

1 **H. B. 3272**

2  
3 (By Delegates White, T. Campbell, M. Poling, Manchin, Iaquina,  
4 Kominar, Perdue, Doyle, Guthrie, Anderson and Walters)

5  
6 [Originating in the Committee on Finance]

7 [March 9, 2011]

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9  
10 A BILL expiring funds to the unappropriated surplus balance in the  
11 State Fund, General Revenue, for the fiscal year ending June  
12 30, 2011 in the amount of \$3,900,000 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 \$7,100,000 from the Department of Military Affairs and Public  
16 Safety - Office of the Secretary, fund 0430, fiscal year 2006,  
17 organization 0601, activity 511, and making a supplementary  
18 appropriation of public moneys out of the Treasury from the  
19 balance of moneys remaining as an unappropriated surplus  
20 balance in the State Fund, General Revenue, to the Auditor's  
21 Office - General Administration, fund 0116, fiscal year 2011,  
22 organization 1200, to the Department of Agriculture, fund  
23 0131, fiscal year 2011, organization 1400, to the Department  
24 of Administration - Ethics Commission, fund 0223, fiscal year  
25 2011, organization 0220, to the Department of Administration -

1 Public Defender Services, fund 0226, fiscal year 2011,  
2 organization 0221, to the Department of Education - State  
3 Department of Education, fund 0313, fiscal year 2011,  
4 organization 0402, to the Department of Health and Human  
5 Resources - Consolidated Medical Service Fund, fund 0525,  
6 fiscal year 2011, organization 0506, to the Department of  
7 Health and Human Resources - Division of Human Services, fund  
8 0403, fiscal year 2011, organization 0511, to the Department  
9 of Military Affairs and Public Safety - West Virginia Parole  
10 Board, fund 0440, fiscal year 2011, organization 0605, to the  
11 Department of Military Affairs and Public Safety - Division of  
12 Corrections - Correctional Units, fund 0450, fiscal year 2011,  
13 organization 0608, to the Department of Military Affairs and  
14 Public Safety - Division of Veterans' Affairs, fund 0456,  
15 fiscal year 2011, organization 0613, and to Higher Education -  
16 Higher Education Policy Commission - Administration - Control  
17 Account, fund 0589, fiscal year 2011, organization 0441, and  
18 to Higher Education Policy Commission - System Control  
19 Account, fund 0586, fiscal year 2011, organization 0442, by  
20 supplementing and amending the appropriations for the fiscal  
21 year ending June 30, 2011.

22 WHEREAS, The Legislature finds that the account balance in the  
23 Governor's Office - Civil Contingent Fund, fund 0105, fiscal year  
24 2009, organization 0100, activity 236, exceeds that which is

1 necessary for the purposes for which the account was established;  
2 and

3       WHEREAS, The Legislature finds that the account balance in the  
4 Department of Military Affairs and Public Safety - Office of the  
5 Secretary, fund 0430, fiscal year 2006, organization 0601, activity  
6 511, exceeds that which is necessary for the purposes for which the  
7 account was established; and

8       WHEREAS, The Governor submitted to the Legislature the  
9 Executive Budget document, dated January 12, 2011, which included  
10 a statement of the State Fund, General Revenue, setting forth  
11 therein the cash balance as of July 1, 2010; and further included  
12 the estimate of revenues for the fiscal year 2011, less net  
13 appropriation balances forwarded and regular appropriations for  
14 fiscal year 2011; and

15       WHEREAS, It appears from the Governor's Executive Budget  
16 document, statement of the State Fund, General Revenue, and this  
17 legislation there now remains an unappropriated surplus balance in  
18 the State Treasury which is available for appropriation during the  
19 fiscal year ending June 30, 2011; therefore

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

21       That the balance of the funds available for expenditure in the  
22 fiscal year ending June 30, 2011, to the Department of Military  
23 Affairs and Public Safety - Office of the Secretary, fund 0430,  
24 fiscal year 2006, organization 0601, activity 511, be decreased by

1 expiring the amount of \$7,100,000 to the unappropriated surplus  
2 balance of the State Fund, General Revenue, to be available for  
3 appropriation during the fiscal year 2011.

