

**WEST VIRGINIA LEGISLATURE**

**2024 FIRST EXTRAORDINARY SESSION**

**Introduced**

**House Bill 101**

BY DELEGATES HANSHAW (MR. SPEAKER) AND

HORNBUCKLE

(BY REQUEST OF THE EXECUTIVE)

[Introduced May 19, 2024; Referred to the Committee  
on Finance]



1 A BILL supplementing and amending the appropriations of public moneys out of the Treasury  
2 from the balance of moneys remaining as an unappropriated balance in the State Fund,  
3 General Revenue, to the Department of Health, Department of Health – Central Office,  
4 fund 0407, fiscal year 2025, organization 0506, Office of the Inspector General, fund 0437,  
5 fiscal year 2025, organization 0513, Department of Health, Consolidated Medical Services  
6 Fund, fund 0525, fiscal year 2025, organization 0506, Department of Human Services,  
7 Division of Human Services, fund 0403, fiscal year 2025, organization 0511, by  
8 supplementing and amending the appropriations for the fiscal year ending June 30, 2025,  
9 by adding new items of appropriation.

1 WHEREAS, The Governor submitted the Executive Budget Document to the Legislature  
2 on January 10, 2024, containing a statement of the State Fund, General Revenue, setting forth  
3 therein the cash balance as of July 1, 2023, and further included the estimate of revenue for the  
4 fiscal year 2025, less net appropriation balances forwarded and regular appropriations for the  
5 fiscal year 2025;

6 WHEREAS, The Governor submitted to the Legislature an Executive Message dated May  
7 19, 2024, and included a Statement of the State Fund, General Revenue, for the fiscal year 2025;  
8 and

9 WHEREAS, It appears from the Statement of the State Fund, General Revenue, there  
10 remains an unappropriated balance in the State Treasury which is available for appropriation  
11 during the fiscal year ending June 30, 2025; therefore

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

1 That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the budget  
2 bill, fund 0407, fiscal year 2025, organization 0506, be supplemented and amended to read as  
3 follows:

## **TITLE II – APPROPRIATIONS.**

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

**DEPARTMENT OF HEALTH**

*57 - Department of Health –*

*Central Office*

(W.V. Code Chapter 16)

Fund 0407 FY 2025 Org 0506

Personal Services and Employee Benefits.....	00100	\$	3,362,243
Salary and Benefits of Cabinet Secretary			
and Agency Heads .....	00201		358,400
Unclassified .....	09900		6,459
Current Expenses .....	13000		225,201
Capital Outlay and Maintenance (R) .....	75500		70,000
BRIM Premium.....	91300		169,791
Department of Health Reserve .....	XXXXX		<u>5,013,844</u>
Total.....		\$	9,205,938

Any unexpended balances remaining in the appropriations for Capital Outlay and Maintenance (fund 0407, appropriation 75500), Emergency Response Entities – Special Projects (fund 0407, appropriation 82200), Tobacco Education Program (fund 0407, appropriation 90600), and Pregnancy Centers – Surplus (fund 0407, appropriation 49999) at the close of the fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

Any unexpended balances remaining in the appropriation Chief Medical Examiner (fund 0407, appropriation 04500) at the close of fiscal year 2024 shall be transferred to Chief Medical Examiner appropriation (fund 0432, appropriation 04500).

Any unexpended balances remaining in the appropriation Safe Drinking Water Program (fund 0407, appropriation 18700) at the close of fiscal year 2024 shall be transferred to Environmental Health Services appropriation (fund 0417, appropriation 30002).

Any unexpended balances remaining in the appropriation Statewide EMS Program Support (fund 0407, appropriation 38300) at the close of fiscal year 2024 shall be transferred to Statewide EMS Program Support appropriation (fund 0434, appropriation 38300).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis (fund 0407, appropriation 42001) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis appropriation (fund 0427, appropriation 42001).

Any unexpended balances remaining in the appropriation Office of Medical Cannabis – Surplus (fund 0407, appropriation 42099) at the close of fiscal year 2024 shall be transferred to Office of Medical Cannabis – Surplus appropriation (fund 0427, appropriation 42099).

Any unexpended balances remaining in the appropriation Vaccine for Children (fund 0407, appropriation 55100) at the close of fiscal year 2024 shall be transferred to Vaccine for Children appropriation (fund 0418, appropriation 55100).

Any unexpended balances remaining in the appropriation Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees (fund 0407, appropriation 57500) at the close of fiscal year 2024 shall be transferred to the Maternal and Child Health Clinics, Clinicians and Medical Contracts and Fees appropriation (fund 0405, appropriation 57500).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy (fund 0407, appropriation 35401) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy (fund 0403, appropriation 35401).

