

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 131

(By Mr. McCoy and Mr. Permyer)

PASSED March 8, 1969

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-17-69

#131

ENROLLED
Senate Bill No. 131

(By MR. McCOURT and MR. CARRIGAN)

[Passed March 8, 1969; in effect from passage.]

AN ACT to repeal sections three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen, article four, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section eighteen, article one, chapter four; section six, article seven, chapter five; section two, article nine, chapter five; section nine, article ten, chapter five; sections one, two-a, three, four and five, article one, chapter five-a; sections one, two, ten, thirteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five and twenty-seven, article two, chapter five-a; section eighteen, article three, chapter five-a; sections one and six, article four, chapter five-a; section three, article seven,

chapter six; section eleven, article three, chapter twelve; section twenty-three, article two, chapter fourteen; section two, article two, chapter fifteen; sections six and seven, article one, chapter twenty; section one-b, article one-a, chapter twenty-five; and sections five and six, article fourteen, chapter twenty-nine, all of said code; and to amend article two, chapter five-a of said code by adding thereto a new section, designated section thirty-four, all relating to the duties and authority of the governor under section fifty-one, article six of the constitution of West Virginia and responsibilities of the governor and various state departments, officers and agencies with regard to the budget bill, budget document, and other reports, statements, estimates, requests, proposals, recommendations and procedures related to the budget, state funds and revenues; governor's authority to fix or approve compensation for certain state officers and employees; power of the governor to prescribe duties for the department of finance and administration; governor's authority to approve bonds required of certain state officers and employees; designation of the budget division of the department of finance and ad-

ministration as staff agency for the governor; governor's authority of immediate supervision of commissioner of the department of finance and administration as director of the budget; preparation and submission of tentative budget to the governor; reports to the governor on condition of state revenues and funds; prohibition of transfers of amounts between items of appropriation; reserves for emergencies; quarterly allotments; expenditures of excess in collections; reduction of appropriations; system of management accounting; personnel classification and uniform salary and wage scales with exceptions; special revenue fund of the purchasing division of the department of finance and administration; major repairs to and alterations of capitol buildings, governor's mansion and grounds thereof; location of certain state offices; right of appeal to governor from application of authority under chapter five-a of the code, relating to the department of finance and administration; amounts necessary for personnel, stationery, equipment, supplies, services and travel for certain state offices; out-of-state travel rules and regulations; payment of dues or membership in organizations; inclusion of

awards recommended by the court of claims; and relating to the office hours of the department of natural resources and director thereof.

Be it enacted by the Legislature of West Virginia:

That sections three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen, article four, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that section eighteen, article one, chapter four; section six, article seven, chapter five; section two, article nine, chapter five; section nine, article ten, chapter five; sections one, two-a, three, four and five, article one, chapter five-a; sections one, two, ten, thirteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five and twenty-seven, article two, chapter five-a; section eighteen, article three, chapter five-a; sections one and six, article four, chapter five-a; section three, article seven, chapter six; section eleven, article three, chapter twelve; section twenty-three, article two, chapter fourteen; section two, article two, chapter fifteen; sections six and seven, article one, chapter twenty; section one-b, article one-a, chapter twenty-five; and sections five and six, article fourteen, chapter twenty-nine, all

of said code, be amended and reenacted; and that article two, chapter five-a of said code be amended by adding thereto a new section, designated section thirty-four, all to read as follows:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF FLAG; RECORDS.

§4-1-18. Legislature to prepare digest of budget bill; distribution.

1 The Legislature, acting by its appropriate committees,
2 shall consider the budget bill, the budget document and
3 matters relating thereto, and following such considera-
4 tion and upon the passage of the budget bill by the
5 Legislature, the Legislature shall prepare a digest or
6 summary of the budget bill containing detailed informa-
7 tion similar to that included in the budget document sub-
8 mitted to the Legislature by the governor but including
9 amendments of legislative committees, and as finally en-
10 acted by the Legislature. Such digest or summary shall
11 be prepared at the direction of and approved by mem-

12 bers of the conferees committee on the budget and shall
13 be included in the journals of the Legislature or printed
14 as a separate document, and copies shall be furnished to
15 the governor, commissioner of finance and administration,
16 and the various state spending units for such use as may
17 be deemed proper.

**CHAPTER 5. GENERAL POWERS AND DUTIES OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY
GENERAL; BOARD OF PUBLIC WORKS; STATE BUILD-
ING COMMISSION; SOCIAL SECURITY AGENCY; PUBLIC
RECORDS MANAGEMENT AND PRESERVATION ACT;
DEPARTMENT OF COMMERCE; WEST VIRGINIA PUBLIC
EMPLOYEES' RETIREMENT ACT; HUMAN RIGHTS COM-
MISSION; WEST VIRGINIA ANTIQUITIES COMMISSION;
PUBLIC EMPLOYEES' AND TEACHERS' RECIPROCAL
SERVICE CREDIT ACT.**

ARTICLE 7. SOCIAL SECURITY AGENCY.

§5-7-6. Contribution fund; appropriations thereto.

1 (a) There is hereby established a special fund to be
2 known as the contribution fund. Such fund shall con-
3 sist of and there shall be deposited in such fund: (1) All

4 contributions, interest, and penalties collected under sec-
5 tions four and five. (2) All moneys appropriated thereto
6 under this article. (3) All moneys paid to the state pur-
7 suant to any agreement entered into under subsection
8 (b) of section three of this article. (4) Any property or
9 securities and earnings thereof acquired through the
10 use of moneys belonging to the fund. (5) Interest earned
11 upon any moneys in the fund. (6) All sums recovered
12 upon the bond of the custodian or otherwise for losses
13 sustained by the fund and all other moneys received for
14 the fund from any other source. All moneys in the
15 fund shall be mingled and undivided. Subject to the
16 provisions of this article, the state agency is vested with
17 full power, authority and jurisdiction over the fund, in-
18 cluding all moneys and property or securities belonging
19 thereto, and may perform any and all acts whether or
20 not specifically designated, which are necessary to the
21 administration thereof consistent with the provisions of
22 this article.

23 (b) The contribution fund shall be established and held
24 separate and apart from any other funds or moneys of

25 the state and shall be used and administered exclusively
26 for the purpose of this article. Withdrawals from such
27 fund shall be made for, and solely for (A) payment of
28 amounts required to be paid to the federal agency pur-
29 suant to an agreement entered into under section three;
30 (B) payment of refunds provided for in subsection (c)
31 of section four of this article; and (C) refunds of over-
32 payments, not otherwise adjustable, made by a political
33 subdivision or instrumentality.

34 (c) From the contribution fund the custodian of the
35 fund shall pay to the federal agency such amounts and
36 at such time or times as may be directed by the state
37 agency in accordance with any agreement entered into
38 under section three, and applicable federal law.

