

1 **ENROLLED**

2 **Committee Substitute**

3 **for**

4 **H. B. 2538**

5
6 (By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)

7 [By Request of the Executive]

8 [Passed April 13, 2013; in effect from passage.]
9

10 AN ACT expiring funds to the unappropriated surplus balance in the
11 State Fund, General Revenue, for the fiscal year ending June
12 30, 2013 in the amount of \$5,500,000 from the Governor's
13 Office, Civil Contingent Fund, fund 0105, fiscal year 2009,
14 organization 0100, activity 236, and in the amount of
15 \$1,500,000 from the State Election Commission, Supreme Court
16 Public Campaign Financing Fund, fund 1690, fiscal year 2013,
17 organization 1601, and in the amount of \$2,500,000 from the
18 Department of Administration, Office of the Secretary, State
19 Employee Sick Leave Fund, fund 2045, fiscal year 2013,
20 organization 0201, and in the amount of \$18,317,356.29 from
21 the Department of Administration, Education, Arts, Sciences
22 and Tourism Debt Service Fund, fund 2252, fiscal year 2013,
23 organization 0211, and in the amount of \$3,800,000 from the
24 Department of Administration, Division of General Services,
25 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal
26 year 2013, organization 0211, and in the amount of \$8,000,000

1 from the Department of Administration, Board of Risk and
2 Insurance Management, Premium Tax Savings Fund, fund 2367,
3 fiscal year 2013, organization 0218, and in the amount of
4 \$5,000,000 from the West Virginia Health Care Authority,
5 Health Care Cost Review Fund, fund 5375, fiscal year 2013,
6 organization 0507, and in the amount of \$2,000,000 from the
7 Department of Health and Human Resources, Division of Human
8 Services, Low Income Energy Assistance Program Fund, fund
9 5081, fiscal year 2013, organization 0511, and in the amount
10 of \$4,600,000 from the Department of Revenue, State Budget
11 Office, Public Employees Insurance Reserve Fund, fund 7400,
12 fiscal year 2013, organization 0703, and in the amount of
13 \$24,500,000 from the Department of Revenue, Insurance
14 Commissioner, Insurance Commission Fund, fund 7152, fiscal
15 year 2013, organization 0704, and in the amount of \$14,736,022
16 from the Department of Revenue, Lottery Commission, Revenue
17 Center Construction Fund, fund 7209, fiscal year 2013,
18 organization 0705, and in the amount of \$3,000,000 from the
19 Public Service Commission, fund 8623, fiscal year 2013,
20 organization 0926, and making a supplementary appropriation of
21 public moneys out of the Treasury from the balance of moneys
22 remaining as an unappropriated surplus balance in the State
23 Fund, General Revenue, to the Governor's Office, Civil
24 Contingent Fund, fund 0105, fiscal year 2013, organization
25 0100, to the Department of Administration, Division of
26 Finance, fund 0203, fiscal year 2013, organization 0209, to

1 the Department of Commerce, West Virginia Development Office,
2 fund 0256, fiscal year 2013, organization 0307, to the
3 Department of Commerce, Division of Natural Resources, fund
4 0265, fiscal year 2013, organization 0310, to the Department
5 of Education and the Arts, Office of the Secretary, fund 0294,
6 fiscal year 2013, organization 0431, to the Department of
7 Health and Human Resources, Consolidated Medical Service Fund,
8 fund 0525, fiscal year 2013, organization 0506, to the
9 Department of Health and Human Resources, Division of Human
10 Services, fund 0403, fiscal year 2013, organization 0511, to
11 the Department of Military Affairs and Public Safety - Office
12 of the Secretary, fund 0430, fiscal year 2013, organization
13 0601, to the Department of Military Affairs and Public Safety,
14 Division of Corrections - Correctional Units, fund 0450,
15 fiscal year 2013, organization 0608, to the West Virginia
16 Council for Community and Technical College Education -
17 Control Account, fund 0596, fiscal year 2013, organization
18 0420, and to the Higher Education Policy Commission - Control
19 Account, fund 0586, fiscal year 2013, organization 0442, by
20 supplementing and amending the appropriations for the fiscal
21 year ending June 30, 2013.

