WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

ENROLLED

HOUSE BILL No. 538

(By Mr. [Signature] and Mr. [Signature])

PASSED February 12, 1970

In Effect from Passage

538

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-12-70
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 for any state board, commission, officer or employee:
2 (1) To incur any liability during any fiscal year which cannot be paid out of the then current appropriation for such year or out of funds received from an emergency appropriation; or (2) to authorize or to pay any account or bill incurred during any fiscal year out of the appropriation for the following year, unless a sufficient amount of the appropriation for the fiscal year during which the liability was incurred was canceled by expiration or a sufficient amount of the appropriation remained unexpended at the end of the year: Provided, however, That nothing contained herein shall prohibit entering into a contract or lease for buildings, land and space, the cost of which exceeds the current year's appropriation, even though the amount is not available during the then current year, if the aggregate cost does not exceed the amount then authorized by the Legislature. Nothing con-
tained herein shall repeal the provisions of the general
law relating to the expiration of appropriation for
buildings and land.

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

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

(2) That the lease shall be considered canceled with-
out further obligation on the part of the lessee if the
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 Tompkin
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Myer
Clerk of the Senate

C.A. Blankenship
Clerk of the House of Delegates

Clay J. Jackson
President of the Senate

J.R. Broaddus
Speaker House of Delegates

The within    approved    this the 16th

day of February, 1970.

Arch A. Healthy, Jr.
Governor
PRESENTED TO THE GOVERNOR

Date 2/16/20
Time 2:40 p.m.