39 (d) The treasurer of the state shall be ex officio treasur-
40 er and custodian of the contribution fund and shall ad-
41 minister such fund in accordance with the provisions of
42 this article and the directions of the state agency and
43 shall pay all warrants drawn upon it in accordance with
44 the provisions of this section and with such regulations
45 as the state agency may prescribe pursuant thereto.

46 (e) (1) There are hereby authorized to be appropriated
47 annually to the contribution fund, in addition to the
48 contributions collected and paid into the contribution
49 fund under sections four and five, to be available for
50 the purposes of subsections (b) and (c) of this section
51 until expended, such additional sums as are found to be
52 necessary in order to make the payments to the federal
53 agency which the state is obligated to make pursuant to
54 an agreement entered into under section three.

55 (2) The state agency shall submit to the governor, at
56 least ninety days in advance of the beginning of each
57 regular session of the Legislature, an estimate of the
58 amounts authorized to be appropriated to the contribu-
59 tion fund by paragraph (1) of this subsection for the
60 next appropriation period.

ARTICLE 9. DEPARTMENT OF COMMERCE.

**§5-9-2. Advisory board established; composition; appointment,
term and qualifications of members; authority gen-
erally; meetings and expenses.**

1 There is hereby established an advisory board for the
2 department of commerce. The board shall be composed

3 of seven members appointed by the governor for terms
4 of four years and until their successors are appointed and
5 qualified. There shall be at least one member appointed
6 from each congressional district, and not more than four
7 members shall be of the same political party. The first
8 two members appointed shall serve for a period of one
9 year; the second two for a period of two years; the next
10 two for a period of three years; and the remaining mem-
11 ber for a period of four years. Thereafter, all such ap-
12 pointments shall be made for a term of four years, except
13 that in case of a vacancy, the appointment shall be made
14 to fill the unexpired term. The members of the board
15 shall be citizens and residents of the state, selected with
16 special reference to their training and experience in rela-
17 tion to the principal activities required of the department
18 of commerce, and for their ability and fitness to perform
19 their duties within the purposes of this article. The board
20 shall serve the department of commerce in an advisory
21 capacity only. It shall have the authority and it shall be
22 its duty:

23 (1) To advise with the commissioner of commerce con-
24 cerning all administrative rules and regulations to be
25 issued by the department.

26 (2) To advise with the commissioner of commerce as
27 to all budget proposals to be submitted to the governor.

28 (3) To advise with the commissioner of commerce
29 concerning such studies of economic conditions, travel
30 promotion and industrial development as it may consider
31 appropriate.

32 (4) To advise with the commissioner of commerce on
33 any other matters applicable to the department of com-
34 merce if requested by the governor.

35 The board shall meet at the call of the commissioner of
36 commerce, and each member of the board shall receive
37 his actual and necessary traveling expenses incurred in
38 the performance of his duties.

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT
ACT.**

**§5-10-9. Chairman and vice chairman; executive secretary;
employees; treasurer; legal advisor; actuary.**

1 (a) The board of trustees shall elect from its own
2 number a chairman and a vice chairman.

3 (b) The board of trustees shall appoint an executive
4 secretary of the retirement system. The executive secre-
5 tary shall be the chief administrative officer of the system;
6 and he shall not be a member of the board. He shall
7 perform such duties as are required of him in this article
8 and as the board shall from time to time delegate to him.
9 The compensation of the executive secretary shall be
10 fixed by the board subject to the approval of the governor.
11 He shall, with the approval of the board of trustees, em-
12 ploy such administrative, technical, and clerical em-
13 ployees as shall be required in the proper operation of
14 the system.

15 (c) The state treasurer shall be treasurer of the retire-
16 ment system and the custodian of its funds. All bonds
17 and other investments purchased according to the pro-
18 visions of this article shall forthwith be deposited with
19 the state treasurer. It shall be his duty to collect the
20 principal thereof and the interest and dividends thereon
21 as the same become due and payable, and when so col-
22 lected deposit same to the credit of the retirement system.
23 All disbursements from the funds of the system shall be

24 made by the state treasurer only upon written certifica-
25 tion duly authorized by a continuing or specific resolution
26 adopted by the board of trustees. He shall furnish the
27 board with a statement of the retirement system securi-
28 ties in his safekeeping as the board shall from time to
29 time request.

30 (d) The attorney general shall be the legal advisor to
31 the board of trustees.

32 (e) The board of trustees shall appoint an actuary who
33 shall be the technical advisor to the board regarding the
34 operation of the retirement system on an actuarial basis.

CHAPTER 5A. DEPARTMENT OF FINANCE AND ADMINISTRATION.

ARTICLE 1. DEPARTMENT OF FINANCE AND ADMINISTRATION.

§5A-1-1. Definitions.

1 For the purpose of this chapter:

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

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

7 "Spending unit" means a department, agency or institu-
8 tion of the state government for which an appropriation
9 is requested, or to which an appropriation is made by the
10 Legislature.

11 "Spending officer" means the executive head of a
12 spending unit, or a person designated by him.

13 "Commodities" means supplies, material, equipment,
14 contractual services, and any other articles or things used
15 by or furnished to a department, agency or institution
16 of the state government.

17 "Contractual services" shall include telephone, tele-
18 graph, electric light and power, water and similar serv-
19 ices.

20 "Printing" means printing, binding, ruling, lithograph-
21 ing, engraving and other similar services.

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

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

28 "Nonprofit workshops" means an establishment (a)
29 where any manufacture or handiwork is carried on, and
30 (b) which is operated either by a public agency or by a
31 cooperative or by a nonprofit private corporation or non-
32 profit association, in which no part of the net earnings
33 thereof inures, or may lawfully inure, to the benefit of
34 any private shareholder or individual, and (c) which is
35 operated for the primary purpose of providing remunera-
36 tive employment to blind and severely disabled persons
37 who cannot be absorbed into the competitive labor market,
38 and (d) which shall be approved, as evidenced by a certi-
39 ficate of approval, by the state board of vocational educa-
40 tion, division of vocational rehabilitation.

**§5A-1-2a. Powers and duties of commissioner, division heads
and employees.**

1 The commissioner shall have control and supervision
2 of the department of finance and administration and shall
3 be responsible for the work of each of its employees. The
4 commissioner shall have the authority to employ such
5 assistants as may be necessary for the efficient operation
6 of the department. The commissioner, the division heads

7 and the employees of the department shall perform the
8 duties herein specified and shall also perform such other
9 duties as the governor may prescribe.

§5A-1-3. Council of finance and administration.

