



March 3, 2021

The Honorable Daniel Linville  
Chair  
House Committee on Technology  
& Infrastructure  
The West Virginia State Capitol Complex  
Room 216E, Bldg. 1  
1900 Kanawha Blvd. East  
Charleston, WV 25305

The Honorable Zack Maynard  
Vice-Chair  
House Committee on Technology  
& Infrastructure  
The West Virginia State Capitol Complex  
Room 6U-A, Bldg. 1  
1900 Kanawha Blvd. East  
Charleston, WV 25305

### **Internet Association Supports West Virginia's IT Modernization Efforts Through HB2786**

Dear Chair Linville and Vice-Chair Maynard:

Internet Association (IA) represents over 40 of the world's leading internet companies and supports policies that promote and enable internet innovation, including commercial cloud solutions. Our member companies are global leaders in the drive to develop lower cost, more secure, innovative, and most importantly, enjoyable, digital government services, with a focus on both the civil servants delivering those services and the residents receiving them. On behalf of our members, I am writing to thank you for your consideration of [House Bill 2786](#) (HB2786), which will provide the [West Virginia Office of Technology](#) (WVOT) the authority to create a modern and resident-focused digital government for all West Virginians, and we encourage you to pass it along with a few suggested amendments to the proposed language.

Building on the success and hard work of all the teams in WVOT, HB2786 will give every state agency and department the kind of support they need to pursue a successful statewide IT modernization effort. By modernizing the powers and priorities of the leader of WVOT, the state will have an office focused on delivering the type of digital government services every resident and state employee would benefit from. With a few small changes, this bill will modernize the foundation of the state itself, giving WVOT the ability to focus on delivering the best possible IT services as well as IT equipment and resources.

In particular, the following additions to §5A-6-4 and §5A-6-4b, all of which are included in the accompanying redlines, will ensure digital services are mobile-friendly, ensuring any West Virginian using any device in any location throughout the state is able to receive the same consistent quality of service; the state is always using the latest technology, whether developed by state employees or the commercial sector; and, every state agency or department will have access to the necessary guidance, training, and resources to successfully implement their technology projects. Additionally, some clarity around what it means to "to subcontract only those resources that are feasible and beneficial to the state" as outlined in §5A-6-4(a)(5) would be useful. Whether in the form of additional context related to the metrics that will be used or some other form of objective measurement, WVOT's authority to modernize would be strengthened with that additional detail.



This is a rare opportunity to provide WVOT the authority and support necessary to make the state a role model throughout the nation, taking advantage of the latest information technology practices and techniques. With your support and inclusion of these suggested changes and additional clarity around subcontracting IT resources in the final version of the HB2786, everyone in the Mountain State will be able to take advantage of all the services the state has to offer, in a seamless and consistent fashion, whether they are on the road or in the comfort of their own home.

We appreciate your time in considering our feedback and look forward to the opportunity to discuss the benefits of the bill and the proposed changes with you in further detail.

Most sincerely,

A handwritten signature in black ink, appearing to read 'James Hines'.

James Hines  
Director, Government Affairs, Southern Region

A handwritten signature in black ink, appearing to read 'Omid Ghaffari-Tabrizi'.

Omid Ghaffari-Tabrizi,  
Director, Cloud Policy

Cc: The Honorable Cody Thompson  
The Honorable Joey Garcia  
The Honorable Brent Boggs  
The Honorable Josh Booth  
The Honorable Moore Capito  
The Honorable Vernon Criss  
The Honorable Paul Espinosa  
The Honorable Ed Evans  
The Honorable Tom Fast  
The Honorable Marty Gearheart  
The Honorable Danny Hamrick  
The Honorable Evan Hansen  
The Honorable John Hardy  
The Honorable Gary Howell  
The Honorable Riley Keaton  
The Honorable Chris Pritt  
The Honorable Ken Reed  
The Honorable Clay Riley  
The Honorable Matthew Rohrbach  
The Honorable Larry Rowe  
The Honorable Joe Statler  
The Honorable Erikka Storch  
The Honorable Heather Tully

Enc: Suggested Redlines

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 2786**

By Delegate Linville

[By Request of the WV Office of Technology]

[Introduced February 26, 2021; Referred to the  
Committee on Technology and Infrastructure then  
Government Organization]

