

**WEST VIRGINIA LEGISLATURE**  
**EIGHTIETH LEGISLATURE**  
**REGULAR SESSION, 2012**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 563**

(SENATORS PREZIOSO, SNYDER AND BEACH, ORIGINAL SPONSORS)

[PASSED MARCH 10, 2012; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 563

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2012 APR -2 PM 4:54

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AN ACT to amend and reenact §5A-6-4 of the Code of West Virginia, 1931, as amended, relating to clarifying that the Chief Technology Officer is responsible for the cleansing of information technology equipment prior to retirement or transfer.

*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 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 and  
12 contracts for related services by the state spending units;

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

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

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

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

27           (8) Charge a fee to the state spending units for evalua-  
28 tions performed and technical assistance provided under the  
29 provisions of this section. All fees collected by the Chief  
30 Technology Officer shall be deposited in a special account in  
31 the State Treasury to be known as the Chief Technology  
32 Officer Administration Fund. Expenditures from the fund  
33 shall be made by the Chief Technology Officer for the  
34 purposes set forth in this article and are not authorized from  
35 collections but are to be made only in accordance with  
36 appropriation by the Legislature and in accordance with the  
37 provisions of article three, chapter twelve of this code and  
38 upon the fulfillment of the provisions set forth in article two,  
39 chapter eleven-b of this code: *Provided*, That the provisions  
40 of section eighteen, article two, chapter eleven-b of this code  
41 do not operate to permit expenditures in excess of the  
42 spending authority authorized by the Legislature. Amounts  
43 collected which are found to exceed the funds needed for

44 purposes set forth in this article may be transferred to other  
45 accounts or funds and redesignated for other purposes by  
46 appropriation of the Legislature;

47 (9) Monitor trends and advances in information technol-  
48 ogy and technical infrastructure;

49 (10) Direct the formulation and promulgation of policies,  
50 guidelines, standards and specifications for the development  
51 and maintenance of information technology and technical  
52 infrastructure, including, but not limited to:

53 (A) Standards to support state and local government  
54 exchange, acquisition, storage, use, sharing and distribution  
55 of electronic information;

56 (B) Standards concerning the development of electronic  
57 transactions, including the use of electronic signatures;

58 (C) Standards necessary to support a unified approach to  
59 information technology across the totality of state govern-  
60 ment, thereby assuring that the citizens and businesses of the  
61 state receive the greatest possible security, value and  
62 convenience from investments made in technology;

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

67 (E) Technical and data standards for information  
68 technology and related systems to promote efficiency and  
69 uniformity;

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

76 (G) Technical and data standards for the coordinated  
77 development of infrastructure related to deployment of

78 electronic government services among state, county and local  
79 governmental units;

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

84 (12) Direct the compilation and maintenance of an  
85 inventory of information technology and technical infra-  
86 structure of the state, including infrastructure and technol-  
87 ogy of all state, county and local governmental units, which  
88 may include personnel, facilities, equipment, goods and  
89 contracts for service, wireless tower facilities, geographic  
90 information systems and any technical infrastructure or  
91 technology that is used for law enforcement, homeland  
92 security or emergency services;

93 (13) Develop job descriptions and qualifications neces-  
94 sary to perform duties related to information technology as  
95 outlined in this article; and

96 (14) Promulgate legislative rules, in accordance with the  
97 provisions of chapter twenty-nine-a of this code, as may be  
98 necessary to standardize and make effective the administra-  
99 tion of the provisions of article six of this chapter.

