

E N R O L L E D

COMMITTEE SUBSTITUTE

for

H. B. 2538

(BY MR. SPEAKER, (MR. THOMPSON)

AND DELEGATE ARMSTEAD)

[BY REQUEST OF THE EXECUTIVE]

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

AN ACT expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2013 in the amount of \$5,500,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, and in the amount of \$1,500,000 from the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, and in the amount of \$2,500,000 from the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, and in the amount of \$18,317,356.29 from the Department of Administration, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, and in the amount of \$3,800,000 from the Department of Administration, Division of

General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, and in the amount of \$8,000,000 from the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2013, organization 0218, and in the amount of \$5,000,000 from the West Virginia Health Care Authority, Health Care Cost Review Fund, fund 5375, fiscal year 2013, organization 0507, and in the amount of \$2,000,000 from the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, and in the amount of \$4,600,000 from the Department of Revenue, State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, and in the amount of \$24,500,000 from the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, and in the amount of \$14,736,022 from the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, and in the amount of \$3,000,000 from the Public Service Commission, fund 8623, fiscal year 2013, organization 0926, 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 Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2013, organization 0100, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2013, organization 0209, to the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2013, organization 0307, to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2013, organization 0310, to the Department of Education and the Arts, Office of the Secretary, fund 0294, fiscal year 2013, organization 0431, to the Department of Health and Human Resources, Consolidated Medical Service Fund, fund 0525, fiscal year 2013, organization 0506, to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal

year 2013, organization 0511, to the Department of Military Affairs and Public Safety - Office of the Secretary, fund 0430, fiscal year 2013, organization 0601, to the Department of Military Affairs and Public Safety, Division of Corrections - Correctional Units, fund 0450, fiscal year 2013, organization 0608, to the West Virginia Council for Community and Technical College Education - Control Account, fund 0596, fiscal year 2013, organization 0420, and to the Higher Education Policy Commission - Control Account, fund 0586, fiscal year 2013, organization 0442, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

WHEREAS, the Legislature finds that the account balances in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, the Department of Administration, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2013, organization 0218, the West Virginia Health Care Authority, Health Care Cost Review Fund, fund 5375, fiscal year 2013, organization 0507, the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, the Department of Revenue, State Budget Office, Public Employees Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, the Public Service Commission, fund 8623, fiscal year 2013, organization 0926, exceed that which is

necessary for the purposes for which the accounts were established;
and

WHEREAS, The Governor submitted to the Legislature the Executive Budget document, dated February 13, 2013, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2012, and further included the estimate of revenues for the fiscal year 2013, less net appropriation balances forwarded and regular appropriations for the fiscal year 2013; and

WHEREAS, It appears from the 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, 2013; 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, 2013, in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2009, organization 0100, activity 236, be decreased by expiring the amount of \$5,500,000, and in the State Election Commission, Supreme Court Public Campaign Financing Fund, fund 1690, fiscal year 2013, organization 1601, be decreased by expiring the amount of \$1,500,000, and in the Department of Administration, Office of the Secretary, State Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization 0201, be decreased by expiring the amount of \$2,500,000, and in the Department of Administration, Division of General Services, Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252, fiscal year 2013, organization 0211, be decreased by expiring the amount of \$18,317,356.29, and in the Department of Administration, Division of General Services, 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2013, organization 0211, be decreased by expiring the amount of \$3,800,000, and in the Department of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2013, organization 0218, be decreased by expiring the amount of \$8,000,000,

8		General
9	Act-	Revenue
10	ivity	Fund
11	1a 2012 Natural Disasters -	
12	Surplus (R).....	\$ 2,000,000

13 Any federal reimbursements received to remunerate dis-
 14 bursements from this activity or funds transferred from this
 15 activity shall be credited back to this activity.

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

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

1 **TITLE II - APPROPRIATIONS.**

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

3 **DEPARTMENT OF ADMINISTRATION**

4 *20-Division of Finance*

5 (WV Code Chapter 5A)

6 Fund 0203 FY 2013 Org 0209

7		General
8	Act-	Revenue
9	ivity	Fund
10	10a Enterprise Resource Planning	
11	10b System - Surplus.....	\$ 30,000,000

12 The above appropriation for Enterprise Resource Planning
13 System - Surplus (activity 872), shall be transferred to the West
14 Virginia Enterprise Resource Planning Board, fund 9080,
15 organization 0947.