A BILL to amend and reenact §5A-6-2, §5A-6-3, §5A-6-4, §5A-6-4b, §5A-6-4c, §5A-6-5, §5A-6- 2 6, §5A-6-7, and §5A-6-8 of the Code of West Virginia, 1931, as amended, all relating to 3 the Office of Technology; renaming the Chief Technology Officer; updating definitions; 4 updating authority of the Chief Technology Officer; continuing special fund; providing an 5 information technology governance structure for executive agencies; authorizing the Chief 6 Technology Officer to provide training; authorizing the Project Management Office to 7 review agency proposals for technology investment; providing criteria to evaluate 8 proposals; authorizing the Project Management Office to maintain an enterprise 9 technology portfolio; authorizing the Project Management Office to collect necessary data 10 develop a technology portfolio; authorizing the Chief Technology Officer to establish an 11 advisory committee; and authorizing the Chief Technology Officer to request resources 12 and support from the federal government for cybersecurity and technology initiatives.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 6. OFFICE OF TECHNOLOGY.**

### **§5A-6-2. Definitions.**

As used in this article:

(a) “Information systems” means ~~computer-based information equipment and related services designed for the automated transmission, storage, manipulation and retrieval of data by electronic or mechanical means~~ a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

(b) “Information technology” means ~~data processing and telecommunications hardware, software, services, supplies, personnel, maintenance, training and includes the programs and routines used to employ and control the capabilities of data processing hardware~~ any equipment or interconnected system or subsystem of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information;

(c) ~~“Information equipment” includes central processing units, front-end processing units, miniprocessors, microprocessors and related peripheral equipment, including data storage devices, networking equipment, services, routers, document scanners, data entry equipment, terminal controllers, data terminal equipment and computer-based word processing systems other than memory typewriters;~~

(d) ~~“Related Technology services” includes feasibility studies, systems design, software development and time-sharing services whether provided by state employees or others~~ means professional services designed to provide functions, maintenance, and support of information technology devices, or services including but not limited to computer systems application development and maintenance; systems integration and interoperability; operating systems maintenance and design; computer systems programming; computer systems software support; planning and security relating to information technology devices; data management consultation; information technology education and consulting; information technology planning and standards; and establishment of local area network and workstation management standards;

(e) ~~“Telecommunications” means any transmission, emission or reception of signs, signals, writings, images or sounds of intelligence of any nature by wire, radio or other electromagnetic or optical systems. The term includes all facilities and equipment performing those functions that are owned, leased or used by the executive agencies of state government~~ the preparation, transmission, communication, or related processing of information by electrical, electromagnetic, electromechanical, electro-optical, or electronic means;

(f) ~~“Chief Technology Information Officer” means the person holding the position created in §5A-6-3 of this code and vested with authority to oversee state spending units in planning and coordinating information systems that serve the effectiveness and efficiency of the State and individual State spending units and further the overall management goals and purposes of government: *Provided,* That reference to “Chief Technology Officer” in other articles of this code shall mean “Chief Information~~

Officer;

(g) "Technical infrastructure" means all information systems, information technology, information ~~technology~~ equipment, telecommunications and ~~related technology~~ services as defined in this section;

(h) ~~"Information technology project" means the process by which telecommunications, automated data processing, databases, the Internet, management information systems and related information, equipment, goods and services are planned, procured and implemented;~~

(i) ~~"Major information technology Technology project" means any information technology project estimated to cost more than \$250,000. Major information technology projects do not include equipment only or software only purchases in which labor is not necessary; and a project where technology is a significant component and is either valued at \$250,000 or more, or will involve sensitive or restricted data.~~

(j) "Steering committee" means an internal agency oversight committee established jointly by the Chief ~~Technology Information~~ Officer and the agency ~~requesting~~ proposing the project, which shall include representatives from the Office of Technology and at least one representative from the agency ~~requesting~~ proposing the project.

"Technology portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

**§5A-6-3. Office of Technology; Chief Technology Information Officer; appointment and qualifications; continuation of special fund.**

The Office of Technology is created within the Department of Administration, to be led by a Chief Information Officer, who ~~A Chief Technology Officer~~ shall be appointed by and shall serve at the will and pleasure of the Governor. The Chief ~~Technology Information~~ Officer shall have knowledge in the field of information technology, experience in the design and management of information systems and an understanding of the special demands upon government with respect to budgetary constraints, the

protection of privacy interests and federal and state standards of accountability.

(b) There is hereby continued in the State Treasury a special account to be known as the Chief Technology Officer Administration Fund. All fees collected by the Chief Information Officer pursuant to this article shall be deposited into the fund. Expenditures from the fund shall be made by the Chief Information Officer for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of §12-3-1 *et seq.*, of this code and upon the fulfillment of the provisions set forth in §11B-2-1 *et seq.*, of this code: *Provided*, That the provisions of §11B-2-18 of this code do not operate to permit expenditures in excess of the spending authority provided by the Legislature.

**§5A-6-4. Powers and duties of the Chief ~~Technology~~ Information Officer generally.**

(a) With respect to all state spending units the Chief ~~Technology~~ Information Officer may:

(1) Establish information technology governance to align technology management with departmental and agency business goals, including but not limited to:

(A) Standards necessary to support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the state receive the greatest possible security, value, and user experience from investments made in technology **regardless of whether they use a mobile device or otherwise to access government services**;

(B) Standards relating to the exchange, acquisition, storage, use, sharing, and distribution of data;

(C) Standards for the connectivity, interoperability and continuity of technology for government operations in times of disaster or emergency, **ensuring the state's IT infrastructure is able to support fully remote operations as well as surges in demand without sacrificing the security or availability of those services**;

(D) Standards relating to the implementation of artificial intelligence, machine learning, and other methods of advanced data analytics, whether currently in use or emerging in the future, that support and

allow for successful data-driven decision making capabilities as well as increased automation; and,

(E) Standards related to the adoption and utilization of commercial cloud-based solutions, including cloud storage, cloud computing, and cloud-native applications.

~~(1) Develop an organized approach to information resource management for this state;~~

~~(2) Provide technical assistance to the administrators of the various state spending units in the design and management of information systems;~~

~~(3) Evaluate the economic justification, system design and suitability of information equipment and related services, and review and make recommendations on the purchase, lease or acquisition of information equipment and contracts for related services by the state spending units;~~

~~(4) Develop a mechanism for identifying those instances where systems of paper forms should be replaced by direct use of information equipment and those instances where applicable state or federal standards of accountability demand retention of some paper processes;~~

~~(5) (2) Develop a mechanism for identifying those instances where information systems should be linked and information shared, while providing for appropriate limitations on access and the security of information data;~~

~~(6) (3) Create new technologies to be used in government, convene conferences and develop incentive packages to encourage the utilization of technology;~~

~~(7) Engage in any other activities as directed by the Governor;~~

~~(8) (4) Charge a fee to the state spending units for evaluations performed and technical assistance services provided under the provisions of this section article; All fees collected by the Chief Technology Officer shall be deposited in a special account in the State Treasury to be known as the Chief Technology Officer Administration Fund. Expenditures from the fund shall be made by the Chief Technology Officer for the purposes set forth in this article and are not authorized from collections but are to be made only in accordance with appropriation by the Legislature and in accordance with the provisions of article three;~~



~~chapter twelve of this code and upon the fulfillment of the provisions set forth in article two, chapter eleven-b of this code: Provided, That the provisions of section eighteen, article two, chapter eleven-b of this code do not operate to permit expenditures in excess of the spending authority authorized by the Legislature. Amounts collected which are found to exceed the funds needed for purposes set forth in this article may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature~~

~~(9) Monitor trends and advances in information technology and technical infrastructure;~~

~~(10) Direct the formulation and promulgation of policies, guidelines, standards and specifications for the development and maintenance of information technology and technical infrastructure, including, but not limited to:~~

~~(A) Standards to support state and local government exchange, acquisition, storage, use, sharing and distribution of electronic information;~~

~~(B) Standards concerning the development of electronic transactions, including the use of electronic signatures;~~

~~(C) Standards necessary to support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the state receive the greatest possible security, value and convenience from investments made in technology;~~

~~(D) Guidelines directing the establishment of statewide standards for the efficient exchange of electronic information and technology, including technical infrastructure, between the public and private sectors;~~

~~(E) Technical and data standards for information technology and related systems to promote efficiency and uniformity;~~

~~(F) Technical and data standards for the connectivity, priorities and interoperability of technical infrastructure used for homeland security, public safety and health and systems reliability necessary to~~

~~provide continuity of government operations in times of disaster or emergency for all state, county and local governmental units; and~~

~~(G) Technical and data standards for the coordinated development of infrastructure related to deployment of electronic government services among state, county and local governmental units;~~

~~(14) (5) Periodically evaluate the feasibility of subcontracting information technology resources and services, and to subcontract only those resources that are feasible and beneficial to the state;~~

~~(12) Direct the compilation and maintenance of an inventory of information technology and technical infrastructure of the state, including infrastructure and technology of all state, county and local governmental units, which may include personnel, facilities, equipment, goods and contracts for service, wireless tower facilities, geographic information systems and any technical infrastructure or technology that is used for law enforcement, homeland security or emergency services;~~

