

1 **Committee Substitute**

2 **for**

3 **H. B. 2538**

4
5 (By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)

6 [By Request of the Executive]

7 [Originating in the
8 Committee on Finance, April 5, 2013.]
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, 2013 in the amount of \$3,500,000 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 \$1,500,000 from the State Election Commission, Supreme Court
16 Public Campaign Financing Fund, fund 1690, fiscal year 2013,
17 organization 1601, and in the amount of \$2,500,000 from the
18 Department of Administration, Office of the Secretary, State
19 Employee Sick Leave Fund, fund 2045, fiscal year 2013,
20 organization 0201, and in the amount of \$18,317,356.29 from
21 the Department of Administration, Education, Arts, Sciences
22 and Tourism Debt Service Fund, fund 2252, fiscal year 2013,
23 organization 0211, and in the amount of \$3,800,000 from the
24 Department of Administration, Division of General Services,
25 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal
26 year 2013, organization 0211, and in the amount of \$8,000,000

1 from the Department of Administration, Board of Risk and
2 Insurance Management, Premium Tax Saving Fund, fund 2367,
3 fiscal year 2013, organization 0218, and in the amount of
4 \$5,000,000 from the West Virginia Health Care Authority,
5 Health Care Cost Review Authority Fund, fund 5375, fiscal year
6 2013, organization 0507, and in the amount of \$2,000,000 from
7 the Department of Health and Human Resources, Division of
8 Human Services, Low Income Energy Assistance Program Fund,
9 fund 5081, fiscal year 2013, organization 0511, and in the
10 amount of \$4,600,000 from the Department of Revenue, State
11 Budget Office, Public Employees Insurance Reserve Fund, fund
12 7400, fiscal year 2013, organization 0703, and in the amount
13 of \$30,000,000 from the Department of Revenue, Insurance
14 Commissioner, Insurance Commission Fund, fund 7152, fiscal
15 year 2013, organization 0704, and in the amount of \$14,736,022
16 from the Department of Revenue, Lottery Commission, Revenue
17 Center Construction Fund, fund 7209, fiscal year 2013,
18 organization 0705, and making a supplementary appropriation of
19 public moneys out of the Treasury from the balance of moneys
20 remaining as an unappropriated surplus balance in the State
21 Fund, General Revenue, to the Department of Administration,
22 Division of Finance, fund 0203, fiscal year 2013, organization
23 0209, to the Department of Commerce, West Virginia Development
24 Office, fund 0256, fiscal year 2013, organization 0307, to the
25 Department of Commerce, Division of Natural Resources, fund
26 0265, fiscal year 2013, organization 0310, to the Department

1 of Health and Human Resources, Consolidated Medical Service
2 Fund, fund 0525, fiscal year 2013, organization 0506, to the
3 Department of Health and Human Resources, Division of Human
4 Services, fund 0403, fiscal year 2013, organization 0511, to
5 the Department of Military Affairs and Public Safety - Office
6 of the Secretary, fund 0430, fiscal year 2013, organization
7 0601, to the Department of Military Affairs and Public Safety,
8 Division of Corrections - Correctional Units, fund 0450,
9 fiscal year 2013, organization 0608, to the West Virginia
10 Council for Community and Technical College Education -
11 Control Account, fund 0596, fiscal year 2013, organization
12 0420, and to the Higher Education Policy Commission -
13 Administration - Control Account, fund 0589, fiscal year 2013,
14 organization 0441, and to the Higher Education Policy
15 Commission - Control Account, fund 0586, fiscal year 2013,
16 organization 0442, by supplementing and amending the
17 appropriations for the fiscal year ending June 30, 2013.

18 WHEREAS, the Legislature finds that the account balances in
19 the Governor's Office, Civil Contingent Fund, fund 0105, fiscal
20 year 2009, organization 0100, activity 236, the State Election
21 Commission, Supreme Court Public Campaign Financing Fund, fund
22 1690, fiscal year 2013, organization 1601, the Department of
23 Administration, Office of the Secretary, State Employee Sick Leave
24 Fund, fund 2045, fiscal year 2013, organization 0201, the
25 Department of Administration, Education, Arts, Sciences and Tourism
26 Debt Service Fund, fund 2252, fiscal year 2013, organization 0211,

1 the Department of Administration, Division of General Services,
2 2004 Capitol Complex Parking Garage Fund, fund 2461, fiscal year
3 2013, organization 0211, the Department of Administration, Board of
4 Risk and Insurance Management, Premium Tax Saving Fund, fund 2367,
5 fiscal year 2013, organization 0218, the West Virginia Health Care
6 Authority, Health Care Cost Review Authority Fund, fund 5375,
7 fiscal year 2013, organization 0507, the Department of Health and
8 Human Resources, Division of Human Services, Low Income Energy
9 Assistance Program Fund, fund 5081, fiscal year 2013, organization
10 0511, the Department of Revenue, State Budget Office, Public
11 Employees Insurance Reserve Fund, fund 7400, fiscal year 2013,
12 organization 0703, the Department of Revenue, Insurance
13 Commissioner, Insurance Commission Fund, fund 7152, fiscal year
14 2013, organization 0704, the Department of Revenue, Lottery
15 Commission, Revenue Center Construction Fund, fund 7209, fiscal
16 year 2013, organization 0705, exceed that which is necessary for
17 the purposes for which the accounts were established; and

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

25 WHEREAS, It appears from the Executive Budget document,
26 Statement of the State Fund, General Revenue, and this legislation,

1 there now remains an unappropriated surplus balance in the State
2 Treasury which is available for appropriation during the fiscal
3 year ending June 30, 2013; therefore