Any unexpended balances remaining in the appropriations Office of Drug Control Policy – Surplus (fund 0407, appropriation 35402) at the close of fiscal year 2024 shall be transferred to Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402).

Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the Department of Health shall have the authority to transfer funds within the above appropriations: *Provided*, That no more than five percent of the funds appropriated to one appropriation may be transferred to other appropriations: *Provided, however*, That no funds from other appropriations

47 shall be transferred to the Personal Services and Employee Benefits appropriation: *Provided,*  
 48 *further, notwithstanding the above,* That for Fiscal Year 2025 the Secretary of the Department of  
 49 Health shall have additional authority to transfer appropriations between Personal Services and  
 50 Employee Benefits and other dedicated appropriations within the respective departments to  
 51 effectuate the 5% average salary increases granted during the 2024 regular legislative session:  
 52 *Provided, further, notwithstanding the above,* That for Fiscal Year 2025 the Secretary of Health  
 53 shall have the authority to make transfers from the Department of Health Reserve (fund 0407,  
 54 appropriation XXXXX) appropriation to any general revenue funds under the department. The  
 55 Secretary shall submit a monthly report to the Joint Committee on Government and Finance  
 56 beginning on August 1, 2024 on transfers made from the Department of Health Reserve  
 57 appropriation. The report shall provide an individual accounting on each transfer of funds out of  
 58 the Department of Health Reserve appropriation, including the fund and appropriation to which  
 59 the transfer was made and a detailed explanation of the need for the transfer. At the request of  
 60 the co-chairs, the report shall be presented in person to the Joint Committee on Government and  
 61 Finance.

1 And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the  
 2 budget bill, fund 0437, fiscal year 2025, organization 0513, be supplemented and amended to  
 3 read as follows:

## TITLE II – APPROPRIATIONS.

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

#### 5 **DEPARTMENT OF HEALTH**

6 *78 - Office of the Inspector General*

7 (W.V. Code Chapter 16B)

8 Fund 0437 FY 2025 Org 0513

1 Personal Services and Employee Benefits.....	00100	\$	5,583,690
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2	Unclassified .....	09900	57,469
3	Current Expenses .....	13000	<u>1,583,603</u>
4	Total .....		\$ 7,224,762

5 From the above appropriation for Current Expenses (fund 0437, appropriation 13000),  
6 \$73,065 shall be used for informal dispute resolution relating to nursing home administrative  
7 appeals and \$650,000 shall be transferred to OIG fund 5209.

1 And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the  
2 budget bill, to fund 0525, fiscal year 2025, organization 0506, be supplemented and amended to  
3 add a new item of appropriation:

## **TITLE II – APPROPRIATIONS.**

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

#### **DEPARTMENT OF HEALTH**

##### *79A - Consolidated Medical Services Fund*

##### *(W.V. Code Chapter 16)*

##### **Fund 0525 FY 2025 Org 0506**

1 Any unexpended balances remaining in the appropriations for Behavioral Health  
2 Program – Surplus (fund 0525, appropriation 63100) at the close of the fiscal year 2024 are  
3 hereby reappropriated for expenditure during the fiscal year 2025.

4 And, That Chapter 11, Acts of the Legislature, Regular Session, 2024, known as the  
5 budget bill, fund 0403, fiscal year 2025, organization 0511, be supplemented and amended to  
6 read as follows:

## **TITLE II – APPROPRIATIONS.**

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

#### **DEPARTMENT OF HUMAN SERVICES**

##### *80 - Division of Human Services*

10	(W.V. Code Chapters 9, 48, and 49)			
11	Fund <u>0403</u> FY <u>2025</u> Org <u>0511</u>			
1	Personal Services and Employee Benefits.....	00100	\$	32,554,845
2	Salary and Benefits of Cabinet Secretary and			
3	Agency Heads.....	00201		159,250
4	Unclassified .....	09900		5,120,050
5	Current Expenses .....	13000		5,557,409
6	Child Care Development .....	14400		3,138,536
7	Jobs & Hope .....	14902		2,357,000
8	Social Services .....	19500		46,136
9	Behavioral Health Program (R) .....	21900		66,864,419
10	Family Resource Networks .....	27400		1,762,464
11	Substance Abuse Continuum of Care (R) .....	35400		1,656,000
12	Office of Drug Control Policy (R) .....	35401		567,875
13	James "Tiger" Morton Catastrophic Illness Fund.....	45500		373,424
14	In-Home Family Education .....	68800		1,000,000
15	WV Works Separate State Program.....	69800		1,381,500
16	Child Support Enforcement .....	70500		6,227,186
17	Temporary Assistance for Needy Families/			
18	Maintenance of Effort .....	70700		23,237,186
19	Child Care – Maintenance of Effort Match.....	70800		5,693,743
20	Capital Outlay and Maintenance (R) .....	75500		11,875
21	Medical Services Administrative Costs.....	78900		58,017
22	Indigent Burials (R) .....	85100		1,550,000
23	CHIP Administrative Costs .....	85601		633,107
24	CHIP Services.....	85602		12,122,368