~~(13) (6) Develop job descriptions and qualifications necessary to perform duties related to information technology as outlined in this article; and~~

~~(7) Provide information technology related training to facilitate efficient use of state technology resources;~~

~~(8) Submit resource and support requests to the federal government to support of technology or cyber security initiatives or programs;~~

~~(9) Engage in any other activities as directed by the Governor; and~~

~~(14) (10) Promulgate legislative rules, in accordance with the provisions of §29A-1-1, et seq., as may be necessary to standardize and make effective the administration of the provisions of ~~article six of this chapter~~ this article.~~

~~(b) With respect to executive agencies, the Chief Technology Information Officer may:~~

~~(1) Develop a unified and integrated structure for information systems for all executive agencies;~~

~~(2) Establish, based on need and opportunity, priorities and timelines for addressing the~~

information technology requirements of the various executive agencies of state government;

~~(3) Exercise authority delegated by the Governor by executive order to overrule and supersede decisions made by the administrators of the various executive agencies of government with respect to the design and management of information systems and the purchase, lease or acquisition of information equipment and contracts for related services;~~

~~(4)~~ (3) Draw upon staff of other executive agencies for advice and assistance in the formulation and implementation of administrative and operational plans and policies;

~~(5)~~ (4) Recommend to the Governor transfers of equipment and human resources from any executive agency and for the most effective and efficient uses of the fiscal resources of executive agencies, to consolidate or centralize information-processing operations modernize information technology investments; and

~~(6)~~ (5) Ensure information technology equipment is properly cleansed before disposal or transfer to another agency or organization and is responsible for the retirement or transfer of information technology equipment that may contain confidential or privileged electronic data. Information technology equipment shall be cleansed using appropriate and effective methods that are commensurate with the data, the decommissioning agency and the planned disposition of the information technology equipment. Following the cleansing, the Chief Technology Officer may distribute the information technology equipment for reuse by another state spending unit, send the information technology equipment to a state authorized recycler or send the information technology equipment to a certified information technology equipment refurbisher. Transfers and disposal of information technology equipment are specifically exempt from the surplus property requirements enumerated in §§5A-3-43, 5A-3-44, 5A-3-45, and 5A-3-46 Provide guidance and services where feasible to support proper cleansing of electronic data; and

(6) Develop an information technology recycling program to redistribute or reuse properly cleansed technology equipment. Transfers and disposal of information technology equipment are specifically

exempt from the surplus property requirements enumerated in §5A-3-43, §5A-3-44, §5A-3-45, and §5A-3-46 of this code.

(c) The Chief ~~Technology~~ Information Officer may employ the personnel necessary to carry out the work of the Office of Technology and may approve reimbursement of costs incurred by employees to obtain education and training.

~~(d) The Chief Technology Officer shall develop a comprehensive, statewide, four-year strategic information technology and technical infrastructure policy and development plan to be submitted to the Governor and the Joint Committee on Government and Finance. A preliminary plan shall be submitted by December 1, 2006, and the final plan shall be submitted by June 1, 2007. The plan shall include, but not be limited to:~~

~~(A) A discussion of specific projects to implement the plan;~~

~~(B) A discussion of the acquisition, management and use of information technology by state agencies;~~

~~(C) A discussion of connectivity, priorities and interoperability of the state's technical infrastructure with the technical infrastructure of political subdivisions and encouraging the coordinated development of facilities and services regarding homeland security, law enforcement and emergency services to provide for the continuity of government operations in times of disaster or emergency;~~

~~(D) A discussion identifying potential market demand areas in which expanded resources and technical infrastructure may be expected;~~

~~(E) A discussion of technical infrastructure as it relates to higher education and health;~~

~~(F) A discussion of the use of public-private partnerships in the development of technical infrastructure and technology services; and~~

~~(G) A discussion of coordinated initiatives in website architecture and technical infrastructure to modernize and improve government to citizen services, government to business services,~~

~~government-to-government relations and internal efficiency and effectiveness of services, including a discussion of common technical data standards and common portals to be utilized by state, county and local governmental units.~~

~~(e) (d) The Chief Technology Information Officer shall may oversee telecommunications services used by state spending units for the purpose of maximizing efficiency to the fullest possible extent: including The Chief Technology Officer shall establish microwave or other networks and LATA hops; audit auditing telecommunications services and usage recommend and develop strategies for the discontinuance of obsolete or excessive utilization, participate in the renegotiation and negotiation of telecommunications contracts; and encourage the use of technology and take other actions necessary to provide the greatest value to the state.~~

