1990 amendment, effective April 23, 1990, substituted "Information Technology Services" for "Telecommunications" in Subsections (1) and (3).

The 1991 amendment, effective April 23, 1991, rewrote the section to the extent that a detailed analysis is not practicable.

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-56.

Cross-References. — Public safety, Title 53.

PART 2

AUTOMATED GEOGRAPHIC REFERENCE CENTER

63A-6-201. Definitions.

As used in this part:

(1) "Center" means the Automated Geographic Reference Center created in Section 63A-6-202.

(2) "Database" means the State Geographic Information Database created in Section 63A-6-203.

(3) "Division" means the Division of Information Technology Services.

(4) "Geographic Information System" means a computer driven data integration and map production system that interrelates disparate layers of data to specific geographic locations.

(5) "State Geographic Information Database" means the database mandated by Section 63A-6-202.

History: C. 1953, 63-1-57, enacted by L. 1991, ch. 56, § 2; recodified as 63-1-61; L. 1992, ch. 30, § 124; renumbered by L. 1993, ch. 212, § 107.

Amendment Notes. — The 1992 amendment, effective April 27, 1992, added "Services" at the end of Subsection (1)(b).

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-61; deleted former Subsections (2), (3), and (4), creating the Automated Geographic Reference Center and specifying its powers and duties; revised the designations in the remaining provisions accordingly, adding present Subsection (2); substituted "in Sec-

tion 63A-6-202" for "by this section" in Subsection (1); and substituted "63A-6-202" for "63-1-62" in Subsection (5). The subject matter of former Subsections (2), (3), and (4) is now contained in § 63A-6-202.

Compiler's Notes. — This section was enacted as § 63-1-57. Because another § 63-1-57 was enacted in 1991, this section was recodified as § 63-1-61 by direction of the Office of Legislative Research and General Counsel before its 1993 renumbering.

Effective Dates. — Laws 1991, ch. 56 became effective on April 29, 1991, pursuant to Utah Const., Art. VI, § 25.

63A-6-202. Automated Geographic Reference Center.

(1) There is created the Automated Geographic Reference Center as part of the division.

(2) The center shall:

(a) provide geographic information system services to state agencies under rules and policies established by the division;

(b) provide geographic information system services to federal government, local political subdivisions, and private persons under rules and policies established by the division;

(c) manage the State Geographic Information Database; and

(d) establish standard format, lineage, and other requirements for the database.

(3) The division may:

(a) make rules and establish policies to govern the center and its operations; and

(b) set fees for the services provided by the center.

History: C. 1953, 63A-6-202, enacted by L. 1993, ch. 212, § 108.

came effective on May 3, 1993, pursuant to Utah Const., Art. VI, Sec. 25.

Effective Dates. — Laws 1993, ch. 212 be-

63A-6-203. State Geographic Information Database.

(1) There is created a State Geographic Information Database to be managed by the center.

(2) The database shall:

(a) serve as the central reference for all information contained in any GIS database by any state agency;

(b) serve as a clearing house and repository for all data layers required by multiple users; and

(c) serve as a standard format for geographic information acquired, purchased, or produced by any state agency.

- (2) (a) The governor shall appoint a state information technology coordinator who shall be located within the Office of Planning and Budget, unless otherwise determined by the governor.
- (b) The information technology coordinator's authority as defined in this section applies to all state agencies.
- (3) The information technology coordinator shall:
- (a) develop specific objectives and policies to guide the development of information systems, procedures, and standards within state government to achieve maximum economy and quality while preserving optimum user flexibility;
- (b) coordinate the preparation and review of agency information technology plans within state government, encompassing both short-term and long-term needs;
- (c) facilitate the implementation of agency plans;
- (d) require each state agency to submit annually an agency information technology plan containing the information required by Subsection (4) no later than the June 15 before the legislative session in which the budget request will be heard to the state information technology coordinator;
- (e) upon receipt of a state agency's information technology plan, provide a complete copy of that plan to the director of the Division of Information Technology Services;
- (f) establish uniform information technology standards and procedures for appropriate interchange of information, optimum service, and minimum cost;
- (g) establish policies for costing all information technology services performed by any state information technology cost recovery center so that every cost recovery center charges its users a rate for services that is both equitable and sufficient to recover all the costs of its operation, including the cost of capital equipment and facilities;
- (h) establish general policies governing coordination, cooperation, joint efforts, working relationships, and cost accounting relative to the development and maintenance of information technology and information systems;
- (i) establish priorities in terms of both importance and time sequencing for the development and implementation of information systems;
- (j) approve or disapprove of and coordinate the acquisition of information technology equipment, telecommunications equipment, and related services for all agencies of state government;
- (k) monitor information systems development to promote maximum use of existing state information resources;
- (l) develop policies to ensure the protection of individual privacy and guarantee the exclusive control to a user of its own data;
- (m) advise the governor on information technology policy and make recommendations to the governor regarding requests for appropriations for information technology equipment and personnel;
- (n) maintain liaison with the legislative and judicial branches, the Board of Regents, the State Board of Education, and local government to promote cooperation and make recommendations regarding information resources;

