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.]
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.

(a) With respect to all state spending units the Chief Technology Officer may:

(1) Develop an organized approach to information resource management for this state;

(2) Provide technical assistance to the administrators of the various state spending units in the design and management of information systems;
(3) Evaluate the economic justification, system design and suitability of information equipment and related services, and review and make recommendations on the purchase, lease or acquisition of information equipment and contracts for related services by the state spending units;

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

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

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

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

(8) Charge a fee to the state spending units for evaluations performed and technical assistance provided under the provisions of this section. All fees collected by the Chief Technology Officer shall be deposited in a special account in the State Treasury to be known as the Chief Technology Officer Administration Fund. Expenditures from the fund shall be made by the Chief Technology Officer for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three, chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter eleven-b of this code: Provided, That the provisions of section eighteen, article two, chapter eleven-b of this code do not operate to permit expenditures in excess of the spending authority authorized by the Legislature. Amounts collected which are found to exceed the funds needed for
purposes set forth in this article may be transferred to other
accounts or funds and redesignated for other purposes by
appropriation of the Legislature;

(9) Monitor trends and advances in information technol-
ygy and technical infrastructure;

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

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

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

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

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

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

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

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

(11) Periodically evaluate the feasibility of subcontracting information technology resources and services, and to subcontract only those resources that are feasible and beneficial to the state;

(12) Direct the compilation and maintenance of an inventory of information technology and technical infrastructure of the state, including infrastructure and technology of all state, county and local governmental units, which may include personnel, facilities, equipment, goods and contracts for service, wireless tower facilities, geographic information systems and any technical infrastructure or technology that is used for law enforcement, homeland security or emergency services;

(13) Develop job descriptions and qualifications necessary to perform duties related to information technology as outlined in this article; and

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

(b) With respect to executive agencies, the Chief Technology Officer may:

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

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

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

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

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

(6) Ensure information technology equipment is properly cleansed before disposal or transfer to another agency or organization, and is responsible for the retirement or transfer of information technology equipment that may contain confidential or privileged electronic data. Information technology equipment shall be cleansed using appropriate and effective methods that are commensurate with the data, the decommissioning agency and the planned disposition of the information technology equipment. Following the cleansing, the Chief Technology Officer may distribute the information technology equipment for reuse by another state spending unit, send the information technology equipment to a state authorized recycler or send the information technology equipment to a certified information technology equipment refurbisher. Transfers and disposal of information technology equipment are specifically exempt from the surplus property requirements enumerated in sections forty-three through forty-six, article three of this chapter.

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

(d) The Chief Technology Officer shall develop a comprehensive, statewide, four-year strategic information technology and technical infrastructure policy and development plan to be submitted to the Governor and the Joint Commit-
tee on Government and Finance. A preliminary plan shall be
submitted by December 1, 2006, and the final plan shall be
submitted by June 1, 2007. The plan shall include, but not be
limited to:

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

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

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

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

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

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

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

(e) The Chief Technology Officer shall oversee telecom-
munications services used by state spending units for the
purpose of maximizing efficiency to the fullest possible
extent. The Chief Technology Officer shall establish micro-
wave or other networks and LATA hops; audit telecommunications services and usage; recommend and develop strategies for the discontinuance of obsolete or excessive utilization; participate in the renegotiation of telecommunications contracts; and encourage the use of technology and take other actions necessary to provide the greatest value to the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chaired Committee

Chairman Senate Committee

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 of the House of Delegates

The within .......... was approved .......... this the .......... Day of .......... April ................., 2012.

Governor