~~(e) The Chief Information Officer may convene and chair an advisory committee made up of a representative from each of the departments as identified in §5F-1-2 of this code, and any other members deemed necessary by the Chief Information Officer to provide advice and recommendations on technology issues for state agencies.~~

**§5A-6-4b. Project management duties of the Chief Technology Information Officer; establishment of the Project Management Office and ~~duties of the director~~ authority of the Project Management Office.**

~~(a) Concerning the management of information technology projects, the Chief Technology Officer shall~~ The Chief Information Officer is authorized to:

(1) ~~Develop~~ Implement an approval process for ~~proposed major information technology projects~~ proposed by state agencies to ensure that all technology projects conform to the statewide strategic plan and the information management plans of agencies overall technology strategy of the agency;

(2) Establish a methodology for conceiving, planning, scheduling and providing appropriate oversight for ~~information~~ technology projects, including oversight for the projects and a process for

approving the planning, development and procurement of information technology projects; and

~~(3) Establish steering committees as needed to oversee technology projects.~~

~~(3) Establish minimum qualifications and training standards for project managers;~~

~~(4) Direct the development of any statewide and multiagency enterprise project; and~~

~~(5) Develop and update a project management methodology to be used by agencies in the development of information technology.~~

(b) The Chief Technology Information Officer shall create a Project Management Office within the Office of Technology. The Project Management Office shall:

~~(c) The Director of the Project Management Office shall:~~

~~(1) Implement the approval process for information technology projects;~~

~~(2) Assist the Chief Technology Officer in the development and implementation of a project management methodology to be used in the development and implementation of information technology projects in accordance with this article;~~

~~(3) Provide ongoing assistance and support to state agencies and public institutions of higher education in the development of information technology projects;~~

~~(4) Establish a program providing training to agency project managers;~~

(5) ~~(2)~~ Review information management and information technology plans project proposals submitted by agencies and recommend to the Chief Technology Information Officer the approval of the plans proposals and any amendments thereto pursuant to §5A-6-4c of this code;

~~(6) (3)~~ Monitor the implementation of information management and information technology plans technology projects and periodically report its findings to the Chief Technology Information Officer;

~~(7) Assign project managers to review and recommend information technology project proposals.~~

~~(8) The director shall create criteria upon which information technology project proposal plans may be based including~~

(4) Implement technology portfolio management to assist the Chief Information Officer with aligning investment in technology with strategic goals of the State. The standard by which the projects within the technology portfolio will be evaluated are:

(A) ~~The degree to which the project is consistent with the state's overall strategic plan~~ Total cost of the project;

(B) ~~The technical feasibility of the project~~ Public or citizen interface with the project or number of people affected by the project;

(C) ~~The benefits of the project to the state, including customer service improvements~~ Whether the project is operationally critical to the agency.

(D) ~~The risks associated with the project;~~

(E) ~~Any continued funding requirements; and~~

(F) ~~The past performance on other projects by the agency.~~

(9) (5) Provide oversight and guidance for state agency information technology projects; and

(6) Establish minimum qualifications and training standards for project managers.:

(7) Establish and share best practices and prototypes for the procurement and financial management of technology products and commercial cloud computing services;

(8) Establish and share budgeting, project management, and oversight best practices as a resource for state agencies to model when implementing technology projects;

(9) Develop a statewide digital service strategy and update that strategy no less than every two years; and.

(10) Provide assistance and training opportunities to state agencies to assist in the adoption of digital services, commercial cloud computing, project management, and user experience standards.

**§5A-6-4c. Major information Technology project proposals and the establishment of steering committees.**

(a) Prior to proceeding with a ~~major information~~ technology project, ~~an a state~~ agency shall submit a project proposal to the Project Management Office, outlining the business need case for the project, the proposed technology solution, if known, and an explanation of how the project will support the agency's business objective and the state's strategic plan for information technology. The ~~project manager~~ Project Management Office may require the submission of additional information as needed to adequately review any proposal.