1 The council of finance and administration is hereby
2 created and shall be composed of ten members, four of
3 whom shall serve ex officio and six of whom shall be
4 appointed as herein provided. The ex officio members
5 shall be the governor, attorney general, the state treasurer
6 and the state auditor. From the membership of the Legis-
7 lature, the president of the Senate shall appoint three
8 senators as members of the council, not more than two of
9 whom shall be members of the same political party, and
10 the speaker of the House shall appoint three delegates
11 as members of the council, not more than two of whom
12 shall be members of the same political party. Members
13 of the council appointed by the president of the Senate
14 and the speaker of the House shall serve at the will and
15 pleasure of the officer making their appointment. The
16 commissioner of finance and administration shall serve as
17 chairman of the council. Meetings of the council shall be

18 upon call of the chairman or a majority of the members
19 thereof.

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

23 (1) To advise with the commissioner as to all budget
24 proposals to be submitted to the governor;

25 (2) At the time of the submission of the proposed
26 budget to the governor, to report to the governor its con-
27 clusions concerning the proposed budget and any addi-
28 tions, modifications or adjustments that it may care to
29 suggest;

30 (3) To advise with the commissioner concerning such
31 studies of government and administration as it may con-
32 sider appropriate;

33 (4) To advise with the commissioner in the prepara-
34 tion of studies designed to provide long-term capital
35 planning and finance for state institutions and agencies.
36 Members of the council shall be paid all necessary ex-
37 penses incurred in the discharge of their duties.

§5A-1-4. Reports by commissioner.

1 The commissioner shall make an annual report to the
2 governor concerning the conduct of the department and
3 the administration of the state finances. He shall also
4 make such other reports as the governor may require.

**§5A-1-5. Oath and bond of commissioner; bonds for directors
and employees.**

1 The commissioner, before entering upon the duties of
2 his office, shall take and subscribe to the oath prescribed
3 by section 5, article IV of the constitution. He shall exe-
4 cute a bond in the penalty of twenty-five thousand
5 dollars, approved by the governor, in form prescribed by
6 the attorney general and conditioned upon the faithful
7 performance of his duties and the accounting for all
8 money and property coming into his hands by virtue of
9 his office. The oath and bond shall be filed with the secre-
10 tary of state. The division heads and all other employees
11 shall be covered by bonds in cases where the commis-
12 sioner thinks it necessary, which bonds shall be in the
13 penalty prescribed by the commissioner and shall be filed
14 with the secretary of state.

ARTICLE 2. BUDGET DIVISION.**§5A-2-1. Powers and duties of budget division.**

1 The budget division shall act as staff agency for the
2 governor in the exercise of his powers and duties under
3 section 51, article VI of the state constitution, and shall
4 exercise and perform the other powers and duties con-
5 ferred upon it by this article.

**§5A-2-2. General powers and duties of commissioner as di-
rector of budget.**

1 The commissioner, under the immediate supervision of
2 the governor, shall have the power and duty to:

3 (1) Exercise general supervision of, and make rules
4 and regulations for, the government of this division;

5 (2) Prepare, in accordance with this article, requests for
6 appropriations, estimates of cost and the contents of the
7 state budget into a tentative budget for submission to the
8 governor;

9 (3) Administer the budget in accordance with this
10 article;

11 (4) Serve as staff agency to the governor in the con-
12 sideration of requests for appropriations and the prepara-
13 tion of the budget document;

14 (5) Make such investigations and submit such reports
15 as the governor may require;

16 (6) Make a continuous study of state expenditures and
17 make such recommendations to the governor for the more
18 economical use of state funds as he shall find practicable;

19 (7) Render assistance to spending officers with respect
20 to the fiscal affairs of spending units;

21 (8) Exercise such other powers as are vested in him by
22 this article, or which may be appropriate to the discharge
23 of his duties.

**§5A-2-10. Preparation of tentative budget and submission to
governor.**

1 The commissioner shall prepare for the consideration
2 of the governor a tentative budget for the fiscal year next
3 ensuing. The budget shall state actual receipts and ex-
4 penditures for the fiscal year next preceding, estimated
5 receipts and expenditures for the current fiscal year,
6 recommended expenditures for the current fiscal year
7 as shown in the legislative digest, and it shall state also
8 the requested amounts, or estimates, for the fiscal year
9 next ensuing with respect to:

10 (1) Appropriations requested by each spending unit
11 and requested general appropriations;

12 (2) The amount of the total of each appropriation to
13 be paid out of collections;

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

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

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

19 (6) Balances carried forward to July first from fiscal
20 year next preceding on all reappropriated accounts from
21 general revenue fund and general school fund;

22 (7) Percentage of increase or decrease by comparison
23 of recommended appropriation for next ensuing year
24 with current fiscal year.

25 On or before November fifteenth, the commissioner
26 shall submit the tentative budgets to the governor. The
27 commissioner shall convey to the governor all explana-
28 tory and justification statements and statements of per-
29 sonnel requirements of spending units as reported and
30 filed in his office.

§5A-2-13. Reports on revenue collections.

1 The commissioner shall ascertain the collection of the
2 revenue of the state, and shall determine each quarter of
3 the fiscal year the proportion which the amount actually
4 collected bears to the collection estimated for that period.
5 The commissioner shall certify to the governor and the
6 legislative auditor, as soon as possible after the close of
7 each quarter, and at such other times as the governor
8 may request, the condition of the state revenues and of
9 the several funds of the state. For the purposes of this
10 section, the commissioner shall have the authority to
11 require all necessary estimates and reports from any
12 spending unit of the state government.

§5A-2-16. Reserves for emergencies.

1 The commissioner, with the approval of the governor,
2 may require that an expenditure schedule provide for
3 a reserve for emergencies out of the total amount appro-
4 priated to the spending unit. The amount of the reserve
5 shall be determined by the commissioner in consulta-
6 tion with the spending officer.

§5A-2-17. Requests for quarterly allotments; approval or reduction by governor.

1 At least thirty days prior to the beginning of each
2 quarter of the fiscal year, each spending officer shall sub-
3 mit to the commissioner a request for an allotment of
4 public funds sufficient to operate the unit during the
5 ensuing quarter in accordance with the approved ex-
6 penditure schedule.

7 The commissioner shall examine the requests and, if
8 he finds that the amounts requested are in accordance
9 with the approved expenditure schedules and are in ac-
10 cordance with sound fiscal policy, he shall submit the
11 requests to the governor. The commissioner shall also sub-
12 mit a summary statement showing the amounts expend-
13 ed under the budget for each preceding quarter of the
14 fiscal year and the total amount requested for allotment
15 during the ensuing quarter.

16 The governor shall consider the amount of requests for
17 allotment and the collection of revenues. If the governor
18 finds that the collection of revenue warrants the expendi-
19 ture of the amount requested in the allotment, he shall

20 approve the allotment of funds for the ensuing quarter
21 and send copies of the requests to the legislative auditor
22 after approval. If the governor finds that the collection
23 of revenue does not warrant the allotment of the re-
24 quested amount, he may reduce the amount of allotments
25 pending the collection of sufficient revenue.

