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2011 APR -5 PM 3: 12

WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 3204

(By Delegate Boggs, Caputo, Varner,
Morgan and Fragale)



Passed March 12, 2011

In Effect From Passage

HB 3204

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OFFICE OF THE CLERK
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

H. B. 3204

(BY DELEGATES BOGGS, CAPUTO, VARNER, MORGAN
AND FRAGALE)

[Passed March 12, 2011; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §12-6D-1, §12-6D-2, §12-6D-3, §12-6D-4, §12-6D-5 and §12-6D-6, all relating to the West Virginia Enterprise Resource Planning System; creating the Enterprise Resource Planning Board; providing for composition, purpose, powers and duties of the board; creating a steering committee; providing for composition, purpose, powers and duties of the steering committee; providing for expense reimbursement for members of the steering committee; creating the Enterprise Resource Planning System Fund in the state treasury; and transferring funds allocated to the system to the Enterprise Resource Planning System Fund.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §12-6D-1, §12-6D-2, §12-6D-3, §12-6D-4, §12-6D-5 and §12-6D-6, all to read as follows:

ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.

§12-6D-1. West Virginia Enterprise Resource Planning Board created; board composition and purpose; Enterprise Resource planning defined.

1 (a) As used in this article “enterprise resource planning”
2 means the implementation of software applications to achieve
3 the comprehensive integration of data sources and processes
4 of state agencies into a unified system that includes the
5 state’s financial management, procurement, personnel,
6 payroll, budget development and other administrative
7 business processes.

8 (b) There is created the West Virginia Enterprise
9 Resource Planning Board, whose purpose is to develop,
10 implement and manage the Enterprise Resource Planning
11 System.

12 (c) The board consists of the Governor, Auditor and the
13 Treasurer, who serve by virtue of their offices and are not
14 entitled to compensation under the provisions of this article.

§12-6D-2. Powers of the board.

1 The board may:

2 (1) Adopt and use a common seal and alter it at pleasure;

3 (2) Sue and be sued;

4 (3) Enter into contracts and execute and deliver
5 instruments;

6 (4) Acquire by purchase, gift or otherwise, hold, use and
7 dispose of real and personal property, deeds, mortgages and
8 other instruments;

9 (5) Accept and receive gifts, grants and other moneys
10 from any source;

11 (6) Promulgate and enforce by-laws and rules for the
12 management and conduct of its affairs;

13 (7) Propose legislative rules, including emergency rules,
14 in accordance with article three, chapter twenty-nine-a of this
15 code to establish a user fee for the maintenance of the
16 Enterprise Resource System;

17 (8) Contract with and retain legal, accounting, financial
18 and information technology managers, advisors and
19 consultants;

20 (9) Delegate to the committee any and all duties of the
21 board deemed necessary and convenient to effectuate the
22 intent of this article;

23 (10) Review and ratify or overrule any decision of the
24 steering committee;

25 (11) Review written appeals submitted by the steering
26 committee chairman at the request of a committee member;
27 and

28 (12) Do all things necessary or convenient to implement
29 and operate the board and carry out the purposes of this
30 article.

**§12-6D-3. Management and control of Enterprise Resource
Planning System; designation of chair; meetings;
executive session.**

1 (a) The board shall manage and control the Enterprise
2 Resource Planning System in accordance with the provisions
3 of this article.

4 (b) The Governor shall be the chairperson of the board
5 unless the board votes to elect another member as
6 chairperson.

7 (c) Decisions of the board require unanimous consent of
8 the members.

9 (d) The board may use the staff, policies and procedures
10 of the State Auditor, employ personnel and contract with any
11 person or entity needed to perform the tasks related to the
12 development, management and operation of the Enterprise
13 Resource Planning System.

14 (e) The board shall hold meetings at least quarterly.
15 Board by-laws may provide for additional meetings.

16 (f) All three voting members must be present to constitute
17 a quorum of any meeting.