22 WHEREAS, the Legislature finds that the account balances in
23 the Governor's Office, Civil Contingent Fund, fund 0105, fiscal
24 year 2009, organization 0100, activity 236, the State Election
25 Commission, Supreme Court Public Campaign Financing Fund, fund
26 1690, fiscal year 2013, organization 1601, the Department of

1 Administration, Office of the Secretary, State Employee Sick Leave
2 Fund, fund 2045, fiscal year 2013, organization 0201, the
3 Department of Administration, Education, Arts, Sciences and Tourism
4 Debt Service Fund, fund 2252, fiscal year 2013, organization 0211,
5 the Department of Administration, Division of General Services,
6 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year
7 2013, organization 0211, the Department of Administration, Board of
8 Risk and Insurance Management, Premium Tax Savings Fund, fund 2367,
9 fiscal year 2013, organization 0218, the West Virginia Health Care
10 Authority, Health Care Cost Review Fund, fund 5375, fiscal year
11 2013, organization 0507, the Department of Health and Human
12 Resources, Division of Human Services, Low Income Energy Assistance
13 Program Fund, fund 5081, fiscal year 2013, organization 0511, the
14 Department of Revenue, State Budget Office, Public Employees
15 Insurance Reserve Fund, fund 7400, fiscal year 2013, organization
16 0703, the Department of Revenue, Insurance Commissioner, Insurance
17 Commission Fund, fund 7152, fiscal year 2013, organization 0704,
18 the Department of Revenue, Lottery Commission, Revenue Center
19 Construction Fund, fund 7209, fiscal year 2013, organization 0705,
20 the Public Service Commission, fund 8623, fiscal year 2013,
21 organization 0926, exceed that which is necessary for the purposes
22 for which the accounts were established; and

23 WHEREAS, The Governor submitted to the Legislature the
24 Executive Budget document, dated February 13, 2013, which included
25 a Statement of the State Fund, General Revenue, setting forth
26 therein the cash balance as of July 1, 2012, and further included

1 the estimate of revenues for the fiscal year 2013, less net
2 appropriation balances forwarded and regular appropriations for the
3 fiscal year 2013; and

4 WHEREAS, It appears from the Executive Budget document,
5 Statement of the State Fund, General Revenue, and this legislation,
6 there now remains an unappropriated surplus balance in the State
7 Treasury which is available for appropriation during the fiscal
8 year ending June 30, 2013; therefore

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

10 That the balance of the funds available for expenditure in the
11 fiscal year ending June 30, 2013, in the Governor's Office, Civil
12 Contingent Fund, fund 0105, fiscal year 2009, organization 0100,
13 activity 236, be decreased by expiring the amount of \$5,500,000,
14 and in the State Election Commission, Supreme Court Public Campaign
15 Financing Fund, fund 1690, fiscal year 2013, organization 1601, be
16 decreased by expiring the amount of \$1,500,000, and in the
17 Department of Administration, Office of the Secretary, State
18 Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization
19 0201, be decreased by expiring the amount of 2,500,000, and in the
20 Department of Administration, Division of General Services,
21 Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252,
22 fiscal year 2013, organization 0211, be decreased by expiring the
23 amount of \$18,317,356.29, and in the Department of Administration,
24 Division of General Services, 2004 Capitol Complex Parking Garage
25 Fund, fund 2461, fiscal year 2013, organization 0211, be decreased
26 by expiring the amount of \$3,800,000, and in the Department of

1 Administration, Board of Risk and Insurance Management, Premium Tax
2 Savings Fund, fund 2367, fiscal year 2013, organization 0218, be
3 decreased by expiring the amount of \$8,000,000, and in the West
4 Virginia Health Care Authority, Health Care Cost Review Fund, fund
5 5375, fiscal year 2013, organization 0507, be decreased by expiring
6 the amount of \$5,000,000, and in the Department of Health and Human
7 Resources, Division of Human Services, Low Income Energy Assistance
8 Program Fund, fund 5081, fiscal year 2013, organization 0511, be
9 decreased by expiring the amount of \$2,000,000, and in the
10 Department of Revenue, State Budget Office, Public Employees
11 Insurance Reserve Fund, fund 7400, fiscal year 2013, organization
12 0703, be decreased by expiring the amount of \$4,600,000, and in the
13 Department of Revenue, Insurance Commissioner, Insurance Commission
14 Fund, fund 7152, fiscal year 2013, organization 0704, be decreased
15 by expiring the amount of \$24,500,000, and in the Department of
16 Revenue, Lottery Commission, Revenue Center Construction Fund, fund
17 7209, fiscal year 2013, organization 0705, be decreased by expiring
18 the amount of \$14,736,022, and in the Public Service Commission,
19 fund 8623, fiscal year 2013, organization 0926, be decreased by
20 expiring the amount of \$3,000,000 all to the unappropriated surplus
21 balance of the State Fund, General Revenue, to be available for
22 appropriation during the fiscal year ending June 30, 2013.