~~(b) The proposal will further include:~~

~~(1) A detailed business case plan, including a cost-benefit analysis~~

~~(2) A business process analysis, if applicable;~~

~~(3) System requirements, if known;~~

~~(4) A proposed development plan and project management structure;~~

~~(5) Business goals and measurement criteria, as appropriate; and~~

~~(6) A proposed resource or funding plan.~~

~~(e) (b) The project manager assigned to review the project development proposal~~ Project Management Office shall ~~recommend its approval or rejection~~ make recommendations on proposed projects to the Chief Technology Information Officer for final disposition: *Provided*, That the Chief Information Officer may delegate approval authority. ~~If the Chief Technology Officer approves the proposal, then he or she shall notify the agency of its approval.~~

~~(d) Whenever an agency has received approval from the Chief Technology Officer to proceed with the development and acquisition of a major information technology project, the Chief Technology Officer shall establish a steering committee.~~

~~(e) (c) If the Chief Information Officer deems necessary, a steering committee may be appointed to:~~ The steering committee shall:

~~(1) provide~~ Provide ongoing oversight for the major information technology project;



(2) ~~and have~~ Have the authority to approve or reject any changes to the project's scope, schedule or budget;

(3) Develop any necessary solicitation for the technology project; and

(4) Finalize data necessary for inclusion of the project in the technology portfolio.

(f) ~~The Chief Technology Officer shall ensure that the major information technology project has in place adequate project management and oversight structures for addressing the project's scope, schedule or budget and shall address issues that cannot be resolved by the steering committee.~~

**§5A-6-5. Notice of request for proposals by state spending units required to make purchases through the state Purchasing Division.**

Any state spending unit that pursues an information technology purchase that does not meet the definition of a “~~major~~ technology project” and that is required to submit a request for proposal to the state Purchasing Division prior to purchasing goods or services shall obtain the approval of the Chief ~~Technology~~ Information Officer, in writing, of any proposed purchase of goods or services related to its information technology and telecommunication systems. The ~~notice~~ proposal shall contain a brief description of the goods and services to be purchased. The state spending unit shall provide the ~~notice~~ proposal to the Chief ~~Technology~~ Information Officer prior to the time it submits its request for proposal to the state Purchasing Division.

**§5A-6-6. Notice of request for proposals by state spending units exempted from submitting purchases to the state Purchasing Division.**

(a) Any state spending unit that is not required to submit a request for proposal to the state Purchasing Division prior to purchasing goods or services shall notify the Chief ~~Technology~~ Information Officer, in writing, of any proposed purchase of goods or services related to its information technology or telecommunication systems. The ~~notice~~ proposal shall contain a detailed description of the goods and services to be purchased. The state spending unit shall provide the ~~notice~~ proposal to the Chief

~~Technology~~ Information Officer a minimum of 10 days prior to the time it requests bids on the provision of the goods or services.

(b) If the Chief ~~Technology~~ Information Officer evaluates the suitability of the information technology and telecommunication equipment and related services under the provisions of §5A-6-4(a) of this code and determines that the goods or services to be purchased are not suitable, he or she shall, within 10 days of receiving the notice from the state spending unit, notify the state spending unit, in writing, of any recommendations he or she has regarding the proposed purchase of the goods or services. If the state spending unit receives a written notice from the Chief ~~Technology~~ Information Officer within the time period required by this section, the state spending unit shall not put the goods or services out for bid less than 15 days following receipt of the notice from the Chief ~~Technology~~ Information Officer.

#### **§5A-6-7. Biannual report.**

The Chief ~~Technology~~ Information Officer shall report biannually to the Legislative Joint Committee on Government and Finance on the activities of his or her office.

#### **§5A-6-8. Exemptions.**

(a) The provisions of this article do not apply to the Legislature, the judiciary or any state Constitutional officer designated in §6-7-2 of this code.

(b) Notwithstanding any other provision of this article to the contrary, ~~except for participation in the compilation and maintenance of an inventory of information technology and technical infrastructure of the state authorized by section four of this article,~~ the provisions of this article do not apply to the West Virginia Board of Education, the West Virginia Department of Education, the county boards of education, higher educational institutions, or the West Virginia ~~Division of Homeland Security and Emergency Management~~ Emergency Management Division of the Department of Homeland Security relating to the technology used with the Statewide Interoperable Radio Network, created by §15-14-1, *et seq.*, of this code. However, the West Virginia Board of Education, the West Virginia Department of Education, and the

county boards of education, and institutions of higher education ~~will attempt to~~ shall cooperate and collaborate with the Chief ~~Technology~~ Information Officer to the extent feasible.

(c) The Governor may by executive order exempt from the provisions of this article any entity created and organized to facilitate the public and private use of health care information and the use of electronic medical records throughout the state.

NOTE: The purpose of this bill is to modernize the name and function of the Chief Technology Officer and the West Virginia Office of Technology.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.