WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO. 31

(By Mr. Carson, President)

PASSED March 27th, 1961

In Effect July 1st, 1961
ENROLLED

Senate Bill No. 21
(By Mr. Carson, Mr. President)

[Passed March 2, 1961; in effect July 1, 1961.]

AN ACT to repeal articles five and eight, chapter five; section ten, article nine, chapter six; section ten-a, article one, chapter twenty-five; chapter twenty-five-a; and articles eight and eleven, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend said code by adding thereto a new chapter designated chapter five-a, all relating to the administration and financial affairs of the state and to the department of finance and administration, its powers and duties.

Be it enacted by the Legislature of West Virginia:

That articles five and eight, chapter five; section ten, article nine, chapter six; section ten-a, article one, chapter twenty-five; chapter twenty-five-a; and articles eight and eleven, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend said code by adding thereto a new chapter designated chapter five-a, all relating to the administration and financial affairs of the state and to the department of finance and administration, its powers and duties.
five; chapter twenty-five-a; and articles eight and eleven, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that said code be amended by adding thereto a new chapter designated chapter five-a, to read as follows:

CHAPTER 5A. DEPARTMENT OF FINANCE AND ADMINISTRATION

Article 1. Department of Finance and Administration

   Section 1. Definitions.—For the purpose of this chapter:

   2  "Commissioner" means the commissioner of finance and administration and, as used in article two of this chapter, the director of the budget.

   5  "Board" means the board of public works.

   6  "Director" means the director of the division referred to in the heading of the article in which the word appears.

   8  "Spending unit" means a department, agency or institution of the state government for which an appropriation is requested, or to which an appropriation is made by the legislature.

   12 "Spending officer" means the executive head of a spending unit, or a person designated by him.
"Commodities" means supplies, material, equipment, contractual services, and any other articles or things used by or furnished to a department, agency or institution of the state government.

"Contractual services" shall include telephone, telegraph, electric light and power, water and similar services.

"Printing" means printing, binding, ruling, lithographing, engraving and other similar services.

"Expendable commodities" means those commodities which, when used in the ordinary course of business, will become consumed or of no market value within the period of one year or less.

"Removable property" means any personal property not permanently affixed to or forming a part of real estate.

Sec. 2. Department of Finance and Administration;

Commissioner; Divisions.—The department of finance and administration and the office of commissioner of finance and administration are hereby created in the state government. The commissioner shall be the chief executive officer of the department and director of the budget and shall be appointed by the governor, by and with the ad-
vice and consent of the senate for a term not exceeding
the term of the governor. The annual compensation of the
commissioner shall be ten thousand ($10,000.00) dollars.
There shall be in the department of finance and adminis-
tration a budget division, a purchasing division and a
general services division. Each division shall be headed
by a director, who shall be appointed by the commissioner
to serve at his will and pleasure.

Sec. 2-a. Powers and Duties of Commissioner.—The com-
missioner shall have control and supervision of the de-
partment of finance and administration and shall be re-
 sponsible for the work of each of its employees. The
commissioner shall have the authority to employ such
assistants as may be necessary for the efficient operation
of the department. The commissioner, the division heads,
and the employees of the department shall perform the
duties herein specified and shall also perform such other
duties as the board may prescribe.

Sec. 3. Council of Finance and Administration.—The
council of finance and administration is hereby created
and shall be composed of ten members, four of whom shall
serve ex officio and six of whom shall be appointed as herein provided. The ex officio members shall be the governor, attorney general, the state treasurer, and the state auditor. From the membership of the legislature, the president of the senate shall appoint three senators as members of the council, not more than two of whom shall be members of the same political party, and the speaker of the house shall appoint three delegates as members of the council, not more than two of whom shall be members of the same political party. Members of the council appointed by the president of the senate and the speaker of the house shall serve at the will and pleasure of the officer making their appointment. The commissioner of finance and administration shall serve as chairman of the council. Meetings of the council shall be upon call of the chairman or a majority of the members thereof.

The council shall serve the department of finance and administration in an advisory capacity only and shall have the following duties:

1. To advise with the commissioner as to all budget proposals to be submitted to the board of public works;
(2) At the time of the submission of the proposed budget to the board of public works, to report to the board its conclusions concerning the proposed budget and any additions, modifications or adjustments that it may care to suggest;

(3) To advise with the commissioner concerning such studies of government and administration as it may consider appropriate;

(4) To advise with the commissioner in the preparation of studies designed to provide long term capital planning and finance for state institutions and agencies. Members of the council shall be paid all necessary expenses incurred in the discharge of their duties.

Sec. 4. Annual Report by Commissioner.—The commissioner shall make an annual report to the governor and to the board concerning the conduct of the department and the administration of the state finances. He shall also make such other reports as the governor and the board may require.

Sec. 5. Oath and Bond of Commissioner; Bonds for Directors and Employees.—The commissioner, before en-
ering upon the duties of his office, shall take and subscribe
to the oath prescribed by section five, article four of the
constitution. He shall execute a bond in the penalty of
twenty-five thousand dollars, approved by the board, in
form prescribed by the attorney general, and conditioned
upon the faithful performance of his duties and the ac-
counting for all money and property coming into his hands
by virtue of his office. The oath and bond shall be filed
with the secretary of state. The division heads and all
other employees shall be covered by bonds in cases where
the commissioner thinks it necessary, which bonds shall
be in the penalty prescribed by the commissioner and
shall be filed with the secretary of state.

Sec. 6. Delegation of Powers and Duties by Commiss-
oner and Directors.—The powers and duties vested in
the commissioner by this chapter may be delegated by
him to his assistants and employees, but the commissioner
shall be responsible for all official acts of the department.

Article 2. Budget Division

Section 1. Budget Division; Powers and Duties.—The
public works in the exercise of its powers and duties un-
der section fifty-one, article six of the state constitution
and shall exercise and perform the other powers and
duties conferred upon it by this article.

Sec. 2. Director of the Budget; Powers and Duties.—
The commissioner, under the immediate supervision of
the board, shall have the power and duty to:
(1) Exercise general supervision of, and make rules
and regulations for, the government of this division;
(2) Prepare, in accordance with this article, requests
for appropriations, estimates of cost, and the contents of
the state budget into a tentative budget for submission to
the board;
(3) Administer the budget in accordance with this
article;
(4) Serve as staff agency to the board in the considera-
tion of requests for appropriations and the preparation of
the budget document;
(5) Make such investigations and submit such reports
as the board may require;
(6) Make a continuous study of state expenditures and
(7) Render assistance to spending officers with respect to the fiscal affairs of spending units;
(8) Exercise such other powers as are vested in him by this article, or which may be appropriate to the discharge of his duties.

