

SB 1011

FILED

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# WEST VIRGINIA LEGISLATURE

SEVENTY-EIGHTH LEGISLATURE

~~REGULAR~~ REGULAR SESSION, 2008

*First Extraordinary*

ENROLLED

## Senate Bill No. 1011

(BY SENATORS HELMICK, SHARPE, PLYMALE, CHAFIN,  
PREZIOSO, EDGELL, LOVE, BAILEY, BOWMAN, MCCABE,  
UNGER, FANNING, SYPOLT, FACEMYER, BOLEY,  
SPOUSE AND GUILLIS)

[Passed March 16, 2008; in effect from passage.]

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CELESTINE A. A.  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 1011**

(BY SENATORS HELMICK, SHARPE, PLYMALE, CHAFIN,  
PREZIOSO, EDGELL, LOVE, BAILEY, BOWMAN, MCCABE, UNGER,  
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AN ACT making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated balance in the State Excess Lottery Revenue Fund to the Lottery Commission - Excess Lottery Revenue Fund Surplus, fund 7208, fiscal year 2008, organization 0705, to the West Virginia Development Office, fund 3170, fiscal year 2008, organization 0307, to the Division of Health - Central Office, fund 5219, fiscal year 2008, organization 0506, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 6005, fiscal year 2008,

organization 0601, to the Division of Corrections - Correctional Units, fund 6283, fiscal year 2008, organization 0608, and to the Higher Education Policy Commission - Administration - Control Account, fund 4932, fiscal year 2008, organization 0441, by supplementing and amending chapter twelve, Acts of the Legislature, regular session, two thousand seven, known as the budget bill.

WHEREAS, The Governor submitted to the Legislature the Executive Budget Document, dated the ninth day of January, two thousand eight, containing a Statement of the State Excess Lottery Revenue Fund, setting forth therein the cash balance as of the first day of July, two thousand seven, and further included the estimate of revenue for the fiscal year two thousand eight, less regular and surplus appropriations for the fiscal year two thousand eight; and

WHEREAS, It appears from the Governor's Statement of the State Excess Lottery Revenue Fund there now remains an unappropriated balance in the state Treasury which is available for appropriation during the fiscal year ending the thirtieth day of June, two thousand eight; therefore

*Be it enacted by the Legislature of West Virginia:*

That the total appropriation for the fiscal year ending the thirtieth day of June, two thousand eight, to fund 7208, fiscal year 2008, organization 0705, be supplemented and amended to hereafter read as follows:

1                   **TITLE II—APPROPRIATIONS.**

2           **Sec. 5. Appropriations from State Excess Lottery**  
3                               **Revenue Fund.**


4                                    **258-Lottery Commission-**  
 5                                    **Excess Lottery Revenue Fund Surplus**  
 6                                    **Fund 7208 FY 2008 Org 0705**

		Act- ivity	Lottery Funds
9	1 Capitol Complex - Capital		
10	Outlay .....	417	\$ 51,500,000
11	2 Unclassified - Transfer .....	482	16,900,000
12	3 Consolidated Public Retirement -		
13	4 Transfer .....	918	<del>24,516,867</del>
14	5      Total .....		\$92,916,867

15      From the above appropriation for Unclassified -  
 16      Transfer (activity 482) twelve million nine hundred  
 17      thousand dollars shall be transferred to the General  
 18      Revenue Fund only after all funding required by section  
 19      eighteen-a, article twenty-two, chapter twenty-nine of  
 20      the Code of West Virginia has been satisfied as  
 21      determined by the Director of the Lottery but before  
 22      any other nonstatutory appropriations to the State  
 23      Excess Lottery Revenue Fund are funded.

24      From the above transfer for Unclassified - Transfer  
 25      (activity 482) four million dollars shall be transferred to  
 26      Underground Storage Tank Insurance Fund (fund 3218,  
 27      org 0313).