23 And, That the total appropriation for the fiscal year ending
24 June 30, 2013, to fund 0105, fiscal year 2013, organization 0100,
25 be supplemented and amended by adding a new item of appropriation
26 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 General

9 Act-

Revenue

10 ivity

Fund

11 1a 2012 Natural Disasters - Surplus (R). 135 \$ 2,000,000

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

15 Any unexpended balance remaining in the appropriation for 2012
16 Natural Disasters - Surplus (fund 0105, activity 135) at the close
17 of fiscal year 2013 is hereby reappropriated for expenditure during
18 the fiscal year 2014.

19 And, That the total appropriation for the fiscal year ending
20 June 30, 2013, to fund 0203, fiscal year 2013, organization 0209,
21 be supplemented and amended by adding a new item of appropriation
22 as follows:

23 TITLE II - APPROPRIATIONS.

24 Section 1. Appropriations from general revenue.

25 DEPARTMENT OF ADMINISTRATION

1 5a Unclassified - Surplus (R).. 097 \$ 3,500,000

2 Any unexpended balance remaining in the above appropriation
3 for Unclassified - Surplus (fund 0256, activity 097) at the close
4 of the fiscal year 2013 is hereby reappropriated for expenditure
5 during the fiscal year 2014.

6 And, That the total appropriation for the fiscal year ending
7 June 30, 2013, to fund 0265, fiscal year 2013, organization 0310,
8 be supplemented and amended by adding a new item of appropriation
9 as follows:

10 TITLE II - APPROPRIATIONS.

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

12 **DEPARTMENT OF COMMERCE**

13 *39-Division of Natural Resources*

14 (WV Code Chapter 20)

15 Fund 0265 FY 2013 Org 0310

16 **General**

17 **Act-**

Revenue

18 **ivity**

Fund

19 12a Operating Expenses - Surplus (R).. . 779 \$ 1,000,000

20 Any unexpended balance remaining in the above appropriation
21 for Operating Expenses - Surplus (fund 0265, activity 779) at the
22 close of the fiscal year 2013 is hereby reappropriated for
23 expenditure during the fiscal year 2014.

24 And, That the total appropriation for the fiscal year ending
25 June 30, 2013, to fund 0294, fiscal year 2013, organization 0431,

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

3 TITLE II--APPROPRIATIONS.

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

5 **DEPARTMENT OF EDUCATION AND THE ARTS**

6 *54-Department of Education and the Arts -*

7 *Office of the Secretary*

8 (WV Code Chapter 5F)

9 Fund 0294 FY 2013 Org 0431

10 **General**

11 **Revenue**

11 **Act-**

12 **ivity**

12 **Fund**

13 14a Educational Enhancements - Surplus.. 927 \$ 500,000

14 Any unexpended balance remaining in the above appropriation
15 for Educational Enhancements- Surplus (fund 0294, activity 927) at
16 the close of the fiscal year 2013 is hereby reappropriated for
17 expenditure during the fiscal year 2014.

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

22 TITLE II - APPROPRIATIONS.

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

24 **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

25 *64-Consolidated Medical Service Fund*

(WV Code Chapter 16)

Fund 0525 FY 2013 Org 0506

General

Act-

Revenue

ivity

Fund

6 Behavioral Health Program - Surplus (R) 631 \$ 3,662,312

7 Any unexpended balance remaining in the above appropriation
8 for Behavioral Health Program - Surplus (fund 0525, activity 631)
9 at the close of the fiscal year 2013 is hereby reappropriated for
10 expenditure during the fiscal year 2014.

11 And, That the total appropriation for the fiscal year ending
12 June 30, 2013, to fund 0403, fiscal year 2013, organization 0511,
13 be supplemented and amended by increasing existing items of
14 appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

67-Division of Human Services

(WV Code Chapters 9, 48 and 49)

Fund 0403 FY 2013 Org 0511

General

Act-

Revenue

ivity

Fund

24 9 Medical Services - Surplus (R).. . . . 633 \$ 34,384,273

25 10 Social Services - Surplus. 082 4,717,147

1 Any unexpended balance remaining in the above appropriation
 2 for Medical Services - Surplus (fund 0403, activity 633) at the
 3 close of the fiscal year 2013 is hereby reappropriated for
 4 expenditure during the fiscal year 2014.