Sec. 3. Requests for Appropriations; Copies to Legislative Auditor.—The spending officer of each spending unit, other than the legislature and the judicial branch of state government, shall on or before the first day of September of each year submit to the commissioner a request for appropriations for the fiscal year next ensuing. Immediately upon receipt of such requests the commissioner shall transmit two copies thereof to the legislative auditor for the use of the finance committees of the legislature.

Sec. 4. Contents of Requests.—A request for an appropriation for a spending unit shall specify and itemize in written form:

(1) A statement showing the amount and kinds of revenue and receipts collected for use of the spending agency
(2) A statement by purposes and objects, of the amount of appropriations requested for the spending unit without deducting the amount of anticipated collections of special revenue, special general revenue, federal aid, or other receipts;

(3) A statement showing the actual expenditures of the spending unit for the last preceding year and estimated expenditures for the current fiscal year itemized by purposes and objects, including those from regular and supplementary appropriations, federal aid, private contributions, transfers, allotments from an emergency or contingent fund, and any other expenditures made by or for the spending unit;

(4) A statement showing the number, classification and compensation of persons employed by the spending unit distinguishing between regular, special and casual employees during the last preceding fiscal year and during the current fiscal year. The statement shall show the personnel requirements in similar form for the ensuing
fiscal year for which appropriations are requested;

(5) A statement showing in detail the purposes for which increased amounts of appropriations, if any, are requested, and giving a justification statement for the expenditure of the increased amount. A construction or other improvement request shall show in detail the kind and scope of construction or improvement requested;

(6) A statement of money claims against the state arising out of the activities of the spending unit;

(7) Such other information as the commissioner may request.

Sec. 5. Forms of Requests.—The commissioner shall specify the form and the detail of itemization of requests for appropriations and statements to be submitted by a spending unit. He shall furnish blank forms for this purpose.

Sec. 6. Information Concerning State Finances.—The commissioner shall ascertain for the last preceding year and as estimated for the current fiscal year:

(1) The condition of each of the funds of the state;
(2) A statement of all revenue collections both general and special;

(3) Such other information relating to the finances of the state as the governor may request.

Sec. 7. Appropriations for the Judiciary.—The governor shall transmit to commissioner the appropriations required by law for the judiciary for the fiscal year next ensuing and which have been certified to the governor by the auditor. The auditor shall certify such appropriations to the governor in accordance with section fifty-one, article six of the state constitution on or before September first of each year.

Sec. 8. Examination of Requests for Appropriations.—The commissioner shall examine the requests of a spending unit with respect to requested appropriations, itemization, sufficiency of justification statements, and accuracy and completeness of all other information which the spending officer is required to submit.

If the commissioner finds a request, report, or statement of a spending unit inaccurate, incomplete or inadequate, he shall consult with the spending officer of the
unit and require the submission of the requests in proper
form and content. The commissioner shall assist spending
officers in the preparation of their requests.

Sec. 9. Appropriations for Other than Spending Units.—

A person or organization, other than a spending officer,
who desires to request a general appropriation in the state
budget, shall submit his request to the commissioner on
or before the first day of September of each year. The re-
quest shall be in the form prescribed by the commissioner
and shall be accompanied by a justification statement.

Sec. 10. Preparation of Tentative Budget Submitted to
Board.—The commissioner shall prepare for the consider-
ation of the board a tentative budget for the fiscal year
next ensuing. The budget shall state, at least, actual re-
ceipts and expenditures for the fiscal year next preceding,
estimated receipts and expenditures for the current fiscal
year, and it shall state also the requested amounts, or
estimates, for the fiscal year next ensuing with respect to:
(1) Appropriations requested by each spending unit
and requested general appropriations;
(2) The amount of the total of each appropriation to be paid out of collections;

(3) Amounts and purposes of appropriations requested other than for spending units of the state;

(4) Revenue of each of the funds of the state;

(5) A summary statement of requests and revenues showing the amount of an anticipated surplus or deficit.

On or before December first, the commissioner shall submit the tentative budgets to the board. The commissioner shall convey to the board all explanatory and justification statements and statements of personnel requirements of spending units as reported and filed in his office.

Sec. 11. Itemization of Tentative Budget.—The tentative budget submitted by the commissioner shall itemize appropriations separately for:

(1) "Personal services" which shall mean salaries, wages, fees and other compensation for skill, work or employment;

(2) "Current expenses" which shall mean operating costs other than personal services, and shall not include equipment, repairs and alterations, buildings, or lands;
(3) "Equipment" which shall mean equipment items which have an appreciable and calculable period of usefulness in excess of one year;

(4) "Repairs and alterations" which shall mean repairs to structures and improvements to property which do not increase the capital asset;

(5) "Buildings" which shall include construction and alteration of structures and the improvement of lands and shall include shelter, support, storage, protection, or the improvement of a natural condition;

(6) "Lands" which shall mean the purchase of real property or interests in real property.

A spending unit or other person requesting an appropriation may submit a different itemization with the prior approval of the commissioner, if the uniform itemization does not apply.

Sec. 12. Powers of the Commissioner in the Administration of Expenditures.—The commissioner shall supervise and control the expenditure of appropriations made by the legislature except those made to the legislature and those made to the judicial branch of the state government.
The expenditure of an appropriation made by the legislature except that made for the legislature itself and the judicial branch of the state government shall be conditioned upon compliance by the spending unit with the provisions of this article. An appropriation made by the legislature except that made for the legislature itself and the judicial branch of the state government shall be expended only in accordance with this article.

Sec. 13. Reports on Revenue Collections.—The commissioner shall ascertain the collection of the revenue of the state and shall determine each quarter of the fiscal year the proportion which the amount actually collected bears to the collection estimated for that period. The commissioner shall certify to the board, as soon as possible after the close of each quarter, and at such other times as the board may request, the condition of the state revenues and of the several funds of the state. For the purposes of this section the commissioner shall have the authority to require all necessary estimates and reports from any spending unit of the state government.

Sec. 14. Expenditure Schedules.—Prior to the beginning
of each fiscal year the spending officer of a spending unit shall submit to the commissioner a detailed expenditure schedule for the ensuing fiscal year. The schedule shall be submitted in such form and at such time as the commissioner may require.

The schedule shall show:

1. A proposed monthly rate of expenditure for amounts appropriated for personal services;
2. A proposed quarterly rate of expenditure for amounts appropriated for current expenses, equipment, and repairs and alterations;
3. A proposed yearly plan of expenditure for amounts appropriated for buildings and lands.

The commissioner may accept a differently itemized expenditure schedule from a spending unit to which the above itemizations are not applicable.

The commissioner shall consult with and assist spending officers in the preparation of expenditure schedules.