25	BRIM Premium.....	91300	945,891
26	Children's Trust Fund – Transfer.....	95100	220,000
27	Department of Human Services Reserve .....	XXXXX	<u>183,437,463</u>
28	Total.....		\$ 356,675,744

29 Any unexpended balances remaining in the appropriations for Behavioral Health Program  
30 (fund 0403, appropriation 21900), Substance Abuse Continuum of Care (fund 0403, appropriation  
31 35400), Office of Drug Control Policy (fund 0403, appropriation 35401), Capital Outlay and  
32 Maintenance (fund 0403, appropriation 75500), Indigent Burials (fund 0403, appropriation 85100),  
33 and Office of Drug Control Policy – Surplus (fund 0403, appropriation 35402) at the close of the  
34 fiscal year 2024 are hereby reappropriated for expenditure during the fiscal year 2025.

35 Notwithstanding the provisions of Title I, section three of this bill, the Secretary of the  
36 Department of Human Services shall have the authority to transfer funds within the above  
37 appropriations: *Provided*, That no more than five percent of the funds appropriated to one  
38 appropriation may be transferred to other appropriations: *Provided, however*, That no funds from  
39 other appropriations shall be transferred to the Personal Services and Employee Benefits  
40 appropriation: *Provided, further, notwithstanding the above*, That for Fiscal Year 2025 the  
41 Secretary of the Department of Human Services shall have additional authority to transfer  
42 appropriations between Personal Services and Employee Benefits and other dedicated  
43 appropriations within the respective departments to effectuate the 5% average salary increases  
44 granted during the 2024 regular legislative session: *Provided, further, notwithstanding the above*,  
45 That for Fiscal Year 2025 the Secretary of Human Services shall have the authority to make  
46 transfers from the Department of Human Services Reserve (fund 0403, appropriation XXXXX)  
47 appropriation to any general revenue funds under the department. The Secretary shall submit  
48 monthly report to the Joint Committee on Government and Finance beginning on August 1, 2024  
49 on transfers made from the Department of Human Services Reserve appropriation. The report  
50 shall provide an individual accounting on each transfer of funds out of the Department of Human

51 Services appropriation, including the fund and appropriation to which the transfer was made and  
52 a detailed explanation of the need for the transfer. At the request of the co-chairs, the report shall  
53 be presented in person to the Joint Committee on Government and Finance.

54 The Secretary shall have authority to expend funds for the educational costs of those  
55 children residing in out-of-state placements, excluding the costs of special education programs.

56 The above appropriation for James "Tiger" Morton Catastrophic Illness Fund (fund 0403,  
57 appropriation 45500) shall be transferred to the James "Tiger" Morton Catastrophic Illness Fund  
58 (fund 5454) as provided by Article 5Q, Chapter 16 of the W.V. Code.

59 The above appropriation for WV Works Separate State Program (fund 0403, appropriation  
60 69800) shall be transferred to the WV Works Separate State College Program Fund (fund 5467)  
61 and the WV Works Separate State Two-Parent Program Fund (fund 5468) as determined by the  
62 Secretary of the Department of Human Services.

63 From the above appropriation for Child Support Enforcement (fund 0403, appropriation  
64 70500), an amount not to exceed \$300,000 may be transferred to a local banking depository to  
65 be utilized to offset funds determined to be uncollectible.

66 Included in the appropriation for Behavioral Health Program (fund 0403, appropriation  
67 21900), is \$100,000 for Recovery Point of Huntington.

68 The above appropriation for Children's Trust Fund – Transfer (fund 0403, appropriation  
69 95100) shall be transferred to the Children's Trust Fund (fund 5469).

70 From the above appropriation for Substance Abuse Continuum of Care (fund 0403,  
71 appropriation 35400), the funding will be consistent with the goal areas outlined in the  
72 Comprehensive Substance Abuse Strategic Action Plan.

NOTE: The purpose of this supplemental appropriation bill is to add and increase items of  
appropriation in the aforesaid accounts for the designated spending units for expenditure  
during the fiscal year 2025.