

HB 4290

FILED

2008 MAR 31 PM 12: 26

SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2008



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4290

(By Delegates Swartzmiller, Stalnaker, Kominar, Varner,
Manchin, Palumbo, Pino, Caputo and Browning)



Passed March 8, 2008

In Effect Ninety Days from Passage

E N R O L L E D

FILED
2008 MAR 31 PM 12:26

COMMITTEE SUBSTITUTE

FOR

H. B. 4290

SECRETARY OF STATE

(BY DELEGATES SWARTZMILLER, STALNAKER, KOMINAR,
VARNER, MANCHIN, PALUMBO, PINO, CAPUTO AND BROWNING)

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §12-3A-2 and §12-3A-3 of the Code of West Virginia, 1931, as amended: and to amend said code by adding thereto a new section, designated §12-3A-7, all relating to electronic commerce; granting the Auditor and Treasurer the discretion to require certain electronic filing, with waivers and exceptions; and authorizing the use of electronic commerce in the sale or disposal of property.

Be it enacted by the Legislature of West Virginia:

That §12-3A-2 and §12-3A-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §12-3A-7, all to read as follows:

ARTICLE 3A. FINANCIAL ELECTRONIC COMMERCE.

§12-3A-2. Definitions.

1 As used in this article, the following words and terms
2 have the following meanings, unless the context clearly
3 indicates otherwise:

4 (a) "Document" means any authentication, certificate,
5 claim, form, invoice, record, report, requisition, security,
6 statement or other similar item that may be in a tangible or
7 electronic form.

8 (b) "Electronic" means electrical, digital, magnetic,
9 wireless, optical, electromagnetic, biometric, or any other
10 technology that is similar to these technologies.

11 (c) "Electronic commerce" means using electronic
12 techniques for accomplishing business transactions, including
13 electronic mail or messaging, electronic bulletin board,
14 Internet technology, electronic funds transfers, electronic data
15 interchange (EDI) techniques, and any other related
16 electronic technologies.

17 (d) "Security procedure" means a methodology or
18 procedure for the purpose of:

19 (1) Preventing access by unauthorized parties;

20 (2) Verifying that an electronic record or electronic
21 signature is that of a specific party or created by a specific
22 electronic point of origin; or

23 (3) Detecting error or alteration in the communication,
24 content, or storage of an electronic record since a specific
25 point in time.

26 (e) "WEB commerce" means electronic commerce on the
27 Internet.

§12-3A-3. Financial electronic commerce.

1 (a) The State Auditor and the State Treasurer shall
2 implement electronic commerce capabilities for each of their
3 offices to facilitate the performance of their duties under this
4 code. The State Treasurer shall competitively bid the
5 selection of vendors needed to provide the necessary
6 banking, investment and related goods and services, and the
7 provisions of article one-b, chapter five, and articles three
8 and seven, chapter five-a of this code shall not apply, unless
9 requested by the State Auditor or State Treasurer.

10 (b) A document or a signature received, issued or used by
11 the Auditor or the Treasurer shall be considered an original
12 and may not be denied legal effect on the ground that it is in
13 electronic form.

14 (c) The Auditor or Treasurer may, in his or her discretion,
15 require documents filed with or submitted to his or her
16 respective office be filed or submitted in a prescribed
17 electronic format.

18 (d) The Auditor or Treasurer, in his or her discretion, may
19 waive:

20 (1) Any requirements for a document filed or submitted
21 in an electronic format; or

22 (2) Any requirements for the certification, notarization or
23 verification of a document filed or submitted in an electronic
24 format.

25 (e) The head of each spending unit is responsible for
26 adopting and implementing security procedures to ensure
27 adequate integrity, security, confidentiality, and auditability
28 of the business transactions of his or her spending unit when
29 utilizing electronic commerce.

§12-3A-7. Method of sale or disposal of personal property.

1 (a) Notwithstanding any other provision in this code to
2 the contrary, the Treasurer, or any other state spending unit
3 that has the authority to sell or dispose of personal property
4 in its possession, may do so by using electronic commerce.

5 (b) The sale of property by the Treasurer, or other state
6 spending unit, by using electronic commerce is, for all
7 purposes, deemed a sale of personal property within the State
8 of West Virginia.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

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 is appended this the 31st
day of March 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 25 2008

Time 10:20am