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**HOUSE BILL NO. 1034****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Science and Technology  
on February 3, 2010)

(Patron Prior to Substitute—Delegate Byron [HB1035])

A *BILL to amend and reenact §§ 2.2-106, 2.2-225, 2.2-1115.1, 2.2-1509.3, 2.2-2005 through 2.2-2009, 2.2-2012, 2.2-2015, 2.2-2019, 2.2-2020, 2.2-2021, 2.2-2023, 23-38.111, and 23-77.4 of the Code of Virginia; to amend and reenact the third enactment of Chapters 758 and 812 of the 2009 Acts of Assembly; to amend the Code of Virginia by adding in Chapter 26 of Title 2.2 an article numbered 35, consisting of sections numbered 2.2-2699.5, 2.2-2699.6, and 2.2-2699.7; and to repeal Article 7 (§§ 2.2-2033 and 2.2-2034) of Chapter 20.1 and Article 20 (§§ 2.2-2457, 2.2-2458, and 2.2-2458.1) of Chapter 24 of Title 2.2 of the Code of Virginia, relating to Information Technology governance in the Commonwealth; the Chief Information Officer; the Information Technology Investment Board, abolished; and the Information Technology Advisory Council, established; emergency.*

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

**1. That §§ 2.2-106, 2.2-225, 2.2-1115.1, 2.2-1509.3, 2.2-2005 through 2.2-2009, 2.2-2012, 2.2-2015, 2.2-2019, 2.2-2020, 2.2-2021, 2.2-2023, 23-38.111, and 23-77.4 of the Code of Virginia are amended and reenacted, that the third enactment of Chapters 758 and 812 of the 2009 Acts of Assembly are amended and reenacted, and that Code of Virginia is amended by adding in Chapter 26 of Title 2.2 an article numbered 35, consisting of sections numbered 2.2-2699.5, 2.2-2699.6, and 2.2-2699.7, as follows:**

§ 2.2-106. Appointment of agency heads; severance.

A. Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Director of the State Council of Higher Education for Virginia;
3. Executive Director of the Department of Game and Inland Fisheries;
4. Executive Director of the Jamestown-Yorktown Foundation;
5. Executive Director of the Motor Vehicle Dealer Board;
6. Librarian of Virginia;
7. Administrator of the Commonwealth's Attorneys' Services Council;
8. Executive Director of the Virginia Housing Development Authority; *and*
9. Executive Director of the Board of Accountancy; *and*
- ~~10. Chief Information Officer of the Commonwealth.~~

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

B. As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. For the purposes of this section and § 2.2-107, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this ~~paragraph~~ *subsection* pertaining to the confirmation process.

C. For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 23-253.7, 22.1-346, 23-14, *and* 23-252; *and*; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under

60 Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

61 D. Severance benefits provided to any departing agency head, whether or not appointed by the  
62 Governor, shall be publicly announced by the appointing authority prior to such departure.

63 § 2.2-225. Position established; agencies for which responsible; additional powers.

64 The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible  
65 to the Governor for the following agencies, *councils*, and boards: Information Technology Investment  
66 Board ~~Advisory Council~~, Innovation and Entrepreneurship Investment Authority, Virginia Information  
67 Technologies Agency, Virginia Geographic Information Network Advisory Board, and the Wireless  
68 E-911 Services Board. The Governor, by executive order, may assign any other state executive agency  
69 to the Secretary, or reassign any agency listed in this section to another Secretary.

70 Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to  
71 strategy development, planning and budgeting for technology programs in the Commonwealth:

72 1. Monitor trends and advances in fundamental technologies of interest and importance to the  
73 economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy  
74 development process that results in a comprehensive and coordinated view of research and development  
75 goals for industry, academia and government in the Commonwealth. This strategy shall be updated  
76 biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro  
77 Tempore of the Senate.

78 2. Work closely with the appropriate federal research and development agencies and program  
79 managers to maximize the participation of Commonwealth industries and universities in these programs  
80 consistent with agreed strategy goals.

81 3. Direct the development of plans and programs for strengthening the technology resources of the  
82 Commonwealth's high technology industry sectors and for assisting in the strengthening and  
83 development of the Commonwealth's Regional Technology Councils.

84 4. Direct the development of plans and programs for improving access to capital for  
85 technology-based entrepreneurs.

86 5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts  
87 to stimulate, encourage, and promote the development of technology in the Commonwealth.

88 6. Continuously monitor and analyze the technology investments and strategic initiatives of other  
89 states to ensure the Commonwealth remains competitive.

90 7. Strengthen interstate and international partnerships and relationships in the public and private  
91 sectors to bolster the Commonwealth's reputation as a global technology center.

92 8. Develop and implement strategies to accelerate and expand the commercialization of intellectual  
93 property created within the Commonwealth.

94 9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries,  
95 including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

96 10. Monitor the trends in the availability and deployment of and access to broadband  
97 communications services, which include, but are not limited to, competitively priced, high-speed data  
98 services and Internet access services of general application, throughout the Commonwealth and  
99 advancements in communications technology for deployment potential. The Secretary shall report  
100 annually by December 1 to the Governor and General Assembly on those trends.

101 11. *Develop criteria and requirements defining "major information technology project" for purposes*  
102 *of § 2.2-2006.*

103 12. *Review and approve the procurement or termination of major information technology projects as*  
104 *recommended by the Chief Information Officer (CIO).*

105 13. *Review and approve statewide technical and data standards for information technology and*  
106 *related systems, including the utilization of nationally recognized technical and data standards for health*  
107 *information technology systems or software purchased by a state agency of the Commonwealth, as*  
108 *recommended by the Chief Information Officer (CIO).*

109 § 2.2-1115.1. Standard vendor accounting information.

110 A. The Division, the Virginia Information Technologies Agency, and the State Comptroller shall  
111 develop and maintain data standards for use by all agencies and institutions for payments and purchases  
112 of goods and services pursuant to §§ 2.2-1115 and 2.2-2012. Such standards shall include at a minimum  
113 the vendor number, name, address, and tax identification number; commodity code, order number,  
114 invoice number, and receipt information; and other information necessary to appropriately and  
115 consistently identify all suppliers of goods, commodities, and other services to the Commonwealth. The  
116 Division, the Virginia Information Technologies Agency, and the State Comptroller shall annually  
117 review and update these standards to provide the Commonwealth information to monitor all procurement  
118 of goods and services and to implement adequate controls to pay only authorized providers of goods and  
119 services to the Commonwealth.

