

# H. B. 3272

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(BY DELEGATES WHITE, T. CAMPBELL, M. POLING, MANCHIN,  
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WALTERS)

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[Originating in the Committee on Finance]  
[March 9, 2011]

A BILL expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2011 in the amount of \$3,900,000 from the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, and in the amount of \$7,100,000 from the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2006, organization 0601, activity 511, 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 Auditor's Office - General Administration, fund 0116, fiscal year 2011, organization 1200, to the Department of Agriculture, fund 0131, fiscal year 2011, organization 1400, to the Department of Administration - Ethics Commission, fund 0223, fiscal year 2011, organization 0220, to the Department of Administration - Public Defender Services, fund 0226, fiscal year 2011, organization 0221, to the Department of Education - State Department of Education, fund 0313, fiscal year 2011, organization 0402, to the Department of Health and Human Resources - Consolidated Medical Service Fund, fund 0525, fiscal year 2011, organization 0506, to the Department of Health and Human Resources - Division of Human Services, fund 0403, fiscal year 2011, organization 0511, to the Department of Military Affairs and Public Safety - West Virginia Parole Board, fund 0440, fiscal year 2011, organization 0605, to the Department of Military Affairs and Public Safety - Division of Corrections - Correctional Units, fund 0450, fiscal year 2011, organization 0608, to the Department of Military Affairs and Public Safety - Division of Veterans'

Affairs, fund 0456, fiscal year 2011, organization 0613, and to Higher Education - Higher Education Policy Commission - Administration - Control Account, fund 0589, fiscal year 2011, organization 0441, and to Higher Education Policy Commission - System Control Account, fund 0586, fiscal year 2011, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2011.

WHEREAS, The Legislature finds that the account balance in the Governor's Office - Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, exceeds that which is necessary for the purposes for which the account was established; and

WHEREAS, The Legislature finds that the account balance in the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2006, organization 0601, activity 511, exceeds that which is necessary for the purposes for which the account was established; and

WHEREAS, The Governor submitted to the Legislature the Executive Budget document, dated January 12, 2011, which

included a statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2010; and further included the estimate of revenues for the fiscal year 2011, less net appropriation balances forwarded and regular appropriations for fiscal year 2011; 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, 2011; 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, 2011, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2006, organization 0601, activity 511, be decreased by expiring the amount of \$7,100,000 to the unappropriated surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year 2011.

And, That the total appropriation for the fiscal year ending June 30, 2011, to fund 0116, fiscal year 2011, organization 1200, be

supplemented and amended by increasing an existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**EXECUTIVE**

*8-Auditor's Office-  
General Administration*

(WV Code Chapter 12)

Fund 0116 FY 2011 Org 1200

	<b>Activity</b>	<b>General Revenue Fund</b>
1	5 Unclassified - Surplus (R). . . . . 097	\$ 2,500,000
2	Any unexpended balance remaining in the appropriation	
3	for Unclassified - Surplus (fund 0116, activity 097) at the	
4	close of the fiscal year 2011 is hereby reappropriated for	
5	expenditure during the fiscal year 2012.	
6	And, That the total appropriation for the fiscal year ending	
7	June 30, 2011, to fund 0131, fiscal year 2011, organization	
8	1400, be supplemented and amended by increasing an	
9	existing item of appropriation as follows:	

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**EXECUTIVE**

*10-Department of Agriculture*

(WV Code Chapter 19)

Fund 0131 FY 2011 Org 1400

		<b>General Revenue Fund</b>
		<b>Activity</b>
1	7	Unclassified - Surplus (R)..... 097      \$ 725,000
2	Any unexpended balance remaining in the appropriation	
3	for Unclassified - Surplus (fund 0131, activity 097) at the	
4	close of the fiscal year 2011 is hereby reappropriated for	
5	expenditure during the fiscal year 2012.	

