

# Senate Bill No. 197

(By Senators Kessler (Mr. President) and M. Hall,  
By Request of the Executive)

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[Introduced February 18, 2013;  
referred to the Committee on Finance.]

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A BILL 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 \$23,972,984 from the Department of Administration - Office of the Secretary, fund 0186, fiscal year 2008, organization 0201, activity 635, and in the amount of \$5,000,000 from the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2008, organization 0310, activity 761, 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 Department of Administration, Public Defender Services, fund 0226, fiscal

year 2013, organization 0221, and to the Department of Health and Human Resources, Division of Human Services, fund 0403, fiscal year 2013, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2013.

WHEREAS, the Governor finds that the account balances in the Department of Administration - Office of the Secretary, fund 0186, fiscal year 2008, organization 0201, activity 635, and in the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2008, organization 0310, activity 761, 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 Governor's 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, to the Department of Administration - Office of the Secretary, fund 0186, fiscal year 2008, organization 0201, activity 635, be decreased by expiring the amount of \$23,972,984, and to the Department of Commerce, Division of Natural Resources, fund 0265, fiscal year 2008, organization 0310, activity 761, be decreased by expiring the amount of \$5,000,000, all to the unappropriated surplus balance of the State Fund, General Revenue, to be available for appropriation during the fiscal year ending June 30, 2013.

And, That the total appropriation for the fiscal year ending June 30, 2013, to fund 0226, fiscal year 2013, organization 0221, be supplemented and amended by increasing an existing item of appropriation as follows:

1 TITLE II-APPROPRIATIONS.

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

3 **DEPARTMENT OF ADMINISTRATION**

4 *27-Public Defender Services*

5 (WV Code Chapter 29)

6 Fund 0226 FY 2013 Org 0221

|   |              |                |
|---|--------------|----------------|
| 7 |              | <b>General</b> |
| 8 | <b>Act-</b>  | <b>Revenue</b> |
| 9 | <b>ivity</b> | <b>Fund</b>    |

10 6 Appointed Counsel Fees -

|    |                       |     |              |
|----|-----------------------|-----|--------------|
| 11 | Surplus (R) . . . . . | 435 | \$11,500,000 |
|----|-----------------------|-----|--------------|

12 Any unexpended balance remaining in the above  
 13 appropriation for Appointed Counsel Fees - Surplus (fund  
 14 0226, activity 435) at the close of the fiscal year 2013 is  
 15 hereby reappropriated for expenditure during the fiscal year  
 16 2014.

17 And, That the total appropriation for the fiscal year  
 18 ending June 30, 2013, to fund 0403, fiscal year 2013,  
 19 organization 0511, be supplemented and amended by adding  
 20 a new item of appropriation as follows:

1 TITLE II-APPROPRIATIONS.

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

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

5 *67-Division of Human Services*

6 (WV Code Chapter 9, 48 and 49)

7 Fund 0403 FY 2013 Org 0511

|    |              |                |
|----|--------------|----------------|
| 8  |              | <b>General</b> |
| 9  | <b>Act-</b>  | <b>Revenue</b> |
| 10 | <b>ivity</b> | <b>Fund</b>    |

11 3a Child Care - Surplus (R) . . . . . 091 \$17,468,806

12 The purpose of this bill is to expire funds into the  
13 unappropriated surplus balance in the state fund, general  
14 revenue, and to supplement, amend, increase an existing item  
15 and add a new item of appropriation in the aforesaid accounts  
16 for the designated spending units for expenditure during the  
17 fiscal year 2013.