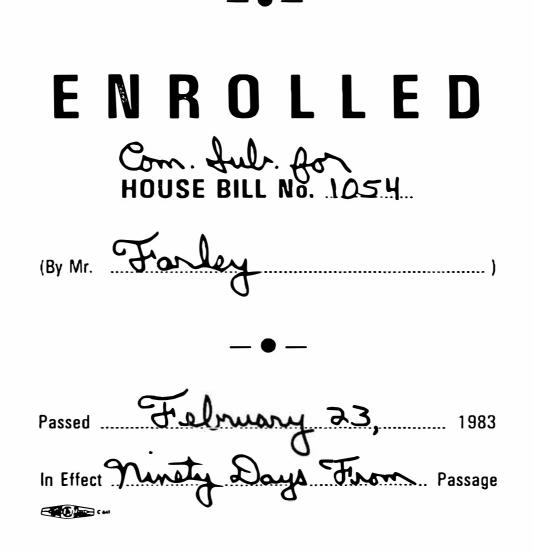
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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1054

(By MR. FARLEY)

(Originating in the House Committee on Finance)

[Passed February 23, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact sections twelve and seventeen, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to public moneys and the state general revenue appropriations and expenditures; providing for enlarging the period within which warrants may be drawn after the close of a fiscal year for payment of bills for such fiscal year; expiration of unexpended appropriations; liabilities incurred by state boards, officers or employees which cannot be paid out of current appropriations; deletion of authority to pay any account or bill incurred during one fiscal year out of the appropriation for the following year; and exceptions.

Be it enacted by the Legislature of West Virginia:

That sections twelve and 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.

§12-3-12. Expiration of unexpended appropriations.

1 Every appropriation which is payable out of the general

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2 revenue, or so much thereof as may remain undrawn at the end 3 of the year for which made, shall be deemed to have expired 4 at the end of the year for which it is made, and no warrant 5 shall thereafter be issued upon it: Provided, That warrants 6 may be drawn through the thirtieth day of September after 7 the end of the year for which the appropriation is made 8 if the warrants are in payment of bills for such year and have 9 been encumbered by the budget office prior to July first; but 10 appropriations for buildings and land shall remain in effect, 11 and shall not be deemed to have expired until the end of three 12 years after the passage of the act by which such appropriations 13 are made.

§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: (1) 3 To incur any liability during any fiscal year which cannot 4 be paid out of the then current appropriation for such year 5 or out of funds received from an emergency appropriation; 6 or (2) to authorize or to pay any account or bill incurred 7 during any fiscal year out of the appropriation for the following year: Provided, That nothing contained herein 8 9 prohibit entering into a contract or lease shall for 10 buildings, land and space, the cost of which exceeds the 11 current year's appropriation, even though the amount is not 12 available during the then current year, if the aggregate cost does not exceed the amount then authorized by the 13 Legislature. Nothing contained herein shall repeal the provis-14 15 ions of the general law relating to the expiration of appropria-16 tions for buildings and land.

17 Subject to the provisions of chapter five-a, article five of 18 the code of West Virginia, one thousand nine hundred thirty-19 one, as amended, the department of finance and administration 20 is hereby authorized to enter into long-term lease agreements 21 for buildings, land and space for periods longer than one 22 fiscal year. Such long-term lease agreements shall not be for 23 periods in excess of forty years and shall contain, in substance, all the following provisions: 24

(1) That the department of finance and administration,
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;

30 (2) That the lease shall be considered canceled without
31 further obligation on the part of the lessee if the state
32 Legislature or the federal government should subsequently
33 fail to appropriate sufficient funds therefor or should other34 wise act to impair the lease or cause it to be canceled; and

35 (3) That the lease shall be considered renewed for each
36 ensuing fiscal year during the term of the lease unless it
37 is canceled by the department of finance and adminstration
38 before the end of the then current fiscal year.

Any member of a state board or commission or any officer
or employee violating any provision of this section shall be
personally liable for any debt unlawfully incurred or for any
payment unlawfully made.

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

mes Chairman Senate Committee Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate yrk of the House of President of the Senate Speaker House of Delegates The within M. @ day of, 1983. Governor C-641

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