WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1968

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ENROLLED
SENATE BILL NO. 46
(By Mr. McCoy and Mr. Gwinn)

PASSED February 7, 1968
In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-16-68

# 46
ENROLLED

Senate Bill No. 46
(By MR. McCOURT and MR. GAINER)

[Passed February 7, 1968; in effect from passage.]

AN ACT to amend chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article seven, relating to the creation of an information system services division within the department of finance and administration; providing for its personnel, duties, powers and responsibilities; providing for an advisory commission and specifying its duties and responsibilities; and authorizing the transfer to such division of certain data-processing activities and equipment, and certain personnel and funds utilized for data processing purposes.
Be it enacted by the Legislature of West Virginia:

That chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article seven, to read as follows:

ARTICLE 7. INFORMATION SYSTEM SERVICES DIVISION.

§5A-7-1. Definitions.

1 Unless the context in which used clearly requires a different meaning, as used in this article:

2 (a) "Division" means the information system services division established in section two hereof;

3 (b) "Director" means the director of the information system services division;

4 (c) "Commission" means the state information system advisory commission;

5 (d) "Commissioner" means the commissioner of the department of finance and administration;

6 (e) "Data-processing equipment" means: (1) any equipment having stored program capabilities, (2) any equipment designed to handle punch cards, magnetic tape or other electronic input-output devices; or (3) any other similar equipment specified by the director.
§5A-7-2. Information system services division.

There is hereby created an information system services division in the department of finance and administration for the purpose of establishing, developing and improving data-processing functions in the various state agencies, for promulgating standards in the utilization of data processing equipment and for promoting the more effective and efficient operation of all branches of state government. The facilities of the division shall be available, subject to rules and regulations established by the commissioner and approved by the governor, to the legislative, executive and judicial branches of state government. Such rules and regulations shall be promulgated in accordance with the provisions of article three, chapter twenty-nine-a of this code.

§5A-7-3. Director and deputy director; appointment and qualifications.

The division shall be under the supervision and control of a director. After selection through open competitive examination and upon recommendation of the civil service system, the commissioner shall appoint a director of
the division. The selection and appointment shall be in conformity with civil service rules. The commissioner may also select, through the civil service system, a deputy director to assist the director in administering and coordinating the data-processing systems and functions of the division. The director must have extensive knowledge in the principles and practices of the administration of government, preferably West Virginia government. The deputy director must have extensive knowledge of computer and data-processing operations, capabilities and capacity, and of the procedures and techniques used in conducting highly complex systems analyses.

§5A-7-4. Civil service system applicable to division.

The division shall be a member of the state civil service system and all appointments of the division shall be a part of the classified service under the civil service system.

§5A-7-5. Advisory commission; members; terms; powers; duties and responsibilities.

An advisory commission to the division is hereby created and shall be composed of six members, three of
whom shall serve ex officio and three of whom shall be appointed as herein provided. The ex officio members shall be the state auditor, state treasurer and the commissioner. The governor shall appoint the remaining three with the advice and consent of the Senate. The members of the commission appointed by the governor shall be one representative from West Virginia University and two representatives from private industry, shall be citizens and residents of the state, and selected with special reference to their training and experience. The appointed members shall serve at the will and pleasure of the officer making their appointment, except the two members from private industry shall serve four-year overlapping terms.

The commissioner shall serve as chairman of the commission.

Meetings of the commission shall be upon call of the chairman or a majority of the members thereof.

The commission shall serve the division in an advisory capacity only and exercise no executive power whatever and shall have the following duties:
(1) To advise the director as to all data-processing proposals to be submitted by the director to the governor;

(2) At the time of submission of data-processing proposals to the governor, to report to the governor its conclusions concerning such proposal and any additions, modifications, or adjustments it may care to suggest;

(3) To advise the director concerning such studies or research as it may consider appropriate; and

(4) To advise the director in the preparation of studies designed to provide long-range data-processing plans for state agencies.

Members of the commission shall receive no compensation for their services on the commission, but they shall be reimbursed for all reasonable and necessary expenses actually incurred in the discharge of their duties.

§5A-7-6. Powers and duties of division and governor.

The division shall be responsible for the planning of an informational and analytical system for use by all branches of state government. The division shall also evaluate the economic justification, system design and
suitability of equipment and systems used in state government. The director shall report to the commissioner.

The governor shall review such findings and recommendations, and is hereby authorized to order the transfer, in whole or in part, to the division from any other department or agency of state government, except the Legislature, the judiciary and the board of governors of West Virginia University, of all data-processing activities, equipment, and personnel utilized for data-processing purposes: Provided, That any such transfer shall not be effective until ninety days following the entry of the transfer order by the governor. The director shall be responsible for the development of a professional staff to supervise and train personnel to carry out the technical work of the division.

§5A-7-7. Special fund created; payments into fund.

For the operation of the division, there is hereby created in the state treasury a special revolving fund to be known and designated as the “Information System Services Fund”. This fund shall consist of appropriations made by the Legislature, funds transferred in accordance with the
provisions of section six of this article, funds received for data-processing services rendered to other agencies, departments and units of state and local government, and funds received from the federal government or any agency or department thereof, which federal funds the division is hereby authorized to receive. Each agency, department or unit of state or local government served by the information system services division is hereby authorized and directed to transmit to the division for deposit in said special fund the charges made by the agency for data-processing services rendered, such charges to be those fixed in a schedule or schedules prepared by the director and approved by the governor. Disbursements from the fund shall be made in accordance with an approved expenditure schedule as provided by article two, chapter five-a of this code and shall be made under the direct supervision of the commissioner.

§5A-7-8. Confidential records.

Under no circumstances whatever shall the head of any state department or agency deliver to the division any records required by law to be kept confidential, but such
head may extract information from such records for data-
processing by such division, provided the integrity of such
confidential records is fully protected.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Temps
Chairman Senate Committee

Clayton B. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. Howard Neely
Clerk of the Senate

Clerk of the House of Delegates

Howard E. Carter
President of the Senate

J. Leland White
Speaker House of Delegates

The within approved this the 14th day of February, 1968.

Hulet C. Smith
Governor