120 B. The Division and the Virginia Information Technologies Agency shall submit these standards to  
121 the Information Technology ~~Investment Board~~ *Advisory Council* in accordance with ~~§ 2.2-2458~~

122 § 2.2-2699.6 for approval review as statewide technical and data standards for information technology.

123 § 2.2-1509.3. Budget bill to include appropriations for major information technology projects.

124 A. For purposes of this section:

125 "Major information technology project" means the same as that term is defined in § 2.2-2006.

126 "Major information technology project funding" means an estimate of each funding source for a  
127 major information technology project for the duration of the project.

128 B. In "The Budget Bill" submitted pursuant to § 2.2-1509, the Governor shall provide for the funding  
129 of major information technology projects, as specified herein. Such funding recommendations shall be  
130 for major information technology projects that have or are pending project development approval as  
131 defined by § 2.2-2019 or procurement approval as defined by § 2.2-2020.

132 The Governor shall include in "The Budget Bill" submitted pursuant to § 2.2-1509 a biennial  
133 appropriation for major information technology projects and the following information for each such  
134 project:

135 1. A brief statement explaining the project, the ~~Information Technology Investment Board's~~ CIO's  
136 ranking and recommendations on the project as required by ~~§ 2.2-2458~~ § 2.2-2008, an explanation, if  
137 necessary, if the Governor informed the ~~Chief Information Officer~~ Secretary of Technology that an  
138 emergency existed as set forth in § 2.2-2008, and the anticipated duration of the project;

139 2. A brief explanation of the inclusion of any project in the budget bill that has not undergone  
140 review and approval by the ~~Information Technology Investment Board~~ Secretary of Technology as  
141 required by ~~§ 2.2-2458~~ § 2.2-225;

142 3. Total estimated project costs, as defined by the Commonwealth's Project Management Standards,  
143 including the amount of the agency's or institution's operating appropriation, which will support the  
144 project, and long-term contract cost beyond the biennium;

145 4. Costs incurred to date, as defined by the Commonwealth's Project Management Standards, which  
146 includes both the project planning cost and internal operating costs to support the project;

147 5. Recommendations or comments of the Public-Private Partnership Advisory Commission, if the  
148 project is part of a proposal under the Public-Private Education Facilities and Infrastructure Act of 2002  
149 (§ 56-575.1 et seq.); and

150 6. The ~~Information Technology Investment Board's~~ CIO's assessment of the project and the status as  
151 of the date of the budget bill submission to the General Assembly.

152 C. The ~~Information Technology Investment Board~~ Secretary of Technology shall immediately notify  
153 each member of the Senate Finance Committee and the House Appropriations Committee of any ~~Board~~  
154 decision to terminate in accordance with ~~§ 2.2-2458~~ § 2.2-225 any major information technology project  
155 in the budget bill. Such communication shall include the ~~Information Technology Investment Board's~~  
156 Secretary of Technology's reason for such termination.

157 § 2.2-2005. Creation of Agency; appointment of Chief Information Officer.

158 A. There is hereby created the Virginia Information Technologies Agency (VITA), which shall serve  
159 as the agency responsible for administration and enforcement of the provisions of this Chapter and the  
160 rules and policies of the Board.

161 B. The ~~Board~~ Governor shall appoint a Chief Information Officer (the CIO) as the chief  
162 administrative officer of the ~~Board~~ ITAC and to oversee the operation of VITA. The CIO shall be  
163 employed under special contract for a term not to exceed five years and shall, under the direction and  
164 control of the Board, exercise the powers and perform the duties conferred or imposed upon him by law  
165 and perform such other duties as may be required by the ~~Board~~ Governor and the Secretary of  
166 Technology.

167 § 2.2-2006. Definitions.

168 As used in this chapter:

169 "~~Board~~" means the ~~Information Technology Investment Board~~ created in § 2.2-2457.

170 "Communications services" includes telecommunications services, automated data processing services,  
171 and management information systems that serve the needs of state agencies and institutions.

172 "Confidential data" means information made confidential by federal or state law that is maintained by  
173 a state agency in an electronic format.

174 "Information technology" means telecommunications, automated data processing, databases, the  
175 Internet, management information systems, and related information, equipment, goods, and services. ~~It is~~  
176 ~~in the interest of the Commonwealth that its public institutions of higher education in Virginia be in the~~  
177 ~~forefront of developments in technology. Therefore, the~~ The provisions of this chapter shall not be  
178 construed to hamper the pursuit of the missions of the institutions in instruction and research.

179 "ITAC" means the ~~Information Technology Advisory Council~~ created in § 2.2-2699.5.

180 "Major information technology project" means any state agency information technology project that  
181 (i) is ~~mission-critical~~, (ii) has statewide application, or (iii) has a total estimated cost of more than \$1  
182 million meets the criteria and requirements developed by the Secretary of Technology pursuant to

183 § 2.2-225.

184 "Noncommercial telecommunications entity" means any public broadcasting station as defined in  
185 § 2.2-2427.

186 "Public telecommunications entity" means any public broadcasting station as defined in § 2.2-2427.

187 "Public telecommunications facilities" means all apparatus, equipment and material necessary for or  
188 associated in any way with public broadcasting stations or public broadcasting services as those terms  
189 are defined in § 2.2-2427, including the buildings and structures necessary to house such apparatus,  
190 equipment and material, and the necessary land for the purpose of providing public broadcasting  
191 services, but not telecommunications services.

192 "Public telecommunications services" means public broadcasting services as defined in § 2.2-2427.

193 "Secretary" means the Secretary of Technology.

194 "State agency" or "agency" means any agency, institution, board, bureau, commission, council, or  
195 instrumentality of state government in the executive branch listed in the appropriation act. However, the  
196 terms "state agency," "agency," "institution," "public body," and "public institution of higher education,"  
197 shall not include the University of Virginia Medical Center.

