WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1983

ENROLLED

HOUSE BILL No. 109

(By Mr. Speaker, Mr. Lee, by request of the Executive)

Passed May 25, 1983

In Effect From Passage
ENROLLED

H. B. 109

(By Mr. Speaker, Mr. See, by request of the Executive)

[Passed May 25, 1983; in effect from passage.]

AN ACT to direct that certain dedicated revenues appropriated from the general revenue fund of the state to the department of health be expended for the care, treatment and rehabilitation of alcoholics; declaring the balance of funds available for such purpose.

WHEREAS, The West Virginia supreme court of appeals, in the case of McGraw v. Hansbarger, No. 15676, issued March 31, 1983, determined that section nine-c, article three, chapter sixty of the code of West Virginia, established a special revenue account of one million dollars annually which has been appropriated by budget bills since the year one thousand nine hundred sixty-nine, to be used exclusively for the care, treatment and rehabilitation of alcoholics; and

WHEREAS, The West Virginia supreme court of appeals in that case further stated that some undetermined amount remains in this account, which amount may be as much as fourteen million dollars and has directed the commissioner of the department of finance and administration to consult with and assist the director of the department of finance and administration to consult with and assist the director of the department of health in the preparation of an appropriate expenditure schedule for expenditure of the revenue in such account; and

WHEREAS, No such special revenue account has ever been kept by any state agency, in either the executive or legislative branches of
government, so that the sum of up to fourteen million dollars does not actually exist for the purposes of section nine-c, article three, chapter sixty of said code; and

WHEREAS, The sum of one million dollars per year has been collected by the alcohol beverage control commissioner and paid into the general revenue fund of the state, in accordance with the requirements of section nine-c, article three, chapter sixty of said code; and

WHEREAS, All moneys in the general revenue fund of the state, in each year beginning one thousand nine hundred sixty-nine, have been appropriated through the regular budgetary process, with no specific appropriation of any general or dedicated revenues solely for the care, treatment and rehabilitation of alcoholics; and

WHEREAS, The Legislature has appropriated within Account No. 4000 of the budget of the state department of health for fiscal year one thousand nine hundred eighty-four, a line item for alcohol, drug abuse and developmentally disabled in the amount of $2,136,000; therefore

Be it enacted by the Legislature of West Virginia:

That it is expressly found and declared by the Legislature that the balance of all accrued moneys collected in dedicated revenues since the year one thousand nine hundred sixty-nine, pursuant to section nine-c, article three, chapter sixty of the code of West Virginia, and appropriated exclusively for the care, treatment and rehabilitation of alcoholics is zero; and the director of the department of health shall expend not less than one million dollars of the sum appropriated to a line item for alcohol, drug abuse and developmentally disabled for fiscal year one thousand nine hundred eighty-four, exclusively for the care, treatment and rehabilitation of alcoholics.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 2

day of June 1983.

Governor