§5A-2-18. Limitation on expenditures.

1 The expenditures of a spending unit during a quarter
2 of the fiscal year shall not exceed the amount of the
3 approved allotment, unless the governor approves the
4 expenditure of a larger amount. Any amounts remain-
5 ing unexpended at the close of the quarter shall be
6 available for reallocation and expenditure during any
7 succeeding quarter of the same fiscal year.

§5A-2-19. Transfers between items of appropriation prohibited.

1 Notwithstanding any other provision of law to the con-
2 trary, there shall be no transfer of amounts between items
3 of appropriation, and moneys appropriated for any par-
4 ticular purpose shall not be spent by a spending unit for
5 any other purpose.

§5A-2-20. Expenditure of excess in collections; notices to auditor and treasurer.

1 If the amount actually collected by a spending unit
2 exceeds the amount which it is authorized to expend from
3 collections, the excess in collections shall be set aside in
4 a special surplus fund for the spending unit. Expendi-
5 tures from this fund shall be made only in accordance
6 with the following procedure:

7 The spending officer shall submit to the commissioner:

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

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

12 The commissioner shall submit the request to the gov-
13 ernor with his recommendation.

14 If the governor approves the plan of expenditure and
15 justification statement, and is satisfied that the expendi-
16 ture is required to defray the additional cost of the serv-
17 ice or activity of the spending unit, and that the expendi-
18 ture is in accordance with sound fiscal policy, he may
19 authorize the use of the surplus during the current fiscal

20 year. Notices of such authorization shall be sent to the
21 state auditor, the state treasurer and the legislative
22 auditor.

23 An expenditure from a special surplus fund without
24 the authorization of the governor, or other than in ac-
25 cordance with this section, shall be an unlawful use of
26 public funds.

§5A-2-22. Reduction of appropriations—Powers of governor.

1 The governor may reduce appropriations according to
2 any of the methods set forth in sections twenty-three,
3 twenty-four and twenty-five of this article.

**§5A-2-23. Same—Pro rata reduction of appropriations from
general revenue.**

1 If the governor determines that the amounts, or parts
2 thereof, appropriated from the general revenue cannot be
3 expended without creating an overdraft or deficit in the
4 general fund, he may instruct the commissioner to reduce
5 equally and pro rata all appropriations out of general
6 revenue in such a degree as may be necessary to prevent
7 an overdraft or a deficit in the general fund.

§5A-2-24. Same—Pro rata reduction of appropriations from other funds.

1 The governor in the manner set forth in section twenty-
2 three may reduce appropriations from:

- 3 (1) Funds supported by designated taxes or fees;
- 4 (2) Fees or other collections set aside for the support
5 of designated activities or services.

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

§5A-2-25. Same—Reduction after classification of appropriations.

1 If the governor determines that the reductions author-
2 ized in sections twenty-three and twenty-four will dan-
3 gerously impair the existence of the essential services of
4 government, he may instruct the commissioner to reduce
5 the amount to be expended from separate appropriations
6 in accordance with the following method:

- 7 (1) The commissioner shall first classify appropria-
8 tions as follows:

9 Class One: For agencies collecting revenue and ad-
10 ministering the fiscal operations of government, including
11 the offices and departments of the tax commissioner,
12 auditor, treasurer, and sinking fund commission;

13 Class Two: For agencies vested with the supervision,
14 control, and direction of executive policy and law en-
15 forcement, including the governor's office, the attorney
16 general's office, the department of finance and adminis-
17 tration, and the department of public safety;

18 Class Three: For state institutions, educational, chari-
19 table and corrective;

20 Class Four: For other departments and services of the
21 state government;

22 Class Five: For transfers from the general fund.

23 (2) The commissioner shall first reduce the appropria-
24 tions from Class Five and then, if necessary, for the other
25 classes in descending numerical order as follows:

26 Class Four, Class Three, Class Two, Class One. All
27 reductions shall be in multiples of five percent, but a
28 fixed relationship shall be maintained between the classes
29 which shall be measured by a difference of five percent

30 in the rate of reduction. The maximum reduction shall
 31 not exceed twenty-five percent in Class Five and in the
 32 other classes it shall be proportioned according to the
 33 following table:

34	Classes	Five	Four	Three	Two	One
35	Percent	5%				
36	of reductions	10%	5%			
37	from	15%	10%	5%		
38	total	20%	15%	10%	5%	
39	appropriations	25%	20%	15%	10%	5%

§5A-2-27. Management accounting.

1 The commissioner shall formulate the requirements of
 2 a system of management accounting for the planning,
 3 management, reporting, and control of state expenditures.
 4 The requirements shall include methods for recording
 5 the collection of all income, amounts available for ex-
 6 penditure, obligations, encumbrances and disbursements
 7 for each spending unit, and publication of a detailed
 8 statement of receipts and expenditures of state moneys.
 9 The system shall include the accounts to be kept by the
 10 commissioner, the auditor, and the treasurer. The com-

11 missioner shall, after the system has been approved by
12 the governor, require its use by all spending units.

13 The governor is hereby authorized to direct by execu-
14 tive order, not inconsistent with the provisions of this
15 article, the transfer of such records, equipment, per-
16 sonnel, and appropriations between the departments of
17 finance and administration, the auditor, and the treasurer
18 as may be necessary to effectuate the purposes of central
19 accounting and reporting.

**§5A-2-34. Personnel classification of offices and employments
in state government and agencies.**

1 With the exception of those institutions under the con-
2 trol of the state board of education and the board of
3 governors of West Virginia University, and with the ex-
4 ception of classified service positions and pay provided
5 for in section eight, article six, chapter twenty-nine of
6 this code, the commissioner, with the approval of the
7 governor, shall classify the offices and employments in
8 the state government and its agencies, into a personnel
9 classification which reflects the differences in training,
10 experience, ability and responsibility required for differ-

11 ent types or kinds of service or employment, and shall
12 establish uniform salary and wage scales within each
13 class.

14 The governor shall require the state board of educa-
15 tion and the board of governors of West Virginia Univer-
16 sity to prepare and apply personnel classifications to the
17 institutions under their control.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-18. Special fund; purposes; how composed.

1 There is hereby created a special revenue fund to be
2 administered by the director to finance and facilitate the
3 following functions of the director:

4 (1) Purchase in volume and for maintenance of stocks
5 and commodities to supply the needs of state depart-
6 ments;

7 (2) Performance of state departments of all mimeo-
8 graphing, photostating, microfilming, multilithing, multi-
9 graphing, and other work as provided by section thirty-
10 three of this article.