4 And, That the total appropriation for the fiscal year ending  
5 June 30, 2011, to fund 0116, fiscal year 2011, organization 1200,  
6 be supplemented and amended by increasing an existing item of  
7 appropriation as follows:

8 TITLE II--APPROPRIATIONS.

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

10 **EXECUTIVE**

11 *8-Auditor's Office-*

12 *General Administration*

13 *(WV Code Chapter 12)*

14 Fund 0116 FY 2011 Org 1200

15 **General**

16 **Act- Revenue**

17 **ivity Funds**

18 5 Unclassified - Surplus (R)... . . . . 097 \$ 2,500,000

19 Any unexpended balance remaining in the appropriation for  
20 Unclassified - Surplus (fund 0116, activity 097) at the close of  
21 the fiscal year 2011 is hereby reappropriated for expenditure  
22 during the fiscal year 2012.

23 And, That the total appropriation for the fiscal year ending  
24 June 30, 2011, to fund 0131, fiscal year 2011, organization 1400,

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

3 TITLE II--APPROPRIATIONS.

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

5 **EXECUTIVE**

6 *10-Department of Agriculture*

7 (WV Code Chapter 19)

8 Fund 0131 FY 2011 Org 1400

9 **General**

10 **Act- Revenue**

11 **ivity Funds**

12 7 Unclassified - Surplus (R)... . . . . 097 \$ 725,000

13 Any unexpended balance remaining in the appropriation for  
14 Unclassified - Surplus (fund 0131, activity 097) at the close of  
15 the fiscal year 2011 is hereby reappropriated for expenditure  
16 during the fiscal year 2012.

17 And, That the total appropriation for the fiscal year ending  
18 June 30, 2011, to fund 0223, fiscal year 2011, organization 0220,  
19 be supplemented and amended by increasing an existing item of  
20 appropriation as follows:

21 TITLE II--APPROPRIATIONS.

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

23 **DEPARTMENT OF ADMINISTRATION**

24 *25-Ethics Commission*

(WV Code Chapter 6B)

Fund 0223 FY 2011 Org 0220

**General**

**Act- Revenue**

**ivity Fund**

6 1 Unclassified - Surplus . . . . . 097 \$ 75,000

7 And, That the total appropriation for the fiscal year ending  
8 June 30, 2011, to fund 0226, fiscal year 2011, organization 0221,  
9 be supplemented and amended by increasing an existing item of  
10 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

**General**

**Act- Revenue**

**ivity Fund**

20 6a Appointed Counsel

21 6b Fees - Surplus (R) .. . . . 435 \$ 11,500,000

22 Any unexpended balance remaining in the appropriation for  
23 Appointed Counsel Fees - Surplus (fund 0226, activity 435) at the  
24 close of the fiscal year 2011 is hereby reappropriated for

1 expenditure during the fiscal year 2012.

2 And, That the total appropriation for the fiscal year ending  
3 June 30, 2011, to fund 0313, fiscal year 2011, organization 0402,  
4 be supplemented and amended by increasing existing items of  
5 appropriation as follows:

6 TITLE II--APPROPRIATIONS.

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

8 **DEPARTMENT OF EDUCATION**

9 *46-State Department of Education*

10 (WV Code Chapters 18 and 18A)

11 Fund 0313 FY 2011 Org 0402

12 **General**

13 **Act- Revenue**

14 **ivity Funds**

15	4	Unclassified - Surplus (R) . . . . .	097	\$	526,522
16	6	Increased Enrollment - Surplus . . . . .	059		2,062,718

17 Any unexpended balance remaining in the appropriation for  
18 Unclassified - Surplus (fund 0313, activity 097) at the close of  
19 the fiscal year 2011 is hereby reappropriated for expenditure  
20 during the fiscal year 2012.

21 And, That the total appropriation for the fiscal year ending  
22 June 30, 2011, to fund 0525, fiscal year 2011, organization 0506,  
23 be supplemented and amended by increasing an existing item of  
24 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

General

Act- Revenue

ivity Funds

Institutional Facilities

9a Operations - Surplus (R). . . . 632 \$ 3,961,964

Any unexpended balance remaining in the appropriation for

Institutional Facilities Operations - Surplus (fund 0525, activity

632) at the close of the fiscal year 2011 is hereby reappropriated

for expenditure during the fiscal year 2012.

