

SECTION 47. (establishes graduated fine systems for illegally parking in spaces designated for the handicapped and impeding the access to handicapped access ramps. The measure ensures that a violator will not be fined \$1000 for a first offense, but will be charged a graduated fine for subsequent offense. The measure is calculated to encourage greater enforcement)

Title 20, section 497, Virgin Islands Code, is amended in the following instances:

1. Subsection (d) is amended by striking the last sentence in its entirety and inserting a new sentence to read as follows: "Whoever without a handicapped designation properly affixed to the motor vehicle, parks in a space or area designated for the handicapped shall be fined

- (1) \$250 for the first offense,
- (2) \$500 for the second offense and
- (3) \$1,000 for the third offense and for each subsequent offense; and

2. Subsection (g) is amended by striking "one thousand dollars (\$1000)" and inserting

- (1) \$250 for the first offense,
- (2) \$500 for the second offense and
- (3) \$1,000 for the third offense and for each subsequent offense.

#### SECTION 48.

Title 2, Virgin Islands Code, chapter 10, section 203, subsection (f) is amended by striking "\$500" and inserting "\$1,000, or imprisoned not more than one year, or both fined and imprisoned."

#### SECTION 49.

(1) This Act shall be known and may be cited as the Technology Enterprise Act of 2003.

(2) Title 3, Virgin Islands Code is amended by adding new sections 10 through 10j to read as follows:

#### "§ 10. Bureau of Information Technology

(a) There is established within the Office of the Governor, a Bureau of Information Technology (BIT). The Bureau shall be administered by a Director, who shall be appointed by the Governor with the advice and consent of the Legislature. The Director shall be selected exclusively on the basis of merit as determined by technical training and education, skill and experience, and other qualifications including:

(b)

(1) a Master's Degree in information, technology, computer science or a related field;

(2) five years of management experience; and

(3) at least ten years of experience in information technology, computer science or a related field.

(b) For the purposes of Sections 10 through 10i of this chapter:

(1) "Bureau" means the Bureau of Information Technology within the Office of The Governor.

(2) "Director" means the Director of the Bureau of Information Technology within the Office of The Governor.

(3) "Disaster Recovery" includes, but is not limited to, the documentation, plans, policies, and procedures required to restore normal operation to a territorial agency or department impacted by a manmade or natural disaster.

(4) "Information technology" means all computerized and auxiliary automated information handling, including systems design and analysis, conversion of data, computer programming, information storage and retrieval, voice, video and data communications, requisite system controls, simulation, and all related interactions between people and machines.

(5) "Networking" means the electronic linking of computers for the interchange of information.

(6) "Plan" means the Disaster Recovery Plan.

(7) "Strategy" means the Comprehensive Technology Strategy for the Government of the Virgin Islands.

(8) "Task Force" means the Technology Task Force within the Bureau.

#### § 10a. Comprehensive Technology Strategy

(a) The Director shall develop a Comprehensive Technology Strategy for the Government of the Virgin Islands which shall be not less than five (5) years in duration and updated biennially, which includes programming and policies to support and promote the use of innovative information technologies within the territorial government as a means of saving money, increasing worker productivity, improving governmental services to the public, and demonstrating effective management tools. The Director shall recommend to the Governor and the Legislature changes needed in the Territory's policies to accomplish the purpose of this Section.

(b) The Strategy shall include:

(1) The development and maintenance of territorial data centers, including the optimum size and degree of centralization of the data centers; information management personnel, including the training and qualification of such personnel; office automation, including the use of personal computing and electronic mail; data communications systems; and technical application architecture;

(2) The Strategy shall:

(A) address the findings and recommendations contained in each governmental agency and department's automation analysis report;

(B) provide for an effective planning, budgeting, and management control system for coordinated development and utilization of information technology in the Government of the Virgin Islands;

(C) summarize the specific plans and policies adopted by the Bureau for each of the areas of functional responsibility; and

(D) report on major information technology initiatives.

