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**HOUSE BILL NO. 2022**

Offered January 14, 2009

Prefiled January 13, 2009

*A BILL to amend and reenact §§ 2.2-203.1, 2.2-2007, and 2.2-2024 of the Code of Virginia and to repeal Article 18 (§ 2.2-2651) of Chapter 26 of Title 2.2 of the Code of Virginia, relating to eliminating the Council on Technology Services.*

Patrons—Rust; Senator: Stosch

Referred to Committee on Science and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-203.1, 2.2-2007, and 2.2-2024 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-203.1. Secretary to establish telecommuting policy.

A. The Secretary, in cooperation with the Secretary of Technology ~~and in consultation with the Council on Technology Services~~, shall establish a comprehensive statewide telecommuting and alternative work schedule policy under which eligible employees of state agencies, as determined by state agencies, may telecommute or participate in alternative work schedules, and the Secretary shall periodically update such policy as necessary.

B. The telecommuting and alternative work schedule policy described in subsection A shall include, but not be limited to, model guidelines, rules and procedures for telecommuting and participation in alternative work schedules, and identification of the broad categories of positions determined to be ineligible to participate in telecommuting and the justification for such a determination. Such policy may also include an incentive program, to be established and administered by the Department of Human Resources Management, that may encourage state employees to telecommute or participate in alternative work schedules and that may encourage the state agencies' management personnel to promote telecommuting and alternative work schedules for eligible employees.

§ 2.2-2007. Powers of the CIO.

A. In addition to such other duties as the Board may assign, the CIO shall:

1. Monitor trends and advances in information technology; develop a comprehensive, statewide, four-year strategic plan for information technology to include specific projects that implement the plan; and plan for the acquisition, management, and use of information technology by state agencies. The statewide plan shall be updated annually and submitted to the Board for approval. ~~In developing and updating the plan, the CIO shall consider the advice and recommendations of the Council on Technology Services created pursuant to § 2.2-2651.~~

2. Direct the formulation and promulgation of policies, guidelines, standards, and specifications for the purchase, development, and maintenance of information technology for state agencies, including, but not limited to, those (i) required to support state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies, (ii) concerned with the development of electronic transactions including the use of electronic signatures as provided in § 59.1-496, and (iii) necessary to support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible security, value, and convenience from investments made in technology.

3. Direct the development of policies and procedures, in consultation with the Department of Planning and Budget, that are integrated into the Commonwealth's strategic planning and performance budgeting processes, and that state agencies and public institutions of higher education shall follow in developing information technology plans and technology-related budget requests. Such policies and procedures shall require consideration of the contribution of current and proposed technology expenditures to the support of agency and institution priority functional activities, as well as current and future operating expenses, and shall be utilized by all state agencies and public institutions of higher education in preparing budget requests.

4. Review budget requests for information technology from state agencies and public institutions of higher education and recommend budget priorities to the Information Technology Investment Board.

Review of such budget requests shall include, but not be limited to, all data processing or other related projects for amounts exceeding \$100,000 in which the agency or institution has entered into or plans to enter into a contract, agreement or other financing agreement or such other arrangement that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or

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59 other assessments or revenues to pay for the project. For each project, the agency or institution, with the  
60 exception of public institutions of higher education that meet the conditions prescribed in subsection B  
61 of § 23-38.88, shall provide the CIO (i) a summary of the terms, (ii) the anticipated duration, and (iii)  
62 the cost or charges to any user, whether a state agency or institution or other party not directly a party  
63 to the project arrangements. The description shall also include any terms or conditions that bind the  
64 Commonwealth or restrict the Commonwealth's operations and the methods of procurement employed to  
65 reach such terms.

66 5. Direct the development of policies and procedures for the effective management of information  
67 technology investments throughout their entire life cycles, including, but not limited to, project  
68 definition, procurement, development, implementation, operation, performance evaluation, and  
69 enhancement or retirement. Such policies and procedures shall include, at a minimum, the periodic  
70 review by the CIO of agency and public institution of higher education information technology projects  
71 estimated to cost \$1 million or more or deemed to be mission-critical or of statewide application by the  
72 CIO. The CIO shall provide technical guidance to the Department of General Services in the  
73 development of policies and procedures for the recycling and disposal of computers and other  
74 technology assets. Such policies and procedures shall include the expunging, in a manner as determined  
75 by the CIO, of all state confidential data and personal identifying information of citizens of the  
76 Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

77 6. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to  
78 § 2.2-2023.

79 7. Periodically evaluate the feasibility of outsourcing information technology resources and services,  
80 and outsource those resources and services that are feasible and beneficial to the Commonwealth.

81 8. Have the authority to enter into contracts, and with the approval of the Board for any contracts  
82 over \$1 million, with one or more other public bodies, or public agencies or institutions or localities of  
83 the several states, of the United States or its territories, or the District of Columbia for the provision of  
84 information technology services.

85 9. Report annually to the Governor and the Joint Commission on Technology and Science created  
86 pursuant to § 30-85 on the use and application of information technology by state agencies and public  
87 institutions of higher education to increase economic efficiency, citizen convenience, and public access  
88 to state government.

89 10. Direct the development of policies and procedures that require VITA to review information  
90 technology projects proposed by state agencies and institutions exceeding \$100,000, and recommend  
91 whether such projects be approved or disapproved. The CIO shall disapprove projects between \$100,000  
92 and \$1 million that do not conform to the statewide information plan or to the individual plans of state  
93 agencies or institutions of higher education.

94 B. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance  
95 or implement information technology programs and projects. The CIO may issue a request for  
96 information to seek out potential private partners interested in providing programs or projects pursuant to  
97 an agreement under this subsection. The compensation for such services shall be computed with  
98 reference to and paid from the increased revenue or cost savings attributable to the successful  
99 implementation of the program or project for the period specified in the contract. The CIO shall be  
100 responsible for reviewing and approving the programs and projects and the terms of contracts for same  
101 under this subsection. The CIO shall determine annually the total amount of increased revenue or cost  
102 savings attributable to the successful implementation of a program or project under this subsection and  
103 such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023.  
104 The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms  
105 of contracts under this subsection. All moneys in excess of that required to be paid to private partners,  
106 as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall  
107 prepare an annual report to the Governor and General Assembly on all contracts under this subsection,  
108 describing each information technology program or project, its progress, revenue impact, and such other  
109 information as may be relevant.

110 § 2.2-2024. Annual plan; allowable uses of Fund.

111 The CIO, ~~with advice from the Council on Technology Services~~, shall prepare a plan that identifies  
112 the projects in which the Fund will participate. The plan shall be consistent with the statewide plan for  
113 information technology and shall consider the use of existing resources and long-term operation and  
114 maintenance costs. Projects having the greatest benefit to state government as a whole shall have the  
115 highest priority in the plan.

116 **2. That Article 18 (§ 2.2-2651) of Chapter 26 of Title 2.2 of the Code of Virginia is repealed.**