VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 2.2-1115.1, 2.2-2022, 2.2-2023, 2.2-2101, 2.2-2699.5, and 2.2-2699.6 of the Code of Virginia and to repeal § 2.2-2699.7 of the Code of Virginia, relating to Information Technology Advisory Council; membership; duties; report.

[S 703]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1115.1, 2.2-2022, 2.2-2023, 2.2-2101, 2.2-2699.5, and 2.2-2699.6 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1115.1. Standard vendor accounting information.

A. The Division, the Virginia Information Technologies Agency, and the State Comptroller shall develop and maintain data standards for use by all agencies and institutions for payments and purchases of goods and services pursuant to §§ 2.2-1115 and 2.2-2012. Such standards shall include at a minimum the vendor number, name, address, and tax identification number; commodity code, order number, invoice number, and receipt information; and other information necessary to appropriately and consistently identify all suppliers of goods, commodities, and other services to the Commonwealth. The Division, the Virginia Information Technologies Agency, and the State Comptroller shall annually review and update these standards to provide the Commonwealth information to monitor all procurement of goods and services and to implement adequate controls to pay only authorized providers of goods and services to the Commonwealth.

B. The Division and the Virginia Information Technologies Agency shall submit these standards to the Information Technology Advisory Council in accordance with § 2.2-2699.6 for review ~~as statewide technical and data standards for information technology~~.

C. The Division and the State Comptroller shall adhere to the adopted data standards and match all purchases of goods, commodities, and other services to the related payment activity and make the matched information available on the Auditor of Public Accounts' Commonwealth Data Point website pursuant to subdivision H 3 a of § 30-133. This information shall be available at a transactional level and be in sufficient detail to make clear what an agency has purchased; when the purchase was made; the vendor from whom the purchase was made; the amount purchased, if applicable; and how much was paid. To the extent the purchase is made for professional services as defined in § 2.2-4301, other than for accounting or legal services, from an entity of the Commonwealth, the name of the buyer in the selling Department or agency shall be specified. Purchases made using credit card or other financing arrangements shall specify the vendor.

§ 2.2-2022. Definitions; purpose.

A. As used in this article, unless the context requires a different meaning~~:~~*,*

~~"Costs"~~ *"costs"* means the reasonable and customary charges for goods and services incurred or to be incurred ~~in major information technology projects~~.

~~"Technology infrastructure" means telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services.~~

B. In order for the Commonwealth to take advantage of technological applications in providing services and solving problems of Virginia's citizens, there is a need to ~~reinvest savings that accrue from increased usage of technology into~~ *invest in* new and emerging technologies that will provide for ~~both~~ greater efficiencies ~~and~~, better responsiveness, *and improved cybersecurity*. The purpose of this article is to create the Virginia Technology Infrastructure Fund (the Fund). The Fund shall make moneys available to state agencies and institutions of higher education for ~~major~~ information technology projects *and services*.

§ 2.2-2023. Virginia Technology Infrastructure Fund created; contributions.

A. The Virginia Technology Infrastructure Fund (the Fund) is created in the state treasury. The Fund is to be used to fund ~~major~~ information technology projects *and services* or to pay private partners as authorized in subsection C of § 2.2-2007.

B. The Fund shall consist of: (i) the transfer of general and nongeneral fund appropriations from executive branch agencies which represent savings that accrue from reductions in the cost of information technology and communication services; (ii) the transfer of general and nongeneral fund appropriations from executive branch agencies which represent savings from the implementation of information technology enterprise projects; (iii) funds identified pursuant to subsection C of § 2.2-2007; (iv) such general and nongeneral fund fees or surcharges as may be assessed to executive branch agencies for

enterprise technology projects; (v) gifts, grants, or donations from public or private sources; and (vi) such other funds as may be appropriated by the General Assembly. Savings shall be as identified by the CIO through a methodology reviewed by the ITAC and approved by the Secretary of Finance. The Auditor of Public Accounts shall certify the amount of any savings identified by the CIO. For public institutions of higher education, however, savings shall consist only of that portion of total savings that represent general funds. The State Comptroller is authorized to transfer cash consistent with appropriation transfers. Appropriated funds from federal sources are exempted from transfer. Except for funds to pay private partners as authorized in subsection C of § 2.2-2007, moneys in the Fund shall only be expended as provided by the appropriation act.