(e) The plan shall provide for the design and development of new and existing data centers, and for networking between all territorial agencies in order to enable these agencies to communicate with each other, share data where appropriate, and maximize public access to this network. The Director shall solicit input from all territorial agencies, departments, independent instrumentalities, public users, and any other entities determined by the Director to be necessary, and shall consult with the University of the Virgin Islands, the Legislature, and the Territorial Court of the Virgin Islands to coordinate the executive branch master plan with the technology plan for the University, the Legislature and the Territorial Court, if such a plan is developed. The plan shall include the following:

(1) A method where the public may access from a personal computer, public records contained on a territorial agency, department or independent instrumentality's network;

(2) A proposal to develop a multi-use Internet portal provides public access to all governmental services to promote greater efficiency by governmental agencies in serving the public.

(3) A policy establishing the parameters for requiring territorial agencies, departments and independent instrumentalities to use software with interactive capability that allows public access to public records without the disclosure of confidential information. For the

purposes of this paragraph, "interactive" means the electronic removal of data from an electronic file;

(4) An identification of the activities that need to be undertaken to implement the plan with a corresponding time schedule, cost analysis, and person at the affected agency, department or independent instrumentality responsible for implementation of these activities;

(5) A territorial policy to be promulgated by the Director of the Office of Management and Budget pursuant to Title 3, chapter 35, of this Code, regarding the release of territorial agency, department or independent instrumentality data retained electronically, in accordance with all provisions of law providing for confidentiality of collected information including, by not limited to the Title 3, Section 881 et seq., of this Code;

(6) An identification of short, medium, and long-range goals based on the principal policies and goals developed in the master planning process.

(d) Upon request, the plan shall be made available to any person or territorial agency, department or independent instrumentality. This information shall be made available in an electronic format in addition to any other format chosen by the Bureau of Information Technology to make this information available.

(e) The Director shall create an inventory list of all computer hardware and software, as defined by the Director, retained by each territorial agency, department or independent instrumentality and the purposes for which the hardware or software is used. This list shall be available upon request to any person or territorial agency, department or independent instrumentality.

#### § 10b. Director's duties and responsibilities

The Director of the Bureau of Information Technology shall:

(a) Develop specific information technology objectives, policies, procedures, and standards to guide the development of information

systems within Government of the Virgin Islands to achieve maximum economy and quality, while preserving optimum user flexibility, including:

(1) policies, standards, and procedures for appropriate interchange of information, optimum service, and minimum costs;

(2) policies for pricing all information technology services performed by any territorial information technology cost recovery center so that every cost recovery center charges its users a rate for services that is both equitable and sufficient to recover all the costs of its operation, including the cost of capital equipment and facilities;

(3) policies governing coordination, cooperation, joint efforts, working relationships, and cost accounting relative to the development and maintenance of information technology and information systems; and

(4) policies to ensure the protection of individual privacy and guarantee the exclusive control to a user of its own data;

(b) coordinate the preparation of agency and department information technology plans within the Government of the Virgin Islands, encompassing both short-term and long-term needs that support the agency or department's and the Territory's strategic plans and assist independent instrumentalities of the Government with preparation of their technology plans;

(c) require each territorial agency, department and independent instrumentality to submit annually an information technology plan containing the information required by subsection (2) no later than March 1, of each year beginning in 2005;

(d) upon receipt of a territorial agency, department or independent instrumentality's information technology plan:

(1) provide a complete copy of that plan to the Director of Management and Budget;

(2) review and approve or disapprove an agency or department information technology plans to ensure that these plans are the most economically viable and are the best solution to the agency or department's needs and the needs of the United States Virgin Islands.

