



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
7/29/2026 3:27:02 PM
Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Office of Technology TITLE-SERIES: 163-02
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: Yes
RULE NAME: 163-02 Chief Information Officer Review

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: W. Va. Code §§5A-6-4, 5A-6-5, and 5A-6-6.

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

The proposed change repeals the entire rule. The rule mirrors requirements, powers, and workflows established in statute. The rule is not required and repealing it eliminates an unnecessary layer of bureaucracy. Current WV Code requires state agencies to submit IT purchases and projects to the CIO for review. The statutory timeframes and review process established in Code will remain intact. The West Virginia Office of Technology will continue to manage internal processes via direct agency policy based on the clear statutory mandates. Currently, the Chief Information Officer and Division of Purchasing director follow established procedures to review and approve technology purchases in a manner that maintains security of the state network and enables agencies to have flexibility in purchasing while obtaining the lowest prices.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/26/2026

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/26/2026

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

Information posted on agency's website.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

The rule establishes requirements relating to review and management of technology projects.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The rule is not required, this proposed change repeals the entire rule.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

Repealing the rule should have no impact on state government revenues.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

Repealing the rule should have no impact on state special revenue accounts.

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

State Code mandates a tech purchase review process that ensures the safety and integrity of the state network and protects citizen information. The rule creates an unnecessary layer that merely duplicates existing statutory language. Repealing the rule will not impact the process and policy followed by WVOT and Purchasing Division that enables agencies to purchase secure items in the most cost-efficient

manner.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Repealing the rule will have no direct impact on state budget aside from increasing efficiency and removing unnecessary rules.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Misty Peal -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

163CSR2

~~TITLE 163~~

LEGISLATIVE RULE

WEST VIRGINIA OFFICE OF TECHNOLOGY

SERIES 2

~~CHIEF INFORMATION OFFICER REVIEW~~

~~§ 163-2-1. General Provisions.~~

~~1.1. Scope. — This legislative rule establishes requirements relating to the review and management of technology projects.~~

~~1.2. Authority. — W. Va. Code §§5A-6-4, 5A-6-5, and 5A-6-6.~~

~~1.3. Filing Date. — March 2, 2022.~~

~~1.4. Effective Date. — March 2, 2022.~~

~~1.5. Sunset Provision: This rule shall terminate and have no further force or effect on August 1, 2027 2037.~~

~~§ 163-2-2. Definitions.~~

~~2.1. “Technology project” means a project where technology is a significant component and is valued at \$250,000 or more, or will involve sensitive or restricted data. Technology projects include but are not limited to hardware, software, consulting services, and maintenance investments.~~

~~§ 163-2-3. Chief Information Officer review of technology projects.~~

~~3.1. The Chief Information Officer shall assign the Project Management Office technology projects submitted for review and approval. The Project Management Office shall provide a recommendation to the Chief Information Officer for approval of the project.~~

~~§ 163-2-4. Steering Committee Oversight of Technology Projects.~~

~~4.1. The Chief Information Officer may create steering committees for approved technology projects as needed.~~

~~4.2. A steering committee shall consist of no more than seven key decision makers, representing the West Virginia Office of Technology and the Agency. The steering committee shall be made up of the Chief Information Officer or his or her designee, the assigned Office of Technology project manager, the agency~~

~~head or his or her designee, the agency's financial or budget representative, the agency's business process representative, the agency's technical project owner, plus any other members necessary to the technology project. The Chief Information Officer may approve alternative members of the steering committee on a case by case basis.~~

~~4.3. The steering committee shall be charged with oversight and decision making of a specific technology project.~~

~~4.3.1. The steering committee shall oversee the development of the solicitation necessary for the project and be responsible for submitting the project for requisition review prescribed by statute and administrative rule.~~

~~4.3.2. The steering committee shall collect information about the project needed for technology portfolio management by the Project Management Office.~~

~~4.3.3. The steering committee shall submit any necessary information about the project to the Cyber Security Risk Program via the Program's online tool.~~

~~§ 163-2-5. Chief Information Officer review of technology procurements.~~

~~5.1. Agencies shall submit all proposed technology procurements to the Chief Information Officer for review prior to submitting the procurement documentation for the investment to the Purchasing Division.~~

~~5.1.2. The Chief Information Officer's review of the procurement shall focus on the cost and its suitability within the overall environment of both the agency and the State as a whole in relation to integration and communications with existing systems.~~

~~5.1.2.a. The Chief Information Officer shall set by policy the threshold for the value of technology procurement to be reviewed. The Chief Information Officer may provide form approvals or minimum value approvals, however he or she may require project or investment information to be reported by agencies for informational purposes.~~

~~5.1.2.b. The review shall include the documentation required by the Purchasing Division and information describing the need for the proposed procurement and any alternative solutions considered.~~

~~5.1.3. The Chief Information Officer may recommend an appropriate purchasing method for the proposed procurement.~~

~~5.1.4. The Chief Information Officer's approval of proposed procurements valued at over the threshold value for review shall be attached to any procurement documentation when submitted to the Purchasing Division.~~

~~5.2. The Secretary of the Department of Administration may grant exceptions to this review process.~~