WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2005

ENROLLED

House Bill No. 3360

(By Delegates Michael, Varner, Boggs, Browning, Houston, Cann, Williams, H. K. White, Proudfoot, Ashley and G. White)

Passed April 9, 2005

In Effect Ninety Days from Passage
AN ACT to amend and reenact §5A-7-4 of the Code of West Virginia, 1931, as amended, relating to duties of the Information Services and Communications Division; and requiring the Director to create and maintain an information systems disaster recovery system.

Be it enacted by the Legislature of West Virginia:

That §5A-7-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. INFORMATION SERVICES AND COMMUNICATIONS DIVISIONS.

§5A-7-4. Powers and duties of Division generally; professional staff; telephone service.

1 (a) The Division is responsible for providing technical services and assistance to the various state spending units with respect to developing and improving data processing and
telecommunications functions. The Division may provide training and direct data processing services to the various state agencies. The Division shall, upon request of the Chief Technology Officer within the office of the Governor, provide technical assistance in evaluating the economic justification, system design and suitability of equipment and systems used in state government. The Director shall report to the secretary.

(b) The Director is responsible for the development of personnel to carry out the technical work of the Division and may approve reimbursement of costs incurred by employees to obtain education and training.

(c) In consultation with the Adjutant General, Chairman of the Public Service Commission, the Superintendent of the State Police and the Director of the Office of Emergency Services, the Director is responsible for the development and maintenance of an information systems disaster recovery system for the State of West Virginia with sites in one or more locations isolated from reasonably perceived threats to the primary operation of state government. The Director shall develop specifications, funding mechanisms and participation requirements for all executive branch agencies to protect the State’s essential data, information systems and critical government services in times of emergency, inoperativeness, or disaster. Each executive branch agency shall assist the Director in planning for its specific needs and provide to the Director any information or access to information systems or equipment that may be required in carrying out this purpose. No state-wide or executive branch agency procurement of disaster recovery services may be initiated, let or extended without the expressed consent of the Director.

(d) The Director may assess each state spending unit for the cost of any evaluation of the economic justification, system design and suitability of equipment and systems used by the
state spending unit or any other technical assistance that is provided or performed by the Chief Technology Officer and the Division under the provisions of section four, article one-b of chapter five of this code.

(e) The Director shall transfer any moneys received as a result of the assessments that he or she makes under subsection (d) of this section to the Office of Chief Technology Officer. The Director shall report quarterly to the Joint Committee on Government and Finance on all assessments made pursuant to subsection (d) of this section.

(f) The Director shall maintain an accounting system for all telephone service to the state.

(g) The provisions of this article do not apply to the Legislature or the judiciary.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill approved this the ___

day of May, 2005.

Governor