Interest earned on the Fund shall be credited to the Fund. The Fund shall be permanent and nonreverting. Any unexpended balance in the Fund at the end of the biennium shall not be transferred to the general fund of the state treasury.

§ 2.2-2101. Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3126; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23.1-3121; to members of the Board of Directors of the New College Institute, who shall be appointed as provided for in § 23.1-3112; to members of the Advisory Board on Teacher Education and Licensure, who shall be appointed as provided for in § 22.1-305.2; to members of the Virginia Interagency Coordinating Council, who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23.1-3117; to members of the Board of Trustees of the Online Virginia Network Authority, who shall be appointed as provided in § 23.1-3136; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; *to members of the Information Technology Advisory Council, who shall be appointed as provided for in § 2.2-2699.5;* to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure and Resilient Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485; to members of the Henrietta Lacks Commission, who shall be appointed as provided in § 2.2-2538; or to members of the Commission to Study Slavery and Subsequent De Jure and De Facto Racial and Economic Discrimination Against African Americans, who shall be appointed as provided in § 2.2-2552.

§ 2.2-2699.5. Information Technology Advisory Council; membership; terms; quorum; compensation; staff.

A. The Information Technology Advisory Council (ITAC) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The ITAC shall be responsible for advising, *and making recommendations to,* the Chief Information Officer *of the Commonwealth* (CIO) and the Secretary of Administration ~~on the planning, budgeting, acquiring, using, disposing, managing, and administering of~~ *regarding* information technology in the Commonwealth*, as detailed in § 2.2-2699.6*.

B. The ITAC shall consist of not more than ~~16~~ *20* members as follows: (i) ~~one representative from an agency under each of the Governor's Secretaries, as set out in Chapter 2 (§ 2.2-200 et seq.), to be~~

~~appointed by the Governor and serve with voting privileges; (ii)~~ the Secretary of Administration ~~and~~, *or his designee,* the CIO, ~~who~~ *and another of the Governor's Secretaries as defined in subsection E of § 2.2-200, or his designee, all of whom* shall serve ex officio with voting privileges; ~~(iii) the Secretary of the Commonwealth or his designee; and (iv) at the Governor's discretion,~~ *(ii) four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates; (iii) three members of the Senate, to be appointed by the Senate Committee on Rules; and (iv) an even number,* not ~~more than two~~ *to exceed 10, of* nonlegislative citizen members to be appointed by the Governor and serve with voting privileges.

Legislative members and ex officio members of the ITAC shall serve terms coincident with their terms of office. Nonlegislative citizen members shall *represent a diversity of appropriate experience and expertise and, after an initial staggering of terms, shall* be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. ~~The~~ *Initial appointment terms of one year or two years and the* remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The ITAC shall elect a chairman and vice-chairman annually from among the members, except that neither the Secretary of Administration nor the CIO may serve as chairman. A majority of the members shall constitute a quorum. The meetings of the ITAC shall be held at the call of the chairman, the Secretary of Administration, or the CIO, or whenever the majority of the members so request.

D. ~~Nonlegislative~~ *Legislative members of the ITAC shall receive such compensation as provided in § 30-19.12, and nonlegislative* citizen members shall receive *such* compensation ~~and~~ *for the performance of their duties as provided in § 2.2-2813. All members* shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties~~,~~ as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Information Technologies Agency.

E. The disclosure requirements of subsection B of § 2.2-3114 of the State and Local Government Conflict of Interests Act shall apply to *nonlegislative* citizen members of the ITAC.

F. The Virginia Information Technologies Agency shall serve as staff to the ITAC.

§ 2.2-2699.6. Powers and duties of the ITAC; report.