6      And, That the total appropriation for the fiscal year ending  
7      June 30, 2011, to fund 0223, fiscal year 2011, organization  
8      0220, be supplemented and amended by increasing an  
9      existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from general revenue.**

**DEPARTMENT OF ADMINISTRATION**

*25—Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2011 Org 0220

	<b>Activity</b>	<b>General Revenue Fund</b>
1	1 Unclassified - Surplus . . . . . 097	\$ 75,000
2	And, That the total appropriation for the fiscal year ending	
3	June 30, 2011, to fund 0226, fiscal year 2011, organization	
4	0221, be supplemented and amended by increasing an	
5	existing item of appropriation as follows:	

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from general revenue.**

**DEPARTMENT OF ADMINISTRATION**

*26—Public Defender Services*

(WV Code Chapter 29)

Fund 0226 FY 2011 Org 0221

	<b>Activity</b>	<b>General Revenue Fund</b>
1	6a Appointed Counsel	
2	6b Fees - Surplus (R). . . . . 435	\$11,500,000
3	Any unexpended balance remaining in the appropriation	
4	for Appointed Counsel Fees - Surplus (fund 0226, activity	
5	435) at the close of the fiscal year 2011 is hereby	
6	reappropriated for expenditure during the fiscal year 2012.	

7 And, That the total appropriation for the fiscal year ending  
 8 June 30, 2011, to fund 0313, fiscal year 2011, organization  
 9 0402, be supplemented and amended by increasing existing  
 10 items of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF EDUCATION**

*46-State Department of Education*

(WV Code Chapters 18 and 18A)

Fund 0313 FY 2011 Org 0402



	<b>Activity</b>	<b>General Revenue Fund</b>
1	4 Unclassified - Surplus (R). . . . . 097	\$ 526,522
2	6 Increased Enrollment - Surplus . . 059	2,062,718

3 Any unexpended balance remaining in the appropriation  
4 for Unclassified - Surplus (fund 0313, activity 097) at the  
5 close of the fiscal year 2011 is hereby reappropriated for  
6 expenditure during the fiscal year 2012.

7 And, That the total appropriation for the fiscal year ending  
8 June 30, 2011, to fund 0525, fiscal year 2011, organization  
9 0506, be supplemented and amended by increasing an  
10 existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*62-Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 0525 FY 2011 Org 0506

	<b>Activity</b>	<b>General Revenue Fund</b>
1	9 Institutional Facilities Operations -	
2	9a Surplus (R)..... 632	\$ 3,961,964
3	Any unexpended balance remaining in the appropriation	
4	for Institutional Facilities Operations - Surplus (fund 0525,	
5	activity 632) at the close of the fiscal year 2011 is hereby	
6	reappropriated for expenditure during the fiscal year 2012.	

7 And, That the total appropriation for the fiscal year ending  
8 June 30, 2011, to fund 0403, fiscal year 2011, organization  
9 0511, be supplemented and amended by increasing an  
10 existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES**

*65-Division of Human Services*

(WV Code Chapters 9, 48 and 49 )

Fund 0403 FY 2011 Org 0511

	<b>Activity</b>	<b>General Revenue Fund</b>
1	40 Indigent Burials - Surplus (R). . . 076	\$ 850,000

2 Any unexpended balance remaining in the appropriation  
3 for Indigent Burials - Surplus (fund 0403, activity 076) at the  
4 close of the fiscal year 2011 is hereby reappropriated for  
5 expenditure during the fiscal year 2012.

6 And, That the total appropriation for the fiscal year ending  
7 June 30, 2011, to fund 0440, fiscal year 2011, organization  
8 0605, be supplemented and amended by increasing an  
9 existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY**

*69-West Virginia Parole Board*

(WV Code Chapter 62)

Fund 0440 FY 2011 Org 0605

	<b>Activity</b>	<b>General Revenue Fund</b>
1	4 Unclassified - Surplus (R) . . . . . 097	\$ 31,491
2	Any unexpended balance remaining in the appropriation	
3	for Unclassified - Surplus (fund 0440, activity 097) at the	
4	close of the fiscal year 2011 is hereby reappropriated for	
5	expenditure during the fiscal year 2012.	