198 "Technology asset" means hardware and communications equipment not classified as traditional  
199 mainframe-based items, including personal computers, mobile computers, and other devices capable of  
200 storing and manipulating electronic data.

201 "Telecommunications" means any origination, transmission, emission, or reception of signs, signals,  
202 writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other  
203 electromagnetic systems.

204 "Telecommunications facilities" means apparatus necessary or useful in the production, distribution,  
205 or interconnection of electronic communications for state agencies or institutions including the buildings  
206 and structures necessary to house such apparatus and the necessary land.

207 § 2.2-2007. Powers of the CIO.

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

209 1. Monitor trends and advances in information technology; develop a comprehensive, statewide,  
210 four-year strategic plan for information technology to include specific projects that implement the plan;  
211 and plan for the acquisition, management, and use of information technology by state agencies. The  
212 statewide plan shall be updated annually and submitted to the ~~Board~~ *Secretary* for approval.

213 2. Direct the formulation and promulgation of policies, guidelines, standards, and specifications for  
214 the purchase, development, and maintenance of information technology for state agencies, including, but  
215 not limited to, those (i) required to support state and local government exchange, acquisition, storage,  
216 use, sharing, and distribution of geographic or base map data and related technologies, (ii) concerned  
217 with the development of electronic transactions including the use of electronic signatures as provided in  
218 § 59.1-496, and (iii) necessary to support a unified approach to information technology across the  
219 totality of state government, thereby assuring that the citizens and businesses of the Commonwealth  
220 receive the greatest possible security, value, and convenience from investments made in technology.

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

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

232 Review of such budget requests shall include, but not be limited to, all data processing or other  
233 related projects for amounts exceeding \$100,000 in which the agency or institution has entered into or  
234 plans to enter into a contract, agreement or other financing agreement or such other arrangement that  
235 requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows  
236 or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or  
237 other assessments or revenues to pay for the project. For each project, the agency or institution, with the  
238 exception of public institutions of higher education that meet the conditions prescribed in subsection B  
239 of § 23-38.88, shall provide the CIO (i) a summary of the terms, (ii) the anticipated duration, and (iii)  
240 the cost or charges to any user, whether a state agency or institution or other party not directly a party  
241 to the project arrangements. The description shall also include any terms or conditions that bind the  
242 Commonwealth or restrict the Commonwealth's operations and the methods of procurement employed to  
243 reach such terms.

244 5. Direct the development of policies and procedures for the effective management of information

245 technology investments throughout their entire life cycles, including, but not limited to, project  
 246 definition, procurement, development, implementation, operation, performance evaluation, and  
 247 enhancement or retirement. Such policies and procedures shall include, at a minimum, the periodic  
 248 review by the CIO of agency and public institution of higher education *major* information technology  
 249 projects estimated to cost \$1 million or more or deemed to be mission-critical or of statewide  
 250 application by the CIO. The CIO shall provide technical guidance to the Department of General Services  
 251 in the development of policies and procedures for the recycling and disposal of computers and other  
 252 technology assets. Such policies and procedures shall include the expunging, in a manner as determined  
 253 by the CIO, of all state confidential data and personal identifying information of citizens of the  
 254 Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

255 6. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to  
 256 § 2.2-2023.

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

259 8. ~~Have~~ *Subject to review and approval by the Secretary of Technology, have* the authority to enter  
 260 into contracts; ~~and with the approval of the Board~~ for any contracts over \$1 million, with one or more  
 261 other public bodies, or public agencies or institutions or localities of the several states, of the United  
 262 States or its territories, or the District of Columbia for the provision of information technology services.

263 9. Report annually to the Governor, *Secretary of Technology,* and the Joint Commission on  
 264 Technology and Science created pursuant to § 30-85 on (i) the use and application of information  
 265 technology by state agencies and public institutions of higher education to increase economic efficiency,  
 266 citizen convenience, and public access to state government *and (ii) a list of recommended technology*  
 267 *investment projects and priorities for funding such projects.*

268 10. Direct the development of policies and procedures that require VITA to review information  
 269 technology projects, *other than major information technology projects,* proposed by state agencies and  
 270 institutions ~~exceeding \$100,000,~~ and recommend whether such projects be approved or disapproved. The  
 271 CIO shall disapprove *such* projects ~~between \$100,000 and \$1 million~~ that do not conform to the  
 272 statewide information plan or to the individual plans of state agencies or institutions of higher education.  
 273 *The Secretary of Technology shall develop criteria and requirements defining the scope of the*  
 274 *information technology projects subject to the provisions of this subdivision.*

275 11. *Oversee the Commonwealth's efforts to modernize the planning, development, implementation,*  
 276 *improvement, and retirement of Commonwealth applications, including the coordination and*  
 277 *development of enterprise-wide or multi-agency applications.*

278 12. *Develop and recommend to the Secretary of Technology statewide technical and data standards*  
 279 *for information technology and related systems, including the utilization of nationally recognized*  
 280 *technical and data standards for health information technology systems or software purchased by a state*  
 281 *agency of the Commonwealth.*

282 B. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance  
 283 or implement information technology programs and projects. The CIO may issue a request for  
 284 information to seek out potential private partners interested in providing programs or projects pursuant to  
 285 an agreement under this subsection. The compensation for such services shall be computed with  
 286 reference to and paid from the increased revenue or cost savings attributable to the successful  
 287 implementation of the program or project for the period specified in the contract. The CIO shall be  
 288 responsible for reviewing and approving the programs and projects and the terms of contracts for same  
 289 under this subsection. The CIO shall determine annually the total amount of increased revenue or cost  
 290 savings attributable to the successful implementation of a program or project under this subsection and  
 291 such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023.  
 292 The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms  
 293 of contracts under this subsection. All moneys in excess of that required to be paid to private partners,  
 294 as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall  
 295 prepare an annual report to the Governor, *Secretary of Technology,* and General Assembly on all  
 296 contracts under this subsection, describing each information technology program or project, its progress,  
 297 revenue impact, and such other information as may be relevant.

