VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 94

An Act to amend and reenact § 2.1-563.31 of the Code of Virginia and to amend the Code of Virginia by adding in Title 9 a chapter numbered 22.13, consisting of sections numbered 9-145.52 through 9-145.56, relating to the creation of the Virginia Technology Infrastructure Fund.

[H 1168]

Approved March 5, 1996

Be it enacted by the General Assembly of Virginia:
1. That § 2.1-563.31 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 9 a chapter numbered 22.13, consisting of sections numbered 9-145.52 through 9-145.56, as follows:

§ 2.1-563.31. General powers of Council; powers and duties of Council.

A. The Council shall have the following general powers:

1. To make and enter into all contracts and agreements necessary or incidental to the performance of duties and the execution of its powers, including but not limited to contracts with the United States, other state agencies and governmental subdivisions of the Commonwealth.

2. To accept grants from the United States government and agencies and instrumentalities thereof and any source, other than any person, firm, or corporation, or director, officer, or agent thereof which manufactures or sells information technology equipment, goods or services. To these ends, the Council shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable.

3. To prescribe regulations necessary or incidental to the performance of its duties or execution of its powers; however, the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) shall not apply to such regulations.

B. The Council shall have the following powers and duties concerning the planning, budgeting, management and use of information technology resources. All agencies and institutions of higher education shall cooperate with the Council in the performance of its powers and duties:

1. To monitor trends and advances in information technology, to develop a comprehensive, statewide, four-year planning process, and plan for the acquisition, management, and use of information technology resources. The statewide plan shall be updated annually and submitted to the Governor. In developing and updating such plans, the Council shall consider the advice of the Department, and of agencies and institutions of higher education through the Advisory Committees to the Council provided for herein.

2. To provide agencies and institutions of higher education with information and guidelines in the development of information management plans and the preparation of budget requests for information technology resources.

3. To require agencies and institutions of higher education to submit information management plans to the Council and a copy to the Department. The Council shall have the authority to approve such plans and amendments thereto, including the Department's. All agencies and institutions of higher education shall maintain current information management plans which have been approved by the Council.

4. To monitor implementation of information management plans.

5. To direct the development and promulgation of policies, standards, and guidelines for managing information technology resources in the Commonwealth.

6. To review agency and institution budget requests for information technology resources and to recommend budget request priorities to the Department of Planning and Budget.

7. To direct the compilation and maintenance of an inventory of all information technology resources, including but not limited to personnel, facilities, equipment, goods and contracts for services.

8. To develop an approval process to ensure that all information technology procurements conform to the statewide information management plan and the information management plans of agencies and institutions of higher education. The Council shall be authorized to disapprove the procurements that do not conform to the statewide information management plan and the agency plans.

9. To establish statewide standards for the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the Commonwealth. In cooperation with the Division of Legislative Automated Systems, the Council shall also establish standards for public access to the Legislative Information System which standards shall include provisions for protecting the security and integrity of the system and the cost of public access.

10. To oversee and administer the Virginia Technology Infrastructure Fund created in Chapter 22.13 (§ 9-145.52 et seq.) of Title 9.

CHAPTER 22.13.

VIRGINIA TECHNOLOGY INFRASTRUCTURE FUND.

§ 9-145.52. Purpose.

In order for the Commonwealth to fully take advantage of technological applications in providing services and solving problems of Virginia's citizens, there is a need to reinvest savings that accrue from increased usage of technology into new and emerging technologies that will provide for both greater efficiencies and better responsiveness. The purpose of this chapter is to create the Virginia Technology Infrastructure Fund. The Fund shall make moneys available to state agencies and institutions of higher education for information technology demonstration and pilot projects.

§ 9-145.53. Definitions.

As used in this chapter, unless context clearly provides otherwise:

"Costs" means the reasonable and customary charges for goods and services incurred or to be incurred in the establishment of information technology demonstration and pilot projects.

"Council" means the Council on Information Management.

"Fund" means the Virginia Technology Infrastructure Fund.

"Technology infrastructure" means telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services.

§ 9-145.54. Virginia Technology Infrastructure Fund created; purposes.

The Virginia Technology Infrastructure Fund is hereby created in the state treasury. The Fund is to be used exclusively for telecommunications and information technology projects which benefit state government as a whole and which serve more than one state agency or institution of higher education.

§ 9-145.55. Contributions to the Fund.

The Virginia Technology Infrastructure Fund shall consist of savings which accrue to the Commonwealth's agencies and instrumentalities from reductions in (i) local or long-distance telecommunications service charges and (ii) computer services rates charged by the Department of Information Technology, not to exceed $200,000 in each fiscal year.

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

When charges for local or long-distance telecommunications services or rates for computer services are reduced by the Department of Information Technology, vendors, or state agencies or instrumentalities, the calculated savings data by fund source for each affected state agency or instrumentality shall be provided to the Department of Planning and Budget. In accordance with its authority to do so in the general appropriations act, the Department of Planning and Budget shall then administratively reduce each affected agency's or instrumentality's appropriation and transfer the agreed-upon savings to the Fund.

§ 9-145.56. Annual plan; allowable uses of Fund.

The Council on Information Management, with advice from its Agency and Education Advisory Committees, shall prepare a plan which identifies the projects in which the Virginia Technology Infrastructure Fund will participate. Such plan shall be consistent with the statewide plan developed by the Council. In considering projects for approval, the Council shall consider the use of existing resources and long-term operation and maintenance costs. Projects having the greatest benefit to state government as a whole shall have the highest priority in the plan.