

1 **Senate Bill No. 651**

2 (By Senator Walters)

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4 [Introduced March 25, 2013; referred to the Committee on

5 Government Organization; and then to the Committee on Finance.]

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**FISCAL
NOTE**

A BILL to amend and reenact §12-3-12 of the Code of West Virginia, 1931, as amended, relating to the expiration of unexpended appropriations; and allowing state agencies and departments to keep fifty percent of all surplus funds.

Be it enacted by the Legislature of West Virginia:

That §12-3-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-12. Expiration of unexpended appropriations.

Every appropriation which is payable out of the general revenue, or so much thereof as may remain undrawn at the end of the year for which made, shall be deemed to have expired at the end of the year for which it is made, and no warrant shall thereafter be issued upon it: *Provided*, That warrants may be drawn through July

1 31 after the end of the year for which the appropriation is made if
2 the warrants are in payment of bills for such year and have been
3 encumbered by the budget office prior to July 1; but appropriations
4 for buildings and land or capital outlay shall remain in effect,
5 and shall not be deemed to have expired until the end of three
6 years after the passage of the act by which such appropriations are
7 made: *Provided, however,* That if July 31 is on Saturday, then
8 warrants may only be drawn through the Friday immediately preceding
9 such Saturday, but if July 31 is on Sunday, the warrants may be
10 drawn through the Monday immediately following such Sunday:
11 *Provided further,* That agencies and departments shall be permitted
12 to retain fifty percent of all expired unexpended appropriations
13 and deposit such surplus in an internal fund for the use of the
14 agency or department in awarding bonuses to employees for helping
15 achieve the reduced expenditure of state funds.

16 The Legislature may expire or provide for the expiration of
17 any appropriation prior to the end of the fiscal year for which it
18 is made.

NOTE: The purpose of this bill is to allow state agencies and departments to keep fifty percent of their budget surplus in an internal fund for employee bonuses.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.