And, That the total appropriation for the fiscal year ending

June 30, 2011, to fund 0403, fiscal year 2011, organization 0511,

be supplemented and amended by increasing an 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

**General**

**Act- Revenue**

**ivity Funds**

40 Indigent Burials - Surplus (R).. . 076 \$ 850,000

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

And, That the total appropriation for the fiscal year ending June 30, 2011, to fund 0440, fiscal year 2011, organization 0605, be supplemented and amended by increasing an 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

**General**

**Act- Revenue**

**ivity Funds**

4 Unclassified - Surplus (R).. . . 097 \$ 31,491

1 Any unexpended balance remaining in the appropriation for  
 2 Unclassified - Surplus (fund 0440, activity 097) at the close of  
 3 the fiscal year 2011 is hereby reappropriated for expenditure  
 4 during the fiscal year 2012.

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

9 TITLE II--APPROPRIATIONS.

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

11 **DEPARTMENT OF MILITARY AFFAIRS**

12 **AND PUBLIC SAFETY**

13 *72-Division of Corrections -*

14 *Correctional Units*

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

16 Fund 0450 FY 2011 Org 0608

17 **General**

18 **Act-**

**Revenue**

19 **ivity**

**Funds**

20	3	Unclassified - Surplus (R) . . . . .	097	\$	7,100,000
21	12	Payments to Federal, County, and/or			
22	13	Regional Jails - Surplus (R) . . . . .	008	\$	6,000,000

23

24 Any unexpended balance remaining in the appropriation for

1 Unclassified - Surplus (fund 0450, activity 097), and Payments to  
2 Federal, County, and/or Regional Jails - Surplus (fund 0450,  
3 activity 008) at the close of the fiscal year 2011 is hereby  
4 reappropriated for expenditure during the fiscal year 2012.

5 And, That the total appropriation for the fiscal year ending  
6 June 30, 2011, to fund 0456, fiscal year 2011, organization 0613,  
7 be supplemented and amended by increasing an existing item of  
8 appropriation as follows:

9 TITLE II--APPROPRIATIONS.

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

11 **DEPARTMENT OF MILITARY AFFAIRS**

12 **AND PUBLIC SAFETY**

13 *74-Division of Veterans' Affairs*

14 (WV Code Chapter 9A)

15 Fund 0456 FY 2011 Org 0613

16 **General**

17 **Act-**

**Revenue**

18 **ivity**

**Funds**

19 4 Unclassified - Surplus (R)... . . . . 097 \$ 300,000

20 Any unexpended balance remaining in the appropriation for  
21 Unclassified - Surplus (fund 0456, activity 097) at the close of  
22 the fiscal year 2011 is hereby reappropriated for expenditure  
23 during the fiscal year 2012.

24 And, That the total appropriation for the fiscal year ending

1 June 30, 2011, to fund 0589, fiscal year 2011, organization 0441,  
2 be supplemented and amended by increasing an existing item of  
3 appropriation as follows:

4 TITLE II - APPROPRIATIONS.

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

6 **HIGHER EDUCATION**

7 *91-Higher Education Policy Commission -*

8 *Administration -*

9 *Control Account*

10 (WV Code Chapter 18B)

11 Fund 0589 FY 2011 Org 0441

12 **General**

13 **Act- Revenue**

14 **ivity Funds**

15 1 Unclassified - Surplus (R)... . . . . 097 \$ 4,800,000

16 Any unexpended balance remaining in the appropriation for  
17 Unclassified - Surplus (fund 0589, activity 097) at the close of  
18 the fiscal year 2011 is hereby reappropriated for expenditure  
19 during the fiscal year 2012.

20 And, That the total appropriation for the fiscal year ending  
21 June 30, 2011, to fund 0586, fiscal year 2011, organization 0442,  
22 be supplemented and amended by increasing an existing item of  
23 appropriation as follows:

24 TITLE II - APPROPRIATIONS.