Sec. 15. Examination and Approval of Expenditure Schedules.—The commissioner shall examine the expenditure schedule of each spending unit and if he finds
that it conforms to the appropriations made by the legislature, the requirements of this article, and is in accordance with sound fiscal policy, he shall approve the schedule.

The expenditure of the appropriations made to a spending unit shall be only in accordance with the approved expenditure unless the schedule is amended with the consent of the commissioner, or unless appropriations are reduced in accordance with the provisions of sections twenty-two to twenty-five, inclusive, of this article.

Sec. 16. Reserve for Emergencies.—The commissioner, with the approval of the board, may require that an expenditure schedule provide for a reserve for emergencies out of the total amount appropriated to the spending unit. The amount of the reserve shall be determined by the commissioner in consultation with the spending officer.

Sec. 17. Requests for Quarterly Allotments; Approval by Board.—At least thirty days prior to the beginning of each quarter of the fiscal year, each spending officer shall submit to the commissioner a request for an allotment of public funds sufficient to operate the unit during the
ensuing quarter in accordance with the approved expenditure schedule.

The commissioner shall examine the requests and, if he finds that the amounts requested are in accordance with the approved expenditure schedules and are in accordance with sound fiscal policy, he shall submit the requests to the board. The commissioner shall also submit a summary statement showing the amounts expended under the budget for each preceding quarter of the fiscal year and the total amount requested for allotment during the ensuing quarter.

The board shall consider the amount of requests for allotment and the collection of revenues. If the board finds that the collection of revenue warrants the expenditure of the amount requested in the allotment, it shall approve the allotment of funds for the ensuing quarter. If the board finds that the collection of revenue does not warrant the allotment of the requested amount, it may reduce the amount of allotments pending the collection of sufficient revenue.

Sec. 18. Limitation on Expenditures.—The expenditures
2 of a spending unit during a quarter of the fiscal year shall
3 not exceed the amount of the approved allotment, unless
4 the board approves the expenditure of a larger amount.
5 Any amounts remaining unexpended at the close of the
6 quarter shall be available for reallocation and expenditure
7 during any succeeding quarter of the same fiscal year.

Sec. 19. Transfers Between Items of an Appropriation;

2 Notices to Auditor and Treasurer.—Upon the written re-
3 quest of a spending officer, the commissioner may, with
4 the approval of the board, transfer amounts between
5 items of the total appropriation for a spending unit in
6 order to protect or increase the efficiency of the service,
7 but a transfer shall not increase the total amount appro-
8 priated for personal services. Notices of any such transfer
9 shall be sent to the state auditor and the state treasurer.

Sec. 20. Expenditure of Excess in Collections; Notices
2 to Auditor and Treasurer.—If the amount actually col-
3 lected by a spending unit exceeds the amount which it is
4 authorized to expend from collections, the excess in col-
5 lections shall be set aside in a special surplus fund for
6 the spending unit. Expenditures from this fund shall be
made only in accordance with the following procedure:

The spending officer shall submit to the commissioner:

(1) A plan of expenditure showing the purposes for which the surplus is to be expended, and

(2) A justification statement showing the reasons why the expenditure is necessary and desirable.

The commissioner shall submit the request to the board with his recommendation.

If the board approves the plan of expenditure and justification statement, and is satisfied that the expenditure is required to defray the additional cost of the service or activity of the spending unit, and that the expenditure is in accordance with sound fiscal policy, it may authorize the use of the surplus during the current fiscal year. Notices of such authorization shall be sent to the state auditor and the state treasurer.

An expenditure from a special surplus fund without the authorization of the board, or other than in accordance with this section shall be an unlawful use of public funds.

Sec. 21. Records by Spending Units.—A spending unit shall submit to the commissioner such reports with re-
spect to the work and expenditures of the unit as the commissioner may request for the purposes of this article.

Sec. 22. Reduction of Appropriations.—The board may reduce appropriations according to any of the methods set forth in sections twenty-three, twenty-four and twenty-five of this article.

Sec. 23. General Fund; Pro Rata Reductions.—If the board determines that the amounts, or parts thereof, appropriated from the general revenue cannot be expended without creating an overdraft or a deficit in the general fund, it may instruct the commissioner to reduce equally and pro rata all appropriations out of general revenue in such a degree as may be necessary to prevent an overdraft or a deficit in the general fund.

Sec. 24. Other Funds; Pro Rata Reductions.—The board, in the manner set forth in section twenty-three, may reduce appropriations from:

1. Funds supported by designated taxes or fees;
2. Fees or other collections set aside for the support of designated activities or services.

Each fund and each fee or collection account shall be
treated separately, but appropriations from the same fund or account shall be treated equally and reduced pro rata.

Sec. 25. Reduction After Classification of Appropriations.—If the board determines that the reductions authorized in sections twenty-three and twenty-four will dangerously impair the existence of the essential services of government, it may instruct the commissioner to reduce the amount to be expended from separate appropriations in accordance with the following method:

(1) The commissioner shall first classify appropriations as follows:

Class one: For agencies collecting revenue and administering the fiscal operations of government, including the offices and departments of the tax commissioner, auditor, treasurer, and sinking fund commission;

Class two: For agencies vested with the supervision, control, and direction of executive policy and law enforcement, including the governor's office, the attorney general's office, the department of finance and administration, and the department of public safety;
Class three: For state institutions, education, charitable and corrective;

Class four: For other departments and services of the state government;

Class five: For transfers from the general fund.

(2) The commissioner shall first reduce the appropriations from class five and then, if necessary, for the other classes in descending numerical order as follows:

Class four, class three, class two, class one. All reductions shall be in multiples of five percent, but a fixed relationship shall be maintained between the classes which shall be measured by a difference of five percent in the rate of reduction. The maximum reduction shall not exceed twenty-five percent in class five and in the other classes it shall be proportional according to the following table:

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<th>Classes</th>
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<th>Three</th>
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Sec. 26. Approval of Commissioner of Requests for Federal Aid.—Every agency of the state government when making requests or preparing budgets to be submitted to the federal government for funds, equipment, material or services, the grant or allocation of which is conditioned upon the use of state matching funds, shall have such request or budget approved in writing by the commissioner before submitting it to the proper federal authority. When such federal authority has approved the request or budget, the agency of the state government shall resubmit it to the commissioner for recording before any allotment or encumbrance of the federal funds can be made. Whenever any agency of the state government shall receive from any agency of the federal government a grant or allocation of funds which do not require state matching, the state agency shall report to the commissioner for his information the amount of the federal funds so granted or allocated.

Sec. 27. Management Accounting.—The commissioner shall formulate the requirements of a system of management accounting for the planning, management, report-
ing, and control of state expenditures. The requirements shall include methods for recording the collection of all income, amounts available for expenditure, obligations, encumbrances and disbursements for each spending unit, and publication of a detailed statement of receipts and expenditures of state moneys. The system shall include the accounts to be kept by the commissioner, the auditor, and the treasurer. The commissioner shall, after the system has been approved by the board of public works, require its use by all spending units.

