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SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

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ENROLLED

Senate Bill No. 583

(BY SENATORS BOWMAN AND CHAFIN)

[Passed March 13, 2010; in effect ninety days from passage.]

SB 583

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OFFICE OF THE SECRETARY OF STATE

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Senate Bill No. 583

(BY SENATORS BOWMAN AND CHAFIN)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §5A-6-4 of the Code of West Virginia, 1931, as amended, and to amend and reenact §12-3-10e, all relating to changing references from the Information Services and Communications Division to the Office of Technology.

Be it enacted by the Legislature of West Virginia:

That §5A-6-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §12-3-10e be amended and reenacted, all to read as follows:

ARTICLE 6. OFFICE OF TECHNOLOGY.

§5A-6-4. Powers and duties of the Chief Technology Officer; generally.

- 1 (a) With respect to all state spending units the Chief
- 2 Technology Officer may:
 - 3 (1) Develop an organized approach to information
 - 4 resource management for this state;

5 (2) Provide technical assistance to the administrators of
6 the various state spending units in the design and manage-
7 ment of information systems;

8 (3) Evaluate the economic justification, system design
9 and suitability of information equipment and related
10 services, and review and make recommendations on the
11 purchase, lease or acquisition of information equipment
12 and contracts for related services by the state spending
13 units;

14 (4) Develop a mechanism for identifying those instances
15 where systems of paper forms should be replaced by direct
16 use of information equipment and those instances where
17 applicable state or federal standards of accountability
18 demand retention of some paper processes;

19 (5) Develop a mechanism for identifying those instances
20 where information systems should be linked and informa-
21 tion shared, while providing for appropriate limitations on
22 access and the security of information;

23 (6) Create new technologies to be used in government,
24 convene conferences and develop incentive packages to
25 encourage the utilization of technology;

26 (7) Engage in any other activities as directed by the
27 Governor;

28 (8) Charge a fee to the state spending units for evalua-
29 tions performed and technical assistance provided under
30 the provisions of this section. All fees collected by the
31 Chief Technology Officer shall be deposited in a special
32 account in the State Treasury to be known as the Chief
33 Technology Officer Administration Fund. Expenditures
34 from the fund shall be made by the Chief Technology
35 Officer for the purposes set forth in this article and are not
36 authorized from collections but are to be made only in
37 accordance with appropriation by the Legislature and in
38 accordance with the provisions of article three, chapter

39 twelve of this code and upon the fulfillment of the provi-
40 sions set forth in article two, chapter eleven-b of this code:
41 *Provided*, That the provisions of section eighteen, article
42 two, chapter eleven-b of this code shall not operate to
43 permit expenditures in excess of the spending authority
44 authorized by the Legislature. Amounts collected which
45 are found to exceed the funds needed for purposes set
46 forth in this article may be transferred to other accounts
47 or funds and redesignated for other purposes by appropri-
48 ation of the Legislature;

49 (9) Monitor trends and advances in information technol-
50 ogy and technical infrastructure;

51 (10) Direct the formulation and promulgation of policies,
52 guidelines, standards and specifications for the develop-
53 ment and maintenance of information technology and
54 technical infrastructure, including, but not limited to:

55 (A) Standards to support state and local government
56 exchange, acquisition, storage, use, sharing and distribu-
57 tion of electronic information;

58 (B) Standards concerning the development of electronic
59 transactions, including the use of electronic signatures;

60 (C) Standards necessary to support a unified approach
61 to information technology across the totality of state
62 government, thereby assuring that the citizens and busi-
63 nesses of the state receive the greatest possible security,
64 value and convenience from investments made in technol-
65 ogy;

66 (D) Guidelines directing the establishment of statewide
67 standards for the efficient exchange of electronic informa-
68 tion and technology, including technical infrastructure,
69 between the public and private sectors;

70 (E) Technical and data standards for information
71 technology and related systems to promote efficiency and
72 uniformity;

73 (F) Technical and data standards for the connectivity,
74 priorities and interoperability of technical infrastructure
75 used for homeland security, public safety and health and
76 systems reliability necessary to provide continuity of
77 government operations in times of disaster or emergency
78 for all state, county and local governmental units; and

79 (G) Technical and data standards for the coordinated
80 development of infrastructure related to deployment of
81 electronic government services among state, county and
82 local governmental units;

83 (11) Periodically evaluate the feasibility of subcontract-
84 ing information technology resources and services, and to
85 subcontract only those resources that are feasible and
86 beneficial to the state;

87 (12) Direct the compilation and maintenance of an
88 inventory of information technology and technical infra-
89 structure of the state, including infrastructure and tech-
90 nology of all state, county and local governmental units,
91 which may include personnel, facilities, equipment, goods
92 and contracts for service, wireless tower facilities, geo-
93 graphic information systems and any technical infrastruc-
94 ture or technology that is used for law enforcement,
95 homeland security or emergency services;

96 (13) Develop job descriptions and qualifications neces-
97 sary to perform duties related to information technology
98 as outlined in this article; and

99 (14) Promulgate legislative rules, in accordance with the
100 provisions of chapter twenty-nine-a of this code, as may
101 be necessary to standardize and make effective the admin-
102 istration of the provisions of article six of this chapter.