298 C. *The CIO shall strive to follow acceptable technology investment methods, such as Information*  
 299 *Technology Investment Management (ITIM) principles developed by the United States General*  
 300 *Accounting Office, to ensure that all technology expenditures are an integral part of the*  
 301 *Commonwealth's performance management system and are aligned with (i) agency strategic business*  
 302 *objectives, (ii) the Governor's policy objectives, and (iii) the long-term objectives of the Council on*  
 303 *Virginia's Future.*

304 § 2.2-2008. Additional duties of the CIO relating to project management.

305 The CIO shall have the following duties relating to the management of information technology

306 projects:

307 1. Develop an approval process for proposed major information technology projects by state agencies  
308 to ensure that all such projects conform to the statewide information management plan and the  
309 information management plans of agencies and public institutions of higher education.

310 2. Establish a methodology for conceiving, planning, scheduling and providing appropriate oversight  
311 for information technology projects including a process for approving the planning, development and  
312 procurement of information technology projects. Such methodology shall include guidelines for the  
313 establishment of appropriate oversight for information technology projects.

314 3. Establish minimum qualifications and training standards for project managers.

315 4. ~~Review and approve~~ *Provide the Secretary of Technology with a recommendation and rank of all*  
316 *procurement solicitations involving major information technology projects.*

317 5. Direct the development of any statewide or multiagency enterprise project.

318 6. Develop and update a project management methodology to be used by agencies in the  
319 development of information technology.

320 7. Establish an information clearinghouse that identifies best practices and new developments and  
321 contains detailed information regarding the Commonwealth's previous experiences with the development  
322 of major information technology projects.

323 8. Determine, prior to proceeding with the development of a major information technology project  
324 pursuant to § 2.2-2019 or the procurement of any major information technology project pursuant to  
325 § 2.2-2020, that the funding for such project has been included in the budget bill in accordance with  
326 § 2.2-1509.3. ~~Notwithstanding the~~ *The provisions of this subdivision, shall not apply upon a*  
327 *determination by the Governor that an emergency exists and a major information technology project is*  
328 *necessary to address the emergency; the CIO shall refer such project directly to the Information*  
329 *Technology Investment Board.*

330 § 2.2-2009. Additional duties of the CIO relating to security of government information.

331 A. To provide for the security of state government electronic information from unauthorized uses,  
332 intrusions or other security threats, the CIO shall direct the development of policies, procedures and  
333 standards for assessing security risks, determining the appropriate security measures and performing  
334 security audits of government electronic information. Such policies, procedures, and standards will apply  
335 to the Commonwealth's executive, legislative, and judicial branches, and independent agencies and  
336 institutions of higher education. The CIO shall work with representatives of the Chief Justice of the  
337 Supreme Court and Joint Rules Committee of the General Assembly to identify their needs.

338 B. The CIO shall also develop policies, procedures, and standards that shall address the scope of  
339 security audits and the frequency of such security audits. In developing and updating such policies,  
340 procedures, and standards, the CIO shall designate a government entity to oversee, plan and coordinate  
341 the conduct of periodic security audits of all executive branch and independent agencies and institutions  
342 of higher education. The CIO will coordinate these audits with the Auditor of Public Accounts and the  
343 Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint  
344 Rules Committee of the General Assembly shall determine the most appropriate methods to review the  
345 protection of electronic information within their branches.

346 C. The CIO shall *annually* report to the Governor, *Secretary of Technology*, and General Assembly  
347 ~~by December 2008 and annually thereafter~~, those executive branch and independent agencies and  
348 institutions of higher education that have not implemented acceptable policies, procedures, and standards  
349 to control unauthorized uses, intrusions, or other security threats. For any executive branch ~~and or~~  
350 independent agency or institution of higher education whose security audit results and plans for  
351 corrective action are unacceptable, the CIO shall report such results to the (i) ~~Information Technology~~  
352 ~~Investment Board~~ *the Secretary of Technology*, (ii) *any other* affected cabinet secretary, (iii) *the*  
353 *Governor*, and (iv) *the* Auditor of Public Accounts. Upon review of the security audit results in  
354 question, the ~~Information Technology Investment Board~~ *CIO* may take action to suspend the public  
355 ~~bodies~~ *body's* information technology projects pursuant to ~~subdivision 3 of § 2.2-2458~~ § 2.2-2015, limit  
356 additional information technology investments pending acceptable corrective actions, and recommend to  
357 the Governor *and Secretary of Technology* any other appropriate actions.

358 D. All public bodies subject to such audits as required by this section shall fully cooperate with the  
359 entity designated to perform such audits and bear any associated costs. Public bodies that are not  
360 required to but elect to use the entity designated to perform such audits shall also bear any associated  
361 costs.

362 E. The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller,  
363 the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other  
364 provisions of the Code of Virginia.

365 F. To ensure the security and privacy of citizens of the Commonwealth in their interactions with  
366 state government, the CIO shall direct the development of policies, procedures, and standards for the  
367 protection of confidential data maintained by state agencies against unauthorized access and use. Such

368 policies, procedures, and standards shall include, but not be limited to:

369 1. Requirements that any state employee or other authorized user of a state technology asset provide  
370 passwords or other means of authentication to (i) use a technology asset and (ii) access a state-owned or  
371 operated computer network or database; and

372 2. Requirements that a digital rights management system or other means of authenticating and  
373 controlling an individual's ability to access electronic records be utilized to limit access to and use of  
374 electronic records that contain confidential data to authorized individuals.

375 G. The CIO shall promptly receive reports from directors of departments in the executive branch of  
376 state government made in accordance with § 2.2-603 and shall take such actions as are necessary,  
377 convenient or desirable to ensure the security of the Commonwealth's electronic information and  
378 confidential data.

379 § 2.2-2012. Procurement of information technology and telecommunications goods and services;  
380 computer equipment to be based on performance-based specifications.

381 A. Information technology and telecommunications goods and services of every description shall be  
382 procured by (i) VITA for its own benefit or on behalf of other state agencies and institutions or (ii) such  
383 other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in  
384 accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the  
385 electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29  
386 U.S.C. § 794d), as amended, and any regulations as may be prescribed by VITA. In no case shall such  
387 procurements exceed the requirements of the regulations that implement the electronic and information  
388 technology accessibility standards of the Rehabilitation Act of 1973, as amended.

