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
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.

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

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

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

§12-6D-2. Powers of the board.

The board may:

1. (1) Adopt and use a common seal and alter it at pleasure;
(2) Sue and be sued;

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

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

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

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

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

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

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

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

(11) Review written appeals submitted by the steering committee chairman at the request of a committee member; and
(12) Do all things necessary or convenient to implement and operate the board and carry out the purposes of this article.


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

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

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

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

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

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

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

(h) The board may convene in executive session, upon adoption of a proper motion by a board member, when
necessary to preserve the attorney-client privilege, to protect
the privacy interests of individuals, to review personnel
matters, to maintain confidentiality when confidentiality is in
the best interest of the participants, or as otherwise provided
by law.

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

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

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

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

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

(1) The Secretary of the Department of Administration,
the Secretary of Revenue, the Secretary of Transportation,
and the Secretary of Health and Human Resources. They
shall serve by virtue of their offices, are not entitled to
compensation under the provisions of this article, and are
subject to all duties, responsibilities and requirements of the provisions of this article;

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

(3) Two persons appointed by the State Auditor;

(4) Two persons appointed by the State Treasurer;

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

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

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

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

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

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


There is hereby created a fund in the State Treasury entitled the Enterprise Resource Planning System Fund to be administered by the board. The fund shall consist of any appropriations or transfers made for the purpose of studying,
evaluating, creating, developing, implementing and managing a new Enterprise Resource Planning System and any fees collected in accordance with legislative rules approved by the board and proposed pursuant to this article. Expenditures from the fund are to be made for the purposes set forth in this article in accordance with appropriations by the Legislature and are not authorized from collections.

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

The unencumbered balances of all funds allocated to the enterprise resource planning system for fiscal year ending June 30, 2011, and the fiscal year ending June 30, 2012, are hereby transferred to the Enterprise Resource Planning System Fund on the effective date of this section in the year 2011.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage:

[Signatures]

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

Acting President of the Senate

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

[Signature]  
Governor
PRESENTED TO THE GOVERNOR

MAR 3 1 2011

Time 11:30 am

[Signature]