6 And, That the total appropriation for the fiscal year ending  
 7 June 30, 2011, to fund 0450, fiscal year 2011, organization  
 8 0608, be supplemented and amended by increasing existing  
 9 items of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF MILITARY AFFAIRS  
 AND PUBLIC SAFETY**

*72-Division of Corrections -  
 Correctional Units*

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

Fund 0450 FY 2011 Org 0608

	<b>Activity</b>	<b>General Revenue Fund</b>
1	3 Unclassified - Surplus (R). . . . .	097 \$ 7,100,000
2	12 Payments to Federal, County, and/or	
3	13 Regional Jails - Surplus (R). . .	008 \$ 6,000,000
4	Any unexpended balance remaining in the appropriation	
5	for Unclassified - Surplus (fund 0450, activity 097), and	
6	Payments to Federal, County, and/or Regional Jails - Surplus	
7	(fund 0450, activity 008) at the close of the fiscal year 2011	
8	is hereby reappropriated for expenditure during the fiscal	
9	year 2012.	

10 And, That the total appropriation for the fiscal year ending  
 11 June 30, 2011, to fund 0456, fiscal year 2011, organization  
 12 0613, be supplemented and amended by increasing an  
 13 existing item of appropriation as follows:

TITLE II--APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**DEPARTMENT OF MILITARY AFFAIRS  
 AND PUBLIC SAFETY**

*74-Division of Veterans' Affairs*

(WV Code Chapter 9A)

Fund 0456 FY 2011 Org 0613

	<b>Activity</b>	<b>General Revenue Fund</b>
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1	4	Unclassified - Surplus (R). . . . .	097	\$ 300,000
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2 Any unexpended balance remaining in the appropriation  
3 for Unclassified - Surplus (fund 0456, activity 097) at the  
4 close of the fiscal year 2011 is hereby reappropriated for  
5 expenditure during the fiscal year 2012.

6 And, That the total appropriation for the fiscal year ending  
7 June 30, 2011, to fund 0589, fiscal year 2011, organization  
8 0441, be supplemented and amended by increasing an  
9 existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**HIGHER EDUCATION**

*91-Higher Education Policy Commission -  
Administration -  
Control Account*

(WV Code Chapter 18B)

Fund 0589 FY 2011 Org 0441

	<b>Activity</b>	<b>General Revenue Fund</b>
1	1 Unclassified - Surplus (R). . . . . 097	\$ 4,800,000

2 Any unexpended balance remaining in the appropriation  
3 for Unclassified - Surplus (fund 0589, activity 097) at the  
4 close of the fiscal year 2011 is hereby reappropriated for  
5 expenditure during the fiscal year 2012.

6 And, That the total appropriation for the fiscal year ending  
7 June 30, 2011, to fund 0586, fiscal year 2011, organization  
8 0442, be supplemented and amended by increasing an  
9 existing item of appropriation as follows:

TITLE II – APPROPRIATIONS.

**Section 1. Appropriations from General Revenue.**

**HIGHER EDUCATION**

*92-Higher Education Policy Commission -  
System -  
Control Account*

(WV Code Chapter 18B)

Fund 0586 FY 2011 Org 0442

	<b>Activity</b>	<b>General Revenue Fund</b>
1	5 WVU - School of Health	
2	5a Sciences - Surplus. . . . . 713	\$ 1,000,000
3	Any unexpended balance remaining in the appropriation	
4	for Unclassified - Surplus (fund 0586, activity 713) at the	
5	close of the fiscal year 2011 is hereby reappropriated for	
6	expenditure during the fiscal year 2012.	
7	The purpose of this bill is to expire funds into the	
8	unappropriated surplus balance in the state fund, general	
9	revenue, and to supplement, amend, add and increase items	
10	of appropriation in the aforesaid accounts for the designated	
11	spending units for expenditure during the fiscal year 2011.	