389 The CIO shall disapprove any procurement that does not conform to the statewide information  
390 technology plan or to the individual plans of state agencies or public institutions of higher education.

391 B. All statewide contracts and agreements made and entered into by VITA for the purchase of  
392 communications services, telecommunications facilities, and information technology goods and services  
393 shall provide for the inclusion of counties, cities, and towns in such contracts and agreements.  
394 Notwithstanding the provisions of § 2.2-4301, VITA may enter into multiple vendor contracts for the  
395 referenced services, facilities, and goods and services.

396 B4C. The Department may establish contracts for the purchase of personal computers and related  
397 devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in  
398 state educational facilities for use outside the classroom. The computers and related devices shall not be  
399 purchased with public funds, but shall be paid for and owned by teachers individually provided that no  
400 more than one such computer and related device per year shall be so purchased.

401 CD. If VITA, or any agency or institution authorized by VITA, elects to procure personal computers  
402 and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which  
403 public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following  
404 competitive procurement but without the conduct of an individual procurement by or for the using  
405 agency or institution, it shall establish performance-based specifications for the selection of equipment.  
406 Establishment of such contracts shall emphasize performance criteria including price, quality, and  
407 delivery without regard to "brand name." All vendors meeting the Commonwealth's performance  
408 requirements shall be afforded the opportunity to compete for such contracts.

409 DE. This section shall not be construed or applied so as to infringe upon, in any manner, the  
410 responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

411 EF. The CIO of VITA shall, on or before October 1, 2009, and every two years thereafter, solicit  
412 from each state agency and public institution of higher education a list of procurements that were  
413 competed with the private sector that appear on the Commonwealth Competition Council's commercial  
414 activities list and were, until that time, being performed by each state agency and public institution of  
415 higher education during the previous two years, and the outcome of that competition. The CIO shall  
416 make the lists available to the public on VITA's website.

417 § 2.2-2015. Authority of CIO to modify or suspend major information technology projects; project  
418 termination.

419 The CIO may direct the modification or suspension of any major information technology project that,  
420 as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007, has not met the  
421 performance measures agreed to by the CIO and the sponsoring agency or public institution of higher  
422 education or if he otherwise deems such action appropriate and consistent with the terms of any affected  
423 contracts. The CIO may recommend to the ~~Board~~ *Secretary of Technology* the termination of such  
424 project. Nothing in this section shall be construed to supersede the responsibility of a board of visitors  
425 for the management and operation of a public institution of higher education.

426 The provisions of this section shall not apply to research projects, research initiatives or instructional  
427 programs at public institutions of higher education. However, technology investments in research  
428 projects, research initiatives or instructional programs at such institutions estimated to cost \$1 million or

429 more of general fund appropriations may be reviewed as provided in subdivision A 5 of § 2.2-2007 if  
 430 the projects are deemed mission-critical by the institution or of statewide application by the CIO. The  
 431 CIO and the Secretary of Education, in consultation with public institutions of higher education, shall  
 432 develop and provide to such institution criteria to be used in determining whether projects are  
 433 mission-critical.

434 § 2.2-2019. Project development approval.

435 A. Upon approval of the CIO of the project plan, an agency shall submit to the Division a project  
 436 development proposal containing (i) a detailed business case including a cost-benefit analysis; (ii) a  
 437 business process analysis, if applicable; (iii) system requirements, if known; (iv) a proposed development  
 438 plan and project management structure; and (v) a proposed resource or funding plan. The project  
 439 management specialist may require the submission of additional information necessary to meet the  
 440 criteria developed by the Division.

441 B. The project management specialist assigned to review the project development proposal shall  
 442 recommend its approval or rejection to the CIO. ~~If the CIO determines that the proposal be approved, he~~  
 443 ~~shall recommend such approval to the Board.~~

444 § 2.2-2020. Procurement approval for major information technology projects.

445 Upon approval of the ~~Board~~ CIO of the project development proposal involving a major information  
 446 technology project that requires the procurement of goods or services, the agency shall submit a copy of  
 447 any Invitation for Bid (IFB) or Request for Proposal (RFP) to the Division. The project management  
 448 specialist shall review the IFB or RFP and recommend its approval or rejection to the ~~CIO~~ Secretary of  
 449 Technology. The ~~CIO~~ Secretary, pursuant to § 2.2-225, shall have the final authority to approve the IFB  
 450 or RFP prior to its release and shall approve the proposed contract for the award of the project.

451 § 2.2-2021. Project oversight.

452 A. Whenever an agency has received approval from the ~~Board~~ Secretary of Technology to proceed  
 453 with the development and acquisition of a major information technology project, an internal agency  
 454 oversight committee shall be established by the CIO. The internal agency oversight committee shall  
 455 provide ongoing oversight for the project and have the authority to approve or reject any changes in the  
 456 project's scope, schedule, or budget. The CIO shall ensure that the project has in place adequate project  
 457 management and oversight structures for addressing major issues that could affect the project's scope,  
 458 schedule or budget and shall address issues that cannot be resolved by the internal agency oversight  
 459 committee.

460 B. Whenever a statewide or multiagency project has received approval from the ~~Board~~ Secretary of  
 461 Technology, the primary project oversight shall be conducted by a committee composed of  
 462 representatives from agencies impacted by the project, which shall be established by the CIO.

463 § 2.2-2023. Virginia Technology Infrastructure Fund created; contributions.

464 A. The Virginia Technology Infrastructure Fund (the Fund) is created in the state treasury. The Fund  
 465 is to be used to fund major information technology projects or to pay private partners as authorized in  
 466 subsection B of § 2.2-2007.