The board is hereby authorized to direct by executive order, not inconsistent with the provisions of this article, the transfer of such records, equipment, personnel, and appropriations between the departments of finance and administration, the auditor, and the treasurer as may be necessary to effectuate the purposes of central accounting and reporting.

Sec. 28. System of Accounting to be Certified to Legislative Auditor.—The commissioner shall certify the system of accounting and reporting installed pursuant to the
provisions of this article, and any changes made therein, to the legislative auditor.

Sec. 29. Expenditure of Appropriations.—The expenditure of an appropriation made by the legislature shall be conditioned upon compliance by the spending unit with the following provisions of this article.

Sec. 30. Expenditure Procedure; Other Than for Purchases of Commodities.—A requisition for expenditure, other than an order for the purchase of commodities, shall be submitted as follows:

(1) The spending officer shall prepare and submit to the director a requisition showing the amount, purpose, and appropriation from which the expenditure is requested;

(2) The director shall examine the requisition and determine whether the amount is within the quarterly allotment, is in accordance with the approved expenditure schedule, and otherwise conforms to the provisions of this article and of article two of this chapter;

(3) If the director approves the requisition he shall encumber the proper account in the amount of the requi-
(4) If the director disapproves the requisition, he shall return it to the spending unit with a statement of his reasons.

Sec. 31. Expenditure Procedure for Purchase of Commodities.—If a requisition is a request for a purchase of commodities, the spending unit shall transmit the requisition to the budget division for the purpose of ascertaining whether it conforms to the expenditure schedule. If it does not so conform, the requisition shall be returned by the budget division to the spending unit. If it conforms, the budget division shall transmit the requisition to the purchasing division for purchase in accordance with article three of this chapter. When a copy of the purchase order issued pursuant thereto is received from the purchasing division by the director in accordance with the provisions of section sixteen, article three of this chapter, the director shall ascertain whether the unencumbered balance in the appropriation concerned, in excess of all unpaid obligations, is sufficient to defray the cost of such
order, and, if so, shall encumber the proper account and
18 so certify the fact to the purchasing division, and, if not,
19 shall notify the purchasing division which upon receipt
20 of such notification shall return the requisition to the
21 spending unit.

Sec. 32. Requisition for Payment of Personal Services.—
2 A requisition for the payment of personal services shall
3 upon receipt by the director be checked against the per-
4 sonal schedule of the spending unit making the requisi-
5 tion. The director shall approve a requisition for personal
6 services only if the amounts requested are in accordance
7 with the personnel schedule of the director.

Sec. 33. Legislative and Judicial Expenditures.—The
2 provisions of sections thirty-two, thirty-three and thirty-
3 four of this article shall not apply to the expenditure of
4 amounts appropriated for the use of the legislature or for
5 the judiciary. In the case of appropriations made for the
6 legislature, the clerk of the house of delegates, or the
7 clerk of the senate, as the case may be, shall present his
8 requisition directly to the auditor. In the case of appro-
9 priations made for the judiciary, the clerk of the court
shall present his requisition or claim directly to the auditor. In the case of appropriations made for criminal
charges, the clerk or the proper officer shall present his
claim directly to the auditor.

Sec. 34. Additional Powers and Duties of Commissioner.

The commissioner shall prepare and recommend a personnel classification which shall classify the offices and
employments in the state government and its agencies so as to reflect the differences in training, experience,
ability and responsibility required for the different types or kinds of service or employment, and shall recommend
uniform salaries and wage scales within each class. The commissioner shall also prepare and recommend uniform
hours of work, vacation, sick leave, and notice of termination of employment schedules. The commissioner may
from time to time recommend amendments and revisions to the personnel classification, compensation schedule and
other schedules. The commissioner shall submit the plan and any amendments or revisions to the board. If the
board approves the plan or any revisions thereof, the classification of offices and employment, the uniform
salary and wage scales and other schedules shall control
the employment and compensation of all persons em-
ployed in the state government unless otherwise provided
by law.

The provisions of this section shall not apply to:

(1) Institutions under the control of the state board
of education, the board of governors of West Virginia uni-
versity and the commissioner of public institutions;

(2) The department of public assistance;

(3) The department of employment security;

(4) The department of mental health;

(5) The state department of health;

(6) The conservation commissioner;

(7) State board of vocational education.

Sec. 35. Classification of Employment and Compensation
by Certain Departments.—The state departments or
agencies to which the provisions of the preceding section
do not apply shall, as to their respective departments, pre-
pare personnel classification and uniform compensation,
hours of work, vacation, sick leave, and notice of termina-
tion of employment schedules in the same manner as the
8 director prepares such classifications and uniform sched-
9 ules for other departments of the state government. Per-
10 sonnel classifications and uniform schedules shall be
certified by the board or officer preparing them to the
commissioner.

Sec. 36. Certification of Personnel by Spending Officer.
2 The spending officer of each spending unit, within
3 thirty days prior to the beginning of each fiscal year, shall
certify to the commissioner a schedule of persons ap-
4 pointed to or employed by the spending unit and showing
5 the personnel classification and compensation approved
6 for each person. Amounts appropriated for personal serv-
7 ices shall be expended upon requisition only for the ap-
8 pointees and employees included upon the personnel
9 schedule and only in accordance with the rate of compen-
10 sation shown by the schedule.

Sec. 37. Personnel, Classification and Compensation
2 Schedules.—The commissioner shall prepare schedules of
3 the approved or certified personnel showing the personnel
4 employed in each spending unit of the state government
5 and the classification and compensation authorized to be
paid for each person employed. Such schedules shall be preserved as a public record and shall be open to inspection by any person showing good cause.

Sec. 38. To Whom Personnel Provisions Not to Apply.—The provisions of sections thirty-six to thirty-nine, inclusive, shall not apply to personal services paid in the legislative branch of the state government, to salaries of the judiciary and employees of the judiciary, or to salaries of officers of the state government fixed by law.

Article 3. Purchasing Division.

Section 1. Departments to Which Article Applies.—The provisions of this article for the purchase of commodities and printing shall apply to all of the departments of the state government, except as is otherwise provided by this article or by law: Provided, however, that the provisions of this article shall in no wise apply to purchase of commodities, of the legislative department unless the legislature or either house thereof requests the director to render specific services under the provisions of this chapter.

Sec. 2. Books and Records of Director.—The director shall keep in his offices accurate books, accounts and rec-
ords of all transactions of his department, and such books,
accounts and records shall be public records and shall at
all proper times be available for inspection by any tax-
payer of the state.

