

No: 1054

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-10-83

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

Com. Sub. for
HOUSE BILL No. 1054

(By Mr. Farley)



Passed February 23, 1983

In Effect Ninety Days From Passage



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

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
8 following year: *Provided*, That nothing contained herein
9 shall prohibit entering into a contract or lease 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
13 cost does not exceed the amount then authorized by the
14 Legislature. Nothing contained herein shall repeal the provis-
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,
24 all the following provisions:

25 (1) That the department of finance and administration,
26 as lessee, shall have the right to cancel the lease without further
27 obligation on the part of the lessee upon giving thirty days'
28 written notice to the lessor, such notice being given at least
29 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 other-
34 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 administration
38 before the end of the then current fiscal year.

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

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

James L. Davis
Chairman Senate Committee

James G. ...
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. ...
Clerk of the Senate

Donald L. ...
Clerk of the House of Delegates

Walter R. ...
President of the Senate

... ..
Speaker House of Delegates

The within *is approved* this the *10*
day of *March*, 1983.

John R. ...
Governor

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