

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Introduced**

## **Senate Bill 414**

BY SENATOR SYPOLT

[Introduced January 18, 2022; referred  
to the Committee on Finance]

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

1 There is hereby created in the State Treasury a special account to be known as the State  
2 Records Administration Fund, which consists of appropriations by the Legislature, fees received  
3 for services provided pursuant to this article, and any gifts, grants, or donations received.  
4 Expenditures from the fund shall be made by the State Records Administrator for the purposes  
5 set forth in this article and are not authorized from collections but are to be made only in  
6 accordance with appropriation by the Legislature and in accordance with §12-3-1 et seq. of this  
7 code and upon the fulfillment of the provisions set forth in §11B-2-1 et seq. of this code: *Provided,*  
8 That the provisions of §11B-2-18 of this code do not operate to permit expenditures in excess of  
9 the spending authority provided by the Legislature.

**§5A-8-7. Duties of administrator.**

1 (a) The administrator shall, with due regard for the functions of the agencies concerned:  
2 (a) (1) Establish standards, procedures, and techniques for effective management of  
3 records;  
4 (b) (2) Make continuing surveys of document operations and recommend improvements  
5 in current records management practices including the use of space, technology, equipment, and  
6 supplies employed in creating, maintaining, storing, and servicing records;  
7 (c) (3) Establish standards for the preparation of schedules providing for the retention of

8 state records of continuing value and for the prompt and orderly disposal of state records no  
9 longer possessing sufficient administrative, legal, or fiscal value to warrant storage;

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

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

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

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

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

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