11 The amount of the fund may be fixed and changed by
12 the governor upon the recommendation of the com-

13 missioner. If at the end of each fiscal year the cash balance
14 plus value of commodity inventories on hand exceeds the
15 amount so fixed, the excess in cash shall be transferred
16 by the governor upon recommendation of the commis-
17 sioner to the general revenue fund and become a part
18 of the general revenue of the state. The fund shall be
19 composed of the following:

20 (1) The cash balance and inventories of the fund here-
21 tofore established by this section;

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

ARTICLE 4. GENERAL SERVICES DIVISION.

**§5A-4-1. Care, control and custody of capitol buildings and
grounds; messenger and telephone services.**

1 The director shall be charged with the full responsi-
2 bility for the care, control and custody of the capitol
3 buildings and in this connection he shall:

4 (1) Furnish janitors for the capitol buildings and
5 grounds, together with all the departments therein, or
6 connected therewith, regardless of the budget or bud-
7 gets, departmental or otherwise, from which such jani-
8 tors are paid, and shall furnish janitorial supplies, light,
9 heat and ventilation for all the rooms and corridors
10 of the buildings. Under the direction of the president
11 of the Senate and speaker of the House of Delegates,
12 the director shall have charge of the halls and com-
13 mittee rooms of the two houses and any other quarters
14 at the state capitol provided for the use of the Legislature
15 or its staff, and keep the same properly cleaned, warmed
16 and in good order, and shall do and perform such other
17 duties in relation thereto as either house may require;

18 (2) Furnish messenger service to the various state
19 departments. Department heads shall be consulted with
20 reference to the amount of messenger service required
21 for their departments. Janitor-messengers, or messen-
22 gers, shall receive from the director compensation for
23 total services in the same manner as other employees
24 are paid;

25 (3) Have immediate control and direction of the
26 switchboard telephone service for the various depart-
27 ments of the state capitol. Changes in telephone instru-
28 ments or equipment in the various departments of the
29 state capitol shall be referred to the director, and pay-
30 ment for any such changes will not be honored unless
31 such changes have been approved by the director. A
32 simple accounting system shall be installed and main-
33 tained by the director for all telephone service to the
34 state departments;

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

36 (5) Direct the making of all minor repairs to and
37 alterations of the capitol buildings and governor's man-
38 sion and the grounds of such buildings and mansion.
39 Major repairs and alterations shall be made under the
40 supervision of the director, subject to the direction of
41 the governor.

42 The offices of the assistants and employees appointed
43 to perform these duties shall be located where designated
44 by the governor, except that they shall not be located
45 in any of the legislative chambers, offices, rooms or halls.

46 Office hours shall be so arranged that emergency or
47 telephone service shall be available at all times. The
48 hours of employment shall be so arranged that janitorial
49 service shall not interfere with other employment during
50 regular office hours.

**§5A-4-6. Right of appeal from interference with functioning of
agency.**

1 Upon occasion of a showing that the application of
2 the authority vested under the provisions of this chapter
3 may interfere with the successful functioning of any
4 department, institution or agency of the government,
5 such department, institution or agency may have the
6 right of appeal to the governor for review of the case
7 and the decision or conclusion of the governor shall
8 govern in such cases.

**CHAPTER 6. GENERAL PROVISIONS RESPECTING
OFFICERS.**

ARTICLE 7. COMPENSATION AND ALLOWANCES.

**§6-7-3. Provision for clerical assistance, stationery, offices,
traveling expenses and contingent fund.**

1 It shall be the duty of the governor to ascertain and
2 report to the Legislature at each regular session the

3 amount deemed necessary to provide each of the officers
4 mentioned in section two of this article with sufficient
5 clerical and office assistance, stationery and equipment
6 for the proper discharge of the duties of the office, and,
7 where offices are not furnished in the capitol building,
8 with proper offices and light, heat and janitor's services
9 for the same; and where any such officer is required in
10 the proper discharge of the duties of his office to travel
11 or journey from place to place, the amount necessary to
12 provide for such purpose; and, where the circumstances
13 may warrant it, the amount necessary to provide for a
14 contingent fund to cover stationery, blank books, blanks,
15 advertising, printing, fuel, lights, postage, express charges,
16 office supplies, furniture, and any other necessary article
17 that may not be otherwise specially provided for.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS AND EXPENDITURES.

**§12-3-11. Travel expenses; rules to be promulgated concern-
ing same; dues to voluntary organizations; recruit-
ment expenses for institutions of higher education.**

1 The governor shall promulgate rules and regulations
2 concerning out-of-state travel by state officials and em-

3 ployees, except those in the legislative and judicial branch-
4 es of state government and except for the attorney gen-
5 eral, auditor, secretary of state, treasurer and commis-
6 sioner of agriculture and their employees. The Legislature,
7 the supreme court of appeals and the attorney general,
8 auditor, secretary of state, treasurer and commissioner of
9 agriculture shall promulgate rules and regulations con-
10 cerning out-of-state travel for their respective branches
11 and departments of state government. Copies of such rules
12 and regulations shall be filed with the auditor, and the
13 secretary of state. It shall be unlawful for the auditor to
14 issue a warrant in payment of any claim for out-of-state
15 travel expenses incurred by a state officer or employee
16 unless such claim meets all the requirements of the rules
17 and regulations so filed.

18 Payment for dues or membership in annual or other
19 voluntary organizations shall be made from the proper
20 item or appropriation after an itemized schedule of such
21 organizations, together with the amount of such dues or
22 membership, has been submitted to the budget director
23 and approved by the governor.

24 It shall be lawful for the governing board of any state
25 institution of higher education to authorize the payment
26 of traveling expenses incurred by any person invited
27 to visit the campus or other facilities of such institution to
28 be interviewed concerning his possible employment by
29 such governing board or agent thereof.

CHAPTER 14. CLAIMS DUE AND AGAINST THE STATE.

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-23. Inclusion of awards in budget.

1 The clerk shall certify to the director of the budget,
2 on or before the twentieth day of November of each year,
3 a list of all awards recommended by the court to the
4 Legislature for appropriation. The clerk may certify sup-
5 plementary lists to the governor to include subsequent
6 awards made by the court. The governor shall include all
7 awards so certified in his proposed budget bill transmitted
8 to the Legislature.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-2. Appointment of inspector, other commissioned officers, noncommissioned officers, troopers and civilian em- ployees.

