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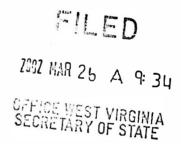
GEFICE WEST VIRGINIA SECHETARY OF STATE

WEST VIRGINIA LEGISLATURE REGULAL SESSION, 2002

ENROLLED

SENATE BILL NO. <u>237</u>	
(By Senator <u>Cango</u>	_)
PASSED MAKEH 9, 2002	

In Effect Nivery Days From Passage



ENROLLED

Senate Bill No. 237

(BY SENATOR CRAIGO)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-three, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to removing requirement that agencies applying for, receiving and expending federal funds send report to the Legislature.

Be it enacted by the Legislature of West Virginia:

That section twenty-three, article two, 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 2. FINANCE DIVISION.

§5A-2-23. Approval of secretary of requests for changes and receipt and expenditure of federal funds by state agencies; copies or sufficient summary information to be furnished to secretary; and consolidated report of federal funds.

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1 (a) Every agency of the state government when making requests or preparing budgets to be submitted to the 3 federal government for funds, equipment, material or 4 services, the grant or allocation of which is conditioned upon the use of state matching funds, shall have the request or budget approved in writing by the secretary before submitting it to the proper federal authority. When the federal authority has approved the request or budget, the agency of the state government shall resubmit it to the secretary for recording before any allotment or encum-10 brance of the federal funds can be made. Whenever any 11 agency of the state government receives from any agency 12 of the federal government a grant or allocation of funds 13 which do not require state matching, the state agency shall 14 report to the secretary the amount of the federal funds 15 16 granted or allocated.

(b) Unless contrary to federal law, any agency of state government, when making requests or preparing budgets to be submitted to the federal government for funds for personal services, shall include in the request or budget the amount of funds necessary to pay for the costs of any fringe benefits related to the personal service. For the purposes of this section, "fringe benefits" means any employment benefit granted by the state which involves state funds, including, but not limited to, contributions to insurance, retirement and social security and which does not affect the basic rate of pay of an employee.

(c) In addition to the other requirements of this section, 28 the secretary shall, as soon as possible after the end of 29 each fiscal year but no later than the first day of October 30 of each year, submit to the governor a consolidated report 31 which shall contain a detailed itemization of all federal 32 33 funds received by the state during the preceding and current fiscal years, as well as those scheduled or antici-34 pated to be received during the next ensuing fiscal year. 35 36 The itemization shall show: (1) Each spending unit which has received or is scheduled or expected to receive federal

- 38 funds in either of the fiscal years; (2) the amount of each
- 39 separate grant or distribution received or to be received;
- 40 and (3) a brief description of the purpose of every grant or
- 41 other distribution, with the name of the federal agency,
- 42 bureau or department making the grant or distribution:
- 43 Provided, That it is not necessary to include in the report
- 44 an itemization of federal revenue sharing funds deposited
- 45 in and appropriated from the revenue sharing trust fund,
- 46 or federal funds received for the benefit of the division of
- 47 highways of the department of transportation.
- 48 (d) The secretary may obtain from the spending units any
- 49 and all information necessary to prepare a report.
- 50 (e) Notwithstanding the other provisions of this section
- 51 and in supplementation of the provisions of this section,
- 52 the Legislature hereby determines that the department of
- 53 administration and its secretary need to be the single and
- 54 central agency for receipt of information and documents
- 55 in respect of applications for, and changes, receipt and
- 56 expenditure of, federal funds by state agencies. Every
- 57 agency of state government, when making application for
- 58 federal funds in the nature of a grant, allocation or
- 59 otherwise; when amending the applications or requests;
- 60 when in receipt of federal funds; or when undertaking any
- 61 expenditure of federal funds, in all respective instances,
- 62 shall provide to the secretary of administration document
- 63 copies or sufficient summary information in respect of the
- 64 federal funds to enable the secretary to provide approval
- 65 in writing for any activity in respect to the federal funds.

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Ent. 0. D. 140. 201)
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee
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Chairman House Committee
Originated in the Senate.
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Clerk of the Senate
Clerk of the House of Delegates Of Londin President of the Senate
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Speaker House of Delegates
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