

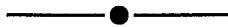
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

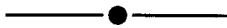
FIRST REGULAR SESSION, 2001



ENROLLED

House Bill No. 2385

(By Delegates Michael, Doyle, Mezzatesta,
Varner, Warner, Leach and Ashley)



Passed February 23, 2001

In Effect from Passage

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

H. B. 2385

(BY DELEGATES MICHAEL, DOYLE, MEZZATESTA,
VARNER, WARNER, LEACH AND ASHLEY)

[Passed February 23, 2001; in effect from passage.]

AN ACT to amend and reenact section three, title one, chapter ten, acts of the Legislature, regular session, two thousand, relating to making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the constitution and removing the authority of the auditor to transfer within the general revenue fund certain amounts.

Be it enacted by the Legislature of West Virginia:

That section three, title one, chapter ten, acts of the Legislature, regular session, two thousand, be amended and reenacted to read as follows:

1 **Sec. 3. Classification of appropriations.**—An appropria-
2 tion for:

3 “Personal services” shall mean salaries, wages and other
4 compensation paid to full-time, part-time and temporary
5 employees of the spending unit but shall not include fees or
6 contractual payments paid to consultants or to independent
7 contractors engaged by the spending unit.

8 Unless otherwise specified, appropriations for “personal
9 services” shall include salaries of heads of spending units.

10 “Annual increment” shall mean funds appropriated for
11 “eligible employees” and shall be disbursed only in accordance
12 with article five, chapter five of the code.

13 Funds appropriated for “annual increment” shall be
14 transferred to “personal services” or other designated items
15 only as required.

16 “Employee benefits” shall mean social security matching,
17 workers’ compensation, unemployment compensation, pension
18 and retirement contributions, public employees insurance
19 matching, personnel fees or any other benefit normally paid by
20 the employer as a direct cost of employment. Should the
21 appropriation be insufficient to cover such costs, the remainder
22 of such cost shall be transferred by each spending unit from its
23 “personal services” line item or its “unclassified” line item to
24 its “employee benefits” line item. If there is no appropriation
25 for “employee benefits,” such costs shall be paid by each
26 spending unit from its “personal services” line item, its
27 “unclassified” line item or other appropriate line item. Each
28 spending unit is hereby authorized and required to make such
29 payments in accordance with the provisions of article two,
30 chapter five-a of the code.

31 “BRIM Premiums” shall mean the amount charged as
32 consideration for insurance protection and includes the present
33 value of projected losses and administrative expenses. Premi-
34 ums are assessed for coverages, as defined in the applicable
35 policies, for claims arising from, inter alia, general liability,
36 wrongful acts, property, professional liability and automobile
37 exposures.

38 Should the appropriation for “BRIM Premiums” be
39 insufficient to cover such cost, the remainder of such costs shall
40 be transferred by each spending unit from its “personal
41 services” line item, its “employee benefit” line item, its
42 “unclassified” line item or any other appropriate line item to
43 “BRIM Premiums” for payment to the Board of Risk and

44 Insurance Management. Each spending unit is hereby autho-
45 rized and required to make such payments.

46 Each spending unit shall be responsible for all contribu-
47 tions, payments or other costs related to coverage and claims of
48 its employees for unemployment compensation. Such expendi-
49 tures shall be considered an employee benefit.

50 "Current expenses" shall mean operating costs other than
51 personal services and shall not include equipment, repairs and
52 alterations, buildings or lands.

53 Each spending unit shall be responsible for and charged
54 monthly for all postage meter service and shall reimburse the
55 appropriate revolving fund monthly for all such amounts. Such
56 expenditures shall be considered a current expense.

57 "Equipment" shall mean equipment items which have an
58 appreciable and calculable period of usefulness in excess of one
59 year.

60 "Repairs and alterations" shall mean routine maintenance
61 and repairs to structures and minor improvements to property
62 which do not increase the capital assets.

63 "Buildings" shall include new construction and major
64 alteration of existing structures and the improvement of lands
65 and shall include shelter, support, storage, protection or the
66 improvement of a natural condition.

67 "Lands" shall mean the purchase of real property or interest
68 in real property.

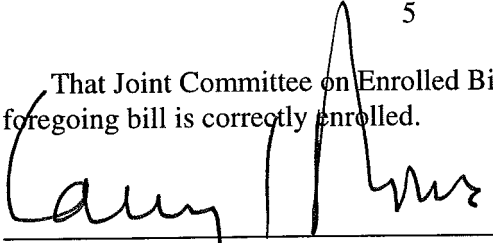
69 "Capital outlay" shall mean and include buildings, lands or
70 buildings and lands, with such category or item of appropriation
71 to remain in effect as provided by section twelve, article three,
72 chapter twelve of the code.

73 From appropriations made to the spending units of state
74 government, upon approval of the governor there may be
75 transferred to a special account an amount sufficient to match
76 federal funds under any federal act.

77 Appropriations classified in any of the above categories
78 shall be expended only for the purposes as defined above and
79 only for the spending units herein designated: *Provided*, That
80 the secretary of each department shall have the authority to
81 transfer within the department those general revenue funds
82 appropriated to the various agencies of the department: *Pro-*
83 *vided, however*, That no more than five percent of the general
84 revenue funds appropriated to any one agency or board may be
85 transferred to other agencies or boards within the department:
86 *Provided further*, That the secretary of each department and the
87 director, commissioner, executive secretary, superintendent,
88 chairman or any other agency head not governed by a depart-
89 mental secretary as established by chapter five-f of the code
90 shall have the authority to transfer funds appropriated to
91 "personal services" and "employee benefits" to other lines
92 within the same account and no funds from other lines shall be
93 transferred to the "personal services" line: *And provided*
94 *further*, That if the Legislature by subsequent enactment
95 consolidates agencies, boards or functions, the secretary may
96 transfer the funds formerly appropriated to such agency, board
97 or function in order to implement such consolidation. No funds
98 may be transferred from a special revenue account, dedicated
99 account, capital expenditure account or any other account or
100 fund specifically exempted by the Legislature from transfer,
101 except that the use of the appropriations from the state road
102 fund for the office of the secretary of the department of
103 transportation is not a use other than the purpose for which such
104 funds were dedicated and is permitted.

105 Appropriations otherwise classified shall be expended only
106 where the distribution of expenditures for different purposes
107 cannot well be determined in advance or it is necessary or
108 desirable to permit the spending unit the freedom to spend an
109 appropriation for more than one of the above classifications.

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



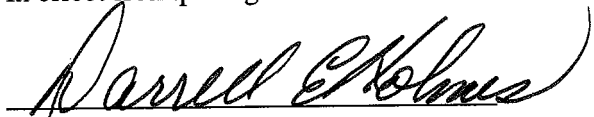
Chairman Senate Committee



Chairman House Committee

Originating in the House.

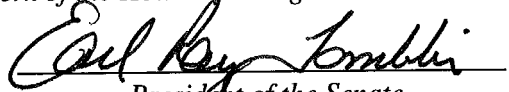
In effect from passage.



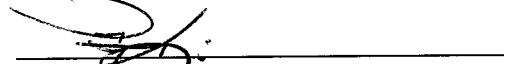
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 5th
day of March, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 2/27/01

Time 2:30 pm