1 The superintendent shall appoint, from the enlisted

2 membership of the department, an inspector with the
3 rank of lieutenant colonel who shall be next in authority
4 to the superintendent, and for the purpose of operating
5 and maintaining the executive offices, training school,
6 scientific laboratory, keeping records relating to crimes
7 and criminals, coordinating traffic safety activities and
8 maintaining a system of supplies and accounting and
9 carrying on other necessary services, he shall appoint
10 not more than one major, one captain, four lieutenants,
11 two master sergeants, four sergeants, three corporals and
12 six troopers. In addition the superintendent may appoint,
13 from the enlisted membership of the department, not
14 more than four other lieutenants for duties consisting
15 of technical or scientific examination of evidence in
16 criminal cases, but no member shall be appointed to fill
17 these vacancies in the grade of lieutenant unless (1)
18 he shall have completed four years' study at an ac-
19 credited college or university and hold a bachelor's degree
20 from such college or university and (2) such member
21 shall have actually conducted numerous examinations
22 of physical evidence in criminal cases and have been

23 qualified in a court of record of this state to testify as an
24 expert witness with respect thereto.

25 The superintendent shall appoint such civilian em-
26 ployees as may be necessary.

27 The inspector, major, captains, lieutenants, master ser-
28 geants, sergeants, corporals and troopers shall be en-
29 rolled and enlisted as members of the department of
30 public safety and shall be entitled to wear the insignia
31 of rank as provided by law or authorized by department
32 regulations.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-6. Offices and office hours.

1 The director shall arrange with the general services
2 division of the department of finance and administration
3 for adequate office space, accommodations and facilities
4 for the department of natural resources in the state
5 capitol offices. The department of finance and adminis-
6 tration shall make such office accommodations and facili-
7 ties available and shall provide for orderly servicing and
8 maintenance thereof. The offices of the director and of

9 the department shall be opened and staffed for business
10 transactions and services during regular hours.

§20-1-7. Additional powers, duties and services of director.

1 In addition to all other powers, duties and responsibili-
2 ties granted and assigned to the director in this chapter
3 and elsewhere by law, the director is hereby authorized
4 and empowered to:

5 (1) With the advice of the commission, prepare and
6 administer, through the various divisions created by
7 this chapter, a long-range comprehensive program for
8 the conservation of the natural resources of the state
9 which best effectuates the purpose of this chapter and
10 which makes adequate provisions for the natural re-
11 sources laws of the state;

12 (2) Sign and execute in the name of the state by the
13 "department of natural resources" any contract or agree-
14 ment with the federal government or its departments or
15 agencies, subdivisions of the state, corporations, associa-
16 tions, partnerships or individuals;

17 (3) Conduct research in improved conservation
18 methods and disseminate information matters to the resi-
19 dents of the state;

20 (4) Conduct a continuous study and investigation of
21 the habits of wildlife, and for purposes of control and
22 protection to classify by regulation the various species
23 into such categories as may be established as necessary;

24 (5) Prescribe the locality in which the manner and
25 method by which the various species of wildlife may be
26 taken, or chased, unless otherwise specified by this
27 chapter;

28 (6) Fix by regulation the open seasons and the bag,
29 creel, size, age, weight and sex limits with respect to wild-
30 life in this state;

31 (7) Hold at least six meetings each year at such times
32 and at such points within the state, as in the discretion
33 of the director may appear to be necessary and proper
34 for the purpose of giving interested persons in the various
35 sections of the state an opportunity to be heard concern-
36 ing open seasons for their respective areas, before such
37 seasons and bag limits are fixed;

38 (8) Suspend open hunting seasons upon any or all
39 wildlife in any or all counties of the state with the prior
40 approval of the governor in case of an emergency such as

41 a drought, forest fire hazard or epizootic of disease among
42 wildlife. The suspension shall continue during the exist-
43 ence of the emergency and until rescinded by the direc-
44 tor. Suspension, or reopening after such suspension, of
45 open seasons may be made upon twenty-four hours' notice
46 by delivery of a copy of the order of suspension or re-
47 opening to the wire press agencies at the state capitol;

48 (9) Supervise the fiscal affairs and responsibilities of
49 the department;

50 (10) Designate such localities as he shall determine to
51 be necessary and desirable for the perpetuation of any
52 species of wildlife;

53 (11) Enter private lands to make surveys or inspec-
54 tions for conservation purposes, to investigate for viola-
55 tions of provisions of this chapter, to serve and execute
56 warrants and processes, to make arrests and to otherwise
57 effectively enforce the provisions of this chapter;

58 (12) Acquire for the state in the name of the "depart-
59 ment of natural resources" by purchase, condemnation,
60 lease or agreement, or accept or reject for the state, in the
61 name of the department of natural resources, gifts, dona-

62 tions, contributions, bequests or devises of money, secur-
63 ity or property, both real and personal, and any interest
64 in such property, including lands and waters, which he
65 deems suitable for the following purposes:

66 (a) For state forests for the purpose of growing timber,
67 demonstrating forestry, furnishing or protecting water-
68 sheds or providing public recreation;

69 (b) For state parks or recreation areas for the purpose
70 of preserving scenic, esthetic, scientific, cultural, archaeo-
71 logical or historical values or natural wonders, or provid-
72 ing public recreation;

73 (c) For public hunting, trapping, or fishing grounds
74 or waters for the purpose of providing areas in which the
75 public may hunt, trap or fish, as permitted by the pro-
76 visions of this chapter, and the rules and regulations
77 issued hereunder;

78 (d) For fish hatcheries, game farms, wildlife research
79 areas and feeding stations;

80 (e) For the extension and consolidation of lands or
81 waters suitable for the above purposes by exchange of
82 other lands or waters under his supervision;

83 (f) For such other purposes as may be necessary to
84 carry out the provisions of this chapter;

85 (13) Capture, propagate, transport, sell or exchange
86 any species of wildlife as may be necessary to carry out
87 the provisions of this chapter;

88 (14) Sell, with the approval in writing of the governor,
89 timber for not less than the value thereof, as appraised
90 by a qualified appraiser appointed by the director, from
91 all lands under the jurisdiction and control of the director,
92 except those lands that are designated as state parks.
93 The appraisal shall be made within a reasonable time
94 prior to any sale, reduced to writing, filed in the office of
95 the director and shall be available for public inspection.
96 When the appraised value of the timber to be sold is more
97 than five hundred dollars, the director, before making
98 sale thereof, shall receive sealed bids therefor, after
99 notice by publication as a Class II legal advertisement in
100 compliance with the provisions of article three, chapter
101 fifty-nine of this code, and the publication area for such
102 publication shall be each county in which the timber is
103 located. The timber so advertised shall be sold at not less

104 than the appraised value to the highest responsible
105 bidder, who shall give bond for the proper performance
106 of the sales contract as the director shall designate; but
107 the director shall have the right to reject any and all
108 bids and to readvertise for bids. If the foregoing provi-
109 sions of this section have been complied with, and no
110 bid equal to or in excess of the appraised value of the
111 timber is received, the director may, at any time, during
112 a period of six months after the opening of the bids, sell
113 the timber in such manner as he deems appropriate, but
114 the sale price shall not be less than the appraised value
115 of the timber advertised. No contract for sale of timber
116 made pursuant to this section shall extend for a period
117 of more than ten years. And all contracts heretofore
118 entered into by the state for the sale of timber shall not
119 be validated by this section if the same be otherwise in-
120 valid. The proceeds arising from the sale of the timber
121 so sold, shall be paid to the treasurer of the state of West
122 Virginia, and shall be credited to the department and
123 used exclusively for the purposes of this chapter;

