

SB 1005

**WEST VIRGINIA LEGISLATURE  
EIGHTY-FIRST LEGISLATURE  
FIRST EXTRAORDINARY SESSION, 2013**



**ENROLLED**

**Senate Bill No. 1005**

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,  
BY REQUEST OF THE EXECUTIVE)

[PASSED APRIL 18, 2013; IN EFFECT FROM PASSAGE.]

2013 APR 23 PM 3:39  
SENATE OF WEST VIRGINIA

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**E N R O L L E D**

**Senate Bill No. 1005**

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,  
BY REQUEST OF THE EXECUTIVE)

[Passed April 18, 2013; in effect from passage.]

AN ACT expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013, in the amount of \$10,317,860.71 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, and in the amount of \$7,459,913 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2013, organization 1500, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2013, organization 0100, to the Attorney General, fund 0150, fiscal year 2013, organization 1500, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2013, organization 0307, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Higher Education Policy Commission - Administration - Control Account, fund 0589, fiscal year 2013, organization 0441, and to the Higher Education Policy Commission - System - Control Account, fund 0586, fiscal year 2013, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

WHEREAS, The Governor finds that the account balances in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, and in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2013, organization 1500, exceed that which is necessary for the purposes for which the accounts were established; and

WHEREAS, The Governor submitted to the Legislature the Executive Budget document, dated February 13, 2013, which included a statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2012, and further included the estimate of revenues for the fiscal year 2013, less net appropriation balances forwarded and regular appropriations for the fiscal year 2013; and

WHEREAS, It appears from the Governor's Executive Budget document, 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 June 30, 2013; therefore

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

That the balance of the funds available for expenditure in the fiscal year ending June 30, 2013, in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, be decreased by expiring the amount of \$10,317,860.71, and in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2013, organization 1500, be decreased by expiring the amount of \$7,459,913, all to the unappropriated surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year ending June 30, 2013.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0105, fiscal year 2013, organization 0100, be

supplemented and amended by adding a new item of appropriation as follows:

1 TITLE II – APPROPRIATIONS.

2 Section 1. Appropriations from General Revenue.

3 EXECUTIVE

4 7-Governor's Office –  
5 Civil Contingent Fund

6 (WV Code Chapter 5)

7 Fund 0105, FY 2013, Org 0100

|    |  |              |                |
|----|--|--------------|----------------|
| 8  |  |              | <b>General</b> |
| 9  |  | <b>Act-</b>  | <b>Revenue</b> |
| 10 |  | <b>ivity</b> | <b>Fund</b>    |

11 1b Natural Disasters - Surplus (R). . 764 \$ 10,317,860

12 Any federal reimbursements received to remunerate  
13 disbursement from this activity or funds transferred from this  
14 activity shall be credited back to this activity.

15 Any unexpended balance remaining in the above  
16 appropriation for Natural Disasters. - Surplus (fund 0105,  
17 activity 764) at the close of the fiscal year 2013 is hereby  
18 reappropriated for expenditure during the fiscal year 2014.

19 And, That the total appropriation for the fiscal year  
20 ending June 30, 2013, to fund 0150, fiscal year 2013,  
21 organization 1500, be supplemented and amended by  
22 increasing existing items and adding new items of  
23 appropriation as follows:

1 TITLE II – APPROPRIATIONS.

2 Section 1. Appropriations from General Revenue.

3 EXECUTIVE

4 15-Attorney General

5 (WV Code Chapter 5, 14, 46A and 47)

6 Fund 0150 FY 2013 Org 1500

| 7<br>8<br>9 |                                   | Act-<br>ivity |    | General<br>Revenue<br>Fund |
|-------------|-----------------------------------|---------------|----|----------------------------|
| 10 1        | Personal Services - Surplus. .... | 243           | \$ | 309,000                    |
| 11 4        | Employee Benefits - Surplus. .... | 250           |    | 115,425                    |
| 12 8        | Equipment - Surplus. ....         | 341           |    | 260,200                    |
| 13 10a      | Technology Improvements -         |               |    |                            |
| 14 10b      | Surplus (R) .....                 | 725           |    | 965,020                    |
| 15 11a      | Operating Expenses -              |               |    |                            |
| 16          | Surplus (R).....                  | 779           |    | 210,268                    |

JMM  
OK (R)

17 Any unexpended balance remaining in the above  
18 appropriation for Equipment - Surplus (fund 0150, activity  
19 341), Technology Improvements - Surplus (fund 0150,  
20 activity 725), and Operating Expenses - Surplus (fund 0150,  
21 activity 779) at the close of the fiscal year 2013 is hereby  
22 reapportioned for expenditure during the fiscal year 2014.

