WEST VIRGINIA LEGISLATURE

**FISCAL NOTE**

2022 REGULAR SESSION

Introduced

House Bill 4318

By Delegate Householder and Criss

[Introduced January 21, 2022; Referred to the Committee on Finance]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5A-8-5a; and to amend and reenact §5A-8-7 of said code, all relating to creating a special revenue account for the statewide records management program; and authorizing the State Records Administrator to collect fees for services provided.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACt.

§5A-8-5a. State Records Administration Fund.

There is hereby created in the State Treasury a special account to be known as the State Records Administration Fund, which consists of appropriations by the Legislature, fees received for services provided pursuant to this article, and any gifts, grants, or donations received. Expenditures from the fund shall be made by the State Records Administrator 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 §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-8-7. Duties of administrator.

(a) The administrator shall, with due regard for the functions of the agencies concerned:

~~(a)~~ (1) Establish standards, procedures, and techniques for effective management of records;

~~(b)~~ (2) Make continuing surveys of document operations and recommend improvements in current records management practices including the use of space, technology, equipment, and supplies employed in creating, maintaining, storing, and servicing records;

~~(c)~~ (3) Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposal of state records no longer possessing sufficient administrative, legal, or fiscal value to warrant storage;

~~(d)~~ (4) Solicit input from agencies on essential records and data classification of information contained in the records. In accordance with the rules and regulations promulgated by the administrator, each agency that has custody or control of state records shall:

~~(1)~~ (A) Inventory the state records in his or her custody or control;

~~(2)~~ (B) Submit to the administrator a report thereon containing such information as the administrator directs and containing recommendations as to which state records are essential; and

~~(3)~~ (C) Periodically review his or her inventory and his or her report and, if necessary, revise the report so that it is current, accurate, and complete; and

~~(e)~~ (5) Obtain reports from agencies as are required for the administration of the program.

(b) The administrator may provide records management services to any agency and is authorized to collect a fee for services provided.

NOTE: The purpose of this bill is to create a special revenue fund for the State Records Administrator to deposit feeds collected for records management services provided to agencies.

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