124 (15) Sell or lease, with the approval in writing of the
125 governor, coal, oil, gas, sand, gravel and any other min-
126 erals that may be found in the lands under the jurisdiction
127 and control of the director, except those lands that are
128 designated as state parks. The director, before making
129 sale or lease thereof, shall receive sealed bids therefor,
130 after notice by publication as a Class II legal advertise-
131 ment in compliance with the provisions of article three,
132 chapter fifty-nine of this code, and the publication area
133 for such publication shall be each county in which such
134 lands are located. The minerals so advertised shall be
135 sold or leased to the highest responsible bidder, who shall
136 give bond for the proper performances of the sales con-
137 tract or lease as the director shall designate; but the di-
138 rector shall have the right to reject any and all bids and
139 to readvertise the bids. The proceeds arising from any
140 such sale or lease shall be paid to the treasurer of the
141 state of West Virginia and shall be credited to the depart-
142 ment and used exclusively for the purposes of this chapter;

143 (16) Exercise the powers granted by this chapter for
144 the protection of forests, and regulate fires and smoking

145 in the woods or in their proximity at such times and in
146 such localities as may be necessary to reduce the danger
147 of forest fires;

148 (17) Cooperate with departments and agencies of
149 state, local and federal governments in the conservation
150 of natural resources and the beautification of the state;

151 (18) Report to the governor each year all information
152 relative to the operation and functions of his department
153 and he shall make such other reports and recommenda-
154 tions as may be required by the governor, including an
155 annual financial report covering all receipts and dis-
156 bursements of the department of each fiscal year, and he
157 shall deliver such report to the governor on or before the
158 first day of December next after the end of the fiscal year
159 so covered. A copy of such report shall be delivered to
160 each house of the Legislature when convened in January
161 next following;

162 (19) Keep a complete and accurate record of all pro-
163 ceedings, record and file all bonds and contracts taken or
164 entered into, and assume responsibility for the custody

165 and preservation of all papers and documents pertaining
166 to his office, except as otherwise provided by law;

167 (20) Offer and pay, in his discretion, rewards for in-
168 formation respecting the violation, or for the apprehen-
169 sion and conviction of any violators, of any of the pro-
170 visions of this chapter;

171 (21) Require such reports as he may deem to be neces-
172 sary from any person issued a license or permit under
173 the provisions of this chapter, but no person shall be re-
174 quired to disclose secret processes or confidential data of
175 competitive significance;

176 (22) Purchase as provided by law all equipment neces-
177 sary for the conduct of his department;

178 (23) Conduct and encourage research designed to
179 further new and more extensive uses of the natural re-
180 sources of this state and to publicize the findings of such
181 research;

182 (24) Encourage and cooperate with other public and
183 private organizations or groups in their efforts to publicize
184 the attractions of the state;

185 (25) Accept and expend, without the necessity of ap-
186 propriation by the Legislature, any gift or grant of money

187 made to the department for any and all purposes specified
188 in this chapter, and he shall account for and report on all
189 such receipts and expenditures to the governor;

190 (26) Cooperate with the state historian and other appro-
191 priate state agencies in conducting research with refer-
192 ence to the establishment of state parks and monuments
193 of historic, scenic and recreational value, and to take such
194 steps as may be necessary in establishing such monuments
195 or parks as he deems advisable;

196 (27) Maintain in his office at all times, properly in-
197 dexed by subject matter, and also, in chronological
198 sequence, all rules and regulations made or issued
199 under the authority of this chapter. Such records
200 shall be available for public inspection on all
201 business days during the business hours of working
202 days;

203 (28) Delegate the powers and duties of his office, ex-
204 cept the power to execute contracts, to appointees and
205 employees of the department, who shall act under the
206 direction and supervision of the director and for whose
207 acts he shall be responsible;

208 (29) Conduct schools, institutes and other educational
209 programs, apart from or in cooperation with other gov-
210 ernmental agencies, for instruction and training in all
211 phases of the natural resources programs of the state; and
212 (30) Promulgate rules and regulations, in accordance
213 with the provisions of chapter twenty-nine-a of this code,
214 to implement and make effective the powers and duties
215 vested in him by the provisions of this chapter and take
216 such other steps as may be necessary in his discretion for
217 the proper and effective enforcement of the provisions
218 of this chapter: *Provided*, That all rules and regulations
219 relating to articles five and five-a of this chapter shall be
220 promulgated by the water resources board.

**CHAPTER 25. COMMISSIONER OF PUBLIC
INSTITUTIONS.**

**ARTICLE 1A. FEES AND OTHER MONEY COLLECTED AT STATE
INSTITUTIONS.**

**§25-1A-1b. Collection, disposition and use of additional regi-
stration fee; creation of special capital improve-
ments fund; revenue bonds.**

1 In addition to all other fees imposed by the governing
2 boards of state institutions of higher education, there

3 is hereby imposed and the governing board of each state
4 institution of higher education is hereby directed to pro-
5 vide for the collection of an additional registration fee
6 from all students in the amounts as hereinafter provided.

7 For full-time students at each state institution of high-
8 er education, the additional registration fee shall be fifty
9 dollars per semester. The board of governors of West Vir-
10 ginia University and the West Virginia board of edu-
11 cation shall have authority to increase such additional
12 registration fee at any institution of higher education
13 under their respective control for students who are non-
14 residents of this state. For all part-time students and for
15 all summer school students, the respective governing
16 boards shall impose and collect such fee in proportion to,
17 but not exceeding, that paid by full-time students.

18 The fee imposed by this section shall be in addition to
19 the maximum fees allowed to be collected under the
20 provisions of section one of this article and shall not be
21 limited thereby. Refunds of such fee may be made in
22 the same manner as any other fee collected at state in-
23 stitutions of higher education.

24 There is hereby created in the state treasury a special
25 capital improvements fund, to be expended by the board
26 of governors of West Virginia University for the benefit
27 of West Virginia University and Potomac State College
28 of West Virginia University, as provided in this section.

29 On and after the first day of July, one thousand nine
30 hundred sixty-three, there shall be paid into such
31 special fund all proceeds of the additional registration
32 fees collected from students at West Virginia University
33 and at Potomac State College.

