

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4118**

BY DELEGATES STEELE, GRAVES, PACK AND BYRD

[Introduced January 13, 2020; Referred to the  
Committee on the Judiciary then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §12-3B-1, §12-3B-2, §12-3B-3, §12-3B-4, and §12-3B-5, all relating to  
 3 creating a state-wide email address directory; requiring the database of state agencies’  
 4 and state employees’ email addresses be available online; providing that email addresses  
 5 of citizens be voluntary; providing a tax credit; prohibiting disclosure of personal email  
 6 addresses; providing a penalty; defining terms; and requiring rule-making.

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

**ARTICLE 3B. EMAIL ADDRESS DIRECTORY.**

**§12-3B-1. Legislative purpose and findings.**

1 The Legislature finds that state government should: (A) Facilitate and promote a voluntary,  
 2 online email database for West Virginia citizens; and (B) create an online email database for state  
 3 agencies and state employees.

4 More individuals are utilizing electronic communications than traditional paper-based for  
 5 carrying out daily business transactions and communicating with others.

6 The state government is increasingly expanding its electronic communications capabilities  
 7 in delivering services to its citizens, as well as communications.

8 Electronic communication has been significantly aided by the ability to scan and send  
 9 documents by electronic mail.

10 Electronic communications save money for individuals, corporations, and governments,  
 11 and reduces paper waste.

12 An impediment to implementing electronic communications on a government-wide basis  
 13 is the lack of a certified electronic mail address for the state’s citizens.

14 It would be of great benefit to the state and its citizens if a state-wide electronic mail  
 15 address database for citizens, corporations, and government entities would be established.

**§12-3B-2. Definitions.**

1 As used in this article, the following words and terms have the following meanings, unless

2 the context clearly indicates otherwise:

3 “Document” means any authentication, certificate, claim, form, invoice, record, report,  
4 requisition, security, statement, or other similar item that may be in a tangible or electronic form.

5 “Electronic” means electrical, digital, magnetic, wireless, optical, electromagnetic,  
6 biometric, or any other technology that is similar to these technologies.

7 “Electronic device” is a device used to control the flow of electrical currents for the purpose  
8 of information processing and system control. Electronic devices include smart televisions, laptop  
9 computers, desktop computers, mobile phones, electronic tablets, and smart watches.

10 “Email” is: (A) A means or system for transmitting messages and documents; or (B)  
11 messages that are sent electronically from one electronic device to another.

**§12-3B-3. Electronic database.**

1 (a)(1) The State Treasurer shall create a database containing the certified email  
2 addresses of every citizen and corporation so choosing to participate. Only state, county, and  
3 municipal governments of the state may have access to those email addresses.

4 (2) The state may not disclose the email address of any citizen or corporation to the federal  
5 government, governments of another state, any foreign government, any private entity, or any  
6 person, natural or unnatural.

7 (3) Unauthorized disclosure of an email address shall result in a civil penalty of \$5,000  
8 payable to the person whose electronic mail address was disclosed without authorization. Each  
9 disclosure results in separate penalties.

10 (b) The Treasurer shall also create a database containing the certified email addresses of  
11 every state agency and state employee. The treasurer shall list those email addresses in an online  
12 directory available to the public.

**§12-3B-4. Participation.**

1 Each person that registers an email address with the state directory shall do so by  
2 providing their valid email address on their personal or corporate tax return. Each person that

3 registers an email address shall be granted a \$5 tax credit for every year that person registers an  
4 email address on the tax return.

5 By providing the registered email address, the person or entity consents to receive  
6 communications at the email address certified on the tax return in lieu of receiving  
7 communications by regular United States mail from state, county, and municipal governments of  
8 the state.

9 Those email addresses are not effective at achieving personal service for a person in a  
10 legal proceeding or delivering legal notice as required by other provisions of this code. Each  
11 state, county, or municipal government entity making a legal notice or service of process to an  
12 individual by publication or otherwise shall also send an electronic communication through the  
13 registered email address of the same.

**§12-3B-5. Rule-making.**

1 The Treasurer shall propose rules for legislative approval in accordance with §29A-3-1 et  
2 seq. of this code to implement this article.

NOTE: The purpose of this bill is to create a state-wide email address directory. The bill requires the database of state agencies and state employees email addresses be available online. The bill provides that email addresses of citizens be voluntary. The bill provides a tax credit. The bill prohibits disclosure of personal email addresses. The bill provides a penalty. The bill defines terms. The bill requires rule-making.

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