16 And, That the total appropriation for the fiscal year ending
17 June 30, 2013, to fund 0256, fiscal year 2013, organization 0307,
18 be supplemented and amended by adding a new item of appro-
19 priation as follows:

1 TITLE II - APPROPRIATIONS.

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

3 **DEPARTMENT OF COMMERCE**

4 *36-West Virginia Development Office*

5 (WV Code Chapter 5B)

6 Fund 0256 FY 2013 Org 0307

7	8	9	General
	Act-		Revenue
	ivity		Fund
10	5a Unclassified - Surplus (R).. . . . 097	\$	3,500,000

11 Any unexpended balance remaining in the above appropria-
12 tion for Unclassified - Surplus (fund 0256, activity 097) at the
13 close of the fiscal year 2013 is hereby reappropriated for
14 expenditure during the fiscal year 2014.

15 And, That the total appropriation for the fiscal year ending
16 June 30, 2013, to fund 0265, fiscal year 2013, organization 0310,
17 be supplemented and amended by adding a new item of appro-
18 priation as follows:

1 TITLE II - APPROPRIATIONS.

2 Section 1. Appropriations from general revenue.

3 DEPARTMENT OF COMMERCE

4 39-Division of Natural Resources

5 (WV Code Chapter 20)

6 Fund 0265 FY 2013 Org 0310

7		General
8	Act-	Revenue
9	ivity	Fund

10	12a Operating Expenses -		
11	Surplus (R).	779	\$ 1,000,000

12 Any unexpended balance remaining in the above appropria-
13 tion for Operating Expenses - Surplus (fund 0265, activity 779)
14 at the close of the fiscal year 2013 is hereby reappropriated for
15 expenditure during the fiscal year 2014.

16 And, That the total appropriation for the fiscal year ending
17 June 30, 2013, to fund 0294, fiscal year 2013, organization 0431,
18 be supplemented and amended by adding a new item of appro-
19 priation as follows:

1 TITLE II—APPROPRIATIONS.

2 Section 1. Appropriations from General Revenue.

3 DEPARTMENT OF EDUCATION AND THE ARTS

4 54-Department of Education and the Arts -
5 Office of the Secretary

6 (WV Code Chapter 5F)

7 Fund 0294 FY 2013 Org 0431

8		General
9	Act-	Revenue
10	ivity	Fund
11	14a Educational	
12	Enhancements - Surplus. 927	\$ 500,000

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

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

1 TITLE II - APPROPRIATIONS.

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

3 **DEPARTMENT OF HEALTH**
 4 **AND HUMAN RESOURCES**

5 *64-Consolidated Medical Service Fund*

6 (WV Code Chapter 16)

7 Fund 0525 FY 2013 Org 0506

8		General
9	Act-	Revenue
10	ivity	Fund
11	6 Behavioral Health Program -	
12	Surplus (R). 631	\$ 3,662,312

13 Any unexpended balance remaining in the above appropria-
 14 tion for Behavioral Health Program - Surplus (fund 0525,

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TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

*68-Department of Military Affairs and Public Safety -
Office of the Secretary*

(WV Code Chapter 5F)

Fund 0430 FY 2013 Org 0601

	Act- ivity	General Revenue Fund
9a Substance Abuse		
9b Program - Surplus (R).	696	\$ 3,000,000
9c Justice Reinvestment		
9d Training - Surplus (R).	699	500,000

Any unexpended balances remaining in the above appropriations for Substance Abuse Program - Surplus (fund 0430, activity 696) and Justice Reinvestment Training - Surplus (fund 0430, activity 699) at the close of the fiscal year 2013 are hereby reappropriated for expenditure during the fiscal year 2014.

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

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

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TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

**DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY**

*74-Division of Corrections -
Correctional Units*

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

Fund 0450 FY 2013 Org 0608

	Act-	General
	ivity	Revenue
		Fund

14a Capital Improvements -		
Surplus (R).....	661	\$ 6,000,000
15a Capital Outlay, Repairs and		
15b Equipment - Surplus (R).	677	4,900,000
18a Operating Expenses -		
Surplus (R).....	779	2,000,000

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

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

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TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

HIGHER EDUCATION

*92-West Virginia Council for
Community and Technical College Education-
Control Account*

(WV Code Chapter 18B)

Fund 0596 FY 2013 Org 0420

		General
	Act-	Revenue
	ivity	Fund
2a	Unclassified - Surplus (R)..... 097	\$ 80,758

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0586, fiscal year 2013, organization 0442, be supplemented and amended by adding a new item of appropriation as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

HIGHER EDUCATION

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

(WV Code Chapter 18B)

Fund 0586 FY 2013 Org 0442

			Act-	General
			ivity	Revenue
				Fund
12	2a	Unclassified - Surplus.	097	\$ 4,247,234

13 From the above appropriation for Unclassified-Surplus (fund
14 0586, activity 097) no less than \$4,000,000 is to be used for
15 Glenville State College for capital improvements.

16 The purpose of this supplemental appropriation bill is to
17 expire, supplement, amend, increase, and add items of appropria-
18 tion in the aforesaid accounts for the designated spending units
19 for expenditure during the fiscal year 2013.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2013.

Governor

