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HOUSE BILL NO. 1177

Offered January 17, 2022

A BILL to amend and reenact § 2.2-2007 of the Code of Virginia, and to amend the Code of Virginia by adding in Chapter 20.1 of Title 2.2 an article numbered 8, consisting of a section numbered 2.2-2035, relating to Virginia Digital Service established; duties.

Patrons—Subramanyam and Hudson

Referred to Committee on Communications, Technology and Innovation

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2007 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 20.1 of Title 2.2 an article numbered 8, consisting of a section numbered 2.2-2035, as follows:

§ 2.2-2007. Powers of the CIO.

A. The CIO shall promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter. The CIO shall also develop policies, standards, and guidelines for the planning, budgeting, procurement, development, maintenance, security, and operations of information technology for executive branch agencies. Such policies, standards, and guidelines shall include those necessary to:

1. Support state and local government exchange, acquisition, storage, use, sharing, and distribution of data and related technologies.

2. Support the development of electronic transactions including the use of electronic signatures as provided in § 59.1-496.

3. Support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible security, value, and convenience from investments made in technology.

4. Ensure that the costs of information technology systems, products, data, and services are contained through the shared use of existing or planned equipment, data, or services.

5. Provide for the effective management of information technology investments through their entire life cycles, including identification, business case development, selection, procurement, implementation, operation, performance evaluation, and enhancement or retirement. Such policies, standards, and guidelines shall include, at a minimum, the periodic review by the CIO of agency Commonwealth information technology projects.

6. Establish an Information Technology Investment Management Standard based on acceptable technology investment methods to ensure that all executive branch agency technology expenditures are an integral part of the Commonwealth's performance management system, produce value for the agency and the Commonwealth, and are aligned with (i) agency strategic plans, (ii) the Governor's policy objectives, and (iii) the long-term objectives of the Council on Virginia's Future.

B. In addition to other such duties as the Secretary may assign, the CIO shall:

1. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to § 2.2-2023.

2. Report annually to the Governor, the Secretary, and the Joint Commission on Technology and Science created pursuant to § 30-85 on the use and application of information technology by executive branch agencies to increase economic efficiency, citizen convenience, and public access to state government.

3. Prepare annually a report for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report) based upon major information technology projects submitted for business case approval pursuant to this chapter. As part of the RTIP Report, the CIO shall develop and regularly update a methodology for prioritizing projects based upon the allocation of points to defined criteria. The criteria and their definitions shall be presented in the RTIP Report. For each project recommended for funding in the RTIP Report, the CIO shall indicate the number of points and how they were awarded. For each listed project, the CIO shall also report (i) all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation; (ii) a justification and description for each project baseline change; and (iii) whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data. This report shall also include trends in current projected information technology spending by executive branch agencies and secretariats, including spending on projects, operations and maintenance, and payments to

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59 VITA. Agencies shall provide all project and cost information required to complete the RTIP Report to
 60 the CIO prior to May 31 immediately preceding any budget biennium in which the project appears in
 61 the Governor's budget bill.

62 4. Provide oversight for executive branch agency efforts to modernize the planning, development,
 63 implementation, improvement, operations and maintenance, and retirement of Commonwealth
 64 information technology, including oversight for the selection, development and management of enterprise
 65 information technology.

66 5. Develop statewide technical and data standards and specifications for information technology and
 67 related systems, including (i) the efficient exchange of electronic information and technology, including
 68 infrastructure, between the public and private sectors in the Commonwealth and (ii) the utilization of
 69 nationally recognized technical and data standards for health information technology systems or software
 70 purchased by an executive branch agency.

71 6. Direct the compilation and maintenance of an inventory of information technology, including but
 72 not limited to personnel, facilities, equipment, goods, and contracts for services.

