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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2002



ENROLLED

SENATE BILL NO. 237

(By Senator CRAIG)



PASSED MARCH 9, 2002

In Effect NINETY DAYS FROM Passage

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Senate Bill No. 237

(BY SENATOR CRAIGO)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-three, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to removing requirement that agencies applying for, receiving and expending federal funds send report to the Legislature.

Be it enacted by the Legislature of West Virginia:

That section twenty-three, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. FINANCE DIVISION.

§5A-2-23. Approval of secretary of requests for changes and receipt and expenditure of federal funds by state agencies; copies or sufficient summary information to be furnished to secretary; and consolidated report of federal funds.

1 (a) Every agency of the state government when making
2 requests or preparing budgets to be submitted to the
3 federal government for funds, equipment, material or
4 services, the grant or allocation of which is conditioned
5 upon the use of state matching funds, shall have the
6 request or budget approved in writing by the secretary
7 before submitting it to the proper federal authority. When
8 the federal authority has approved the request or budget,
9 the agency of the state government shall resubmit it to the
10 secretary for recording before any allotment or encum-
11 brance of the federal funds can be made. Whenever any
12 agency of the state government receives from any agency
13 of the federal government a grant or allocation of funds
14 which do not require state matching, the state agency shall
15 report to the secretary the amount of the federal funds
16 granted or allocated.

17 (b) Unless contrary to federal law, any agency of state
18 government, when making requests or preparing budgets
19 to be submitted to the federal government for funds for
20 personal services, shall include in the request or budget the
21 amount of funds necessary to pay for the costs of any
22 fringe benefits related to the personal service. For the
23 purposes of this section, "fringe benefits" means any
24 employment benefit granted by the state which involves
25 state funds, including, but not limited to, contributions to
26 insurance, retirement and social security and which does
27 not affect the basic rate of pay of an employee.

28 (c) In addition to the other requirements of this section,
29 the secretary shall, as soon as possible after the end of
30 each fiscal year but no later than the first day of October
31 of each year, submit to the governor a consolidated report
32 which shall contain a detailed itemization of all federal
33 funds received by the state during the preceding and
34 current fiscal years, as well as those scheduled or antici-
35 pated to be received during the next ensuing fiscal year.
36 The itemization shall show: (1) Each spending unit which
37 has received or is scheduled or expected to receive federal

38 funds in either of the fiscal years; (2) the amount of each
39 separate grant or distribution received or to be received;
40 and (3) a brief description of the purpose of every grant or
41 other distribution, with the name of the federal agency,
42 bureau or department making the grant or distribution:
43 *Provided*, That it is not necessary to include in the report
44 an itemization of federal revenue sharing funds deposited
45 in and appropriated from the revenue sharing trust fund,
46 or federal funds received for the benefit of the division of
47 highways of the department of transportation.

48 (d) The secretary may obtain from the spending units any
49 and all information necessary to prepare a report.

50 (e) Notwithstanding the other provisions of this section
51 and in supplementation of the provisions of this section,
52 the Legislature hereby determines that the department of
53 administration and its secretary need to be the single and
54 central agency for receipt of information and documents
55 in respect of applications for, and changes, receipt and
56 expenditure of, federal funds by state agencies. Every
57 agency of state government, when making application for
58 federal funds in the nature of a grant, allocation or
59 otherwise; when amending the applications or requests;
60 when in receipt of federal funds; or when undertaking any
61 expenditure of federal funds, in all respective instances,
62 shall provide to the secretary of administration document
63 copies or sufficient summary information in respect of the
64 federal funds to enable the secretary to provide approval
65 in writing for any activity in respect to the federal funds.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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

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

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

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

The within is approved this the 25th
Day of March, 2002.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/02

Time 9:00 am