

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

### Enrolled Committee Substitute

for

### Senate Bill 323

SENATORS BALDWIN, BEACH, MAYNARD, ROMANO,  
RUCKER, SMITH, SYPOLT, PLYMALE, CLINE, ROBERTS,  
HAMILTON, AND STOLLINGS, *original sponsors*

[Passed February 13, 2019; in effect from passage]

FILED

2019 FEB 25 P 4:31

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

SB 323

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FILED

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to  
3 establishing and funding a special revenue fund to be known as the Department of  
4 Agriculture Capital Improvements Fund; creating the fund; providing for administration by  
5 Department of Agriculture; identifying sources of moneys for said fund; identifying  
6 expenditures that may be made from said fund; providing for funds to remain at end of  
7 each fiscal year; eliminating certain deposits in the General Revenue Fund; permitting  
8 deposits into certain funds; and making technical corrections.

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

**ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

**§19-1-4e. Department of Agriculture Capital Improvements Fund.**

1 There is hereby created in the State Treasury a special revenue account to be known as  
2 the Department of Agriculture Capital Improvements Fund. The fund shall be administered by the  
3 Department of Agriculture. The fund shall consist of all moneys transferred into the fund pursuant  
4 to §19-12A-6a of this code, any moneys that may be appropriated and designated for the fund by  
5 the Legislature, and all interest or other return earned from investment of the fund.

6 Expenditures from the fund shall be for the purpose of funding construction and capital  
7 improvements to facilities owned or occupied by the Department of Agriculture and are not  
8 authorized from collections, but are to be made only in accordance with appropriation by the  
9 Legislature and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon the  
10 fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code. Any balance, including  
11 accrued interest and other returns, remaining in the fund at the end of each fiscal year shall not  
12 revert to the General Revenue Fund, but shall remain in the fund and be expended as provided  
13 by this section.

**ARTICLE 12A. LAND DIVISION.**

**§19-12A-6a. Special revenue account.**

1           All funds collected by the department pursuant to this article, whether from the sale of  
2 food, the disposition of assets other than land, the lease of land or minerals or any other source,  
3 shall be paid into a special revenue account to be used for the purposes of this article: *Provided,*  
4 That when the remaining balance at the end of any fiscal year of the funds so collected and  
5 deposited in the special revenue account exceeds \$1 million, the department may transfer the  
6 excess funds to the Department of Agriculture Capital Improvements Fund established in §19-1-  
7 4e of this code.

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

*Matt R. Marshall*  
.....  
Chairman, Senate Committee

*Steve Capito*  
.....  
Chairman, House Committee

FILED  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Originated in the Senate.

In effect from passage.

*Debra*  
.....  
Clerk of the Senate

*Alto J. Rowan*  
.....  
Clerk of the House of Delegates

*Walter B. Conaway*  
.....  
President of the Senate

*Leslie Hancock*  
.....  
Speaker of the House of Delegates

The within *is approved* this the *25<sup>th</sup>*  
Day of *February*, 2019.

*James E. Cantor*  
.....  
Governor

PRESENTED TO THE GOVERNOR

FEB 19 2019

Time 4:18 pm