

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5432

By Delegate Linville

[By Request of the West Virginia Office of Technology]

[Introduced February 02, 2024; Referred to the
Committee on Technology and Infrastructure then

Finance]

1 A BILL to amend and reenact §5A-6-1, §5A-6-3, and §5A-6-4 of the Code of West Virginia, 1931,
 2 as amended; and to repeal §5A-7-1, §5A-7-2, §5A-7-3, §5A-7-4, §5A-7-4a, §5A-7-5, §5A-
 3 7-6, §5A-7-7, §5A-7-8, §5A-7-9, §5A-7-10, and §5A-7-11 of said code, all relating to
 4 combining Information Services and Communications Division with the West Virginia
 5 Office of Technology; transferring funds from the Information Systems and
 6 Communications Division to the Office of Technology; closing funds and transferring
 7 unexpended balances; authorizing the CIO to conduct requisition reviews; authorizing the
 8 CIO to collect a fee for services provided to other public bodies; authorizing the CIO to
 9 provide guidance and technology to support electronic data retention; and requiring the
 10 CIO to provide mail service for state spending units.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. OFFICE OF TECHNOLOGY

§5A-6-1. Findings and purposes.

1 ~~The Legislature finds and declares that information technology is essential to finding~~
 2 ~~practical solutions to the everyday problems of government and that the management goals and~~
 3 ~~purposes of government are furthered by the development of compatible, linked information~~
 4 ~~systems across government. Therefore, it is the purpose of this article to create The Office of~~
 5 ~~Technology is hereby continued as an integral part of the Department of Administration, the Office~~
 6 ~~of Technology for the purpose of establishing and developing information technology services for~~
 7 ~~state agencies and promulgating information technology standards. with the authority The Office~~
 8 ~~of Technology is authorized to advise and make recommendations to all state spending units on~~
 9 ~~their state information systems and to have the authority to oversee coordination of the state's~~
 10 ~~technical infrastructure. Beginning July 1, 2024, the Information Services and Communications~~
 11 ~~Division created under the Department of Administration is hereby dissolved and its functions~~
 12 ~~assumed by the West Virginia Office of Technology.~~

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

continuation of special fund funds.

1 (a) The Office of Technology is ~~created~~ continued within the Department of Administration,
2 to be led by a Chief Information Officer, who shall be appointed by and serve at the will and
3 pleasure of the Governor. The Chief Information Officer shall have knowledge in the field of
4 information technology, experience in the design and management of information systems, and an
5 understanding of the special demands upon government with respect to budgetary constraints,
6 the protection of privacy interests, and federal and state standards of accountability.

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

16 (b) On July 1, 2024, the Department of Administration - Information Services and
17 Communications - Information Services and Communication Fund, created in the State Treasury
18 by the former §5A-7-10 of this code shall be transferred to the Department of Administration -
19 Office of Technology. The Department of Administration - Information Services and
20 Communications - Information Services and Communications Fund shall be a special revolving
21 fund, consisting of funds received for services provided pursuant to this Article and Articles 6B and
22 6C of this Chapter. Expenditures from the fund shall be made from collections by the Chief
23 Information Officer for the purposes set forth in this article. Any balance remaining in the special
24 revenue account at the end of any fiscal year shall be reappropriated to the next fiscal year.

25 (c) On July 1, 2024, the Department of Administration - Chief Technology Officer - Chief

26 Technology Officer Administration Fund, created in the State Treasury by §5A-6-3 of this code
 27 shall be closed, and any unexpended balance remaining shall be transferred to the Department of
 28 Administration - Office of Technology - Information Services and Communications Fund.

29 (d) On July 1, 2024, the Telecommunications Services Payment and Reserve Fund,
 30 created in the former §5A-7-4a of this code shall be closed and any unexpended balance shall be
 31 transferred to the Department of Administration - Office of Technology - Information Services and
 32 Communications Fund.

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

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

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

4 (A) Standards necessary to support a unified approach to information technology across
 5 the totality of state government, thereby assuring that the citizens and businesses of the state
 6 receive the greatest possible security, value, and user experience from investments made in
 7 technology;

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

10 (C) Standards for the connectivity, interoperability, and continuity of technology for
 11 government operations in times of disaster or emergency;

12 (2) Evaluate all information technology requisitions for compatibility with established
 13 information technology governance, including evaluation of the economic justification, system
 14 design, and suitability.