5 And, That the total appropriation for the fiscal year ending
 6 June 30, 2013, to fund 0430, fiscal year 2013, organization 0601,
 7 be supplemented and amended by adding new items of appropriation as
 8 follows:

9 TITLE II - APPROPRIATIONS.

10 Section 1. Appropriations from general revenue.

11 DEPARTMENT OF MILITARY AFFAIRS

12 AND PUBLIC SAFETY

13 *68-Department of Military Affairs and Public Safety -*

14 *Office of the Secretary*

15 (WV Code Chapter 5F)

16 Fund 0430 FY 2013 Org 0601

17			General
18		Act-	Revenue
19		ivity	Fund

20	9a	Substance Abuse		
21	9b	Program - Surplus (R)	696	\$ 3,000,000
22	9c	Justice Reinvestment		
23	9d	Training - Surplus (R)	699	500,000

24 Any unexpended balances remaining in the above appropriations
 25 for Substance Abuse Program - Surplus (fund 0430, activity 696) and

1 Justice Reinvestment Training - Surplus (fund 0430, activity 699)
2 at the close of the fiscal year 2013 are hereby reappropriated for
3 expenditure during the fiscal year 2014.

4 The above appropriations for Substance Abuse Program - Surplus
5 (fund 0430, activity 696) and Justice Reinvestment Training -
6 Surplus (fund 0430, activity 699) shall be used for substance abuse
7 and training initiatives designed to increase public safety and
8 decrease the recidivism rate in West Virginia.

9 And, That the total appropriation for the fiscal year ending
10 June 30, 2013, to fund 0450, fiscal year 2013, organization 0608,
11 be supplemented and amended by adding new items of appropriation as
12 follows:

13 TITLE II - APPROPRIATIONS.

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

15 **DEPARTMENT OF MILITARY AFFAIRS**

16 **AND PUBLIC SAFETY**

17 *74-Division of Corrections -*

18 *Correctional Units*

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

20 Fund 0450 FY 2013 Org 0608

21 **General**

22 **Act-**

Revenue

23 **ivity**

Fund

24 14a Capital Improvements - Surplus (R).. 661 \$ 6,000,000

25 15a Capital Outlay, Repairs and

1 15b Equipment - Surplus (R) 677 4,900,000

2 18a Operating Expenses - Surplus (R) 779 2,000,000

3 Any unexpended balances remaining in the above appropriations
4 for Capital Improvements - Surplus (fund 0450, activity 661),
5 Capital Outlay, Repairs and Equipment - Surplus (fund 0450,
6 activity 677), and Operating Expenses - Surplus (fund 0450,
7 activity 779) at the close of the fiscal year 2013 are hereby
8 reappropriated for expenditure during the fiscal year 2014.

9 And, That the total appropriation for the fiscal year ending
10 June 30, 2013, to fund 0596, fiscal year 2013, organization 0420,
11 be supplemented and amended by adding a new item of appropriation
12 as follows:

13 TITLE II - APPROPRIATIONS.

14 Section 1. Appropriations from general revenue.

15 HIGHER EDUCATION

16 92-West Virginia Council for

17 Community and Technical College Education-

18 Control Account

19 (WV Code Chapter 18B)

20 Fund 0596 FY 2013 Org 0420

21 General

22 Act- Revenue

23 ivity Fund

24 2a Unclassified - Surplus (R) 097 \$ 80,758

25 And, That the total appropriation for the fiscal year

1 ending June 30, 2013, to fund 0586, fiscal year 2013, organization
2 0442, be supplemented and amended by adding a new item of
3 appropriation as follows:

4 TITLE II - APPROPRIATIONS.

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

6 **HIGHER EDUCATION**

7 *94-Higher Education Policy Commission -*

8 *System -*

9 *Control Account*

10 (WV Code Chapter 18B)

11 Fund 0586 FY 2013 Org 0442

12 **General**

13 **Act- Revenue**

14 **ivity Fund**

15 2a Unclassified - Surplus.. 097 \$ 4,247,234

16 From the above appropriation for Unclassified-Surplus (fund
17 0586, activity 097) no less than \$4,000,000 is to be used for
18 Glenville State College for capital improvements.

19 The purpose of this supplemental appropriation bill is to
20 expire, supplement, amend, increase, and add items of appropriation
21 in the aforesaid accounts for the designated spending units for
22 expenditure during the fiscal year 2013.