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SENATE BILL NO. 1029

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 2.2-2007 of the Code of Virginia, relating to the powers of the CIO and state computer security.

Patron—O'Brien

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-2007 of the Code of Virginia is amended and reenacted as follows:**

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

5. Direct the development of policies and procedures for the effective management of information technology investments throughout their entire life cycles, including, but not limited to, project definition, procurement, development, implementation, operation, performance evaluation, and enhancement or retirement. Such policies and procedures shall include, at a minimum, the periodic review by the CIO of agency and public institution of higher education information technology projects estimated to cost \$1 million or more or deemed to be mission-critical or of statewide application by the CIO.

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

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

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

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

70 B. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance
71 or implement information technology programs and projects. The CIO may issue a request for
72 information to seek out potential private partners interested in providing programs or projects pursuant to
73 an agreement under this subsection. The compensation for such services shall be computed with
74 reference to and paid from the increased revenue or cost savings attributable to the successful
75 implementation of the program or project for the period specified in the contract. The CIO shall be
76 responsible for reviewing and approving the programs and projects and the terms of contracts for same
77 under this subsection. The CIO shall determine annually the total amount of increased revenue or cost
78 savings attributable to the successful implementation of a program or project under this subsection and
79 such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023.
80 The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms
81 of contracts under this subsection. All moneys in excess of that required to be paid to private partners,
82 as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall
83 prepare an annual report to the Governor and General Assembly on all contracts under this subsection,
84 describing each information technology program or project, its progress, revenue impact, and such other
85 information as may be relevant.