

1 **Senate Bill No. 418**

2 (By Senators McCabe, Snyder, Unger and Beach)

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4 [Introduced February 4, 2011; referred to the Committee on
5 Government Organization; and then to the Committee on Finance.]
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10 A BILL to amend and reenact §5A-6-4 of the Code of West Virginia,
11 1931, as amended, relating to clarifying that the Office of
12 Technology is responsible for the retirement or transfer of
13 information technology equipment that may contain confidential
14 and privileged electronic data.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §5A-6-4 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 6. OFFICE OF TECHNOLOGY.**

19 **§5A-6-4. Powers and duties of the Chief Technology Officer;**
20 **generally.**

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

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

1 (2) Provide technical assistance to the administrators of the
2 various state spending units in the design and management of
3 information systems;

4 (3) Evaluate the economic justification, system design and
5 suitability of information equipment and related services, and
6 review and make recommendations on the purchase, lease or
7 acquisition of information equipment and contracts for related
8 services by the state spending units;

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

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

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

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

23 (8) Charge a fee to the state spending units for evaluations
24 performed and technical assistance provided under the provisions of

1 this section. All fees collected by the Chief Technology Officer
2 shall be deposited in a special account in the State Treasury to be
3 known as the Chief Technology Officer Administration Fund.
4 Expenditures from the fund shall be made by the Chief Technology
5 Officer for the purposes set forth in this article and are not
6 authorized from collections but are to be made only in accordance
7 with appropriation by the Legislature and in accordance with the
8 provisions of article three, chapter twelve of this code and upon
9 the fulfillment of the provisions set forth in article two, chapter
10 eleven-b of this code: *Provided*, That the provisions of section
11 eighteen, article two, chapter eleven-b of this code shall not
12 operate to permit expenditures in excess of the spending authority
13 authorized by the Legislature. Amounts collected which are found
14 to exceed the funds needed for purposes set forth in this article
15 may be transferred to other accounts or funds and redesignated for
16 other purposes by appropriation of the Legislature;

17 (9) Monitor trends and advances in information technology and
18 technical infrastructure;

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

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

1 information;

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

4 (C) Standards necessary to support a unified approach to
5 information technology across the totality of state government,
6 thereby assuring that the citizens and businesses of the state
7 receive the greatest possible security, value and convenience from
8 investments made in technology;

9 (D) Guidelines directing the establishment of statewide
10 standards for the efficient exchange of electronic information and
11 technology, including technical infrastructure, between the public
12 and private sectors;

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

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

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

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

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

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

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

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

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

23 (2) Establish, based on need and opportunity, priorities and
24 time lines for addressing the information technology requirements

1 of the various executive agencies of state government;

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

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

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

15 (6) Insure information equipment is properly cleansed before
16 disposal or transfer to another agency or organization. The Office
17 of Technology is responsible for the retirement or transfer of
18 information technology equipment that may contain confidential and
19 privileged electronic data. Information technology equipment must
20 be cleansed utilizing United States Department of Defense published
21 guidelines. Following certified cleansing, the Chief Technology
22 Officer may distribute the information technology equipment for
23 reuse, or send the information technology equipment to a state
24 authorized recycler. Transfer and disposal of information

1 technology equipment are specifically exempt from the surplus
2 property requirements enumerated in sections forty-three, forty-
3 four, forty-five and forty-six of article three, chapter five-a of
4 this code.

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

9 (d) The Chief Technology Officer shall develop a
10 comprehensive, statewide, four-year strategic information
11 technology and technical infrastructure policy and development plan
12 to be submitted to the Governor and the Joint Committee on
13 Government and Finance. A preliminary plan shall be submitted by
14 December 1, 2006, and the final plan shall be submitted by June 1,
15 2007. The plan shall include, but not be limited to:

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

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

19 (C) A discussion of connectivity, priorities and
20 interoperability of the state's technical infrastructure with the
21 technical infrastructure of political subdivisions and encouraging
22 the coordinated development of facilities and services regarding
23 homeland security, law enforcement and emergency services to
24 provide for the continuity of government operations in times of

1 disaster or emergency;

2 (D) A discussion identifying potential market demand areas in
3 which expanded resources and technical infrastructure may be
4 expected;

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

7 (F) A discussion of the use of public-private partnerships in
8 the development of technical infrastructure and technology
9 services; and

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

17 (e) The Chief Technology Officer shall oversee
18 telecommunications services used by state spending units for the
19 purpose of maximizing efficiency to the fullest possible extent.
20 The Chief Technology Officer shall establish microwave or other
21 networks and LATA hops; audit telecommunications services and
22 usage; recommend and develop strategies for the discontinuance of
23 obsolete or excessive utilization; participate in the renegotiation
24 of telecommunications contracts; and encourage the use of

1 technology and take other actions necessary to provide the greatest
2 value to the state.

NOTE: The purpose of this bill is to clarify that the Office of Technology is responsible for the retirement or transfer of information technology equipment that may contain confidential and privileged electronic data.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.