

HB 102

FILED

2006 JUN 28 P 2: 24

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

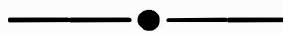
FIRST EXTRAORDINARY SESSION, 2006



ENROLLED

House Bill No. 102

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]



Passed June 14, 2006

In Effect July 1, 2006

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H. B. 102

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)
[BY REQUEST OF THE EXECUTIVE]

[Passed June 14, 2006; in effect July 1, 2006.]

AN ACT to amend and reenact §5A-6-4 of the Code of West Virginia, 1931, as amended; relating to the powers and duties of the Chief Technology Officer; providing for the authority to bill state spending units for evaluations performed and technical assistance provided by the Chief Technology Officer.

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 resource
 - 4 management for this state;

U.S.S. C (2) Provide, with the assistance of the Information Services
6 and Communications Division of the Department of Adminis-
A 7 tration, technical assistance to the administrators of the various
3 8 state spending units in the design and management of informa-
9 tion systems;

10 (3) Evaluate, in conjunction with the Information Services
11 and Communications Division, the economic justification,
12 system design and suitability of information equipment and
13 related services, and review and make recommendations on the
14 purchase, lease or acquisition of information equipment and
15 contracts for related services by the state spending units;

16 (4) Develop a mechanism for identifying those instances
17 where systems of paper forms should be replaced by direct use
18 of information equipment and those instances where applicable
19 state or federal standards of accountability demand retention of
20 some paper processes;

21 (5) Develop a mechanism for identifying those instances
22 where information systems should be linked and information
23 shared, while providing for appropriate limitations on access
24 and the security of information;

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

28 (7) Engage in any other activities as directed by the
29 Governor;

30 (8) Charge a fee to the state spending units for evaluations
31 performed and technical assistance provided under the provi-
32 sions of this section. All fees collected by the Chief Technol-
33 ogy Officer shall be deposited in a special account in the State
34 Treasury to be known as the Chief Technology Officer Admin-
35 istration Fund. Expenditures from the fund shall be made by the

36 Chief Technology Officer for the purposes set forth in this
37 article and are not authorized from collections but are to be
38 made only in accordance with appropriation by the Legislature
39 and in accordance with the provisions of article three, chapter
40 twelve of this code and upon the fulfillment of the provisions
41 set forth in article two, chapter eleven-b of this code: *Provided,*
42 That the provisions of section eighteen, article two, chapter
43 eleven-b of this code shall not operate to permit expenditures in
44 excess of the spending authority authorized by the Legislature.
45 Amounts collected which are found to exceed the funds needed
46 for purposes set forth in this article may be transferred to other
47 accounts or funds and redesignated for other purposes by
48 appropriation of the Legislature;

49 (9) Monitor trends and advances in information technology
50 and technical infrastructure;

51 (10) Direct the formulation and promulgation of policies,
52 guidelines, standards and specifications for the development
53 and maintenance of information technology and technical
54 infrastructure, including, but not limited to:

55 (A) Standards to support state and local government
56 exchange, acquisition, storage, use, sharing and distribution of
57 electronic information;

58 (B) Standards concerning the development of electronic
59 transactions, including the use of electronic signatures;

60 (C) Standards necessary to support a unified approach to
61 information technology across the totality of state government,
62 thereby assuring that the citizens and businesses of the state
63 receive the greatest possible security, value and convenience
64 from investments made in technology;

65 (D) Guidelines directing the establishment of statewide
66 standards for the efficient exchange of electronic information

67 and technology, including technical infrastructure, between the
68 public and private sectors;

69 (E) Technical and data standards for information technol-
70 ogy and related systems to promote efficiency and uniformity;

71 (F) Technical and data standards for the connectivity,
72 priorities and interoperability of technical infrastructure used
73 for homeland security, public safety and health and systems
74 reliability necessary to provide continuity of government
75 operations in times of disaster or emergency for all state, county
76 and local governmental units; and

77 (G) Technical and data standards for the coordinated
78 development of infrastructure related to deployment of elec-
79 tronic government services among state, county and local
80 governmental units;

81 (11) Periodically evaluate the feasibility of subcontracting
82 information technology resources and services, and to subcon-
83 tract only those resources that are feasible and beneficial to the
84 state;

85 (12) Direct the compilation and maintenance of an inven-
86 tory of information technology and technical infrastructure of
87 the state, including infrastructure and technology of all state,
88 county and local governmental units, which may include
89 personnel, facilities, equipment, goods and contracts for
90 service, wireless tower facilities, geographic information
91 systems and any technical infrastructure or technology that is
92 used for law enforcement, homeland security or emergency
93 services;

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

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

101 (b) With respect to executive agencies, the Chief Technol-
102 ogy Officer may:

103 (1) Develop a unified and integrated structure for informa-
104 tion systems for all executive agencies;

105 (2) Establish, based on need and opportunity, priorities and
106 time lines for addressing the information technology require-
107 ments of the various executive agencies of state 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 govern-
111 ment with respect to the design and management of information
112 systems and the purchase, lease or acquisition of information
113 equipment and contracts for related services;

114 (4) Draw upon staff of other executive agencies for advice
115 and assistance in the formulation and implementation of
116 administrative and operational plans and policies; and

117 (5) Recommend to the Governor transfers of equipment and
118 human resources from any executive agency and the most
119 effective and efficient uses of the fiscal resources of executive
120 agencies, to consolidate or centralize information-processing
121 operations.

122 (c) The Chief Technology Officer may employ the person-
123 nel necessary to carry out the work of the Office of Technology
124 and may approve reimbursement of costs incurred by employ-
125 ees to obtain education and training.

126 (d) The Chief Technology Officer shall develop a compre-
127 hensive, statewide, four-year strategic information technology
128 and technical infrastructure policy and development plan to be
129 submitted to the Governor and the Joint Committee on Govern-
130 ment and Finance. A preliminary plan shall be submitted by the
131 first day of December, two thousand six, and the final plan shall
132 be submitted by the first day of June, two thousand seven. The
133 plan shall include, but not be limited to:

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

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

137 (C) A discussion of connectivity, priorities and
138 interoperability of the state's technical infrastructure with the
139 technical infrastructure of political subdivisions and encourag-
140 ing the coordinated development of facilities and services
141 regarding homeland security, law enforcement and emergency
142 services to provide for the continuity of government operations
143 in times of disaster or emergency;

144 (D) A discussion identifying potential market demand areas
145 in which expanded resources and technical infrastructure may
146 be expected;

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

149 (F) A discussion of the use of public-private partnerships in
150 the development of technical infrastructure and technology
151 services; and

152 (G) A discussion of coordinated initiatives in website
153 architecture and technical infrastructure to modernize and
154 improve government to citizen services, government to business
155 services, government to government relations and internal

156 efficiency and effectiveness of services, including a discussion
157 of common technical data standards and common portals to be
158 utilized by state, county and local governmental units.

159 (e) The Chief Technology Officer shall oversee telecommu-
160 nications services used by state spending units for the purpose
161 of maximizing efficiency to the fullest possible extent. The
162 Chief Technology Officer shall establish microwave or other
163 networks and LATA hops; audit telecommunications services
164 and usage; recommend and develop strategies for the discon-
165 tinuance of obsolete or excessive utilization; participate in the
166 renegotiation of telecommunications contracts; and encourage
167 the use of technology and take other actions necessary to
168 provide the greatest value to the state.

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 July 1, 2006.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 28th
day of June, 2006.



Governor

PRESENTED TO
GOVERNOR

JUN 19 2006

Time 10:15 AM