467 B. The Fund shall consist of: (i) the transfer of general and nongeneral fund appropriations from  
 468 state agencies which represent savings that accrue from reductions in the cost of information technology  
 469 and communication services, (ii) the transfer of general and nongeneral fund appropriations from state  
 470 agencies which represent savings from the implementation of information technology enterprise projects,  
 471 (iii) funds identified pursuant to subsection B of § 2.2-2007, (iv) such general and nongeneral fund fees  
 472 or surcharges as may be assessed to agencies for enterprise technology projects, (v) gifts, grants, or  
 473 donations from public or private sources, and (vi) such other funds as may be appropriated by the  
 474 General Assembly. Savings shall be as identified by the CIO through a methodology approved by the  
 475 ~~Board~~ ITAC and the Secretary of Finance. The Auditor of Public Accounts shall certify the amount of  
 476 any savings identified by the CIO. For public institutions of higher education, however, savings shall  
 477 consist only of that portion of total savings that represent general funds. The State Comptroller is  
 478 authorized to transfer cash consistent with appropriation transfers. Appropriated funds from federal  
 479 sources are exempted from transfer. Except for funds to pay private partners as authorized in subsection  
 480 B of § 2.2-2007, moneys in the Fund shall only be expended as provided by the appropriation act.

481 Interest earned on the Fund shall be credited to the Fund. The Fund shall be permanent and  
 482 nonreverting. Any unexpended balance in the Fund at the end of the biennium shall not be transferred to  
 483 the general fund of the state treasury.

#### 484 Article 35.

##### 485 Information Technology Advisory Council.

486 § 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation;  
 487 staff.

488 A. The Information Technology Advisory Council (ITAC) is established as a policy council, within  
 489 the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be responsible  
 490 for advising the CIO and the Secretary of Technology on the planning, budgeting, acquiring, using,

491 disposing, managing, and administering of information technology in the Commonwealth.

492 B. The ITAC shall consist of not more than 14 members as follows: (i) one representative from an  
493 agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.), to be  
494 appointed by the Governor and serve with voting privileges; (ii) the Secretary of Technology and the  
495 CIO who shall serve ex officio with voting privileges; and (iii) at the Governor's discretion, not more  
496 than two nonlegislative citizen members to be appointed by the Governor and serve with voting  
497 privileges.

498 Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill  
499 vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be  
500 reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year  
501 terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute  
502 a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same  
503 manner as the original appointments.

504 C. The Secretary of Technology shall serve as chairman of the ITAC. The CIO shall serve as  
505 vice-chairman. A majority of the members shall constitute a quorum. The ITAC shall meet at least  
506 quarterly each year. The meetings of the ITAC shall be held at the call of the chairman or whenever the  
507 majority of the members so request.

508 D. Nonlegislative citizen members shall receive compensation and shall be reimbursed for all  
509 reasonable and necessary expenses incurred in the performance of their duties, as provided in  
510 §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be  
511 provided by the Virginia Information Technologies Agency.

512 E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government  
513 Conflict of Interests Act shall apply to citizen members of the ITAC.

514 F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.  
515 § 2.2-2699.6. Powers and duties of the ITAC.

516 The ITAC shall have the power and duty to:

517 1. Adopt rules and procedures for the conduct of its business;

518 2. Advise the CIO on the development of all major information technology projects as defined in  
519 § 2.2-2006;

520 3. Advise the CIO on strategies, standards, and priorities recommended by the Chief Information  
521 Officer for the use of information technology for state agencies in the executive branch of state  
522 government;

523 4. Advise the CIO on developing the four-year plan for information technology projects;

524 5. Advise the CIO on statewide technical and data standards for information technology and related  
525 systems, including the utilization of nationally recognized technical and data standards for health  
526 information technology systems or software purchased by a state agency of the Commonwealth;

527 6. Advise the CIO on statewide information technology architecture and related system standards;  
528 and

529 7. Advise the CIO on the prioritization, development, and implementation of enterprise-wide  
530 technology applications; annually review all agency technology applications budgets; and advise the  
531 CIO on infrastructure expenditures. For purposes of this section, technology applications include, but  
532 are not limited to, hardware, software, maintenance, facilities, contractor services, goods, and services  
533 that promote business functionality and facilitate the storage, flow, use or processing of information by  
534 agencies of the Commonwealth in the execution of their business activities.

535 § 2.2-2699.7. Health Information Technology Standards Advisory Committee.

536 The ITAC may appoint an advisory committee of persons with expertise in health care and  
537 information technology to advise the ITAC on the utilization of nationally recognized technical and data  
538 standards for health information technology systems or software pursuant to subdivision 5 of  
539 § 2.2-2699.6. The ITAC, in consultation with the Secretary of Health and Human Resources, may  
540 appoint up to five persons to serve on the advisory committee. Members appointed to the advisory  
541 committee shall serve without compensation, but shall be reimbursed for all reasonable and necessary  
542 expenses incurred in the performance of their duties as provided in § 2.2-2825. The CIO, the Secretary  
543 of Technology, and the Secretary of Health and Human Resources, or their designees, may also serve on  
544 the advisory committee.

545 § 23-38.111. Information technology.

546 Subject to the terms of the management agreement, covered institutions may be exempt from the  
547 provisions governing the Virginia Information Technologies Agency, Chapter 20.1 (§ 2.2-2005 et seq.)  
548 of Title 2.2., and the provisions governing the Information Technologies Investment Board Advisory  
549 Council, Article 20 35 (§ 2.2-2699.5 et seq.) of Chapter 24 (~~§ 2.2-2457 et seq.~~) 26 of Title 2.2;  
550 provided, however, that the governing body of a covered institution shall adopt, and the covered  
551 institution shall comply with, policies for the procurement of information technology goods and services,

552 including professional services, that are consistent with the requirements of § 23-38.110 and that include  
553 provisions addressing cooperative arrangements for such procurement as described in § 23-38.110, and  
554 shall adopt and comply with institutional policies and professional best practices regarding strategic  
555 planning for information technology, project management, security, budgeting, infrastructure, and  
556 ongoing operations.

557 § 23-77.4. Medical center management.