73 7. Provide for the centralized marketing, provision, leasing, and executing of licensing agreements for
 74 electronic access to public information and government services through the Internet, wireless devices,
 75 personal digital assistants, kiosks, or other such related media on terms and conditions as may be
 76 determined to be in the best interest of the Commonwealth. VITA may fix and collect fees and charges
 77 for (i) public information, media, and other incidental services furnished by it to any private individual
 78 or entity, notwithstanding the charges set forth in § 2.2-3704, and (ii) such use and services it provides
 79 to any executive branch agency or local government. Nothing in this subdivision authorizing VITA to
 80 fix and collect fees for providing information services shall be construed to prevent access to the public
 81 records of any public body pursuant to the provisions of the Virginia Freedom of Information Act
 82 (§ 2.2-3700 et seq.). VITA is authorized, subject to the approval by the Secretary of Technology and
 83 any other affected Secretariat, to delegate the powers and responsibilities granted in this subdivision to
 84 any agency within the executive branch.

85 8. Periodically evaluate the feasibility of outsourcing information technology resources and services,
 86 and outsource those resources and services that are feasible and beneficial to the Commonwealth.

87 9. Have the authority to enter into and amend contracts, including contracts with one or more other
 88 public bodies, or public agencies or institutions or localities of the several states, of the United States or
 89 its territories, or the District of Columbia, for the provision of information technology services.

90 10. *Appoint an executive director of the Virginia Digital Service pursuant to § 2.2-2035.*

91 C. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance
 92 or implement information technology programs and projects. The CIO may issue a request for
 93 information to seek out potential private partners interested in providing programs or projects pursuant to
 94 an agreement under this subsection. The compensation for such services shall be computed with
 95 reference to and paid from the increased revenue or cost savings attributable to the successful
 96 implementation of the program or project for the period specified in the contract. The CIO shall be
 97 responsible for reviewing and approving the programs and projects and the terms of contracts for same
 98 under this subsection. The CIO shall determine annually the total amount of increased revenue or cost
 99 savings attributable to the successful implementation of a program or project under this subsection and
 100 such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023.
 101 The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms
 102 of contracts under this subsection. All moneys in excess of that required to be paid to private partners,
 103 as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall
 104 prepare an annual report to the Governor, the Secretary, and General Assembly on all contracts under
 105 this subsection, describing each information technology program or project, its progress, revenue impact,
 106 and such other information as may be relevant.

107 D. Executive branch agencies shall cooperate with VITA in identifying the development and
 108 operational requirements of proposed information technology systems, products, data, and services,
 109 including the proposed use, functionality, and capacity, and the total cost of acquisition, operation, and
 110 maintenance.

111 *Article 8.*

112 *Virginia Digital Service.*

113 **§ 2.2-2035. Virginia Digital Service established; duties.**

114 A. *The Chief Information Officer of the Commonwealth (CIO) shall appoint an executive director*
 115 *(the Director) in accordance with § 2.2-2007 and shall establish the Virginia Digital Service (the*
 116 *Service). The Director shall report to the CIO and the Governor. All state agencies shall assist and*
 117 *cooperate with the Service in the performance of its duties.*

118 B. *The Service shall:*

119 1. *Modernize and simplify digital services in the Commonwealth by providing consultation services*
 120 *across state departments and agencies;*

- 121 2. Recruit at least 15 senior-level engineers, designers, product managers, technologists, and other
122 top technical talent to contribute to the development and growth of public-facing services. Each team
123 member shall be appointed by the Director to a two-year contract term with the option to extend the
124 contract for an additional two years;
- 125 3. Work on priorities assigned by the Office of the Governor;
- 126 4. Streamline and simplify digital services for citizens by identifying inequities in the provision of
127 government services and building user-centered solutions;
- 128 5. Initiate projects in which he shall be the product owners and responsible for the end-to-end
129 service, including procurement and architecture decisions. The Service shall retain procurement
130 authority to enter into contracts in support of the products and projects initiated by the Service;
- 131 6. Consult on projects with other agencies with the goal of improving product outcomes and the
132 capacity of the agency to support those services long-term;
- 133 7. Advise the Governor, cabinet members, and the General Assembly on strategies to improve state
134 policies and programs to support the delivery of digital services throughout the Commonwealth;
- 135 8. Assist the CIO in his duties as requested; and
- 136 9. Take any other actions necessary to fulfill the duties of the Service.