WEST VIRGINIA LEGISLATURE
First Extraordinary Session, 2004

ENROLLED

SENATE BILL NO. 1006

(By Senator Herbick)

PASSED March 21, 2004

In Effect From Passage
ENROLLED

Senate Bill No. 1006

(BY SENATOR HELMICK)

[Passed March 21, 2004; in effect from passage.]

AN ACT expiring funds to the unappropriated surplus balance in the state fund, general revenue, for the fiscal year ending the thirtieth day of June, two thousand four, in the amount of $19,418,121.38 from the tax reduction and federal funding increased compliance fund, fund 1732, fiscal year 2004, organization 2300, and making a supplementary appropriation of public moneys out of the treasury from the unappropriated surplus balance for the fiscal year ending the thirtieth day of June, two thousand four, by supplementing, adding and increasing the department of agriculture - state conservation committee, fund 0132, fiscal year 2004, organization 1400, to the department of administration - public defender services, fund 0226, fiscal year 2004, organization 0221, to the state department of education, fund 0313, fiscal year 2004, organization 0402, to the division of human services, fund 0403, fiscal year 2004, organization 0511, to the department of military affairs and public safety - division of corrections - correctional units, fund 0450, fiscal year 2004, organization 0608, to the department of military
affairs and public safety — West Virginia state police, fund 0453, fiscal year 2004, organization 0612, to the division of forestry, fund 0250, fiscal year 2004, organization 0305, to the West Virginia development office, fund 0256, fiscal year 2004, organization 0307, to the department of tax and revenue - tax division, fund 0470, fiscal year 2004, organization 0702.

WHEREAS, The Legislature finds that the account balance in the tax reduction and federal funding increased compliance fund, fund 1732, fiscal year 2004, organization 2300, exceeds that which is necessary for the purposes for which the account was established; and

WHEREAS, The governor submitted to the Legislature a statement of the state fund, general revenue, dated the fourteenth day of January, two thousand four, setting forth therein the cash balance as of the first day of July, two thousand three; and further included the estimate of revenues for the fiscal year two thousand four, less net appropriation balances forwarded and regular appropriations for fiscal year two thousand four; and

WHEREAS, By the provision of the statement of the state fund, general revenue and this legislation there now remains an unappropriated surplus balance in the state treasury which is available for appropriation during the fiscal year ending the thirtieth day of June, two thousand four; therefore

Be it enacted by the Legislature of West Virginia:

That the balance of funds in the tax reduction and federal funding increased compliance fund, fund 1732, fiscal year 2004, organization 2300, be decreased by expiring the amount of $19,418,121.38 to the unappropriated surplus balance of the state fund, general revenue, and that the total appropriation for fiscal year ending the thirtieth day of June, two thousand four, to fund 0132, fiscal year 2004, organization 1400, be supplemented and amended by increasing the total appropriation as follows:
TITLE II–APPROPRIATIONS.

Section 1. Appropriations from general revenue.

EXECUTIVE

12—Department of Agriculture-
State Conservation Committee

(WV Code Chapter 19)

Fund 0132 FY 2004 Org 1400

<table>
<thead>
<tr>
<th>Activity</th>
<th>General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Soil Conservation Projects-</td>
<td></td>
</tr>
<tr>
<td>5a Surplus (R)</td>
<td>269 $1,392,000</td>
</tr>
</tbody>
</table>

Any unexpended balance remaining in the appropriation for Soil Conservation Projects - Surplus (fund 0132, activity 269) at the close of the fiscal year two thousand four is hereby reappropriated for expenditure during the fiscal year two thousand five.

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0226, fiscal year 2004, organization 0221, be supplemented and amended by increasing the total appropriation as follows:

TITLE II–APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF ADMINISTRATION

27—Public Defender Services

(WV Code Chapter 29)

Fund 0226 FY 2004 Org 0221

<table>
<thead>
<tr>
<th>Activity</th>
<th>General Revenue Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 Appointed Counsel Fees -</td>
<td></td>
</tr>
<tr>
<td>8a Surplus (R)</td>
<td>435 $4,224,409</td>
</tr>
</tbody>
</table>
Any unexpended balance remaining in the appropriation for Appointed Counsel Fees - Surplus (fund 0226, activity 435) at the close of the fiscal year two thousand four is hereby reappropriated for expenditure during the fiscal year two thousand five.

