

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 563**

5 (SENATORS PREZIOSO, SNYDER AND BEACH, *original sponsors*)

6 \_\_\_\_\_  
7 [Passed March 10, 2012; in effect ninety days from passage.]  
8 \_\_\_\_\_  
9

10 AN ACT to amend and reenact §5A-6-4 of the Code of West Virginia,  
11 1931, as amended, relating to clarifying that the Chief  
12 Technology Officer is responsible for the cleansing of  
13 information technology equipment prior to retirement or  
14 transfer.

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;

25 (2) Provide technical assistance to the administrators of the

1 various state spending units in the design and management of  
2 information systems;

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

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

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

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

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

22 (8) Charge a fee to the state spending units for evaluations  
23 performed and technical assistance provided under the provisions of  
24 this section. All fees collected by the Chief Technology Officer  
25 shall be deposited in a special account in the State Treasury to be  
26 known as the Chief Technology Officer Administration Fund.

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

14 (9) Monitor trends and advances in information technology and  
15 technical infrastructure;

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

20 (A) Standards to support state and local government exchange,  
21 acquisition, storage, use, sharing and distribution of electronic  
22 information;

23 (B) Standards concerning the development of electronic  
24 transactions, including the use of electronic signatures;

25 (C) Standards necessary to support a unified approach to  
26 information technology across the totality of state government,

1 thereby assuring that the citizens and businesses of the state  
2 receive the greatest possible security, value and convenience from  
3 investments made in technology;

4 (D) Guidelines directing the establishment of statewide  
5 standards for the efficient exchange of electronic information and  
6 technology, including technical infrastructure, between the public  
7 and private sectors;

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

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

16 (G) Technical and data standards for the coordinated  
17 development of infrastructure related to deployment of electronic  
18 government services among state, county and local governmental  
19 units;

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

23 (12) Direct the compilation and maintenance of an inventory of  
24 information technology and technical infrastructure of the state,  
25 including infrastructure and technology of all state, county and  
26 local governmental units, which may include personnel, facilities,

1 equipment, goods and contracts for service, wireless tower  
2 facilities, geographic information systems and any technical  
3 infrastructure or technology that is used for law enforcement,  
4 homeland security or emergency services;

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

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

12 (b) With respect to executive agencies, the Chief Technology  
13 Officer may:

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

16 (2) Establish, based on need and opportunity, priorities and  
17 time lines for addressing the information technology requirements  
18 of the various executive agencies of state government;

19 (3) Exercise authority delegated by the Governor by executive  
20 order to overrule and supersede decisions made by the  
21 administrators of the various executive agencies of government with  
22 respect to the design and management of information systems and the  
23 purchase, lease or acquisition of information equipment and  
24 contracts for related services;

25 (4) Draw upon staff of other executive agencies for advice and  
26 assistance in the formulation and implementation of administrative

1 and operational plans and policies;

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

6       (6) Ensure information technology equipment is properly  
7 cleansed before disposal or transfer to another agency or  
8 organization, and is responsible for the retirement or transfer of  
9 information technology equipment that may contain confidential or  
10 privileged electronic data. Information technology equipment shall  
11 be cleansed using appropriate and effective methods that are  
12 commensurate with the data, the decommissioning agency and the  
13 planned disposition of the information technology equipment.  
14 Following the cleansing, the Chief Technology Officer may  
15 distribute the information technology equipment for reuse by  
16 another state spending unit, send the information technology  
17 equipment to a state authorized recycler or send the information  
18 technology equipment to a certified information technology  
19 equipment refurbisher. Transfers and disposal of information  
20 technology equipment are specifically exempt from the surplus  
21 property requirements enumerated in sections forty-three through  
22 forty-six, article three of this chapter.

23       (c) The Chief Technology Officer may employ the personnel  
24 necessary to carry out the work of the Office of Technology and may  
25 approve reimbursement of costs incurred by employees to obtain  
26 education and training.

1 (d) The Chief Technology Officer shall develop a  
2 comprehensive, statewide, four-year strategic information  
3 technology and technical infrastructure policy and development plan  
4 to be submitted to the Governor and the Joint Committee on  
5 Government and Finance. A preliminary plan shall be submitted by  
6 December 1, 2006, and the final plan shall be submitted by June 1,  
7 2007. The plan shall include, but not be limited to:

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

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

11 (C) A discussion of connectivity, priorities and  
12 interoperability of the state's technical infrastructure with the  
13 technical infrastructure of political subdivisions and encouraging  
14 the coordinated development of facilities and services regarding  
15 homeland security, law enforcement and emergency services to  
16 provide for the continuity of government operations in times of  
17 disaster or emergency;

18 (D) A discussion identifying potential market demand areas in  
19 which expanded resources and technical infrastructure may be  
20 expected;

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

23 (F) A discussion of the use of public-private partnerships in  
24 the development of technical infrastructure and technology  
25 services; and

26 (G) A discussion of coordinated initiatives in website

1 architecture and technical infrastructure to modernize and improve  
2 government to citizen services, government to business services,  
3 government-to-government relations and internal efficiency and  
4 effectiveness of services, including a discussion of common  
5 technical data standards and common portals to be utilized by  
6 state, county and local governmental units.

7 (e) The Chief Technology Officer shall oversee  
8 telecommunications services used by state spending units for the  
9 purpose of maximizing efficiency to the fullest possible extent.  
10 The Chief Technology Officer shall establish microwave or other  
11 networks and LATA hops; audit telecommunications services and  
12 usage; recommend and develop strategies for the discontinuance of  
13 obsolete or excessive utilization; participate in the renegotiation  
14 of telecommunications contracts; and encourage the use of  
15 technology and take other actions necessary to provide the greatest  
16 value to the state.