A. The ITAC shall have the power and duty to:

1. Adopt rules and procedures for the conduct of its business;

2. Advise the CIO ~~on the development of all major information technology projects as defined in § 2.2-2006~~ *regarding cybersecurity policies, standards, and guidelines, for (i) assessing security risks, (ii) determining appropriate security measures, (iii) performing security audits of government electronic information, (iv) strengthening the Commonwealth's cybersecurity, and (v) protecting against and responding to breaches of information technology security*;

3. Advise the CIO on strategies~~, standards,~~ and priorities for ~~the use of~~ information technology for executive branch agencies;

4. Advise the CIO on ~~developing the six-year plan for~~ information technology *planning and* projects;

5. Advise the CIO on ~~statewide technical and data~~ *policies,* standards, *and guidelines* for information technology and *data* ~~related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency~~ of the Commonwealth; *and*

6. ~~Advise the CIO on statewide information technology architecture and related system technical and data standards;~~

~~7. Advise the CIO on assessing and meeting the Commonwealth's business needs through the application of information technology;~~

~~8.~~ Advise the CIO on ~~the prioritization, development, and implementation of enterprise-wide technology applications; annually review all executive branch agency technology applications budgets; and advise the CIO on infrastructure~~ *information technology budgeting, investments, and* expenditures~~; and~~

~~9. Advise the CIO on the development, implementation, and execution of a technology applications governance framework for executive branch agencies. Such framework shall establish the categories of use by which technology applications shall be classified, including but not limited to enterprise-wide, multiagency, or agency-specific. The framework shall also provide the policies and procedures for determining within each category of use (i) the ownership and sponsorship of applications, (ii) the proper development of technology applications, (iii) the schedule for maintenance or enhancement of applications, and (iv) the methodology for retirement or replacement of applications. ITAC shall include the participation of executive branch agency leaders who are necessary for defining agency business~~

~~needs,~~ ~~as~~ ~~well~~ ~~as~~ ~~agency~~ ~~information~~ ~~technology~~ ~~managers~~ ~~who~~ ~~are~~ ~~necessary~~ ~~for~~ ~~overseeing~~ ~~technology~~ ~~applications~~ ~~performance~~ ~~relative~~ ~~to~~ ~~agency~~ ~~business~~ ~~needs.~~ ~~Agency~~ ~~representatives~~ ~~shall~~ ~~assist~~ ~~ITAC~~ ~~in~~ ~~determining~~ ~~the~~ ~~potential~~ ~~information~~ ~~technology~~ ~~solutions~~ ~~that~~ ~~can~~ ~~meet~~ ~~agency~~ ~~business~~ ~~needs,~~ ~~as~~ ~~well~~ ~~as~~ ~~how~~ ~~those~~ ~~solutions~~ ~~may~~ ~~be~~ ~~funded~~.

B. *The ITAC may appoint advisory subcommittees consisting of individuals with expertise in particular subject areas and information technology to advise the ITAC on the utilization of nationally recognized technical and data standards in such subject areas. If such a subcommittee is appointed by the ITAC, the CIO, or his designee, shall be an ex officio members and the Secretary of Administration may appoint representatives from other relevant Secretariats or state agencies as may be appropriate. Any such subcommittee may be appointed for a period of two years and may be reappointed by the ITAC at the end of any two year period.*

C. The CIO shall report annually to the Governor and the General Assembly regarding the work of the ITAC and any advisory subcommittees.

~~Definitions.~~*D.*

As used in this section~~:~~

~~"Executive branch agency"~~, *"information technology"* has the same meaning as set forth in § 2.2-2006.

~~"Technology applications" includes, but is not limited to, hardware, software, maintenance, facilities, contractor services, goods, and services that promote business functionality and facilitate the storage, flow, use or processing of information by executive branch agencies of the Commonwealth in the execution of their business activities.~~

2. That § 2.2-2699.7 of the Code of Virginia is repealed.

3. That the initial appointments of nonlegislative citizen members of the Information Technology Advisory Council (§ 2.2-2699.5 of the Code of Virginia), as amended by this act, shall be staggered as follows: two members for a term of one year, two members for a term of two years, three members for a term of three years, and three members for a term of four years.