28      ~~The above appropriation for Consolidated Public~~  
 29      ~~Retirement Transfer (fund 7208, activity 918) shall be~~  
 30      ~~transferred to the Consolidated Public Retirement~~  
 31      ~~Board West Virginia Teachers Retirement System~~  
 32      ~~Employers Accumulation Fund (fund 2601) only after~~  
 33      ~~all funding required by section eighteen a, article~~

 { 34 ~~twenty-two, chapter twenty-nine of the Code of West~~  
35 ~~Virginia and the transfer to the General Revenue Fund~~  
36 ~~(fund 7208, org 0705, activity 482) has been satisfied as~~  
37 ~~determined by the Director of the Lottery.~~

38 The above appropriation for Capitol Complex -  
39 Capital Outlay (fund 7208, activity 417) shall be  
40 transferred to the Capitol Dome and Capital  
41 Improvements Fund (fund 2257) only after all funding  
42 required by section eighteen-a, article twenty-two,  
43 chapter twenty-nine of the Code of West Virginia and  
44 the transfer to the General Revenue Fund (fund 7208,  
45 org 0705, activity 482) has been satisfied as determined  
46 by the Director of the Lottery.

47 Should the actual revenues accruing to the total State  
48 Excess Lottery Revenue Fund be insufficient to fully  
49 fund all appropriations, the appropriation to the  
50 Capitol Complex - Capital Outlay (activity 417) shall be  
51 reduced to the extent funds are available and the  
52 appropriation made in the reduced amount and  
53 thereafter transferred to the Capitol Dome and Capital  
54 Improvement Fund (fund 2257).

55 And that the total appropriation for the fiscal year  
56 ending the thirtieth day of June, two thousand eight, to  
57 fund 3170, fiscal year 2008, organization 0307, be  
58 supplemented and amended by adding new items of  
59 appropriation as follows:

60 TITLE II—APPROPRIATIONS.

61 Sec. 5. Appropriations from State Excess Lottery  
62 Revenue Fund.

63 262—West Virginia Development Office

64 (WV Code Chapter 5B)

65 Fund 3170, FY 2008, Org 0307.

66		Act-	Lottery
67		ivity	Funds
68	1 Recreational Grants or Economic		
69	Development Loans (R) . . . . .	253	\$10,000,000
70	2 Economic Development		
71	Assistance (R) . . . . .	900	\$ 2,000,000

72 Any unexpended balances remaining in the  
 73 appropriations for Recreational Grants or Economic  
 74 Development Loans (fund 3170, activity 253) or  
 75 Economic Development Assistance (fund 3170, fund  
 76 900) at the close of the fiscal year two thousand eight  
 77 are hereby reappropriated for expenditure during the  
 78 fiscal year two thousand nine.

79 From the above appropriation for Recreational  
 80 Grants or Economic Development Loans (activity 253)  
 81 one hundred thousand dollars is for Mercer County  
 82 Horse Park.

83 And that the total appropriation for the fiscal year  
 84 ending the thirtieth day of June, two thousand eight, to  
 85 fund 5219, fiscal year 2008, organization 0506, be  
 86 supplemented and amended by adding a new item of  
 87 appropriation as follows:

## 88 TITLE II—APPROPRIATIONS.

### 89 Sec. 5. Appropriations from State Excess Lottery 90 Revenue Fund.

91 *263-Division of Health-*

92 *Central Office*

**93** (WV Code Chapter 16)

**94 Fund 5219 FY 2008 Org 0506.**

95	Act-	Lottery
96	ivity	Funds

97	1 Capital Outlay and		
98	Maintenance (R) . . . . .	755	\$ 1,000,000

99 Any unexpended balance remaining in the  
100 appropriation for Capital Outlay and Maintenance  
101 (fund 5219, activity 755) at the close of the fiscal year  
102 two thousand eight is hereby reappropriated for  
103 expenditure during the fiscal year two thousand nine.

104 And that chapter twelve, Acts of the Legislature,  
105 regular session, two thousand seven, known as the  
106 budget bill, be supplemented and amended by adding  
107 to Title II, section five thereof, the following:

108 TITLE II—APPROPRIATIONS.

109       **Sec. 5. Appropriations from State Excess Lottery**  
110               **Revenue Fund.**

111                    *263a-Department of Military Affairs and*

112 *Public Safety-*113 *Office of the Secretary*

114 (WV Code Chapter 5F)

115 Fund 6005, FY 2008, Org 0601.

116		Act-	Lottery
117		ivity	Funds
118	1 Interoperable Communications		
119	2 System (R) . . . . .	303	\$ 10,000,000

120 Any unexpended balance remaining in the  
 121 appropriation for Interoperable Communications  
 122 System (fund 6005, activity 303) at the close of the  
 123 fiscal year two thousand eight is hereby reappropriated  
 124 for expenditure during the fiscal year two thousand  
 125 nine.

