

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.

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.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2012.

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Governor