

LD1118136

HOUSE BILL NO. 656

Offered January 25, 1994

A BILL to amend and reenact §§ 2.1-1.6 and 9-6.25:2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 9 a chapter numbered 43, consisting of sections numbered 9-334 through 9-343, relating to the creation of the Virginia Technology Infrastructure Board and Fund.

Patrons—Brickley; Senators: Calhoun and Colgan

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-1.6 and 9-6.25:2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 9 a chapter numbered 43, consisting of sections numbered 9-334 through 9-343, as follows:

§ 2.1-1.6. State boards.

A. There shall be, in addition to such others as may be established by law, the following permanent collegial bodies affiliated with a state agency within the executive branch:

Accountancy, Board for

Aging, Advisory Board on the

Agriculture and Consumer Services, Board of

Air Pollution, State Advisory Board on

Alcoholic Beverage Control Board, Virginia

Apple Board, Virginia State

Appomattox State Scenic River Advisory Board

Aquaculture Advisory Board

Architects, Professional Engineers, Land Surveyors and Landscape Architects, State Board for

Art and Architectural Review Board

Athletic Board, Virginia

Auctioneers Board

Audiology and Speech-Language Pathology, Board of

Aviation Board, Virginia

Barbers, Board for

Branch Pilots, Board for

Bright Flue-Cured Tobacco Board, Virginia

Building Code Technical Review Board, State

Catoctin Creek State Scenic River Advisory Board

Cattle Industry Board, Virginia

Cave Board

Certified Seed Board, State

Chesapeake Bay Local Assistance Board

Chickahominy State Scenic River Advisory Board

Child Abuse and Neglect, Advisory Board on

Chippokes Plantation Farm Foundation, Board of Trustees

Clinch Scenic River Advisory Board

Coal Research and Development Advisory Board, Virginia

Coal Surface Mining Reclamation Fund Advisory Board

Conservation and Development of Public Beaches, Board on

Conservation and Recreation, Board of

Contractors, Board for

Corn Board, Virginia

Correctional Education, Board of

Corrections, State Board of

Cosmetology, Board for

Criminal Justice Services Board

Dark-Fired Tobacco Board, Virginia

Deaf and Hard-of-Hearing, Advisory Board for the Department for the

Dentistry, Board of

Education, State Board of

Egg Board, Virginia

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60	Emergency Medical Services Advisory Board
61	Employment Agency Advisory Board
62	Farmers Market Board, Virginia
63	Film Office Advisory Board
64	Fire Services Board, Virginia
65	Forensic Science Advisory Board
66	Forestry, Board of
67	Funeral Directors and Embalmers, Board of
68	Game and Inland Fisheries, Board of
69	Geology, Board for
70	Goose Creek Scenic River Advisory Board
71	Health Planning Board, Virginia
72	Health Professions, Board of
73	Health, State Board of
74	Hearing Aid Specialists, Board for
75	Hemophilia Advisory Board
76	Historic Resources, Board of
77	Housing and Community Development, Board of
78	Industrial Development Services Advisory Board
79	Insurance Advisory Board, State
80	Irish Potato Board, Virginia
81	Laboratory Services Advisory Board
82	Marine Products Board, Virginia
83	Medical Advisory Board, Department of Motor Vehicles
84	Medical Board of the Virginia Retirement System
85	Medicare and Medicaid, Advisory Board on
86	Medicine, Board of
87	Mental Health, Mental Retardation and Substance Abuse Services Board, State
88	Migrant and Seasonal Farmworkers Board
89	Military Affairs, Board of
90	Mines, Minerals and Energy, Board of Examiners in the Department of
91	Minority Business Enterprise, Interdepartmental Board of the Department of
92	Motor Vehicle Dealers' Advisory Board
93	Networking Users Advisory Board, State
94	Nottoway State Scenic River Advisory Board
95	Nursing, Board of
96	Nursing Home Administrators, Board of
97	Occupational Therapy, Advisory Board on
98	Oil and Gas Conservation Board, Virginia
99	Opticians, Board for
100	Optometry, Board of
101	Peanut Board, Virginia
102	Personnel Advisory Board
103	Pesticide Control Board
104	Pharmacy, Board of
105	(Delayed effective date - See Editor's note) Physical Fitness and Sports, Virginia Board on
106	Physical Therapy to the Board of Medicine, Advisory Board on
107	Plant Pollination Advisory Board
108	Polygraph Examiners Advisory Board
109	Pork Industry Board, Virginia
110	Poultry Products Board, Virginia
111	Private College Advisory Board
112	Private Security Services Advisory Board
113	Professional and Occupational Regulation, Board for
114	Professional Counselors, Board of
115	Professional Soil Scientists, Board for
116	Psychiatric Advisory Board
117	Psychology, Board of
118	Public Buildings Board, Virginia
119	Public Telecommunications Board, Virginia
120	Radiation Advisory Board
121	Real Estate Appraiser Board

- 122 Real Estate Board
- 123 Reciprocity Board, Department of Motor Vehicles
- 124 Recreational Fishing Advisory Board, Virginia
- 125 Recreation Specialists, Board of
- 126 Reforestation Board
- 127 Rehabilitative Services, Board of
- 128 Respiratory Therapy, Advisory Board on
- 129 Retirement System Review Board
- 130 Rockfish State Scenic River Advisory Board
- 131 Safety and Health Codes Board
- 132 Seed Potato Board
- 133 Sewage Handling and Disposal Appeal Review Board, State Health Department
- 134 Shenandoah State Scenic River Advisory Board
- 135 Small Business Advisory Board
- 136 Small Business Environmental Compliance Advisory Board
- 137 Small Grains Board, Virginia
- 138 Social Services, Board of
- 139 Social Work, Board of
- 140 Soil and Water Conservation Board, Virginia
- 141 Soybean Board, Virginia
- 142 State Air Pollution Control Board
- 143 Substance Abuse Certification Board
- 144 Surface Mining Review, Board of
- 145 Sweet Potato Board, Virginia
- 146 Teacher Education and Licensure, Advisory Board on
- 147 Tourism and Travel Services Advisory Board
- 148 Toxic Substances Advisory Board
- 149 Transportation Board, Commonwealth
- 150 Transportation Safety, Board of
- 151 Treasury Board, The, Department of the Treasury
- 152 Veterans' Affairs, Board on
- 153 Veterinary Medicine, Board of
- 154 Virginia Board for Asbestos Licensing
- 155 Virginia Employment Commission, State Advisory Board for the
- 156 (Delayed effective date - See Editor's note) Virginia Horse Industry Board
- 157 Virginia Manufactured Housing Board
- 158 Virginia Mine Safety Board
- 159 Virginia Retirement System, Board of Trustees
- 160 Virginia Waste Management Board
- 161 Visually Handicapped, Virginia Board for the
- 162 Voluntary Formulary Board, Virginia
- 163 War Memorial Foundation, Virginia, Board of Trustees
- 164 Waste Management Facility Operators, Board for
- 165 Water Resources Research Center Statewide Advisory Board, Virginia
- 166 Waterworks and Wastewater Works Operators, Board for
- 167 Well Review Board, Virginia
- 168 Youth and Family Services, State Board of.
- 169 B. Notwithstanding the definition for "board" as provided in § 2.1-1.2, the following entities shall be
- 170 referred to as boards:
- 171 Compensation Board
- 172 State Board of Elections
- 173 State Water Control Board
- 174 Virginia Parole Board
- 175 *Virginia Technology Infrastructure Board*
- 176 Virginia Veterans Care Center Board of Trustees.
- 177 § 9-6.25:2. Policy boards, commissions and councils.
- 178 There shall be, in addition to such others as may be designated in accordance with § 9-6.25, the
- 179 following policy boards, commissions and councils:
- 180 Apprenticeship Council
- 181 Athletic Board
- 182 Auctioneers Board

183	Blue Ridge Regional Education and Training Council
184	Board for Accountancy
185	Board for Architects, Professional Engineers, Land Surveyors and Landscape Architects
186	Board for Barbers
187	Board for Contractors
188	Board for Cosmetology
189	Board for Geology
190	Board for Hearing Aid Specialists
191	Board for Opticians
192	Board for Professional and Occupational Regulation
193	Board for Professional Soil Scientists
194	Board for Waterworks and Wastewater Works Operators
195	(Effective July 1, 1994) Board for the Visually Handicapped
196	Board of Agriculture and Consumer Services
197	Board of Audiology and Speech-Language Pathology
198	Board of Conservation and Recreation
199	Board of Correctional Education
200	Board of Dentistry
201	Board of Directors, Virginia Student Assistance Authorities
202	Board of Examiners in the Department of Mines, Minerals and Energy
203	Board of Funeral Directors and Embalmers
204	Board of Health Professions
205	Board of Historic Resources
206	Board of Housing and Community Development
207	Board of Medical Assistance Services
208	Board of Medicine
209	Board of Nursing
210	Board of Nursing Home Administrators
211	Board of Optometry
212	Board of Pharmacy
213	Board of Professional Counselors
214	Board of Psychology
215	Board of Recreation Specialists
216	(Effective July 1, 1994) Board of Rehabilitative Services
217	Board of Social Services
218	Board of Social Work
219	Board of Surface Mining Review
220	Board of Veterinary Medicine
221	Board on Conservation and Development of Public Beaches
222	Chesapeake Bay Local Assistance Board
223	Child Day Care and Early Childhood Programs, Virginia Council on
224	Child Day-Care Council
225	Commission on Local Government
226	Commonwealth Transportation Board
227	Council on Human Rights
228	Council on Information Management
229	Criminal Justice Services Board
230	Department of Environmental Quality
231	Disability Services Council
232	Farmers Market Board, Virginia
233	Interdepartmental Council on Rate-setting for Children's Facilities
234	Library Board, the Virginia State Library and Archives
235	Marine Resources Commission
236	Milk Commission
237	Pesticide Control Board
238	Real Estate Appraiser Board
239	Real Estate Board
240	Reciprocity Board, Department of Motor Vehicles
241	Safety and Health Codes Board
242	Seed Potato Board
243	Southside Virginia Marketing Council
244	Specialized Transportation Council