126 And that chapter twelve, Acts of the Legislature,  
 127 regular session, two thousand seven, known as the  
 128 budget bill, be supplemented and amended by adding  
 129 to Title II, section five thereof, the following:

130 TITLE II—APPROPRIATIONS.

131 **Sec. 5. Appropriations from State Excess Lottery**  
 132 **Revenue Fund.**

133 *263b—Division of Corrections—*

134 *Correctional Units*

135 (WV Code Chapters 25, 28, 49 and 62)

136 Fund 6283, FY 2008, Org 0608.



		Act-	Lottery
		ivity	Funds
137			
138			
139	1 Capital Outlay, Repairs and		
140	2 Equipment (R) . . . . .	589	\$ 1,500,000
141	3 Capital Outlay and		
142	Maintenance (R) . . . . .	755	<u>2,000,000</u>
143	4 Total . . . . .		\$ 3,500,000

144 Any unexpended balances remaining in the  
145 appropriations for Capital Outlay, Repairs and  
146 Equipment (fund 6283, activity 589) and Capital Outlay  
147 and Maintenance, (fund 6283, activity 755) at the close  
148 of the fiscal year two thousand eight are hereby  
149 reappropriated for expenditure during the fiscal year  
150 two thousand nine.

151 And that chapter twelve, Acts of the Legislature,  
152 regular session, two thousand seven, known as the  
153 budget bill, be supplemented and amended by adding  
154 to Title II, section five thereof, the following:

155 TITLE II—APPROPRIATIONS.

156 Sec. 5. Appropriations from State Excess Lottery  
157 Revenue Fund.

158 265a—Higher Education Policy Commission—

159 Administration—

160 Control Account

161 (WV Code Chapter 18B)

162 Fund 4932 FY 2008 Org 0441

163		Act-	Lottery
164		ivity	Funds
165	1 Research Investment . . . . .	020	\$ 50,000,000
166	2 Advanced Technology		
167	Centers (R) . . . . .	028	30,000,000
168	3 Energy Savings Loan		
169	Program (R) . . . . .	050	7,000,000
170	4 Allied Health Program		
171	Expansion (R) . . . . .	052	7,154,898
172	5 Higher Education Grant		
173	Program . . . . .	164	1,000,000
174	6 HEAPS Grant Program (R) . . . .	867	<u>1,000,000</u>
175	7 Total . . . . .		\$ 96,154,898

176 The above appropriation for Research Investment  
 177 (fund 4932, activity 020) shall be transferred to the  
 178 West Virginia Research Trust Fund.


179 Any unexpended balances remaining in the  
 180 appropriations for Advanced Technology Centers (fund  
 181 4932, activity 028), Energy Savings Loan Program (fund  
 182 4932, activity 050), Allied Health Program Expansion  
 183 (fund 4932, activity 052) and HEAPS Grant Program  
 184 (fund 4932, activity 867) at the close of the fiscal year  
 185 two thousand eight are hereby reappropriated for  
 186 expenditure during the fiscal year two thousand nine.

187 The above appropriation for Higher Education Grant  
 188 Program (activity 164) shall be transferred to the  
 189 Higher Education Grant Fund (fund 4933, org 0441)  
 190 established by section three, article five, chapter

191     eighteen-c of the Code of West Virginia.

192         The purpose of this supplemental appropriation bill  
193     is to supplement, amend, add and increase items of  
194     appropriation in the aforesaid accounts for the  
195     designated spending units for expenditure during the  
196     fiscal year two thousand eight.

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

  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee

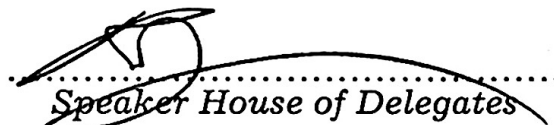
Originated in the Senate.

In effect from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within was approved with exception..... this  
the 21<sup>st</sup> Day of March....., 2008.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2008

Time 4:20 pm