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

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

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

108 (3) Exercise authority delegated by the Governor by  
109 executive order to overrule and supersede decisions made by  
110 the administrators of the various executive agencies of  
111 government with respect to the design and management of

112 information systems and the purchase, lease or acquisition of  
113 information equipment and contracts for related services;

114 (4) Draw upon staff of other executive agencies for  
115 advice and assistance in the formulation and implementation  
116 of administrative and operational plans and policies;

117 (5) Recommend to the Governor transfers of equipment  
118 and human resources from any executive agency and the  
119 most effective and efficient uses of the fiscal resources of  
120 executive agencies, to consolidate or centralize information-  
121 processing operations; and

122 (6) Ensure information technology equipment is properly  
123 cleansed before disposal or transfer to another agency or  
124 organization, and is responsible for the retirement or  
125 transfer of information technology equipment that may  
126 contain confidential or privileged electronic data. Informa-  
127 tion technology equipment shall be cleansed using appropri-  
128 ate and effective methods that are commensurate with the  
129 data, the decommissioning agency and the planned disposi-  
130 tion of the information technology equipment. Following the  
131 cleansing, the Chief Technology Officer may distribute the  
132 information technology equipment for reuse by another state  
133 spending unit, send the information technology equipment to  
134 a state authorized recycler or send the information technol-  
135 ogy equipment to a certified information technology equip-  
136 ment refurbisher. Transfers and disposal of information  
137 technology equipment are specifically exempt from the  
138 surplus property requirements enumerated in sections forty-  
139 three through forty-six, article three of this chapter.

140 (c) The Chief Technology Officer may employ the person-  
141 nel necessary to carry out the work of the Office of Technol-  
142 ogy and may approve reimbursement of costs incurred by  
143 employees to obtain education and training.

144 (d) The Chief Technology Officer shall develop a compre-  
145 hensive, statewide, four-year strategic information technol-  
146 ogy and technical infrastructure policy and development  
147 plan to be submitted to the Governor and the Joint Commit-

148 tee on Government and Finance. A preliminary plan shall be  
149 submitted by December 1, 2006, and the final plan shall be  
150 submitted by June 1, 2007. The plan shall include, but not be  
151 limited to:

152 (A) A discussion of specific projects to implement the  
153 plan;

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

156 (C) A discussion of connectivity, priorities and  
157 interoperability of the state's technical infrastructure with  
158 the technical infrastructure of political subdivisions and  
159 encouraging the coordinated development of facilities and  
160 services regarding homeland security, law enforcement and  
161 emergency services to provide for the continuity of govern-  
162 ment operations in times of disaster or emergency;

163 (D) A discussion identifying potential market demand  
164 areas in which expanded resources and technical infrastruc-  
165 ture may be expected;

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

168 (F) A discussion of the use of public-private partnerships  
169 in the development of technical infrastructure and technol-  
170 ogy services; and

171 (G) A discussion of coordinated initiatives in website  
172 architecture and technical infrastructure to modernize and  
173 improve government to citizen services, government to  
174 business services, government-to-government relations and  
175 internal efficiency and effectiveness of services, including a  
176 discussion of common technical data standards and common  
177 portals to be utilized by state, county and local governmental  
178 units.

179 (e) The Chief Technology Officer shall oversee telecom-  
180 munications services used by state spending units for the  
181 purpose of maximizing efficiency to the fullest possible

182 extent. The Chief Technology Officer shall establish micro-  
183 wave or other networks and LATA hops; audit telecommuni-  
184 cations services and usage; recommend and develop strate-  
185 gies for the discontinuance of obsolete or excessive utiliza-  
186 tion; participate in the renegotiation of telecommunications  
187 contracts; and encourage the use of technology and take  
188 other actions necessary to provide the greatest value to the  
189 state.



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

  
.....  
Chairman Senate Committee

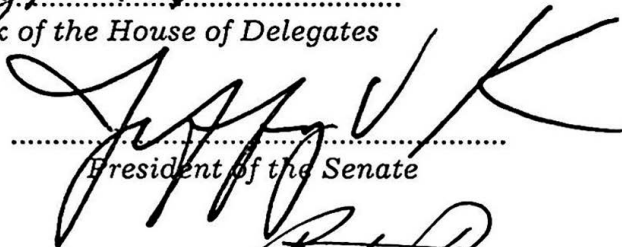
  
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
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President of the Senate

  
.....  
Speaker of the House of Delegates

The within *is approved* this the *2nd*  
Day of *April*, 2012.

  
.....  
Governor

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 4:20 pm