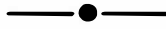


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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970



ENROLLED

HOUSE BILL No. 538

(By Mr. Speaker, Mr. Beierly, and
Mr. Patter)



PASSED February 12, 1970

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-18-70

538

ENROLLED
House Bill No. 538

(By MR. SPEAKER, MR. BOIARSKY, and MR. POTTER)

[Passed February 12, 1970: In effect from passage.]

AN ACT to amend and reenact section seventeen, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to liabilities incurred for the expenditure of public moneys which cannot be paid out of current appropriations; authorizing the department of finance and administration to enter into long-term lease agreements containing certain specified provisions; and providing for personal liability.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. APPROPRIATIONS AND EXPENDITURES.**§12-3-17. Liabilities incurred by state boards, commissions, officers or employees which cannot be paid out of current appropriations; long-term leasing.**

1 Except as provided in this section, it shall be unlawful
2 for any state board, commission, officer or employee:
3 (1) To incur any liability during any fiscal year which
4 cannot be paid out of the then current appropriation
5 for such year or out of funds received from an emergency
6 appropriation; or (2) to authorize or to pay any account
7 or bill incurred during any fiscal year out of the appro-
8 priation for the following year, unless a sufficient amount
9 of the appropriation for the fiscal year during which the
10 liability was incurred was canceled by expiration or a
11 sufficient amount of the appropriation remained unex-
12 pended at the end of the year: *Provided, however,* That
13 nothing contained herein shall prohibit entering into a
14 contract or lease for buildings, land and space, the cost of
15 which exceeds the current year's appropriation, even
16 though the amount is not available during the then
17 current year, if the aggregate cost does not exceed the
18 amount then authorized by the Legislature. Nothing con-

19 tained herein shall repeal the provisions of the general
20 law relating to the expiration of appropriation for
21 buildings and land.

22 Subject to the provisions of chapter five-a, article five
23 of the code of West Virginia, one thousand nine hundred
24 thirty-one, as amended, the department of finance and
25 administration is hereby authorized to enter into long-
26 term lease agreements for buildings, land and space for
27 periods longer than one fiscal year. Such long-term lease
28 agreements shall not be for periods in excess of forty
29 years and shall contain, in substance, all the following
30 provisions.

31 (1) That the department of finance and administra-
32 tion, as lessee, shall have the right to cancel the lease
33 without further obligation on the part of the lessee upon
34 giving thirty days' written notice to the lessor, such
35 notice being given at least thirty days prior to the last
36 day of the succeeding month;

37 (2) That the lease shall be considered canceled with-
38 out further obligation on the part of the lessee if the
39 state legislature or the federal government should sub-

40 sequently fail to appropriate sufficient funds therefor or
41 should otherwise act to impair the lease or cause it to
42 be canceled; and

43 (3) That the lease shall be considered renewed for
44 each ensuing fiscal year during the term of the lease
45 unless it is canceled by the department of finance and
46 administration before the end of the then current fiscal
47 year.

48 Any member of a state board or commission or any
49 officer or employee violating any provision of this sec-
50 tion shall be personally liable for any debt unlawfully
51 incurred or for any payment unlawfully made.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Myers
Clerk of the Senate

Clarence Blankenship
Clerk of the House of Delegates

Clay J. Jackson
President of the Senate

Sam F. Bunker
Speaker House of Delegates

The within approved this the 16th
day of February, 1970.

Archa Shouse Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/16/70

Time 2:40 p.m.