15 ~~(2)~~ (3) Develop a mechanism for identifying those instances where information systems
 16 should be linked and information shared, while providing for appropriate limitations on access and
 17 the security of data;

18 (4) Broker contracts for or deliver directly information technology and technology services

19 in support of state spending units: *Provided*, That other public bodies may utilize information
20 technology and technology services offered by the Chief Information Officer with approval;

21 ~~(3)~~ (5) Create new technologies to be used in government, convene conferences, and
22 develop incentive packages to encourage the utilization of technology;

23 ~~(4)~~ (6) Charge a fee to the state spending units and other public bodies for services
24 provided under the provisions of this article or Articles 6B or 6C of this Chapter;

25 ~~(5)~~ (7) Periodically evaluate the feasibility of subcontracting information technology
26 resources and services, and to subcontract only those resources that are feasible and beneficial to
27 the state;

28 ~~(6)~~ (8) Develop job descriptions and qualifications necessary to perform duties related to
29 information technology as outlined in this article;

30 ~~(7)~~ (9) Provide information technology related training to facilitate efficient use of state
31 technology resources;

32 ~~(8)~~ (10) Submit resource and support requests to the federal government to support
33 technology or cyber security initiatives or programs;

34 ~~(9)~~ (11) Engage in any other activities as directed by the Governor; and

35 ~~(10)~~ (12) Promulgate legislative rules, in accordance with the provisions of §29A-3-1 *et*
36 *seq.* as may be necessary to standardize and make effective the administration of the provisions
37 of this article.

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

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

41 (2) Establish, based on need and opportunity, priorities and timelines for addressing the
42 information technology requirements of executive agencies;

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

45 (4) Recommend to the Governor transfers of equipment and human resources from any
46 executive agency for the most effective and efficient uses of the fiscal resources of executive
47 agencies to modernize information technology investments;

48 (5) Provide guidance and services where feasible to support proper cleansing of electronic
49 data; ~~and~~

50 (6) Develop an information technology recycling program to redistribute or reuse properly
51 cleansed technology equipment. Transfers and disposal of information technology equipment are
52 specifically exempt from the surplus property requirements enumerated in §5A-3-43, §5A-3-44,
53 §5A-3-45, and §5A-3-46 of this code; and

54 (7) Provide guidance and services to support data retention and electronic discovery of
55 executive agency data in compliance with agency data retention policies and directives: *Provided,*
56 That executive agencies communicate such requirements.

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

60 (d) The Chief Information Officer may oversee telecommunications services used by state
61 spending units for the purpose of maximizing efficiency to the fullest possible extent including
62 auditing telecommunications services and usage and negotiation of telecommunications
63 contracts.

64 (e) The Chief Information Officer shall provide central mail services during regular
65 business hours for state spending units. All state spending units having their offices in the capitol,
66 except the legislative branch of government, shall dispatch all mail through the central mailing
67 office: *Provided,* That mail prepared after gathering time and mail for special handling may be
68 posted without utilizing the central mailing office upon approval of the Chief Information Officer.
69 The Chief Information Officer is authorized to make such expenditures as necessary to process
70 and presort all outgoing mail or to enter contracts to supply the service.

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

ARTICLE 7. INFORMATION SERVICES AND COMMUNICATIONS DIVISION.

§5A-7-1. Definitions.

1 [Repealed].

§5A-7-2. Division created; purpose; use of facilities; rules and regulations.

1 [Repealed].

§5A-7-3. Director; appointment and qualifications.

1 [Repealed].

§5A-7-4. Powers and duties of division generally; professional staff; telephone service.

1 [Repealed].

**§5A-7-4a. Payment of legitimate uncontested invoices for telecommunications services;
 procedures and powers of the Information and Communications Division and
 Secretary of Administration.**

1 [Repealed].

§5A-7-5. Control over central mailing office.

1 [Repealed].

§5A-7-6. Central mailing office employees.

1 [Repealed].

§5A-7-7. Central mailing office responsibilities.

1 [Repealed].

§5A-7-8. Use of the central mailing office.

1 [Repealed].

§5A-7-9. Preparation of mail for special rates.

1 [Repealed].

§5A-7-10. Special fund created; payments into fund; charges for services; disbursements from fund.

1 [Repealed].

§5A-7-11. Confidential records.

1 [Repealed].

NOTE: The purpose of this bill is to move the essential functions of the Information Services and Communications Division into the Office of Technology.

This bill was recommended for passage by the West Virginia Office of Technology in the 2024 regular session of the West Virginia Legislature.

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