23 And, That the total appropriation for the fiscal year  
24 ending June 30, 2013, to fund 256, fiscal year 2013,  
25 organization 0307, be supplemented and amended by adding  
26 a new item of appropriation as follows:

1 TITLE II – APPROPRIATIONS.

2 Section 1. Appropriations from General Revenue.

3 DEPARTMENT OF COMMERCE

4 *36-West Virginia Development Office*

5 (WV Code Chapter 5B)

6 Fund 0256 FY 2013 Org 0307

| 7 |  |       | General |
|---|--|-------|---------|
| 8 |  | Act-  | Revenue |
| 9 |  | ivity | Fund    |

|    |     |                                    |     |    |           |
|----|-----|------------------------------------|-----|----|-----------|
| 10 | 21a | Unclassified-Transfer-Surplus. . . | 382 | \$ | 1,000,000 |
|----|-----|------------------------------------|-----|----|-----------|

11 The above appropriation for Unclassified - Transfer -  
 12 Surplus (fund 0256, activity 382) shall be transferred to the  
 13 West Virginia Affordable Housing Trust Fund as established  
 14 under §31-18D.

15 And, That the total appropriation for the fiscal year  
 16 ending June 30, 2013, to fund 0525, fiscal year 2013,  
 17 organization 0506, be supplemented and amended by  
 18 increasing an existing item of appropriation as follows:

1 TITLE II – APPROPRIATIONS.

2 Section 1. Appropriations from General Revenue.

3 DEPARTMENT OF HEALTH AND HUMAN  
 4 RESOURCES



|    |     |                            |     |                |
|----|-----|----------------------------|-----|----------------|
| 9  |     |                            |     | <b>General</b> |
| 10 |     |                            |     | <b>Revenue</b> |
| 11 |     |                            |     | <b>Fund</b>    |
| 12 | 10a | Educational Enhancements - |     |                |
| 13 | 10b | Surplus (R).....           | 927 | \$ 1,000,000   |

14 Any unexpended balance remaining in the above  
 15 appropriation for Educational Enhancement - Surplus (fund  
 16 0589, activity 927) at the close of the fiscal year 2013 is  
 17 hereby reappropriated for expenditure during the fiscal year  
 18 2014.

19 The above appropriation for Educational Enhancements -  
 20 Surplus (fund 0589, activity 927) is to be distributed evenly  
 21 between the West Virginia University School of Pharmacy  
 22 and the Marshall University School of Pharmacy to provide  
 23 scholarships to pharmacy students.

24 And, That the total appropriation for the fiscal year  
 25 ending June 30, 2013, to fund 0586, fiscal year 2013,  
 26 organization 0442, be supplemented and amended by  
 27 increasing existing items of appropriation as follows:

1 TITLE II – APPROPRIATIONS.

2 Section 1. Appropriations from General Revenue.

3 HIGHER EDUCATION

4 94-Higher Education Policy Commission -  
 5 System -  
 6 Control Account

7 (WV Code Chapter 18B)

8 Fund 0586, FY 2013, Org 0442.

| 9  |    | Act-                                 | General    |
|----|----|--------------------------------------|------------|
| 10 |    | ivity                                | Revenue    |
| 11 |    |                                      | Funds      |
| 12 | 2a | Unclassified - Surplus . . . . . 097 | \$ 250,000 |
| 13 | 6  | WVU - School of Health               |            |
| 14 | 6a | Sciences - Surplus (R) . . . . . 713 | 350,000    |

*JHM*  
*OK*

15 Any unexpended balance remaining in the above  
 16 appropriation for WVU-School of Health Sciences - Surplus  
 17 (fund 0586, activity 713) at the close of the fiscal year 2013  
 18 is hereby reappropriated for expenditure during the fiscal  
 19 year 2014.

20 From the above appropriation for Unclassified - Surplus  
 21 (fund 0586, activity 097) \$250,000 is for West Virginia State  
 22 University Land Grant Match.

23 The purpose of this bill is to expire funds into the  
 24 unappropriated surplus balance in the State Fund, General  
 25 Revenue, and to supplement, amend, increase existing items  
 26 and add new items of appropriation in the aforesaid accounts  
 27 for the designated spending units for expenditure during the  
 28 fiscal year 2013.

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

*[Signature]*  
.....  
Member ~~Chairman~~ Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

OFFICE OF THE  
SECRETARY OF STATE

2013 APR 23 PM 3:39

The within *is approved* ..... this the *23rd*  
Day of *April* ....., 2013.

*[Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 23 2013

Time 1:20 pm