

APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

Date 6-2-83

JUN 2 10 14 AM '83

OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1983

— ● —

ENROLLED

HOUSE BILL No. 109

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

— ● —

RECEIVED

83 JUN 3

Passed

In Effect



SECY. OF STATE

May 25, 1983

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

OK
EN.

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

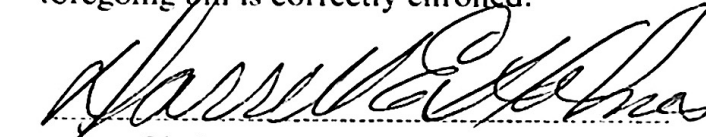
WHEREAS, All moneys in the general revenue fund of the state, in each year beginning one thousand nine hundred sixty-nine, have been appropriated through the regular budgetary process, with no specific appropriation of any general or dedicated revenues solely for the care, treatment and rehabilitation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

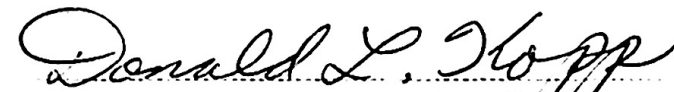

 Chairman Senate Committee
 Member

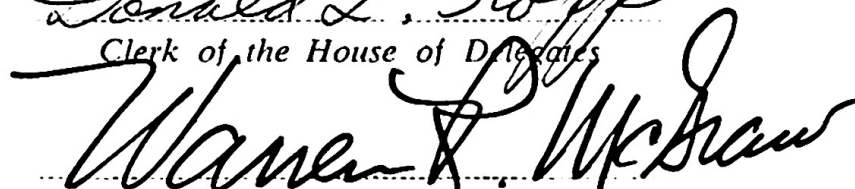

 Chairman House Committee

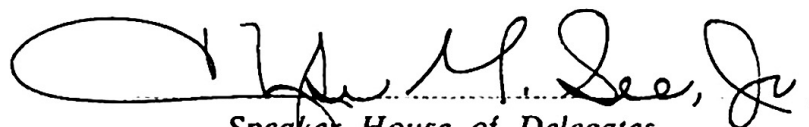
Originating in the House.

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

RECEIVED

83 JUN 3 4 9 : 53

OFFICE
SECY. OF STATE