

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-603 of the Code of Virginia, relating to IT responsibility of agency*
3 *directors.*

4 [S 1121]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-603 of the Code of Virginia is amended and reenacted as follows:**8 **§ 2.2-603. Authority of agency directors.**

9 A. Notwithstanding any provision of law to the contrary, the agency director of each agency in the
10 executive branch of state government shall have the power and duty to (i) supervise and manage the
11 department or agency and (ii) prepare, approve, and submit to the Governor all requests for
12 appropriations and to be responsible for all expenditures pursuant to appropriations.

13 B. The director of each agency in the executive branch of state government, except those that by law
14 are appointed by their respective boards, shall not proscribe any agency employee from discussing the
15 functions and policies of the agency, without prior approval from his supervisor or superior, with any
16 person unless the information to be discussed is protected from disclosure by the Virginia Freedom of
17 Information Act (§ 2.2-3700 et seq.) or any other provision of state or federal law.

18 C. Subsection A shall not be construed to restrict any other specific or general powers and duties of
19 executive branch boards granted by law.

20 D. This section shall not apply to those agency directors that are appointed by their respective boards
21 or by the Board of Education. Directors appointed in this manner shall have the powers and duties
22 assigned by law or by the board.

23 E. In addition to the requirements of subsection C of § 2.2-619, the director of each agency in any
24 branch of state government shall, at the end of each fiscal year, report to (i) the Secretary of Finance
25 and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance a
26 listing and general description of any federal contract, grant, or money in excess of \$1,000,000 for
27 which the agency was eligible, whether or not the agency applied for, accepted, and received such
28 contract, grant, or money, and, if not, the reasons therefore and the dollar amount and corresponding
29 percentage of the agency's total annual budget that was supplied by funds from the federal government
30 and (ii) the Chairmen of the House Committees on Appropriations and Finance, and the Senate
31 Committee on Finance any amounts owed to the agency from any source that are more than six months
32 delinquent, the length of such delinquencies, and the total of all such delinquent amounts in each
33 six-month interval. Clause (i) shall not be required of public institutions of higher education.

34 F. *The director of every department in the executive branch of state government shall be responsible*
35 *for securing the electronic data held by his department and shall comply with the requirements of the*
36 *Commonwealth's information technology security and risk-management program as set forth in*
37 *§ 2.2-2009.*

38 G. The director of every department in the executive branch of state government shall report to the
39 Chief Information Officer as described in § 2.2-2005, all known incidents that threaten the security of
40 the Commonwealth's databases and data communications resulting in exposure of data protected by
41 federal or state laws, or other incidents compromising the security of the Commonwealth's information
42 technology systems with the potential to cause major disruption to normal agency activities. Such reports
43 shall be made to the Chief Information Officer within 24 hours from when the department discovered or
44 should have discovered their occurrence.

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