

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

HOUSE BILL No. 972

(By Mr. Boiansky by Mrs. Carr)



PASSED March 12, 1965

In Effect June Passage



FILED IN THE OFFICE OF
THE CLERK
SECRETARY OF STATE
THIS DATE 3-19-65

#972
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House Bill No. 972

(By MR. BOIARSKY and MR. CANN)

[Passed March 12, 1965; in effect from passage.]

AN ACT to amend and reenact sections three and thirty-four, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said chapter by adding thereto a new article, designated article five, all relating to the leasing of grounds, buildings, office or other space by any department, agency or institution of state government.

Be it enacted by the Legislature of West Virginia:

That sections three and thirty-four, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that

said chapter be further amended by adding thereto a new article, designated article five, all to read as follows:

Article 3. Purchasing Division.

Section 3. Powers and Duties of Director.—The direc-

tor, 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 established in accordance with section five of this article, as hereinafter provided;

(3) Transfer to or between departments or sell commodities that are surplus, obsolete, or unused, as hereinafter provided;

(4) Have charge of central storerooms for the supply of departments;

(5) 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;

19 (6) Direct the state agency for surplus property as
20 provided in sections forty-four and forty-five of this ar-
21 ticle;

22 (7) Recommend to the commissioner that the right
23 and privilege of a person to bid on state purchases be
24 suspended when the director has evidence that such per-
25 son has violated any of the provisions of the purchasing
26 law or the rules and regulations of the director;

27 (8) Examine the provisions and terms of every con-
28 tract entered into for and on behalf of the state of West
29 Virginia which imposes any obligation upon the state
30 to pay any sums of money or perform any particular
31 service or do any act or deed, and approve said contract
32 as to said provisions and terms; and the duty of examina-
33 tion and approval herein set forth shall not supersede
34 the responsibility and duty of the attorney general to
35 approve said contracts as to form: *Provided*, That the
36 provisions of this subparagraph shall not apply in any
37 respect whatever to contracts entered into by the state
38 road commissioner or commission.

Sec. 34. Conditions Affecting Application of Article.—

2 The application of this article shall be subject to the fol-
3 lowing conditions:

4 (1) The purchases of stock for state liquor stores shall
5 be made by the alcohol beverage control commissioner;

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

**Article 5. Leasing of Grounds, Buildings, Office or Other
Space by State Government.**

Section 1. Prohibition on Leasing of Space.—Notwith-
2 standing any other provision of this code, no department,
3 agency or institution of state government shall lease, or
4 offer to lease, as lessee, any grounds, buildings, office or
5 other space except in accordance with this article: *Pro-*
6 *vided*, That the provisions of this article except as to
7 office space shall not apply in any respect whatever to
8 the state road commissioner or commission.

**Sec. 2. Leasing of Space by Commissioner; Delegation
2 of Authority When Rental and Costs Do Not Exceed Five
3 Hundred Dollars in a Fiscal Year or When Emergency.—**

4 The commissioner is authorized to lease, in the name of
5 the state, any grounds, buildings, office or other space
6 required by any department, agency or institution of state
7 government: *Provided*, That the commissioner may ex-
8 pressly delegate, in writing, the authority granted to him
9 by this article to the appropriate department, agency or
10 institution of state government when the rental and other
11 costs to the state do not exceed the sum of five hundred
12 dollars in any one fiscal year or when necessary to meet
13 bona fide emergencies arising from unforeseen causes.

Sec. 3. Selection of Grounds, etc.; Acquisition by Con-
2 **tract or Lease.**—The commissioner shall have sole au-
3 thority to select and to acquire by contract or lease, in
4 the name of the state, all grounds, buildings, office space
5 or other space, the rental of which is necessarily required
6 by any spending unit, upon a certification from the chief
7 executive officer of said spending unit that the grounds,
8 buildings, office space or other space requested is neces-
9 sarily required for the proper function of said spending
10 unit and that satisfactory grounds, buildings, office space
11 or other space is not available on grounds and in build-

12 ings now owned or leased by the state. The commissioner
13 shall, before executing any rental contract or lease, de-
14 termine the reasonable market value for the rental of the
15 requested grounds, buildings, office space or other space,
16 in the condition in which they exist, and shall contract
17 for or lease said premises at a price not to exceed the
18 reasonable market value thereof.

Sec. 4. Leases and Other Instruments Signed by Com-
2 **missioner; Form Approved; Filing.**—Leases and other
3 instruments shall be signed by the commissioner in the
4 name of the state. They shall be approved as to form
5 by the attorney general. A lease or other instrument
6 that contains a term, including any options, of more than
7 six months for its fulfillment shall be filed with the state
8 auditor.

Sec. 5. Power and Authority of Commissioner.—The
2 commissioner shall have the power and authority to:
3 (1) Administer the provisions of this article;
4 (2) Employ such assistants and employees as may be
5 necessary for the efficient administration of the provisions
6 of this article;

7 (3) Promulgate in accordance with the provisions of
8 this article such rules and regulations as he may deem
9 necessary to carry out its provisions.

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

A. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas Myles
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard W. Benson
President of the Senate

H. Leban Corliss
Speaker House of Delegates

The within *approved* this the *19*
day of *March*, 1965.

Stewart C. Smith
Governor