103 (b) With respect to executive agencies, the Chief Tech-
104 nology Officer may:

105 (1) Develop a unified and integrated structure for
106 information systems for all executive agencies;

107 (2) Establish, based on need and opportunity, priorities
108 and time lines for addressing the information technology
109 requirements of the various executive agencies of state
110 government;

111 (3) Exercise authority delegated by the Governor by
112 executive order to overrule and supersede decisions made
113 by the administrators of the various executive agencies of
114 government with respect to the design and management of
115 information systems and the purchase, lease or acquisition
116 of information equipment and contracts for related
117 services;

118 (4) Draw upon staff of other executive agencies for
119 advice and assistance in the formulation and implementa-
120 tion of administrative and operational plans and policies;
121 and

122 (5) Recommend to the Governor transfers of equipment
123 and human resources from any executive agency and the
124 most effective and efficient uses of the fiscal resources of
125 executive agencies, to consolidate or centralize
126 information-processing operations.

127 (c) The Chief Technology Officer may employ the
128 personnel necessary to carry out the work of the Office of
129 Technology and may approve reimbursement of costs
130 incurred by employees to obtain education and training.

131 (d) The Chief Technology Officer shall develop a compre-
132 hensive, statewide, four-year strategic information
133 technology and technical infrastructure policy and devel-
134 opment plan to be submitted to the Governor and the Joint
135 Committee on Government and Finance. A preliminary
136 plan shall be submitted by December 1, 2006, and the final
137 plan shall be submitted by June 1, 2007. The plan shall
138 include, but not be limited to:

139 (A) A discussion of specific projects to implement the
140 plan;

141 (B) A discussion of the acquisition, management and use
142 of information technology by state agencies;

143 (C) A discussion of connectivity, priorities and inter-
144 operability of the state's technical infrastructure with the
145 technical infrastructure of political subdivisions and
146 encouraging the coordinated development of facilities and
147 services regarding homeland security, law enforcement
148 and emergency services to provide for the continuity of
149 government operations in times of disaster or emergency;

150 (D) A discussion identifying potential market demand
151 areas in which expanded resources and technical infra-
152 structure may be expected;

153 (E) A discussion of technical infrastructure as it relates
154 to higher education and health;

155 (F) A discussion of the use of public-private partnerships
156 in the development of technical infrastructure and tech-
157 nology services; and

158 (G) A discussion of coordinated initiatives in website
159 architecture and technical infrastructure to modernize and
160 improve government to citizen services, government to
161 business services, government to government relations and
162 internal efficiency and effectiveness of services, including
163 a discussion of common technical data standards and
164 common portals to be utilized by state, county and local
165 governmental units.

166 (e) The Chief Technology Officer shall oversee telecom-
167 munications services used by state spending units for the
168 purpose of maximizing efficiency to the fullest possible
169 extent. The Chief Technology Officer shall establish
170 microwave or other networks and LATA hops; audit
171 telecommunications services and usage; recommend and
172 develop strategies for the discontinuance of obsolete or
173 excessive utilization; participate in the renegotiation of
174 telecommunications contracts; and encourage the use of

175 technology and take other actions necessary to provide the
176 greatest value to the state.

**§12-3-10e. Purchasing Card Advisory Committee created;
purpose; membership; expenses.**

1 (a) There is continued a Purchasing Card Advisory
2 Committee to enhance the development and implementa-
3 tion of the purchasing card program. The committee shall
4 solicit input from state agencies and make recommenda-
5 tions to improve the performance of the Purchasing Card
6 Program. The committee consists of fourteen members to
7 be appointed as follows:

8 (1) The Auditor shall serve as chairperson of the commit-
9 tee and shall appoint:

10 (A) Four members from the State College System of West
11 Virginia and the University System of West Virginia;

12 (B) One member from the Department of Health and
13 Human Resources; and

14 (C) One member from the Division of Highways and two
15 additional members at large from any state agency.

16 (2) The Secretary of the Department of Administration
17 shall appoint:

18 (A) One member from the Office of Technology;

19 (B) One member from the Financial Accounting and
20 Reporting Section; and

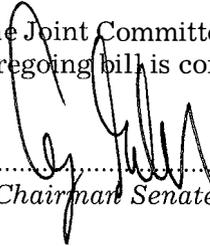
21 (C) One member from the Purchasing Division;

22 (3) The Secretary of the Department of Revenue shall
23 appoint one member from the Department of Revenue; and

24 (4) The State Treasurer shall appoint one member from
25 that office.

26 (b) Committee members shall be appointed for a term of
27 one year, commencing on the July 1, 1998. Committee
28 members shall receive reimbursement for expenses
29 actually incurred in the performance of their duties on the
30 committee.

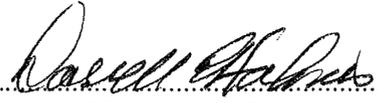
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

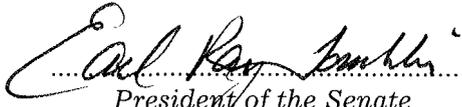

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved..... this the *2nd*
Day of *April*....., 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 11:30am