Sec. 3. Powers and Duties of Director.—The director,
under the direction and supervision of the commissioner,
shall be the executive officer of the purchasing division
and shall have the power and duty to:

(1) Purchase or contract for, in the name of the state,
the commodities and printing required by the departments
of the state government;

(2) Apply and enforce standard specifications estab-
lished in accordance with section five of this article, as
hereinafter provided;

(3) Negotiate for all grounds, buildings, office or other
space required by state departments;

(4) Transfer to or between departments or sell com-
modities that are surplus, obsolete, or unused, as herein-
after provided;

(5) Have charge of central store rooms for the supply
of departments;
(6) Establish and maintain a laboratory for the testing of commodities and make use of existing facilities in state institutions for that purpose, as hereinafter provided;
(7) Direct the state agency for surplus property as provided in sections forty-four and forty-five of this article;
(8) Recommend to the commissioner that the right and privilege of a person to bid on state purchases be suspended when the director has evidence that such person has violated any of the provisions of the purchasing law or the rules and regulations of the director.

Sec. 4. Rules and Regulations of Director.—The director shall adopt and amend rules and regulations to:
(1) Authorize a department to purchase directly, specified commodities and prescribe the manner in which such purchases shall be made;
(2) Authorize, in writing, a department to purchase commodities in the open market for immediate delivery in emergencies, define such emergencies, and prescribe the manner in which such purchases shall be made and reported to the director; and for the purposes mentioned
in paragraphs (1) and (2) of this section, the head of any department, or the financial governing board of any institution, may, with the approval of the director, make requisitions upon the auditor for a sum to be known as an advance allowance account, in no case to exceed five percent of the total of the appropriations for any such department, and the auditor shall draw his warrant upon the treasurer for such accounts. All such advance allowance accounts shall be accounted for by the head of the department or institution once every thirty days or oftener if required by the state auditor or director;

(3) Prescribe the manner in which commodities shall be purchased, delivered, stored and distributed;

(4) Prescribe the time for making requisitions and estimates of commodities, the future period which they are to cover, the form in which they shall be submitted, and the manner of their authentication;

(5) Prescribe the manner of inspecting all deliveries of commodities, and making chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;
(6) Prescribe the amount of deposit or bond to be submitted with a bid or contract and the amount of deposit or bond to be given for the faithful performance of a contract;

(7) Provide for such other matters as may be necessary to give effect to the foregoing rules and regulations and the provisions of this article.

Sec. 5. Standard Specifications; Promulgation and Adoption by Director; to Apply to All Purchases.—The director shall classify all commodities and shall promulgate and adopt a schedule of standard specifications based on scientific and technical data, which schedule shall establish the quality within each particular classification or subclassification to which all commodities to be purchased and services to be contracted for by the state must conform. After adoption the standard specification shall apply to every future purchase of or contract for the commodities described in the specifications. The purchases of no department may be exempt from compliance with the standard specifications so established, but the director, whenever he deems it necessary and advisable, may ex-
empt therefrom the purchase of particular items.

It shall be the duty of the director to keep such standard specifications up to date and in conformity with all technical and scientific advancements pertaining to commodities and services covered in such schedule and to that end he may, from time to time, revise and amend the standard specifications therein included.

Sec. 6. Commissioner May Appoint Advisers on Standard Specifications to Act as Herein Provided.—The commissioner may from time to time request any official or employee of any department to aid and advise the director in formulating, revising or amending the schedule of standard specifications provided for in section five of this article. Such official or employee shall act at the request of the commissioner and shall be entitled to receive his necessary expenses incurred in compliance therewith, but shall receive no additional compensation therefor.

Sec. 7. Preference Given State Products.—The director shall, in the purchases of commodities and printing, give preference, so far as may be practicable and not conflict-
ing with the provisions of this article, to commodities and
printing produced in this state.

Sec. 8. Director to Advise with Heads of State Institutions.—The director shall advise with the heads of the
various state institutions producing commodities, with
the view to making these articles suitable for the needs
of state departments.

Sec. 9. Facilities of Department Available to Local Governmental Bodies.—The director shall make available the
facilities and services of his department to county, school,
municipal and other local government bodies within this
state. The actual expenses incurred thereby shall be paid
by the local government body.

Sec. 10. Examination and Testing of Purchases.—Within
the limits of funds available for the purpose, the director,
or some person appointed by him for that purpose, shall
examine and test upon delivery commodities purchased
by the state to determine whether such commodities con-
form to the standard specifications promulgated pursuant
to section five of this article, and whether the commodities
delivered conform with the purchase contracts therefor.
Sec. 11. Competitive Bids.—A purchase of and contract for commodities and printing shall be based, whenever possible, on competitive bids.

Sec. 12. Publication of Solicitation for Sealed Bids.—The director shall solicit sealed bids for the purchase of commodities and printing that is estimated to exceed two thousand dollars. No spending unit shall issue a series of requisitions which would circumvent this two thousand dollars maximum. Bids shall be obtained by public notice inserted at least twice in a newspaper having a general circulation in the county where the department or agency making the requisition is located and in a daily newspaper of general circulation at least two weeks before the final date of submitting bids and by any other advertising medium the director may deem advisable. The director may also solicit sealed bids by sending requests by mail to prospective suppliers and by posting notice on a bulletin board in his office.

Sec. 13. Purchase in Open Market on Competitive Bids.—The director may make a purchase of commodities and printing of less than two thousand dollars in amount in
the open market, but such purchase shall, wherever possible, be based on at least three competitive bids.

Sec. 14. Bids Based on Standard Specifications; Awards to Lowest Responsible Bidder; Uniform Bids; Record of Bids.—Bids shall be based on the standard specifications promulgated and adopted in accordance with the provisions of section five of this article. All open market orders, purchases based on advertised bid requests, or contracts made by the director or by a state department shall be awarded to the lowest responsible bidder, taking into consideration the qualities of the articles to be supplied, their conformity with specifications, their suitability to the requirements of the state government, and the delivery terms. Any or all bids may be rejected. If all bids received on a pending contract are for the same unit price or total amount, the director shall have authority to reject all bids, and to purchase the required commodities and printing in the open market, if the price paid in the open market does not exceed the bid prices.

Each bid, with the name of the bidder, shall be entered on a record and each record, with the successful bid indi-
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cated thereon, shall, after the award of the order or con-
tract, be open to public inspection.

Sec. 15. Contracts Signed by Commissioner; Form Ap-
proved; Filing.—Contracts shall be signed by the com-
missioner in the name of the state. They shall be approved
as to form by the attorney general. A contract that re-
quires more than six months for its fulfilment shall be
filed with the state auditor.

