

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1968

ENROLLED

SENATE BILL NO. 46

(By Mr. McCourt and Mr. Jones)

PASSED February 7, 1968

In Effect Jan 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
2 different meaning, as used in this article:

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

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

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

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

11 (e) "Data-processing equipment" means: (1) any
12 equipment having stored program capabilities, (2) any
13 equipment designed to handle punch cards, magnetic tape
14 or other electronic input-output devices; or (3) any other
15 similar equipment specified by the director.

§5A-7-2. Information system services division.

1 There is hereby created an information system services
2 division in the department of finance and administration
3 for the purpose of establishing, developing and improving
4 data-processing functions in the various state agencies,
5 for promulgating standards in the utilization of data
6 processing equipment and for promoting the more effec-
7 tive and efficient operation of all branches of state
8 government. The facilities of the division shall be avail-
9 able, subject to rules and regulations established by the
10 commissioner and approved by the governor, to the
11 legislative, executive and judicial branches of state
12 government. Such rules and regulations shall be promul-
13 gated in accordance with the provisions of article three,
14 chapter twenty-nine-a of this code.

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

1 The division shall be under the supervision and control
2 of a director. After selection through open competitive
3 examination and upon recommendation of the civil serv-
4 ice system, the commissioner shall appoint a director of

5 the division. The selection and appointment shall be in
6 conformity with civil service rules. The commissioner
7 may also select, through the civil service system, a deputy
8 director to assist the director in administering and co-
9 ordinating the data-processing systems and functions of
10 the division. The director must have extensive knowledge
11 in the principles and practices of the administration of
12 government, preferably West Virginia government. The
13 deputy director must have extensive knowledge of com-
14 puter and data-processing operations, capabilities and
15 capacity, and of the procedures and techniques used in
16 conducting highly complex systems analyses.

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

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

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

1 An advisory commission to the division is hereby
2 created and shall be composed of six members, three of

3 whom shall serve ex officio and three of whom shall be
4 appointed as herein provided. The ex officio members
5 shall be the state auditor, state treasurer and the com-
6 missioner. The governor shall appoint the remaining
7 three with the advice and consent of the Senate. The
8 members of the commission appointed by the governor
9 shall be one representative from West Virginia University
10 and two representatives from private industry, shall be
11 citizens and residents of the state, and selected with
12 special reference to their training and experience. The
13 appointed members shall serve at the will and pleasure
14 of the officer making their appointment, except the two
15 members from private industry shall serve four-year
16 overlapping terms.

17 The commissioner shall serve as chairman of the com-
18 mission.

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

21 The commission shall serve the division in an advisory
22 capacity only and exercise no executive power whatever
23 and shall have the following duties:

24 (1) To advise the director as to all data-processing
25 proposals to be submitted by the director to the governor;

26 (2) At the time of submission of data-processing pro-
27 posals to the governor, to report to the governor its con-
28 clusions concerning such proposal and any additions,
29 modifications, or adjustments it may care to suggest;

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

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

35 Members of the commission shall receive no compensa-
36 tion for their services on the commission, but they shall
37 be reimbursed for all reasonable and necessary expenses
38 actually incurred in the discharge of their duties.

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

1 The division shall be responsible for the planning of an
2 informational and analytical system for use by all
3 branches of state government. The division shall also
4 evaluate the economic justification, system design and

5 suitability of equipment and systems used in state govern-
6 ment. The director shall report to the commissioner.

7 The governor shall review such findings and recom-
8 mendations, and is hereby authorized to order the trans-
9 fer, in whole or in part, to the division from any other
10 department or agency of state government, except the
11 Legislature, the judiciary and the board of governors of
12 West Virginia University, of all data-processing activities,
13 equipment, and personnel utilized for data-processing
14 purposes: *Provided*, That any such transfer shall not be
15 effective until ninety days following the entry of the
16 transfer order by the governor. The director shall be
17 responsible for the development of a professional staff to
18 supervise and train personnel to carry out the technical
19 work of the division.

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

1 For the operation of the division, there is hereby created
2 in the state treasury a special revolving fund to be known
3 and designated as the "Information System Services
4 Fund". This fund shall consist of appropriations made by
5 the Legislature, funds transferred in accordance with the

6 provisions of section six of this article, funds received for
7 data-processing services rendered to other agencies, de-
8 partments and units of state and local government, and
9 funds received from the federal government or any
10 agency or department thereof, which federal funds the
11 division is hereby authorized to receive. Each agency,
12 department or unit of state or local government served
13 by the information system services division is hereby
14 authorized and directed to transmit to the division for
15 deposit in said special fund the charges made by the
16 agency for data-processing services rendered, such charges
17 to be those fixed in a schedule or schedules prepared by
18 the director and approved by the governor. Disburse-
19 ments from the fund shall be made in accordance with
20 an approved expenditure schedule as provided by article
21 two, chapter five-a of this code and shall be made under
22 the direct supervision of the commissioner.

§5A-7-8. Confidential records.

1 Under no circumstances whatever shall the head of any
2 state department or agency deliver to the division any
3 records required by law to be kept confidential, but such

4 head may extract information from such records for data-
5 processing by such division, provided the integrity of such
6 confidential records is fully protected.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Meyer
Clerk of the Senate

W. B. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

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

Frederic C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2/12/68

Time 3:06 P.M.

RECEIVED

FEB 15 1 00 PM '68

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA