

**H. B. 3204**

(By Delegates Boggs, Caputo, Varner, Morgan and Fragale)  
[Introduced February 21, 2011; referred to the  
Committee on Government Organization then Finance.]

A BILL 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  
creation of the West Virginia Enterprise Resource Planning  
Board and Executive Committee; powers of the board; management  
and control of Enterprise Resource Planning System; officers;  
staff; committees; Enterprise Resource Fund; and transfer of  
enterprise resource planning funds.

*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; body corporate; board; members; annual and**

1                   other meetings; open meetings and executive  
2                   sessions.

3           (a) The West Virginia Resource Planning Board is created as a  
4 public body corporate and established to develop, implement and  
5 manage the Enterprise Resource Planning System.

6           (b) The board shall consist of the Governor, Auditor and the  
7 Treasurer. They shall serve by virtue of their offices and are not  
8 entitled to compensation under the provisions of this article.

9 **§12-6D-2. Powers of the board.**

10           The board may exercise all powers necessary or appropriate to  
11 carry out and effectuate the purposes of this article. The board  
12 may:

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

14           (2) Sue and be sued;

15           (3) Enter into contracts and execute and deliver instruments  
16 using the policies and procedures of the State Auditor's Office;

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

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

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

24           (7) Propose legislative rules, including emergency rules, in

1 accordance with article three, chapter twenty-nine-a of this code  
2 to establish a user fee for the maintenance of the Enterprise  
3 Resource System.

4 (8) Do all things necessary or convenient to implement and  
5 operate the board and carry out the intent of this article.

6 (9) Notwithstanding any other provision of law to the  
7 contrary, specifically article three, chapter five-a of this code,  
8 retain and contract with legal, accounting, financial and  
9 informative technology managers, advisors and consultants.

10 (10) Appoint representatives to a steering committee provided  
11 for by this article and delegate to the committee any and all  
12 duties of the board deemed necessary and convenient to effectuate  
13 the intent of this article.

14 (11) The board has the sole power and authority to review and  
15 ratify or overrule any decision of the steering committee upon  
16 written request of any committee member.

17 **§12-6D-3. Management and control of Enterprise Resource Planning**  
18 **System; officers; staff; committees.**

19 (a) The management and control of the Enterprise Resource  
20 Planning System is vested in the board in accordance with the  
21 provisions of this article. Any decision of the board shall be  
22 made by unanimous consent of the members.

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

1 chairperson shall also be the chairman of and an ex officio  
2 nonvoting member of the steering committee.

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

7 (d) The board shall hold quarterly meetings. Board bylaws may  
8 provide for calling and holding additional meetings. All three  
9 voting members or their designees must be present to constitute a  
10 quorum of any meeting. Representatives of agencies and members of  
11 the public may attend any meeting held by the board. Attendees  
12 shall observe standards of decorum established by board policy.

13 (e) Any meeting of the board may be closed upon adoption of a  
14 motion by any board member when necessary to preserve the attorney-  
15 client privilege, to protect the privacy interests of individuals,  
16 to review personnel matters, to maintain confidentiality when  
17 confidentiality is in the best interest of the participants, or as  
18 otherwise provided by law.

19 **§12-6D-4. Executive Steering Committee created, powers and**  
20 **authority.**

21 There is hereby created a thirteen member executive steering  
22 committee of the board which shall be charged with the regular and  
23 routine oversight of the implementation and management of the  
24 enterprise resource planning system and any and all powers and

1 duties delegated to them by the board. No action of the committee  
2 may proceed, if appealed to the board pursuant to subsection ten,  
3 section two of this article, until ratified by the board. Any  
4 appointment to the steering committee is effective immediately with  
5 respect to any and all rights and privileges of the committee  
6 member position.

7 (a) The board shall consist of thirteen members, as follows:

8 (1) The Secretary of the Department of Administration or his  
9 or her designee, the Secretary of Revenue or his or her designee,  
10 the Secretary of Transportation or his or her designee, and the  
11 Secretary of Health and Human Resources or his or her designee.  
12 They shall serve by virtue of their offices and are not entitled to  
13 compensation under the provisions of this article. The Secretaries  
14 of Administration, Revenue, Transportation and Health and Human  
15 Resources or their designees are subject to all duties,  
16 responsibilities and requirements of the provisions of this  
17 article; and

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

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

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

22 (b) Appointment of the appointed board members shall be in  
23 effect until revoked. No appointed member of the steering  
24 committee may be removed from office except by the appointing board

1 member.

2 (c) All committee members shall receive reasonable and  
3 necessary expenses actually incurred in discharging committee  
4 member duties pursuant to this article.

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

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

16 **§12-6D-6. Transfer of Enterprise Resource Planning Funds.**

17 The unencumbered balances of all funds allocated to the  
18 enterprise resource planning system for fiscal years ending June  
19 30, 2011, and the fiscal year ending June 30, 2012, are hereby  
20 transferred to the Enterprise Resource Planning Fund on the  
21 effective date of this section in the year 2011.

NOTE: The purpose of this bill is relating to the creation of the West Virginia Enterprise Resource Planning Board and steering committee thereof.

This article is new; therefore, it has been completely

underscored.