Sec. 16. Copies of Purchase Orders Sent to Other Divi-
sions; When Orders For Delivery on Contracts or on Open
Market not Awarded.—A copy of all purchase orders shall
be transmitted to the director of the budget division so
that the proper account may be encumbered before they
are sent to the vendors. Except in an emergency, an order
for delivery on a contract or open market for commodities
for a spending unit shall not be awarded until it has
been certified to the director by the commissioner as di-
rector of the budget that the unencumbered balance in
the appropriation concerned, in excess of all unpaid obli-
gations, is sufficient to defray the cost of such order. An
order for equipment shall not be awarded until it has also
been certified to the director by the supervisor of inventory control that there is no such equipment in stock and not in use.

Sec. 17. Emergency Purchase in Open Market.—The director may authorize, in writing, a state department to purchase in the open market, without filing requisition or estimate, specific commodities for immediate delivery to meet bona fide emergencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work. A report of any such purchase, together with a record of the competitive bids upon which it was based, shall be submitted at once to the director by the head of the state department concerned, together with a full account of the circumstances of the emergency. Such report shall be entered on a record and shall be open to public inspection.

Sec. 18. Special Fund; Purposes; How Composed.—There is hereby created a special revenue fund to be administered by the director to finance and facilitate the following functions of the director:
(1) Purchase in volume and for maintenance of stocks and commodities to supply the needs of state departments;

(2) Performance for state departments of all mimeographic, photostating, microfilming, multilithing, multigraphing, and other work as provided by section thirty-three of this article.

The amount of the fund may be fixed and changed by the board upon the recommendation of the commissioner. If at the end of each fiscal year the cash balance plus value of commodity inventories on hand exceeds the amount so fixed, the excess in cash shall be transferred by the board upon recommendation of the commissioner to the general revenue fund and become a part of the general revenue of the state. The fund shall be composed of the following:

(1) The cash balance and inventories of the fund herefore established by this section;

(2) Charges made by the director for commodities sold and services rendered to the state departments as herein described: Provided, that charges shall not exceed total cost to the fund, which total cost shall include storage, supplies, equipment and salaries and wages of employees
necessary to supply commodities and services in addition to purchase price of commodities.

Sec. 19. Void Purchase or Contract of a Department; Personal Liability.—If a department purchases or contracts for commodities contrary to the provisions of this article or the rules and regulations made thereunder, such purchase or contract shall be void and of no effect. The head of such department shall be personally liable for the costs of such purchase or contract, and, if already paid out of state funds, the amount thereof may be recovered in the name of the state in an appropriate action instituted therefor.

Sec. 20. Purchase or Substitution of Particular Trade Name or Brand.—If a department requests the purchase of a commodity bearing a particular trade name or brand, and if the commodity is covered by standard specifications adopted as provided by section five of this article, the director may substitute a commodity bearing a different trade name or brand, if the substituted commodity reasonably conforms to the adopted standard specifications and can be obtained at a lower price.
Sec. 21. *Purchase from Federal Government.*—Notwithstanding any other provision of this article, the director may, upon the recommendation of a state department, purchase from the government of the United States, commodities or equipment, by tendering bids therefor.

Sec. 22. *Department Heads to Submit List of Expendable Commodities.*—The head of every department shall submit a list of expendable commodities such department has on hand whenever requested to do so by the director.

Sec. 23. *Disposition by Director of Commodities; Application of Proceeds from Sale.*—The director shall have the exclusive power and authority to make disposition of commodities or expendable commodities now owned or in the future acquired by the state, when any such commodities are or shall have become obsolete, unusable or are not being used, or need to be replaced, and are so reported in writing by the department owning or having custody or control thereof as available for the director's disposition.

It shall be the duty of the director to determine what commodities or expendable commodities should be disposed of and he shall make such disposition in the manner
which in his opinion will be most advantageous to the
state, either by transferring the particular commodities
or expendable commodities between departments, by
trading in such commodities as a part payment on the
purchase of new commodities, or by sale thereof to the
highest bidder by means of public auctions or sealed bids
after having first advertised the time, terms and place of
such sale once a week for two successive weeks in some
newspaper published or having general circulation in the
county wherein the sale is to be conducted and any other
advertising medium the director may deem advisable.
The director shall have the authority to sell to the highest
bidder or to any one or more of the highest bidders if
there be more than one or if in his opinion the best interest
of the state will be served, to reject all bids. Upon the
transfer of commodities or expendable commodities be-
tween departments, the director shall set the price to be
paid by the receiving department with due consideration
given to current market prices. The proceeds of such sales
or transfers shall be deposited in the state treasury to the
credit on a pro rata basis of the fund or funds out of
which the purchase of the particular commodities or expendable commodities was made.

Sec. 24. Contracts for Public Printing and Paper for Departments.—The director shall contract for public printing and for printing paper for the use of departments in the manner provided for contracts under sections eleven through twenty-one of this article, and in accordance with the specifications adopted as provided by section five of this article.

Sec. 25. Director to Supply Printing; Printing Plants at Institutions.—The director shall supply the departments with printing in the same manner as provided for commodities under sections eleven through twenty-one of this article. But the provisions of this section shall not be construed to prohibit the state from maintaining at educational, benevolent, penal or correctional institutions printing plants for the purpose of instruction or for printing for a state department.

Sec. 26. Legislative Printing.—Notwithstanding any other provision of this article, the letting of all contracts for legislative printing shall be subject only to the pro-
visions of this section.

Upon request of the legislature, or either house thereof,
all contracts for legislative printing shall be let on com-
petitive bids by the director to the lowest responsible
bidder. Each such contract shall be subject to the ap-
proval of the governor, and in case of his disapproval the
contract shall be relet on competitive bids submitted in
the same manner as the original bids on the contract that
was disapproved. Each bid on every such contract shall
be within the maximum limits that may be fixed from
time to time by concurrent resolution of the legislature.
The clerk of the senate and the clerk of the house of dele-
gates shall have exclusive control of all printing author-
ized by their respective legislative bodies, and shall ap-
prove the specifications included in any contract before
an invitation for bids is released by the director of pur-
chases. Before presenting for payment any bill for such
legislative printing, the printer shall have the same ap-
proved by the purchasing division as correct and according
to contract specifications. A copy of all bills for legislative
printing shall be furnished the clerk of the house for which
such printing was done. When properly approved bills are
presented to the clerk of the senate or to the clerk of the
house of delegates, he shall draw his requisition upon the
auditor in the amount of the bill, payable from the legis-
lative printing fund, and the auditor shall honor the
requisition and issue to the printer a state draft therefor.