- (o) conduct performance audits of state information technology resources in accordance with generally accepted auditing standards promulgated by the Institute of Internal Auditors and according to the generally accepted auditing standards contained in the Comptroller of the United States' "Standards for Audit of Governmental Organization, Programs, Activities, and Functions" and distribute copies of his audit reports as provided in Subsection (5); and
- (p) prepare an annual report to the governor and to the Legislature's State and Local Affairs Interim Committee that:
 - (i) summarizes the state's current and projected use of information technology; and
 - (ii) includes a description of major changes in state policy and a brief description of each state agency's plan.
- (4) Each state agency information technology plan shall include:
 - (a) detailed information specifying:
 - (i) the use of existing information technology;
 - (ii) the projected use of existing technology; and
 - (iii) the projected use of any newly requested or acquired information technology; and
 - (b) a detailed review of the agency's use of its information technology during the last calendar year and how that use compares to the plan for that information technology.
- (5) (a) Upon completion of an audit report produced under authority of Subsection (3)(o), the coordinator shall:
 - (i) provide copies of all audit reports to:
 - (A) the agency audited;
 - (B) the governor; and
 - (C) the Office of Legislative Fiscal Analyst; and
 - (ii) present the performance audit findings to the Information Technology Review Committee at their next meeting.
- (b) Each state agency shall provide the coordinator with complete access to all information technology records, documents, and reports, including electronic, analog, or digital, when requested for the purpose of a performance audit.
- (6) The rate for services established by an information technology cost recovery center, and reviewed by the state information technology coordinator, may be lowered if the Legislature appropriates monies to the cost recovery center for the specific purpose of lowering rates.
- (7) (a) The information technology coordinator shall create a Policy Advisory Committee composed of representatives of state agencies.
- (b) The Policy Advisory Committee shall:
 - (i) evaluate and approve or disapprove recommended policies to govern the operation of information technology in state government;
 - (ii) review analyses, recommendations, and critiques of agency plans to ensure that these plans are the most economically viable and are the best solution to the agency's needs; and
 - (iii) after consideration of all analyses, recommendations, and critiques, approve or disapprove agency information technology plans.
- (8) State agencies shall comply with the policies and standards established by the state information technology coordinator and approved by the Policy Advisory Committee under this section.

History: C. 1953, 63-1-32, enacted by L. 1981, ch. 257, § 1; 1991, ch. 105, § 1; 1992, ch. 257, § 1; renumbered by L. 1993, ch. 212, § 110.

Amendment Notes. — The 1991 amendment, effective April 29, 1991, substituted "information technology" for "data processing" throughout; added present Subsection (1) and redesignated former Subsection (1) as present Subsections (2) and (3); in Subsection (2)(b), substituted "applies to all state agencies" for "shall not apply to the legislative and judicial branches, the Board of Regents, the institutions of higher education and the State Board of Education"; in Subsection (3)(a), substituted "information" for "computing"; in Subsection (3)(b), substituted "coordinate the preparation and review of agency information technology plans" for "Plan for the development and use of automated data processing"; in Subsection (3)(c), substituted "establish" for "Promulgate"; in Subsection (3)(d), substituted "information technology cost recovery" for "agency computer," substituted "cost recovery" for "computer," and deleted "except the rate may be lowered if the Legislature appropriates funds to a center for the specific purpose of lowering rates" at the end of the subsection; in Subsection (3)(e), substituted "information technology and information" for "automated data processing"; in Subsection (3)(f), substituted "information" for "automated data pro-

cessing"; in Subsection (3)(g), substituted "telecommunications" for "data communications"; in Subsection (3)(h), substituted "information systems" for "data library"; in Subsection (3)(k), inserted "local government"; added Subsection (4); redesignated former Subsection (2) as Subsection (5) and added the subsection designations to that subsection; in Subsection (5)(b)(i), inserted "and approve or disapprove"; added Subsection (5)(b)(ii); added Subsection (6); and made stylistic changes throughout the section.

The 1992 amendment, effective April 27, 1992, added Subsections (3)(c) through (3)(e), redesignated former Subsections (3)(c) through (3)(k) as Subsections (3)(f) through (3)(n), added Subsections (3)(o) and (3)(p), added Subsections (4) and (5), redesignated former Subsection (4) as Subsection (6), redesignated former Subsection (5) as Subsection (7), added Subsection (7)(b)(ii), redesignated former Subsection (7)(b)(ii) as Subsection (7)(b)(iii), and redesignated former Subsection (6) as Subsection (8).

The 1993 amendment, effective May 3, 1993, renumbered this section, which formerly appeared as § 63-1-32.

Compiler's Notes. — Laws 1991, ch. 56, § 1 also amended this section. However, Laws 1991, ch. 105, § 3 made the amendment of this section by ch. 105 supersede the amendment by ch. 56.

Table of Corresponding Sections — Administrative Services

Laws 1993, ch. 212 created Title 63A by renumbering sections in Title 63 relating to state administrative services into Title 63A. The following table shows the location in Title 63A of sections formerly found in Title 63, as renumbered in 1993.

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