WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

Com. Sub. for
HOUSE BILL No. 1054

(By Mr. Fanley)

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

Except as provided in this section, it shall be unlawful for any state board, commission, officer or employee: (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: Provided, 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 contained herein shall repeal the provisions of the general law relating to the expiration of appropriations for buildings and land.

Subject to the provisions of chapter five-a, article five of the code of West Virginia, one thousand nine hundred thirty-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 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;

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

(3) That the lease shall be considered renewed for each ensuing fiscal year during the term of the lease unless it is canceled by the department of finance and administration 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Ford C. Hite, Jr.  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Warren F. McDaniels  
President of the Senate

Speaker House of Delegates

The within is approved this the 20th day of March, 1983.

John W. Rodger  
Governor