558 A. The General Assembly recognizes and finds that the economic viability of the University of  
559 Virginia Medical Center, hereafter referred to as the Medical Center, together with the requirement for  
560 its specialized management and operation, and the need of the Medical Center to participate in  
561 cooperative arrangements reflective of changes in health care delivery, as set forth in § 23-77.3, are  
562 dependent upon the ability of the management of the Medical Center to make and implement promptly  
563 decisions necessary to conduct the affairs of the Medical Center in an efficient, competitive manner. The  
564 General Assembly also recognizes and finds that it is critical to, and in the best interests of, the  
565 Commonwealth that the University continue to fulfill its mission of providing quality medical and health  
566 sciences education and related research and, through the presence of its Medical Center, continue to  
567 provide for the care, treatment, health-related services, and education activities associated with Virginia  
568 patients, including indigent and medically indigent patients. Because the General Assembly finds that the  
569 ability of the University to fulfill this mission is highly dependent upon revenues derived from providing  
570 health care through its Medical Center, and because the General Assembly also finds that the ability of  
571 the Medical Center to continue to be a reliable source of such revenues is heavily dependent upon its  
572 ability to compete with other providers of health care that are not subject to the requirements of law  
573 applicable to agencies of the Commonwealth, the University is hereby authorized to implement the  
574 following modifications to the management and operation of the affairs of the Medical Center in order  
575 to enhance its economic viability:

576 B. Capital projects; leases of property; procurement of goods, services and construction.

577 1. Capital projects.

578 a. For any Medical Center capital project entirely funded by a nongeneral fund appropriation made  
579 by the General Assembly, all post-appropriation review, approval, administrative, and policy and  
580 procedure functions performed by the Department of General Services, the Division of Engineering and  
581 Buildings, the Department of Planning and Budget and any other agency that supports the functions  
582 performed by these departments are hereby delegated to the University, subject to the following  
583 stipulations and conditions: (i) the Board of Visitors shall develop and implement an appropriate system  
584 of policies, procedures, reviews and approvals for Medical Center capital projects to which this  
585 subdivision applies; (ii) the system so adopted shall provide for the review and approval of any Medical  
586 Center capital project to which this subdivision applies in order to ensure that, except as provided in  
587 clause (iii), the cost of any such capital project does not exceed the sum appropriated therefor and that  
588 the project otherwise complies with all requirements of the Code of Virginia regarding capital projects,  
589 excluding only the post-appropriation review, approval, administrative, and policy and procedure  
590 functions performed by the Department of General Services, the Division of Engineering and Buildings,  
591 the Department of Planning and Budget and any other agency that supports the functions performed by  
592 these departments; (iii) the Board of Visitors may, during any fiscal year, approve a transfer of up to a  
593 total of 15 percent of the total nongeneral fund appropriation for the Medical Center in order to  
594 supplement funds appropriated for a capital project or capital projects of the Medical Center, provided  
595 that the Board of Visitors finds that the transfer is necessary to effectuate the original intention of the  
596 General Assembly in making the appropriation for the capital project or projects in question; (iv) the  
597 University shall report to the Department of General Services on the status of any such capital project  
598 prior to commencement of construction of, and at the time of acceptance of, any such capital project;  
599 and (v) the University shall ensure that Building Officials and Code Administrators (BOCA) Code and  
600 fire safety inspections of any such project are conducted and that such projects are inspected by the  
601 State Fire Marshal or his designee prior to certification for building occupancy by the University's  
602 assistant state building official to whom such inspection responsibility has been delegated pursuant to  
603 § 36-98.1. Nothing in this section shall be deemed to relieve the University of any reporting requirement  
604 pursuant to § 2.2-1513. Notwithstanding the foregoing, the terms and structure of any financing of any  
605 capital project to which this subdivision applies shall be approved pursuant to § 2.2-2416.

606 b. No capital project to which this subdivision applies shall be materially increased in size or  
607 materially changed in scope beyond the plans and justifications that were the basis for the project's  
608 appropriation unless: (i) the Governor determines that such increase in size or change in scope is  
609 necessary due to an emergency or (ii) the General Assembly approves the increase or change in a  
610 subsequent appropriation for the project. After construction of any such capital project has commenced,  
611 no such increase or change may be made during construction unless the conditions in (i) or (ii) have  
612 been satisfied.

613 2. Leases of property.

614 a. The University shall be exempt from the provisions of § 2.2-1149 and from any rules, regulations  
 615 and guidelines of the Division of Engineering and Buildings in relation to leases of real property that it  
 616 enters into on behalf of the Medical Center and, pursuant to policies and procedures adopted by the  
 617 Board of Visitors, may enter into such leases subject to the following conditions: (i) the lease must be  
 618 an operating lease and not a capital lease as defined in guidelines established by the Secretary of  
 619 Finance and Generally Accepted Accounting Principles (GAAP); (ii) the University's decision to enter  
 620 into such a lease shall be based upon cost, demonstrated need, and compliance with guidelines adopted  
 621 by the Board of Visitors which direct that competition be sought to the maximum practical degree, that  
 622 all costs of occupancy be considered, and that the use of the space to be leased actually is necessary and  
 623 is efficiently planned; (iii) the form of the lease is approved by the Special Assistant Attorney General  
 624 representing the University; (iv) the lease otherwise meets all requirements of law; (v) the leased  
 625 property is certified for occupancy by the building official of the political subdivision in which the  
 626 leased property is located; and (vi) upon entering such leases and upon any subsequent amendment of  
 627 such leases, the University shall provide copies of all lease documents and any attachments thereto to  
 628 the Department of General Services.

629 b. Notwithstanding the provisions of §§ 2.2-1155 and 23-4.1, but subject to policies and procedures  
 630 adopted by the Board of Visitors, the University may lease, for a purpose consistent with the mission of  
 631 the Medical Center and for a term not to exceed 50 years, property in the possession or control of the  
 632 Medical Center.

633 c. Notwithstanding the foregoing, the terms and structure of any financing arrangements secured by  
 634 capital leases or other similar lease financing agreements shall be approved pursuant to § 2.2-2416.

635 3. Procurement of goods, services and construction.