Sec. 27. Publication of Reports of Supreme Court of
Appeals.—Notwithstanding any of the provisions of this
article, the official reporter of the supreme court of ap-
peals shall have charge and supervision of the printing
and binding of the reports of the decisions of the supreme
court of appeals of the state, and shall contract for their
publication in the same manner that the director of the
purchasing division contracts under sections eleven
through twenty-one of this article. Such contract shall
provide for the publication of fifteen hundred copies or
such additional number as the reporter and supreme court
of appeals may jointly direct on such paper and to be
bound in accordance with directions and specifications as
may be specified by the reporter by and with the con-
currence of the court. The size of type and page shall be
prescribed by the reporter with the concurrence of the court. A volume shall be published according to the terms of the contract whenever ordered by the court. The reporter shall secure the copyright of each volume for the benefit of the state. The reports shall be styled "West Virginia Reports".

The printing and binding of the reports shall be done under the direction of and in the manner prescribed by the reporter, subject to the control of the court. The reporter shall prefix to the printed report of each case the dates when the same was submitted and decided. Each volume shall, if practicable, contain the reports of at least eighty cases decided by the court, and shall contain approximately one thousand pages unless otherwise ordered by the court, exclusive of the index and table of cases reported and cited. Proof sheets shall be furnished by the printer to the reporter and to each judge of the court, and such corrections and modifications shall be made by the printer as the reporter or any of the judges shall direct. If the work is not done in the manner required by law, the reporter shall not approve the volume and shall not accept it.
The reports of the decisions of the supreme court of appeals may be published in pamphlet form in advance of the publication of the bound volumes of the "West Virginia Reports", periodically, or at such times as may be directed by the reporter and the supreme court of appeals. The reporter shall secure the copyright of each pamphlet of opinions so published in advance. Each pamphlet shall contain the report of such number of cases as the supreme court of appeals and the reporter shall deem advisable. The contract for the publication of such advance sheets shall be made in the manner provided for the publication of bound volumes of the "West Virginia Reports". A charge of not less than the actual cost of printing and distribution shall be made for such advance sheets.

Sec. 28. Number of Copies of Departmental Reports.—Subject to the approval of the commissioner and the governor, the director shall have the authority to limit the number of copies of annual or biennial reports, bulletins and other publications ordered to be printed by each department.

Sec. 29. Payment from Current Expense Appropria-
Printing, binding and stationery for all departments shall be paid for from the current expense appropriations for such departments.

Sec. 30. Printing Paper and Stationery Issued as Needed.—All printing paper and stationery shall be delivered to the director, who shall have charge of the same and issue it as needed.

Sec. 31. Custodian of Reports and Acts; Delivery to State Law Librarian; Sale.—The director shall be custodian of the West Virginia reports after they are printed and bound and approved by the reporter, and of the acts of the legislature after they are printed and bound and approved by the clerk of the house of delegates. As soon as practicable after any new volume of such reports or acts has been delivered to the director, not including reprints of former volumes, he shall deliver to the state law librarian sufficient copies to enable him to make distribution thereof in the manner prescribed by sections five and six, article eight, chapter fifty-one of this code.

The director shall sell such copies of the reports and acts as remain after the distribution provided by law has
been made at a price to be fixed by him with the approval
of the commissioner, but in no case shall such price be less
than the actual cost to the state of the publication thereof.
The proceeds of such sales shall immediately be paid into
the treasury.

Sec. 32. *Furnishing Paper Stock to Contractor for State
Printing.*—Paper stock, if furnished by the state to the
contractor, shall be billed at the current market price for
the grade furnished in the quantity furnished. It shall be
unlawful and discriminatory for the director to furnish
the contractor with paper for any state work, unless all
bidders are notified in advance of placing their bids at the
prices at which the state will supply such stock. It shall
also be unlawful for the director to furnish the contractor
any paper for other than the state work under contract.

Sec. 33. *Director to Establish a Central Duplicating De-
partment; Exclusion by Director of Certain Departments
from Provisions.*—All mimeographing, photostating, mi-
crofilming, multilithing, multigraphing, and other dupli-
cating work required to be done by or for any department
shall be done by a central duplicating department which
department shall be established by and under the super-
vision of the director.

All mimeographing, photostating, microfilming, multi-
lithing, multigraphing, and other duplicating equipment
and supplies shall be transferred to the central duplicating
department.

If the director be of the opinion that any department is
capable of doing such duplicating work as may be re-
quired by such particular department more efficiently and
economically than can the central duplicating department,
he may, in his discretion, exempt such particular depart-
ment from the provisions of this section, or if the director
believes economy or efficiency can be effected by letting
such work or any part thereof to contract then he may do
so in the manner provided for contracts under sections
eleven through twenty-one of this article.

Sec. 34. Conditions Affecting Application of Article.—
The application of this article shall be subject to the fol-
lowing conditions:

(1) The purchases of stock for state liquor stores shall
be made by the West Virginia liquor control commission;
(2) Whenever the authority to acquire property other than commodities and printing, by lease, agreement, condemnation or otherwise, is now specifically vested by law in a department, that authority shall not be affected by the provisions of this article. Whenever this authority is not now specifically vested in a department, such authority shall be exercised by the director of the purchasing division;

(3) In the purchase and contracting for textbooks by the state board of education, the director shall perform only such duties as may be required by law.

Sec. 35. Financial Interest of Commissioner, etc.; Receiving Reward from Person Awarded Contract.—Neither the commissioner, nor any employee of the department of finance and administration, shall be financially interested, or have any beneficial personal interest, directly or indirectly, in the purchase of any commodities and printing, nor in any firm, partnership, corporation or association furnishing them. No such person shall accept or receive directly or indirectly from any person, firm or corporation to whom a contract may be awarded, by rebate, gift or
otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward, or compensation.

A person who violates this section shall be guilty of a misdemeanor, and upon conviction, shall be confined in jail not less than three months nor more than one year, or fined not less than fifty nor more than one thousand dollars, or both, in the discretion of the court.

Sec. 36. Penalty for Violation of Article.—A person who violates a provision of this article other than the provisions of section thirty-five shall be guilty of a misdemeanor and upon conviction shall be confined in jail not less than ten days nor more than one year, or fined not less than ten nor more than five hundred dollars, or both, in the discretion of the court.

Sec. 37. Obtaining Money and Property Under False Pretenses; Defrauding State; Penalties.—It shall be unlawful for any person to obtain from the state under any contract made under the provisions of this article, by false pretense, token or representation, or by delivery of inferior commodities, with intent to defraud, money, goods
or other property, and upon violation thereof, such person shall be guilty of a felony and upon conviction therefor shall be confined in the penitentiary not less than one year nor more than five years, and be fined not exceeding one thousand dollars.

Sec. 38. *Conspiracy to Affect Market and Prices; Penalties.*—It shall be unlawful for any person to jointly combine or collude or conspire in any way to affect the market, or price, or supply of commodities and printing obtained or to be obtained by the state under the provisions of this article, and upon violation thereof such person shall be guilty of a felony and upon conviction therefor shall be confined in the penitentiary not less than one year nor more than five years, and be fined not exceeding one thousand dollars.