245 State Board of Corrections
 246 State Board of Elections
 247 State Board of Health
 248 State Board of Youth and Family Services
 249 State Health Department, Sewage Handling and Disposal Appeal Review Board
 250 State Library Board
 251 State Mental Health, Mental Retardation and Substance Abuse Services Board
 252 State Water Control Board
 253 Substance Abuse Certification Board
 254 Treasury Board, The, Department of the Treasury
 255 Virginia Aviation Board
 256 Virginia Board for Asbestos Licensing
 257 Virginia Fire Services Board
 258 Virginia Gas and Oil Board
 259 Virginia Health Planning Board
 260 Virginia Health Services Cost Review Council
 261 (For effective date - See Editor's note) Virginia Manufactured Housing Board
 262 Virginia Parole Board
 263 Virginia Public Telecommunications Board
 264 Virginia Soil and Water Conservation Board
 265 Virginia Technology Infrastructure Board
 266 Virginia Voluntary Formulary Board
 267 Virginia Waste Management Board
 268 Virginia World Trade Council
 269 Waste Management Facility Operators, Board for.

CHAPTER 43.

THE VIRGINIA TECHNOLOGY INFRASTRUCTURE BOARD AND FUND.

272 § 9-334. Purpose of chapter.

273 *In order for the Commonwealth and its subdivisions to more fully take advantage of technological*
 274 *applications in providing services and solving problems of Virginia's citizens, there is a need to reinvest*
 275 *savings that accrue from increased usage of technology into new and emerging technological*
 276 *applications that will provide for both greater efficiencies and better responsiveness. The purpose,*
 277 *therefore, of this chapter, is to create the Virginia Technology Infrastructure Board and the Virginia*
 278 *Technology Infrastructure Fund. The Fund shall make moneys available to state agencies and*
 279 *institutions, local governments, and local school divisions for projects and plans to equip the*
 280 *Commonwealth with the technological resources necessary to compete in the global marketplace.*

281 § 9-335. Definitions.

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

283 *"Board" means the Virginia Technology Infrastructure Board.*

284 *"Costs" means the reasonable and customary charges for goods and services incurred or to be*
 285 *incurred in the establishment of technology infrastructure projects.*

286 *"Council" means the Council on Information Management.*

287 *"Department" means the Department of Information Technology.*

288 *"Distance learning" means an interactive telecommunications system that (i) utilizes audio, voice,*
 289 *video, and other appropriate elements; (ii) is compatible with other distance learning networks; and (iii)*
 290 *is used to enhance instructional opportunities or to provide instruction which a school, local school*
 291 *division, college or university could not otherwise provide.*

292 *"Fund" means the Virginia Technology Infrastructure Fund.*

293 *"School" means any accredited public elementary or secondary institution or any accredited public*
 294 *postsecondary institution.*

295 *"Technology infrastructure" means mechanisms, including computer hardware and software,*
 296 *necessary to connect agencies' telecommunications networks and computer systems and the*
 297 *interconnections between computer systems.*

298 § 9-336. Board created; membership; terms; compensation; chairman and vice chairman; quorum;
 299 staff.

300 *A. The Virginia Technology Infrastructure Board is hereby created and is a policy board within the*
 301 *meaning of § 9-6.25. The Board shall consist of (i) the Director of the Council on Information*
 302 *Management, the Director of the State Council of Higher Education, the Secretary of Finance, and the*
 303 *Superintendent of the State Department of Education as ex officio members and (ii) five additional*
 304 *members who shall be appointed by the Governor and who shall have such experience with the public*
 305 *procurement of innovative technologies that improve productivity and efficiency as he may deem*

necessary or desirable. The gubernatorial appointees shall be subject to confirmation by the General Assembly and shall serve at the pleasure of the Governor. The initial gubernatorial appointments shall be one member for one year, two members for two years, and two members for three years. Subsequent appointments shall be made for terms of four years. Appointments to fill vacancies shall be made for the unexpired terms. No appointee shall be eligible to serve for more than two successive four-year terms. All members of the Board shall be residents of the Commonwealth. The members of the Board shall not be eligible for compensation or expenses.

B. The Governor shall designate one member as the chairman. The Board shall elect one member from among the gubernatorial appointees as vice chairman. Five members of the Board shall constitute a quorum for the transaction of all business of the Board. The Department of Information Technology shall serve as staff to the Board.

§ 9-337. Application of State and Local Government Conflict of Interests Act.

The provisions of the State and Local Government Conflict of Interests Act (§ 2.1-639.1 et seq.) shall apply to the members of the Virginia Technology Infrastructure Board.

§ 9-338. Duties and powers of Board.

The Virginia Technology Infrastructure Board is hereby granted all powers necessary or appropriate to carry out and effectuate its purposes, including but not limited to the following:

1. Oversee and administer the Virginia Technology Infrastructure Fund created in § 9-339;

2. Adopt, amend, and repeal bylaws, rules, and regulations not inconsistent with this act, to regulate its affairs and to carry into effect the powers and purposes of the Board as herein stated and conduct its business;

3. Make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter;

4. Seek, promote and stimulate gifts, grants, bequests, and devices for the endowment of the Fund;

5. Receive and accept from any source aid or contributions of money, property, labor or other things of value to be held, used and applied to carry out the purposes of this chapter subject to the conditions upon which the grants or contributions are made, including but not limited to gifts and grants from any department, agency or instrumentality of the United States of America for any purpose consistent with the provisions of this chapter; and

6. Provide technical assistance to local public bodies and to state agencies in the development of plans and projects for the enhanced use of technological resources, and distribute data and information concerning the encouragement of such enhanced uses.

§ 9-339. Fund created; purposes.

A. The Virginia Technology Infrastructure Fund is hereby created in the state treasury. The 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. The Fund is authorized to receive gifts and grants of money, goods, or services on behalf of the Commonwealth. 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.

B. The Fund shall be used 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.

§ 9-340. Contributions to Fund; how determined.

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 Department shall calculate the savings by fund source for each affected state agency or instrumentality. The Department of Planning and Budget, in consultation with the Joint Legislative Audit and Review Commission, shall determine what proportion of these savings shall be placed in the Virginia Technology Infrastructure Fund. 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.

§ 9-341. Annual plan; allowable uses of Fund.

A. On or before December 1 of each year, the Virginia Technology Infrastructure Board 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 on Information Management. In considering projects for approval, the Board shall consider the use of existing resources and long-term operation and maintenance costs. Projects that benefit state government as a whole shall have the highest priority in the plan.

B. Subject to the provisions of Article X, Section 7 of the Virginia Constitution, the Board is authorized to commit the proceeds of the Fund to purchase, lease, or otherwise acquire common

components, network facilities, and other commonly shared items for technology infrastructure and distance learning projects which serve or benefit more than one state agency or institution. The Board shall determine whether the Fund shall pay all or part of the cost of approved projects.

§ 9-342. Use of state telecommunications and computer services and contracts.

Political subdivisions and local school divisions are hereby authorized to purchase long distance and local telecommunications services through contracts administered by the Department, so long as that purchase is not prohibited by the terms and conditions of those contracts. Political subdivisions and local school divisions are hereby authorized to purchase computer services from the Department, so long as that use does not adversely affect services provided to state agencies and institutions.

§ 9-343. Savings from use of state services and contracts; agreement.

A. A political subdivision or local school division which purchases telecommunications or computer services through or from the Department shall enter into an agreement with the Virginia Technology Infrastructure Board to participate in the Virginia Technology Infrastructure Fund. Such agreement shall forecast the purchaser's savings and require the purchaser to use eighty percent of the savings which accrue from the use of state contracts or services for technology infrastructure or distance learning projects. Staff of the Department and the Council shall develop a method to monitor and document those savings.

B. When a political subdivision or local school division enters into an agreement with the Board to participate in the Fund, the purchaser shall provide the Board with (i) a plan for using the savings and (ii) an annual report which describes the projects undertaken and completed with such savings. The Board shall have the right to cancel any purchaser's use of state telecommunications or computer services or contracts if the purchaser does not adhere to the terms of the agreement.