636 Contracts awarded by the University in compliance with this section, on behalf of the Medical  
 637 Center, for the procurement of goods; services, including professional services; construction; and  
 638 information technology and telecommunications, shall be exempt from (i) the Virginia Public  
 639 Procurement Act (§ 2.2-4300 et seq.), except as provided below; (ii) the requirements of the Division of  
 640 Purchases and Supply of the Department of General Services as set forth in Article 3 (§ 2.2-1109 et  
 641 seq.) of Chapter 11 of Title 2.2; (iii) the requirements of the Division of Engineering and Buildings as  
 642 set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 of Title 2.2; and (iv) the authority of the *Chief*  
 643 *Information Officer and the Virginia Information Technologies Agency* as set forth in Chapter 20.1  
 644 (§ 2.2-2005 et seq.) of Title 2.2 and the ~~Information Technology Investment Board~~ created pursuant to  
 645 ~~§ 2.2-2457~~ regarding the review and approval of contracts for (a) the construction of Medical Center  
 646 capital projects and (b) information technology and telecommunications projects; however, the provisions  
 647 of this subdivision may not be implemented by the University until such time as the Board of Visitors  
 648 has adopted guidelines generally applicable to the procurement of goods, services, construction and  
 649 information technology and telecommunications projects by the Medical Center or by the University on  
 650 behalf of the Medical Center. Such guidelines shall be based upon competitive principles and shall in  
 651 each instance seek competition to the maximum practical degree. The guidelines shall implement a  
 652 system of competitive negotiation for professional services; shall prohibit discrimination because of race,  
 653 religion, color, sex, or national origin of the bidder or offeror in the solicitation or award of contracts;  
 654 may take into account in all cases the dollar amount of the intended procurement, the term of the  
 655 anticipated contract, and the likely extent of competition; may implement a prequalification procedure  
 656 for contractors or products; may include provisions for cooperative procurement arrangements with  
 657 private health or educational institutions, or with public agencies or institutions of the several states,  
 658 territories of the United States or the District of Columbia; shall incorporate the prompt payment  
 659 principles of §§ 2.2-4350 and 2.2-4354; and may implement provisions of law. The following sections of  
 660 the Virginia Public Procurement Act shall continue to apply to procurements by the Medical Center or  
 661 by the University on behalf of the Medical Center: §§ 2.2-4311, 2.2-4315, and 2.2-4342 (which section  
 662 shall not be construed to require compliance with the prequalification application procedures of  
 663 subsection B of § 2.2-4317), 2.2-4330, 2.2-4333 through 2.2-4341, and 2.2-4367 through 2.2-4377.

664 C. Subject to such conditions as may be prescribed in the budget bill under § 2.2-1509 as enacted  
 665 into law by the General Assembly, the State Comptroller shall credit, on a monthly basis, to the  
 666 nongeneral fund operating cash balances of the University of Virginia Medical Center the imputed  
 667 interest earned by the investment of such nongeneral fund operating cash balances, including but not  
 668 limited to those balances derived from patient care revenues, on deposit with the State Treasurer.

669 **2. That Article 7 (§§ 2.2-2033 and 2.2-2034) of Chapter 20.1 and Article 20 (§§ 2.2-2457, 2.2-2458,  
 670 and 2.2-2458.1) of Chapter 24 of Title 2.2 of the Code of Virginia are repealed.**

671 **3. That the third enactment of Chapter 758 of the Acts of Assembly of 2009 is amended and  
 672 reenacted as follows:**

673 **3. That the Department of General Services, the Virginia Information Technologies Agency,  
 674 and the State Comptroller shall submit to the Information Technology Investment Board the**

- 675 standards required pursuant to § 2.2-1115.1 of this act by December 1, 2009. The Department  
676 of General Services and the Virginia Information Technologies Agency shall undertake to use  
677 these standards in the Commonwealth's enterprise electronic procurement system upon  
678 approval by the ~~Information Technology Investment Board~~ *Secretary of Technology* and make  
679 the standards available for use by all agencies and institutions by July 1, 2010. After July 1,  
680 2010, the Department of General Services shall provide purchasing data from the  
681 Commonwealth's enterprise electronic procurement system, to the extent it is available, at least  
682 quarterly for inclusion in the Auditor of Public Accounts' searchable database established  
683 pursuant to § 30-133 of the Code of Virginia. All agencies and institutions that use the  
684 standards developed pursuant to this act that have not previously reported data to the Auditor  
685 of Public Accounts through the Commonwealth's enterprise electronic procurement system  
686 shall, to the extent practicable, provide such data to the Auditor of Public Accounts at least  
687 quarterly beginning after July 1, 2010.
- 688 4. That the third enactment of Chapter 812 of the Acts of Assembly of 2009 is amended and  
689 reenacted as follows:
- 690 3. That the Department of General Services, the Virginia Information Technologies Agency,  
691 and the State Comptroller shall submit to the Information Technology Investment Board the  
692 standards required pursuant to § 2.2-1115.1 of this act by December 1, 2009. The Department  
693 of General Services and the Virginia Information Technologies Agency shall undertake to use  
694 these standards in the Commonwealth's enterprise electronic procurement system upon  
695 approval by the ~~Information Technology Investment Board~~ *Secretary of Technology* and make  
696 the standards available for use by all agencies and institutions by July 1, 2010. After July 1,  
697 2010, the Department of General Services shall provide purchasing data from the  
698 Commonwealth's enterprise electronic procurement system, to the extent it is available, at least  
699 quarterly for inclusion in the Auditor of Public Accounts' searchable database established  
700 pursuant to § 30-133 of the Code of Virginia. All agencies and institutions that use the  
701 standards developed pursuant to this act that have not previously reported data to the Auditor  
702 of Public Accounts through the Commonwealth's enterprise electronic procurement system  
703 shall, to the extent practicable, provide such data to the Auditor of Public Accounts at least  
704 quarterly beginning after July 1, 2010.
- 705 5. That the Secretary of Technology shall provide in writing the criteria and requirements defining  
706 "major information technology project" to the chairs of the House Committee on General Laws,  
707 the Senate Committee on General Laws and Technology, the House Committee on Appropriations,  
708 the Senate Finance Committee, and the House Committee on Science and Technology.
- 709 6. That the Virginia Information Technologies Agency shall continue following the definition of  
710 "major information technology project" in effect prior to the passage of this act until the  
711 Secretary of Technology develops criteria and requirements defining "major information  
712 technology project" pursuant to the provisions of this act.
- 713 7. That an emergency exists and this act is in force from its passage.