34 There is hereby created in the state treasury a special
35 capital improvements fund, to be expended by the West
36 Virginia board of education for the benefit of the state in-
37 stitutions of higher education under its control, as pro-
38 vided in this section. On and after the first day of July,
39 one thousand nine hundred sixty-three, there shall be
40 paid into such special fund all proceeds of the additional
41 registration fees collected from students at such institu-
42 tions.

43 The respective boards may make expenditures from
44 such special capital improvements funds at the various

45 state institutions of higher education under their control
46 to finance in whole or in part, together with any federal,
47 state or other grants or contributions, any one or more
48 of the following purposes: (1) The acquisition of land or
49 any rights or interest therein. (2) The construction or
50 acquisition of new buildings. (3) The renovation or con-
51 struction of additions to existing buildings. (4) The ac-
52 quisition of furnishings and equipment for any such
53 buildings. (5) The construction or acquisition of any other
54 capital improvements or capital educational facilities
55 at such state institutions of higher education, includ-
56 ing any roads, utilities or other properties, real or per-
57 sonal, or for other purposes necessary, appurtenant or
58 incidental to the construction, acquisition, financing and
59 placing in operation of such buildings, capital improve-
60 ments or capital educational facilities.

61 The respective boards, at their discretion, may use the
62 moneys in such special capital improvements funds to
63 finance the costs of the above purposes on a cash basis,
64 or may from time to time issue revenue bonds of the
65 state as provided in this section to finance all or part of

66 such purposes and pledge all or any part of the moneys
67 in such special funds for the payment of the principal of
68 and interest on such revenue bonds, and for reserves
69 therefor. Any pledge of such special funds for such reve-
70 nue bonds shall be a prior and superior charge on such
71 special funds over the use of any of the moneys in such
72 funds to pay for the cost of any of such purposes on
73 a cash basis: *Provided*, That any expenditures from such
74 special funds, other than for the retirement of revenue
75 bonds, may only be made by the board of governors of
76 West Virginia University and the West Virginia board of
77 education to meet the cost of a predetermined capital
78 improvements program for one or more of the state in-
79 stitutions of higher education under their control, in
80 such order of priority as shall have been agreed upon by
81 the respective boards and presented to the governor for
82 inclusion in the annual budget bill, and only with the ap-
83 proval of the Legislature as indicated by direct appro-
84 priation for the purpose.

85 Such revenue bonds may be authorized and issued from
86 time to time by the respective boards to finance in whole

87 or in part the purposes provided in this section in an
88 aggregate principal amount not exceeding the amount
89 which the respective boards shall determine can be paid
90 as to both principal and interest and reasonable margins
91 for a reserve therefor from the moneys in such special
92 funds.

93 The issuance of such revenue bonds shall be authorized
94 by a resolution adopted by the respective board, and such
95 revenue bonds shall bear such date or dates, mature at
96 such time or times not exceeding forty years from their
97 respective dates; bear interest at such rate or rates not
98 exceeding five per centum per annum; be in such form
99 either coupon or registered, with such exchangeability
100 and interchangeability privileges; be payable in such
101 medium of payment and at such place or places, within
102 or without the state; be subject to such terms of prior
103 redemption at such prices not exceeding one hundred five
104 per centum of the principal amount thereof; and shall
105 have such other terms and provisions as such respective
106 board shall determine. Such revenue bonds shall be
107 signed by the governor and by the president of the

108 respective board authorizing the issuance thereof, under
109 the great seal of the state, attested by the secretary of
110 state, and the coupons attached thereto shall bear the
111 facsimile signature of the president of such respective
112 board. Such revenue bonds shall be sold in such manner
113 as the respective board may determine to be for the best
114 interests of the state, such sale to be made at a price not
115 lower than a price which will show a net return of not
116 more than six per centum per annum to the purchaser
117 upon the amount paid therefor computed to the stated
118 maturity dates of such revenue bonds without regard to
119 any right of prior redemption.

120 Such respective board may enter into trust agreements
121 with banks or trust companies, within or without the
122 state, and in such trust agreements or the resolutions
123 authorizing the issuance of such bonds may enter into
124 valid and legally binding covenants with the holders of
125 such revenue bonds as to the custody, safeguarding and
126 disposition of the proceeds of such revenue bonds, the
127 moneys in such special funds, sinking funds, reserve
128 funds, or any other moneys or funds; as to the rank

129 and priority, if any, of different issues of revenue bonds
130 by the same board under the provisions of this section;
131 as to the maintenance or revision of the amounts of such
132 additional registration fees, and the terms and condi-
133 tions, if any, under which such additional registration
134 fees may be reduced; and as to any other matters or pro-
135 visions which are deemed necessary and advisable by
136 such respective board in the best interest of the state and
137 to enhance the marketability of such revenue bonds.

138 After the issuance of any of such revenue bonds, the
139 additional registration fees at the state institutions of
140 higher education under the control of the board which
141 issued the bonds shall not be reduced as long as any of
142 such revenue bonds are outstanding and unpaid except
143 under such terms, provisions and conditions as shall be
144 contained in the resolution, trust agreement or other
145 proceedings under which such revenue bonds were issued.

146 Such revenue bonds shall be and constitute negotiable
147 instruments under the law merchant and the Negotiable
148 Instruments Law of the state; shall, together with the
149 interest thereon, be exempt from all taxation by the state

150 of West Virginia, or by any county, school district, muni-
151 cipality or political subdivision thereof; and such revenue
152 bonds shall not be deemed to be obligations or debts of
153 the state, and the credit or taxing power of the state
154 shall not be pledged therefor, but such revenue bonds
155 shall be payable only from the revenue pledged there-
156 for as provided in this section.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 14. STATE COMMISSION ON AGING.

§29-14-5. Director.

1 After its citizen members have been appointed by the
2 governor, the commission shall appoint a director who
3 shall act as the chief administrative officer of the com-
4 mission. He shall be a person who is professionally quali-
5 fied by experience and training to assume the responsi-
6 bilities of the position. The director's annual salary shall,
7 within the limits of funds available, be fixed by the
8 governor, and he may be reimbursed for travel and other
9 necessary expenses actually incurred in the perform-
10 ance of his official duties. Requisition for such expenses
11 shall be accompanied by a sworn and itemized statement
12 which shall be filed with the auditor.

§29-14-6. Personnel.

1 The director shall, with the advice and consent of the
2 commission, appoint such other personnel as the com-
3 mission deems to be necessary for the efficient perform-
4 ance of the duties prescribed by this article. Within the
5 limits of funds available, and with the approval of the
6 governor, the commission may fix the compensation of
7 such other personnel, and may incur other expenses nec-
8 essary to the effective discharge of its powers and duties.

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

William Taylor
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Thomas H. ...
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Clay G. Jackson
President of the Senate

Ivor F. Borsosky
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Arch A. Shaare, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/14/69

Time 2:20 P.M.