

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3204**

5 (By Delegates Boggs, Caputo, Varner, Morgan and Fragale)

6  
7 [Passed March 12, 2011; in effect from passage.]  
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9

10 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new article, designated §12-6D-1, §12-6D-2,  
12 §12-6D-3, §12-6D-4, §12-6D-5 and §12-6D-6, all relating to the  
13 West Virginia Enterprise Resource Planning System; creating  
14 the Enterprise Resource Planning Board; providing for  
15 composition, purpose, powers and duties of the board; creating  
16 a steering committee; providing for composition, purpose,  
17 powers and duties of the steering committee; providing for  
18 expense reimbursement for members of the steering committee;  
19 creating the Enterprise Resource Planning System Fund in the  
20 state treasury; and transferring funds allocated to the system  
21 to the Enterprise Resource Planning System Fund.

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

23 That the Code of West Virginia, 1931, as amended, be amended  
24 by adding thereto a new article, designated §12-6D-1, §12-6D-2,  
25 §12-6D-3, §12-6D-4, §12-6D-5 and §12-6D-6, all to read as follows:

1 **ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.**

2 **§12-6D-1. West Virginia Enterprise Resource Planning Board created;**  
3 **board composition and purpose; Enterprise Resource**  
4 **planning defined.**

5 (a) As used in this article "enterprise resource planning"  
6 means the implementation of software applications to achieve the  
7 comprehensive integration of data sources and processes of state  
8 agencies into a unified system that includes the state's financial  
9 management, procurement, personnel, payroll, budget development and  
10 other administrative business processes.

11 (b) There is created the West Virginia Enterprise Resource  
12 Planning Board, whose purpose is to develop, implement and manage  
13 the Enterprise Resource Planning System.

14 (c) The board consists of the Governor, Auditor and the  
15 Treasurer, who serve by virtue of their offices and are not  
16 entitled to compensation under the provisions of this article.

17 **§12-6D-2. Powers of the board.**

18 The board may:

- 19 (1) Adopt and use a common seal and alter it at pleasure;  
20 (2) Sue and be sued;  
21 (3) Enter into contracts and execute and deliver instruments;  
22 (4) Acquire by purchase, gift or otherwise, hold, use and  
23 dispose of real and personal property, deeds, mortgages and other  
24 instruments;

1 (5) Accept and receive gifts, grants and other moneys from any  
2 source;

3 (6) Promulgate and enforce by-laws and rules for the  
4 management and conduct of its affairs;

5 (7) Propose legislative rules, including emergency rules, in  
6 accordance with article three, chapter twenty-nine-a of this code  
7 to establish a user fee for the maintenance of the Enterprise  
8 Resource System;

9 (8) Contract with and retain legal, accounting, financial and  
10 information technology managers, advisors and consultants;

11 (9) Delegate to the committee any and all duties of the board  
12 deemed necessary and convenient to effectuate the intent of this  
13 article;

14 (10) Review and ratify or overrule any decision of the  
15 steering committee;

16 (11) Review written appeals submitted by the steering  
17 committee chairman at the request of a committee member; and

18 (12) Do all things necessary or convenient to implement and  
19 operate the board and carry out the purposes of this article.

20 **§12-6D-3. Management and control of Enterprise Resource Planning**  
21 **System; designation of chair; meetings; executive session.**

22 (a) The board shall manage and control the Enterprise Resource  
23 Planning System in accordance with the provisions of this article.

24 (b) The Governor shall be the chairperson of the board unless

1 the board votes to elect another member as chairperson.

2 (c) Decisions of the board require unanimous consent of the  
3 members.

4 (d) The board may use the staff, policies and procedures of  
5 the State Auditor, employ personnel and contract with any person or  
6 entity needed to perform the tasks related to the development,  
7 management and operation of the Enterprise Resource Planning  
8 System.

9 (e) The board shall hold meetings at least quarterly. Board  
10 by-laws may provide for additional meetings.

11 (f) All three voting members must be present to constitute a  
12 quorum of any meeting.

13 (g) Meetings of the board are subject to the provisions of  
14 article nine-a, chapter six of this code.

15 (h) The board may convene in executive session, upon adoption  
16 of a proper motion by a board member, when necessary to preserve  
17 the attorney-client privilege, to protect the privacy interests of  
18 individuals, to review personnel matters, to maintain  
19 confidentiality when confidentiality is in the best interest of the  
20 participants, or as otherwise provided by law.

21 **§12-6D-4. Steering Committee created; powers and authority.**

22 (a) There is created a sixteen member steering committee of  
23 the board whose purpose is to provide routine oversight of the  
24 implementation and management of the enterprise resource planning  
25 system and perform duties delegated to them by the board.

1 (b) The steering committee shall annually elect a chairperson  
2 to chair the committee.

3 (c) A steering committee member may appeal any action of the  
4 committee to the board by submitting a written request for board  
5 review to the steering committee chairperson within ten days of the  
6 disputed committee action. The committee chairperson shall forward  
7 the appeal to the board. The board shall review appeals at the  
8 next regularly scheduled board meeting and shall ratify or overturn  
9 the decision of the board in writing. No disputed action of the  
10 committee may proceed, if appealed to the board, until ratified or  
11 overturned by the board.

12 (d) The steering committee shall consist of sixteen members,  
13 as follows:

14 (1) The Secretary of the Department of Administration, the  
15 Secretary of Revenue, the Secretary of Transportation, and the  
16 Secretary of Health and Human Resources. They shall serve by virtue  
17 of their offices, are not entitled to compensation under the  
18 provisions of this article, and are subject to all duties,  
19 responsibilities and requirements of the provisions of this  
20 article;

21 (2) Five persons appointed by the Governor, three of whom will  
22 be representatives of institutions of Higher Education;

23 (3) Two persons appointed by the State Auditor;

24 (4) Two persons appointed by the State Treasurer;

25 (5) A member of the Senate appointed by the President of the

1 Senate, who shall be a non-voting member; and

2 (6) A member of the House of Delegates appointed by the  
3 Speaker of the House, who shall be a non-voting member;

4 (7) A member who represents public employees, who shall be a  
5 non-voting member.

6 (e) A member may appoint a designee to serve on his or her  
7 behalf.

8 (f) A member may serve until his or her appointment is revoked  
9 or until his or her successor is appointed and qualified.

10 (g) Members are entitled to reasonable and necessary expenses  
11 actually incurred in discharging committee duties pursuant to this  
12 article.

13 **§12-6D-5. Enterprise Resource Planning Fund.**

14 There is hereby created a fund in the State Treasury entitled  
15 the Enterprise Resource Planning System Fund to be administered by  
16 the board. The fund shall consist of any appropriations or  
17 transfers made for the purpose of studying, evaluating, creating,  
18 developing, implementing and managing a new Enterprise Resource  
19 Planning System and any fees collected in accordance with  
20 legislative rules approved by the board and proposed pursuant to  
21 this article. Expenditures from the fund are to be made for the  
22 purposes set forth in this article in accordance with  
23 appropriations by the Legislature and are not authorized from  
24 collections.

25 **§12-6D-6. Transfer of Enterprise Resource Planning Funds.**

1           The unencumbered balances of all funds allocated to the  
2 enterprise resource planning system for fiscal year ending June 30,  
3 2011, and the fiscal year ending June 30, 2012, are hereby  
4 transferred to the Enterprise Resource Planning System Fund on the  
5 effective date of this section in the year 2011.