(3) approve or disapprove of and coordinate the acquisition of information technology equipment, telecommunications equipment, and related services for all agencies and departments of Government of the Virgin Islands;

(e) facilitate the implementation of agency, department and independent instrumentality's plans;

(f) establish priorities in terms of both importance and time sequencing for the development and implementation of information systems;

(g) monitor information systems development to promote maximum use of existing territorial information resources;

(h) advise the Governor on information technology policy and make recommendations to the Governor regarding requests for appropriations for information technology equipment and personnel;

(i) maintain liaison with the University of the Virgin Islands, the Legislature and Territorial Court of the Virgin Islands, the independent instrumentalities of the Government of the Virgin Islands, the federal government, business and industry, and consumers to promote cooperation and make recommendations regarding information resources;

(j) conduct performance audits of territorial information technology management, planning, and the use of information technology resources and distribute copies of the audit reports as provided in Section 10c of this Chapter.

(k) prepare an Annual Report to the Governor and to the Legislature that:

(1) summarizes the Territory's current and projected use of information technology; and

(2) includes a description of major changes in territorial policy and a brief description of each territorial agency, department and independent instrumentality's plan;

(l) inform each agency, department and independent instrumentality of the requirements of this Chapter and Act; and

(m) as permitted by law, coordinate the efforts of the Government of the Virgin Islands to provide services and transactions through the Internet.

(n) establish and maintain criteria for determining which data center is to provide which data-processing service(s) to each agency or department;

(o) establish policies for the development, operation, maintenance and performance management of data-processing information systems, including, but not limited to, equipment, software, and data communication;

(p) establish and maintain criteria to be followed by the territorial government in participating with private industry, and the federal government in demonstrating or developing advanced information technologies;

(q) establish and maintain the criteria to be followed by data processing each agency in providing confidentiality and security of data, and the security of data-processing facilities and equipment in accordance with Section 10h of this Chapter;

(r) establish policies and guidelines for exchange of data between centers by inter-coupling of telecommunications to ensure that exchanges do not jeopardize data security and confidentiality.

(s) facilitate procedures to allow the Office of Management and Budget to make an analysis of programs and budget and the Inspector General to conduct audits utilizing data in the Government



of the Virgin Islands data processing information systems. Information shall not be provided to the Office of Management and Budget or Inspector General if specifically prohibited by federal or territorial law.

(t) promote public awareness and outreach.

(u) sponsor conferences, conduct studies, collect and disseminate information, and issue reports relating to information and communications technology issues and government developments.

(v) participate and represent the Government of the Virgin Islands in the activities of standards organizations and other appropriate activities and conferences related to information and communications technology issues.

#### § 10c. Agency and department technology audits

(a) Each territorial agency or department information technology audit shall include information about planned information technology objectives and expenditures for the next fiscal year in the level of detail and format specified by the Director and the Director of the Office of Management and Budget.

(b) The audits in subsection (a) of this Section shall include the progress of each territorial agency and department toward making their services available on the Internet as provided by law.

#### § 10d. Technology audits

(a) Upon completion of an audit report, the Director shall:

- (1) provide copies of all audit reports to:
  - (A) the agency or department audited;
  - (B) the Governor;
  - (C) the Legislature;

(1) the Office of Management and Budget; and

(E) the Information Technology Task Force; and

(2) present the performance audit findings to the Information Technology Task Force at their next meeting.

(b) Each territorial agency and department shall provide the Director with complete access to all information technology records, documents, and reports, including electronic, analog, or digital, when requested for the purpose of a performance audit.

#### § 10e. Rates for Government Technology Services

The rate for services established by an information technology cost recovery center and reviewed by the Director, may be lowered if the Legislature appropriates monies to the cost recovery center for the specific purpose of lowering rates, otherwise the cost to the public shall be no less than that which it costs the Government agency or department.