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0313, fiscal year 2004, organization 0402, be supplemented and amended by increasing and adding a new appropriation to the total appropriation as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>General Revenue Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>26a</td>
<td>Traditional Student Increased</td>
<td></td>
</tr>
<tr>
<td>26b</td>
<td>Enrollment - 5 years through</td>
<td></td>
</tr>
<tr>
<td>26c</td>
<td>12th grade-Surplus</td>
<td>997</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$ 615,000</td>
</tr>
<tr>
<td>26d</td>
<td>River Cities Child Development</td>
<td>049</td>
</tr>
<tr>
<td>26e</td>
<td>Center-Surplus</td>
<td>111,000</td>
</tr>
</tbody>
</table>

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0403, fiscal year 2004, organization 0511, be supplemented and amended by increasing and adding an appropriation to the total appropriation as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>General Revenue Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 1. Appropriations from general revenue.
DEPARTMENT OF HEALTH
AND HUMAN RESOURCES

50—Division of Human Services
(WV Code Chapter 9, 48, and 49)

Fund 0403 FY 2004 Org 0511

Any unexpended balance remaining in the appropriation for Pinecrest Hospital-Surplus (fund 0403, activity 050) at the close of the fiscal year two thousand four is hereby reappropriated for expenditure during the fiscal year two thousand five.

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0450, fiscal year 2004, organization 0608, be supplemented and amended by increasing the total appropriation as follows:

TITLE II—APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY

56—Division of Corrections—
Correctional Units
(WV Code Chapters 25, 28, 49 and 62)

Fund 0450 FY 2004 Org 0608
Any unexpended balances remaining in the appropriations for Inmate Medical Expenses - Surplus (fund 0450, activity 846) and Payments to Federal, County, and/or Regional Jails - Surplus (fund 0450, activity 008) at the close of the fiscal year two thousand four are hereby reappropriated for expenditure during the fiscal year two thousand five.

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0453, fiscal year 2004, organization 0612, be supplemented and amended by increasing the total appropriation as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>General Revenue Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>616,000</td>
</tr>
<tr>
<td>16</td>
<td>623,348</td>
</tr>
</tbody>
</table>
That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0250, fiscal year 2004, organization 0305, be supplemented and amended by increasing the total appropriation as follows:

### TITLE II–APPROPRIATIONS.

**Section 1. Appropriations from general revenue.**

**BUREAU OF COMMERCE**

**71—Division of Forestry—**

(WV Code Chapter 19)

<table>
<thead>
<tr>
<th>Activity</th>
<th>General Revenue Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services - Surplus</td>
<td>$140,277</td>
</tr>
<tr>
<td>Annual Increment - Surplus</td>
<td>1,500</td>
</tr>
<tr>
<td>Employee Benefits - Surplus</td>
<td>79,264</td>
</tr>
</tbody>
</table>

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0256, fiscal year 2004, organization 0307, be supplemented and amended by increasing and adding a new appropriation to the total appropriation as follows:

### TITLE II–APPROPRIATIONS.

**Section 1. Appropriations from general revenue.**

**BUREAU OF COMMERCE**

**73—West Virginia Development Office**

(WV Code Chapter 5B)

<table>
<thead>
<tr>
<th>Activity</th>
<th>General Revenue Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services - Surplus</td>
<td>$140,277</td>
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<td>1,500</td>
</tr>
<tr>
<td>Employee Benefits - Surplus</td>
<td>79,264</td>
</tr>
</tbody>
</table>
Any unexpended balances remaining in the appropriations for Local Economic Development Assistance - Surplus (fund 0256, activity 819) and Tourism - Unclassified-Surplus (fund 0256, activity 662) at the close of the fiscal year two thousand four are hereby reappropriated for expenditure during the fiscal year two thousand five.

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand four, to fund 0470, fiscal year 2004, organization 0702, be supplemented and amended by increasing the total appropriation as follows:

**TITLE II—APPROPRIATIONS.**

Section 1. Appropriations from general revenue.

**DEPARTMENT OF TAX AND REVENUE**

*64—Tax Division*

(WV Code Chapter 11)

Fund 0470 FY 2004 Org 0702

<table>
<thead>
<tr>
<th>Activity</th>
<th>General Revenue Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Employee Benefits - Surplus</td>
<td>$ 605,000</td>
</tr>
<tr>
<td>4 Unclassified - Surplus (R)</td>
<td>$ 610,000</td>
</tr>
<tr>
<td>7a Tax Technology Upgrade- Surplus (R)</td>
<td>$ 185,000</td>
</tr>
</tbody>
</table>

Any unexpended balances remaining in the appropriations for Unclassified - Surplus (fund 0470, activity 097) and Tax Technology Upgrade - Surplus (fund 0470,
activity 450) at the close of the fiscal year two thousand
four are hereby reappropriated for expenditure during the
fiscal year two thousand five.

The purpose of this supplemental appropriation bill is
to expire the sum of $19,418,121.38 to the unappropriated
surplus balance in the state fund, general revenue from the
tax reduction and federal funding increased compliance
fund, fund 1732, fiscal year 2004, organization 2300 and to
supplement, establish, and increase items of appropriation
in the aforesaid accounts for the designated spending units
for expenditure during the fiscal year two thousand four.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Butcher
Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

R. Scott Weich
Clerk of the House of Delegates

E. Ray Komorowski
President of the Senate

Robert E. Ehrlich, Jr.
Speaker House of Delegates

The within is approved without exception this the 26 Day of March, 2004.

Governor

Bob Ehrlich
PRESENTED TO THE
GOVERNOR
DATE 3.25.04
TIME 3:50 pm