18 (g) Meetings of the board are subject to the provisions of
19 article nine-a, chapter six of this code.

20 (h) The board may convene in executive session, upon
21 adoption of a proper motion by a board member, when

22 necessary to preserve the attorney-client privilege, to protect
23 the privacy interests of individuals, to review personnel
24 matters, to maintain confidentiality when confidentiality is in
25 the best interest of the participants, or as otherwise provided
26 by law.

§12-6D-4. Steering Committee created; powers and authority.

1 (a) There is created a sixteen member steering committee
2 of the board whose purpose is to provide routine oversight of
3 the implementation and management of the enterprise
4 resource planning system and perform duties delegated to
5 them by the board.

6 (b) The steering committee shall annually elect a
7 chairperson to chair the committee.

8 (c) A steering committee member may appeal any action
9 of the committee to the board by submitting a written request
10 for board review to the steering committee chairperson within
11 ten days of the disputed committee action. The committee
12 chairperson shall forward the appeal to the board. The board
13 shall review appeals at the next regularly scheduled board
14 meeting and shall ratify or overturn the decision of the board
15 in writing. No disputed action of the committee may
16 proceed, if appealed to the board, until ratified or overturned
17 by the board.

18 (d) The steering committee shall consist of sixteen
19 members, as follows:

20 (1) The Secretary of the Department of Administration,
21 the Secretary of Revenue, the Secretary of Transportation,
22 and the Secretary of Health and Human Resources. They
23 shall serve by virtue of their offices, are not entitled to
24 compensation under the provisions of this article, and are

25 subject to all duties, responsibilities and requirements of the
26 provisions of this article;

27 (2) Five persons appointed by the Governor, three of
28 whom will be representatives of institutions of Higher
29 Education;

30 (3) Two persons appointed by the State Auditor;

31 (4) Two persons appointed by the State Treasurer;

32 (5) A member of the Senate appointed by the President of
33 the Senate, who shall be a non-voting member; and

34 (6) A member of the House of Delegates appointed by the
35 Speaker of the House, who shall be a non-voting member;

36 (7) A member who represents public employees, who
37 shall be a non-voting member.

38 (e) A member may appoint a designee to serve on his or
39 her behalf.

40 (f) A member may serve until his or her appointment is
41 revoked or until his or her successor is appointed and
42 qualified.

43 (g) Members are entitled to reasonable and necessary
44 expenses actually incurred in discharging committee duties
45 pursuant to this article.

§12-6D-5. Enterprise Resource Planning Fund.

1 There is hereby created a fund in the State Treasury
2 entitled the Enterprise Resource Planning System Fund to be
3 administered by the board. The fund shall consist of any
4 appropriations or transfers made for the purpose of studying,

5 evaluating, creating, developing, implementing and managing
6 a new Enterprise Resource Planning System and any fees
7 collected in accordance with legislative rules approved by the
8 board and proposed pursuant to this article. Expenditures
9 from the fund are to be made for the purposes set forth in this
10 article in accordance with appropriations by the Legislature
11 and are not authorized from collections.

§12-6D-6. Transfer of Enterprise Resource Planning Funds.

1 The unencumbered balances of all funds allocated to the
2 enterprise resource planning system for fiscal year ending
3 June 30, 2011, and the fiscal year ending June 30, 2012, are
4 hereby transferred to the Enterprise Resource Planning
5 System Fund on the effective date of this section in the year
6 2011.

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

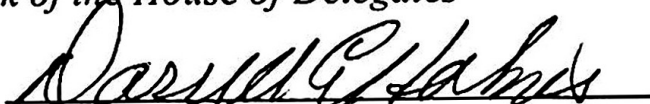

Chairman, House Committee


Chairman, Senate Committee

Originating in the House.

To take effect from passage.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


Acting President of the Senate

The within is approved this the 5th
day of April, 2011.


Governor

FILED
2011 APR -5 PM 3:12
OFFICE OF THE CLERK
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

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Time 11:30 am
EDZ