#### § 10f. Information Technology Task Force

(a) There is established within the Bureau of Information Technology of the Office of The Governor, the Information Technology Task Force consisting of nine (9) members as follows:

(1) the Director of the Bureau of Information Technology who shall serve as Chair;

(2) the chief technology officer of the Legislature of the Virgin Islands or such other person appointed by the President of the Legislature;

(3) the chief technology officer of the Territorial Court of the Virgin Islands or such other person appointed by the Presiding Judge of the Territorial Court;

(4) the chief technology officer of the University of the Virgin Islands or such other person appointed by the President of the University;

(5) two (2) matriculated students majoring in computer information or computer science one from each judicial district appointed by the Governor; and

(6) three (3) representatives from telecommunications providers in the Territory to be appointed by the Governor; provided that one (1) such representative shall represent a local internet service provider; (1) such representative shall represent a local telephone service provider and (1) such representative shall represent a long distance telephone service provider.

(b) A majority of the members of the Task Force shall constitute a quorum. The action of a majority of a quorum constitutes the action of the Task Force.

(c) Members of the Task Force who are not employees of the Government of the Virgin Islands may not receive compensation for their work associated with the Task Force, but may receive per diem and expenses incurred as a member of the Task Force as provided by section 65, of this title.

(d) The Bureau of Information Technology shall provide staff support to the Task Force.

(e) The Task Force shall issue a report that may include recommendations on the following issues:

(1) Identification of appropriate eligibility criteria for Universal Service Fund Support for capital investment in broadband data services in the Territory so that:

(A) Such support is limited to areas lacking those services;

(B) An appropriate fund balance is maintained;

(C) Such support begins on October 1, 2005; and

(1) Increases in surcharges to support the fund are minimal.

(2) Identification of areas of the Territory where the Government of the Virgin Islands should assume liability for the costs of relocating facilities in the case of right-of-way realignments in order to encourage deployment of digital infrastructure to those areas;

(3) Identification of other possible solutions to aid in the deployment of advanced telecommunications services throughout the Territory;

(4) Rule changes to the Public Services Commission; and

(5) Any proposed legislation to the Governor and the Legislature.

§ 10g. Agencies using data processing centers.

(a) The head of each agency and department that uses data processing services shall have complete responsibility for the information that that agency collects, processes, stores, or utilizes.

(b) If that agency receives data processing services from a data center of other agency, the agency head shall have full control over all data processing systems design, procedures, input, input format, output and output format concerning the agency data processing programs and services to be received.

§ 10h. Data security and confidentiality

(a) The Bureau of Information Technology shall be responsible for the following:

(1) Development of the policies and standards to be followed in providing for the confidentiality of information;

(2) Development of policies necessary to ensure the security of the Virgin Islands' informational and physical assets;

(3) Development of policies to provide for the preservation of the Virgin Islands' information processing capability;

(4) Coordination of research and identification of solutions or problems affecting information security;

(5) Review and recommendation of personal services contracts for information security consulting services;

(6) Representation of the Virgin Islands to the federal government, other agencies of territorial government, local government entities, and private industry on issues that have territory wide impact on information security;

(7) Development of policies and monitoring of territorial agencies to ensure that agency business operations will continue to function in the event of a disaster;

(8) Review and advisement on security plans concerning the location and construction of information processing facilities for territorial agencies;

(9) Preparation of policies and procedures for inclusion in the Virgin Islands Administrative Manual for the territorial agencies regarding the applicable law relating to confidentiality and privacy of, and public access, to information.

(b) Territorial agencies shall notify the Bureau of all incidents involving the unauthorized, intentional damage to, or modification or destruction of, electronic information, and the damage to, or destruction or theft of data processing equipment, or the intentional damage to, or destruction of, information processing facilities. The Bureau shall investigate each incident.

(c) The head of each territorial agency, department or independent instrumentality that utilizes, receives, or provides data processing services shall designate an information security officer who shall be responsible for implementing territorial policies and standards regarding the confidentiality and security of information pertaining to his respective entity. Such policies and standards include, but are not limited to, strict controls to prevent unauthorized access to data maintained in computer files, program documentation, data processing systems, data files, and data processing equipment

physically located in such agency, department or independent instrumentality.

(d) Any contract entered into by any territorial agency or department which includes provisions for data processing system design, programming, documentation, conversion, equipment maintenance, and similar aspect of data processing services shall contain a provision requiring the contractor and all the contractor's staff working under such contract to maintain all confidential information obtained as a result of such contracts as confidential and to not divulge such information to any other person.

