

FILED

2005 MAY -4 P 10: 08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

House Bill No. 3360

(By Delegates Michael, Varner, Boggs,
Browning, Houston, Cann, Williams,
H. K. White, Proudfoot, Ashley and G. White)



Passed April 9, 2005

In Effect Ninety Days from Passage

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E N R O L L E D

H. B. 3360

(BY DELEGATES MICHAEL, VARNER, BOGGS,
BROWNING, HOUSTON, CANN, WILLIAMS, H. K. WHITE,
PROUDFOOT, ASHLEY AND G. WHITE)

[Passed April 9, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §5A-7-4 of the Code of West Virginia, 1931, as amended, relating to duties of the Information Services and Communications Division; and requiring the Director to create and maintain an information systems disaster recovery system.

Be it enacted by the Legislature of West Virginia:

That §5A-7-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. INFORMATION SERVICES AND COMMUNICATIONS DIVISIONS.

§5A-7-4. Powers and duties of Division generally; professional staff; telephone service.

- 1 (a) The Division is responsible for providing technical
- 2 services and assistance to the various state spending units with
- 3 respect to developing and improving data processing and

4 telecommunications functions. The Division may provide
5 training and direct data processing services to the various state
6 agencies. The Division shall, upon request of the Chief Tech-
7 nology Officer within the office of the Governor, provide
8 technical assistance in evaluating the economic justification,
9 system design and suitability of equipment and systems used in
10 state government. The Director shall report to the secretary.

11 (b) The Director is responsible for the development of
12 personnel to carry out the technical work of the Division and
13 may approve reimbursement of costs incurred by employees to
14 obtain education and training.

15 (c) In consultation with the Adjutant General, Chairman of
16 the Public Service Commission, the Superintendent of the State
17 Police and the Director of the Office of Emergency Services,
18 the Director is responsible for the development and mainte-
19 nance of an information systems disaster recovery system for
20 the State of West Virginia with sites in one or more locations
21 isolated from reasonably perceived threats to the primary
22 operation of state government. The Director shall develop
23 specifications, funding mechanisms and participation require-
24 ments for all executive branch agencies to protect the State's
25 essential data, information systems and critical government
26 services in times of emergency, inoperativeness, or disaster.
27 Each executive branch agency shall assist the Director in
28 planning for its specific needs and provide to the Director any
29 information or access to information systems or equipment that
30 may be required in carrying out this purpose. No state-wide or
31 executive branch agency procurement of disaster recovery
32 services may be initiated, let or extended without the expressed
33 consent of the Director.

34 (d) The Director may assess each state spending unit for the
35 cost of any evaluation of the economic justification, system
36 design and suitability of equipment and systems used by the

37 state spending unit or any other technical assistance that is
38 provided or performed by the Chief Technology Officer and the
39 Division under the provisions of section four, article one-b of
40 chapter five of this code.

41 (e) The Director shall transfer any moneys received as a
42 result of the assessments that he or she makes under subsection
43 (d) of this section to the Office of Chief Technology Officer.
44 The Director shall report quarterly to the Joint Committee on
45 Government and Finance on all assessments made pursuant to
46 subsection (d) of this section.

47 (f) The Director shall maintain an accounting system for all
48 telephone service to the state.

49 (g) The provisions of this article do not apply to the
50 Legislature or the judiciary.

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



Chairman Senate Committee



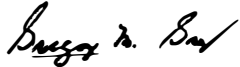
Chairman House Committee

Originating in the House.

In effect ninety days from passage.



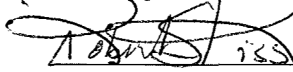
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within ~~is~~ *disapproved* this the 4th
day of May, 2005.



Governor

PRESENTED TO THE
GOVERNOR

APR 22 2005

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