WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED
COMMITTEE SUBSTITUTE
FOR
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FOR
Senate Bill No. 219
(By Senators Tomblin (Mr. President) and Caruth, by request of the Executive)

[Passed March 13, 2010; in effect ninety days from passage.]
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AN ACT to amend and reenact §5A-1-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5A-3-48 and §5A-3-49 of said code, all relating to the management of motor vehicles and aircraft owned or possessed by the state; authorizing the establishment of the Fleet Management Office within the Department of Administration; authorizing the Secretary of the Department of Administration to promulgate emergency rules; and repealing certain exemptions to rules pertaining to vehicles and aircraft owned or possessed by the state.

Be it enacted by the Legislature of West Virginia:

That §5A-1-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §5A-3-48 and §5A-3-49 of said code be amended and reenacted, all to read as follows:
ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-2. Department of Administration and Office of Secretary; secretary; divisions; directors.

(a) The Department of Administration and the Office of Secretary of Administration are continued in the executive branch of state government. The secretary is the Chief Executive Officer of the department and shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term not exceeding the term of the Governor.

(b) The Department of Administration may receive federal funds.

(c) The secretary serves at the will and pleasure of the Governor. The annual compensation of the secretary shall be as specified in section two-a, article seven, chapter six of this code.

(d) There shall be in the Department of Administration a Finance Division, a General Services Division, an Information Services and Communications Division, a Division of Personnel and a Purchasing Division. Each division shall be headed by a director who may also head any and all sections within that division and who shall be appointed by the secretary.

(e) There shall also be in the Department of Administration those agencies, boards, commissions and councils specified in section one, article two, chapter five-f of this code.

(f) The secretary may establish a Fleet Management Office within the Department of Administration to:

(1) Manage all motor vehicles and aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, com-
missions, offices or authorities: Provided, That such vehicles and aircraft shall not be used for personal purposes, other than for de minimis personal use;

(2) Administer the rules, including emergency rules, promulgated under the provisions of sections forty-eight and forty-nine, article three of this chapter; and

(3) Perform any duties relating to motor vehicles and aircraft owned or possessed by the State of West Virginia assigned by the secretary, which duties may include those set out in sections fifty through fifty-three, article three of this chapter.

ARTICLE 3. PURCHASING DIVISION.

§5A-3-48. Travel rules; exceptions.

(a) The Secretary of Administration shall promulgate rules, including emergency rules, relating to the ownership, purchase, use, storage, maintenance and repair of all motor vehicles and aircraft owned or possessed by the State of West Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or authorities.

(b) If, in the judgment of the Secretary of Administration, economy or convenience indicate the expediency thereof, the secretary may require all vehicles and the aircraft subject to regulation by this article, or those he or she may designate, to be kept in garages and other places of storage and to be made available in a manner and under the terms necessary for the official use of any departments, institutions, agencies, officers, agents and employees of the state as designated by the secretary in rules promulgated pursuant to this section.

(c) The secretary may administer the travel regulations promulgated by the Governor in accordance with section
20 eleven, article three, chapter twelve of this code, unless
21 otherwise determined by the Governor.

§5A-3-49. Central motor pool for state-owned vehicles and
aircraft.

1 The secretary may establish a central motor pool, which
2 shall be maintained and administered by the Department
3 of Administration, subject to such rules as the secretary
4 may promulgate. The Department of Administration is
5 responsible for the storage, maintenance, and repairs of all
6 vehicles and aircraft assigned to the central motor pool.
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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the Day of , 2010.

Governor
PRESENTED TO THE GOVERNOR

MAR 3 0 2010

Time 5:20 pm