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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

Com. Sub. for
HOUSE BILL No. 4214

(By ~~Delegate~~ Mr. Speaker, Mr. Chambers, & ~~Delegates~~)
Huntwork, Howowas, J. Williams, Lynch, Fragola,
and Stack

— • —

Passed Feb. 23, 1994

In Effect 90 Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4214

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATES HUNTWORK,
HOUVOURAS, S. WILLIAMS, LINCH, FRAGALE AND LEACH)

[Passed February 23, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section forty, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to leases entered into by the secretary of the department of administration.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. PURCHASING DIVISION.

§5A-3-40. Selection of grounds, etc.; acquisition by contract or lease; long-term leases; requiring approval of secretary for permanent changes.

- 1 The secretary shall have sole authority to select and
- 2 to acquire by contract or lease, in the name of the state,
- 3 all grounds, buildings, office space or other space, the
- 4 rental of which is necessarily required by any spending
- 5 unit, upon a certificate from the chief executive officer
- 6 or his designee of said spending unit that the grounds,
- 7 buildings, office space or other space requested is
- 8 necessarily required for the proper function of said

9 spending unit, that the spending unit will be responsible
10 for all rent and other necessary payments in connection
11 with the contract or lease and that satisfactory grounds,
12 buildings, office space or other space is not available on
13 grounds and in buildings now owned or leased by the
14 state. The secretary shall, before executing any rental
15 contract or lease, determine the fair rental value for the
16 rental of the requested grounds, buildings, office space
17 or other space, in the condition in which they exist, and
18 shall contract for or lease said premises at a price not
19 to exceed the fair rental value thereof.

20 The secretary is hereby authorized to enter into long-
21 term agreements for buildings, land and space for
22 periods longer than one fiscal year: *Provided*, That such
23 long-term lease agreements shall not be for periods in
24 excess of forty years, except that the secretary may, in
25 the case of the adjutant general's department, enter into
26 lease agreements for a term of fifty years or a specific
27 term of more than fifty years so as to comply with
28 federal regulatory requirements, and shall contain, in
29 substance, all the following provisions: (1) That the
30 department of administration, as lessee, shall have the
31 right to cancel the lease without further obligation on
32 the part of the lessee upon giving thirty days' written
33 notice to the lessor, such notice being given at least
34 thirty days prior to the last day of the succeeding month;
35 (2) that the lease shall be considered canceled without
36 further obligation on the part of the lessee if the state
37 Legislature or the federal government should fail to
38 appropriate sufficient funds therefor or should other-
39 wise act to impair the lease or cause it to be canceled;
40 and (3) that the lease shall be considered renewed for
41 each ensuing fiscal year during the term of the lease
42 unless it is canceled by the department of administra-
43 tion before the end of the then current fiscal year.

44 A spending unit which is granted any grounds,
45 buildings, office space or other space leased in accord-
46 ance with this section may not order or make perman-
47 ent changes of any type thereto, unless the secretary has
48 first determined that the change is necessary for the
49 proper, efficient and economically sound operation of the

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50 spending unit. For purposes of this section, a "permanent
51 change" means any addition, alteration, improvement,
52 remodeling, repair or other change involving the
53 expenditure of state funds for the installation of any
54 tangible thing which cannot be economically removed
55 from the grounds, buildings, office space or other space
56 when vacated by the spending unit.

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



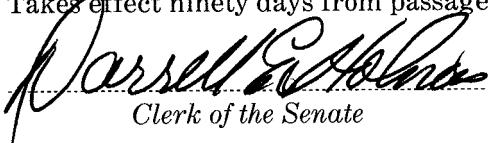
Robert B. Bailey
Chairman Senate Committee



Ernest E. Moore
Chairman House Committee

Originating in the House.

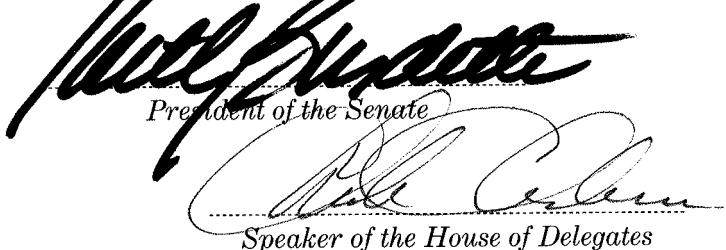
Takes effect ninety days from passage.



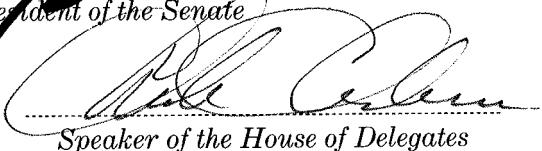
Darrell E. Holmes
Clerk of the Senate



Donald J. Kopp
Clerk of the House of Delegates

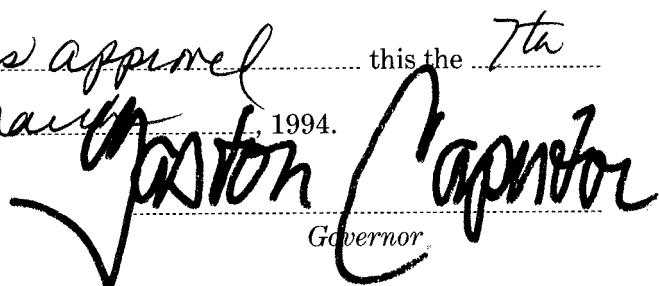


President of the Senate
Harry Brantley



Speaker of the House of Delegates
Dale Clegg

The within is approved this the 7th
day of May, 1994.



Weston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 3/3/94

Time 10:47 am