#### § 10i. Disaster recovery plan

(a) The Bureau of Information Technology shall develop a Disaster Recovery Plan with respect to information technology. The Bureau, in coordination with the Virgin Islands Territorial Emergency Management Agency (VITEMA), shall establish a Disaster Recovery Planning Team to develop the Disaster Recovery Plan and to administer the plan's implementation. This Team shall be comprised of a representative from each territorial agency, department, and independent instrumentality.

(b) In developing the Plan, the Disaster Recovery Team shall do all of the following:

(1) Consider the organizational, managerial, and technical environments in which the Disaster Recovery Plan must be implemented;

(2) Assess the types and likely parameters of disasters most likely to occur and the resultant impacts on the agency, department or independent instrumentality's ability to perform its mission.

(3) List protective measures to be implemented in anticipation of a disaster, natural or manmade. Protective measures listed shall be:

(A) Those protective measures determined to be most cost effective, and

(B) Identified through the risk management process for information technology as provided by the Virgin Islands Emergency Management Agency (VITEMA).

(c) Each territorial agency, department and independent instrumentality shall file a copy of its Disaster Recovery Plan with the Bureau of Information Technology and the Virgin Islands Emergency Management Agency (VITEMA) by January 31 of each year. The Bureau of Information Technology, in conjunction with the Virgin Islands Emergency Management Agency (VITEMA) shall assist, review, and coordinate disaster planning with respect to information technology for all territorial agencies, departments and independent instrumentalities. If a territorial agency, department or independent instrumentality employs the services of a territorial data center, that entity shall also provide the data center with a copy of its Disaster Recovery Plan.

#### § 10j. Governor's technology advisory board

(a) The Governor shall establish an information technology advisory board, consisting of individuals who have experience in the information technology, computer science or related fields. The advisory board shall advise the Governor on advancements in the information technology and computer science fields and provide feedback on the effectiveness of the information systems within the Government of the Virgin Islands."

SECTION 51. (a) In accordance with the requirement to promote effective management of government set forth in section 16(b) of the Revised Organic Act of the Virgin Islands, the Governor shall submit to the Legislature within 90 days after the approval of this Act a detailed reorganization plan for consolidation of the departments and agencies as specified in subsection (b) of this section.

(b) The plan must provide for:

(1) the consolidation of the Department of Health with the Department of Human Services;

(2) the transfer of the Housing section of the Department of Housing, Parks and Recreation to the Virgin Islands Housing Finance Authority; and

(3) the transfer of the Office of Collective Bargaining from the Office of the Governor to the Division of Personnel; and

(4) The Corporations and Trademarks division of the Lieutenant Governor's Office to the Department of Licensing and Consumer Affairs.

SECTION 55. Any appropriation granted in the Fiscal Year 2004 Executive Budget to the Blue Marlins and Dolphin Swim Teams of St. Croix must be used first for membership dues and other necessary expenses for local residents to participate in the organizations free of charge. After payment of dues and other memberships expenses for participation of local residents have been paid, each club may use the balance as it considers appropriate to carry out its purpose.

SECTION 56. Of the appropriation made to the Virgin Islands Olympic Committee in the Executive Budget for the fiscal year beginning October 1, 2003 and ending September 30, 2004;

(a) The sum of \$100,000 must be used for after-school activities and other activities for youth which develop, train and promote all sports and federations under the Virgin Islands Olympic committee;

(b) The sum of \$200,000 must be used for travel; development and promotion of team sports within the Virgin Islands Olympic committee; and

(c) The sum of \$200,000 may be used to carry out the purposes and goals of Virgin Islands Olympic Committee, as the Committee consider necessary and appropriate.

SECTION 60. Title 29 V.I.C. § 713b, subsection (e) is amended in the following instances:

1. At the beginning of subsection (e) insert "With regard to a citizen or resident of the United States";