Sec. 39. *Power of Commissioner to Suspend Right to Bid.*—The commissioner shall have the power and authority, upon the recommendation of the director, to suspend, for a period not to exceed one year, the right and privilege of a person to bid on state purchases when the commissioner has reason to believe that such person has violated
any of the provisions of the purchasing law or the rules
and regulations of the director. Every person whose right
to bid has been so suspended shall be notified thereof by
a letter posted by registered mail containing the reason
for such suspension.

Sec. 40. Review by Board.—Any person whose right
to bid on state purchases has been suspended by the com-
missioner under the authority of the preceding section
shall have the right to have the commissioner's action re-
viewed by a board composed of the governor, attorney
general and auditor of the state, which board shall have
the power and authority to set aside such suspension.

Sec. 41. Authority Over Inventories and Property Con-
trol.—The director shall, under the direction and super-
vision of the commissioner, have full authority over in-
ventories and property control.

Sec. 42. Department Heads to Submit Inventory of All
Property.—The head of every department of the state
government shall, on or before July fifteenth of each year,
file with the director an inventory of all real and personal
property, and of all equipment, supplies and commodities
in its possession as of the close of the last fiscal year.

Sec. 43. Powers and Duties of Director.—The director shall have the power and duty to:

(1) Make and keep current an inventory of all removable property belonging to the state. Such inventory shall be kept on file in the office of the director as a public record. The inventory shall disclose the name and address of the vendor, the date of the purchase, the price paid for the property therein described and the disposition thereof;

(2) Provide for the maintenance and repair of all office furniture, machinery and equipment belonging to the state, either by employing personnel and facilities under his direction or by contracting with state agencies or private parties.

Sec. 44. Creation of Surplus Property Agency as Subdivision; Its Authority.—There is hereby established as a subdivision of the purchasing division an agency to be known as the “State Agency for Surplus Property”. This agency shall have exclusive authority to receive from the department of defense and any other federal department or agency such equipment, materials, books and other
supplies as may be declared excess and surplus property.

The agency shall also have exclusive authority to ware-
house and distribute all such excess and surplus property
so received to all recipients within the state as may now
be or hereafter become eligible therefor under federal
laws or regulations.

Sec. 45. Surplus Property Agency; Authority of Direc-
tor.—The purchasing division is hereby designated as a
sole agency for the purposes of sections forty-four and
forty-five of this article, and the director shall be the di-
rector of the state agency for surplus property. As such,
he shall have sole authority to:

(a) Make such reasonable rules and regulations, re-
quire such certifications and agreements by eligible re-
cipients of surplus property, and employ such persons as
may be necessary for the accomplishment of the purposes
of sections forty-four and forty-five of this article;

(b) Make such certification and enter into such agree-
ments or understandings for and in the name of the State
(including cooperative agreements with federal agencies)
as may be appropriate or required by federal law or regulations in carrying out the functions hereby authorized;

(c) Require such reports and make such investigations and take such action as may be necessary for the accomplishment of the purposes of this and the preceding section.

Article 4. General Services Division.

Section 1. Care, Control and Custody of Capitol Buildings and Grounds.—The director shall be charged with the full responsibility for the care, control and custody of the capitol buildings and grounds, and in this connection he shall:

(1) Furnish guards and janitors for the capitol buildings and grounds, together with all the apartments therein, or connected therewith, regardless of the budget or budgets, departmental or otherwise, from which such guards and janitors are paid, and shall furnish janitorial supplies, light, heat and ventilation for all the rooms and corridors of the building. Under the direction of the president of the senate and speaker of the house of delegates, the director shall have charge of the halls and committee
rooms of the two houses and any other quarters at the state capitol provided for the use of the legislature or its staff, and keep the same properly cleaned, warmed and in good order, and shall do and perform such other duties in relation thereto as either house may require;

(2) Furnish part-time messenger service to the various state departments. Department heads shall be consulted with reference to the amount of messenger service required for their departments. Janitor-messengers, or part-time messengers, shall receive from the director compensation for total services in the same manner as other employees are paid. Any state department shall, however, have authority to furnish its own messenger service without using employees of the director;

(3) Have immediate control and direction of the switch-board telephone service for the various departments of the state capitol. Changes in telephone instruments or equipment in the various departments of the state capitol shall be referred to the director and payment for any such changes will not be honored unless such changes have been approved by the director. A simple accounting sys-
tem shall be installed and maintained by the director for all telephone service to the state departments;

(4) Landscape and take care of the lawns and gardens;

(5) Direct the making of all minor repairs to and alterations of the capitol buildings and grounds. Major repairs and alterations shall be made under the supervision of the director, subject to the direction of the board.

The offices of the assistants and employees appointed to perform these duties shall be located where designated by the board, except that they shall not be located in any of the legislative chambers, offices, rooms or halls. Office hours shall be so arranged that emergency or telephone service shall be available at all times. The hours of employment shall be so arranged that janitorial service shall not interfere with other employment during regular office hours.

Sec. 2. Control Over Central Mailing Office in Capitol Building.—The central mailing office heretofore created in the capitol, hereinafter called the “mailing office”, is hereby placed under the control of the director.

Sec. 3. Commissioner to Appoint Mail Clerk and Other
Necessary Employees and Fix Salaries.—The commissioner shall appoint a mail clerk and appoint such other employees as shall be necessary to carry out the provisions of the following two sections. Such mail clerk and employees shall hold office during the will and pleasure of the commissioner. The mail clerk shall be a capable man, experienced in the handling of United States mail.

Sec. 4. Duties of Mail Clerk.—The mail clerk shall have general charge and supervision of the mail office, and shall be responsible for its efficient administration. He shall be required to:

1. Keep proper books of account of the receipts and disbursements of the mail office;
2. Render to the director a report each month, showing the expenses of the mail office for the preceding month, and shall render such other reports as the director may require;
3. Keep the mail office open to receive early mail and to serve state departments;
4. Provide rules and regulations for the efficient and prompt dispatch of the mail.
Sec. 5. Use of Mail Office by Departments.—All state departments, boards, bureaus and commissions having their offices in the capitol, except the legislative department, shall dispatch all mail through the mail office: Provided, however, That mail prepared after gathering time and mail for special handling, within the limits of postage available to the department, may be posted through federal post office channels.

Sec. 6. Right of Appeal.—Upon occasion of a showing that the application of the authority vested under the provisions of this chapter may interfere with the successful functioning of any department, institution or agency of the government, such department, institution or agency may have the right of appeal to the board for review of the case and the decision or conclusion of the board shall govern in such cases.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1st, 1961, upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the eleventh day of March, 1961.

Governor