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

5 That the balance of the funds available for expenditure in the
6 fiscal year ending June 30, 2013, in the Governor's Office, Civil
7 Contingent Fund, fund 0105, fiscal year 2009, organization 0100,
8 activity 236, be decreased by expiring the amount of \$3,500,000,
9 and in the State Election Commission, Supreme Court Public Campaign
10 Financing Fund, fund 1690, fiscal year 2013, organization 1601, be
11 decreased by expiring the amount of \$1,500,000, and in the
12 Department of Administration, Office of the Secretary, State
13 Employee Sick Leave Fund, fund 2045, fiscal year 2013, organization
14 0201, be decreased by expiring the amount of 2,500,000, and in the
15 Department of Administration, Division of General Services,
16 Education, Arts, Sciences and Tourism Debt Service Fund, fund 2252,
17 fiscal year 2013, organization 0211, be decreased by expiring the
18 amount of \$18,317,356.29, and in the Department of Administration,
19 Division of General Services, 2004 Capitol Complex Parking Garage
20 Fund, fund 2461, fiscal year 2013, organization 0211, be decreased
21 by expiring the amount of \$3,800,000, and in the Department of
22 Administration, Board of Risk and Insurance Management, Premium Tax
23 Savings Fund, fund 2367, fiscal year 2013, organization 0218, be
24 decreased by expiring the amount of \$8,000,000, and in the West
25 Virginia Health Care Authority, Health Care Cost Review Authority
26 Fund, fund 5375, fiscal year 2013, organization 0507, be decreased

1 by expiring the amount of \$5,000,000, and in the Department of
2 Health and Human Resources, Division of Human Services, Low Income
3 Energy Assistance Program Fund, fund 5081, fiscal year 2013,
4 organization 0511, be decreased by expiring the amount of
5 \$2,000,000, and in the Department of Revenue, State Budget Office,
6 Public Employees, Insurance Reserve Fund, fund 7400, fiscal year
7 2013, organization 0703, be decreased by expiring the amount of
8 \$4,600,000, and in the Department of Revenue, Insurance
9 Commissioner, Insurance Commission Fund, fund 7152, fiscal year
10 2013, organization 0704, be decreased by expiring the amount of
11 \$30,000,000, and in the Department of Revenue, Lottery Commission,
12 Revenue Center Construction Fund, fund 7209, fiscal year 2013,
13 organization 0705, be decreased by expiring the amount of
14 \$14,736,022, all to the unappropriated surplus balance of the State
15 Fund, General Revenue, to be available for appropriation during the
16 fiscal year ending June 30, 2013.

17 And, That the total appropriation for the fiscal year ending
18 June 30, 2013, to fund 0203, fiscal year 2013, organization 0209,
19 be supplemented and amended by adding a new item of appropriation
20 as follows:

21 TITLE II - APPROPRIATIONS.

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

23 **DEPARTMENT OF ADMINISTRATION**

24 *20-Division of Finance*

25 (WV Code Chapter 5A)

26 Fund 0203 FY 2013 Org 0209

1 **General**
 2 **Act-** **Revenue**
 3 **ivity** **Fund**

4 10a Enterprise Resource Planning
 5 10b System - Surplus.. 872 \$ 30,000,000

6 The above appropriation for Enterprise Resource Planning
 7 System - Surplus (activity 872), shall be transferred to the West
 8 Virginia Enterprise Resource Planning Board, fund 9080,
 9 organization 0947.

10 And, That the total appropriation for the fiscal year ending
 11 June 30, 2013, to fund 0256, fiscal year 2013, organization 0307,
 12 be supplemented and amended by adding a new item of appropriation
 13 as follows:

TITLE II - APPROPRIATIONS.

Section 1. Appropriations from general revenue.

DEPARTMENT OF COMMERCE

36-West Virginia Development Office

(WV Code Chapter 5B)

Fund 0256 FY 2013 Org 0307

20 **General**
 21 **Act-** **Revenue**
 22 **ivity** **Fund**

23 4a Unclassified - Surplus (R).. 097 \$ 3,500,000

24 Any unexpended balance remaining in the above appropriation
 25 for Unclassified - Surplus (fund 0256, activity 097) at the close

1 of the fiscal year 2013 is hereby reappropriated for expenditure
2 during the fiscal year 2014.

3 And, That the total appropriation for the fiscal year ending
4 June 30, 2013, to fund 0265, fiscal year 2013, organization 0310,
5 be supplemented and amended by adding a new item of appropriation
6 as follows:

7 TITLE II - APPROPRIATIONS.

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

9 **DEPARTMENT OF COMMERCE**

10 *39-Division of Natural Resources*

11 (WV Code Chapter 20)

12 Fund 0265 FY 2013 Org 0310

13 **General**

14 **Act- Revenue**

15 **ivity Fund**

16 12a Operating Expenses - Surplus (R).. . 779 \$ 1,000,000

17 Any unexpended balance remaining in the above appropriation
18 for Operating Expenses - Surplus (fund 0265, activity 779) at the
19 close of the fiscal year 2013 is hereby reappropriated for
20 expenditure during the fiscal year 2014.

21 And, That the total appropriation for the fiscal year ending
22 June 30, 2013, to fund 0525, fiscal year 2013, organization 0506,
23 be supplemented and amended by increasing an existing item of
24 appropriation as follows:

25 TITLE II - APPROPRIATIONS.

	Activity	Fund
1		
2 9	Medical Services - Surplus (R)	633 \$ 34,384,273
3 10	Social Services - Surplus	082 4,717,147

4 Any unexpended balance remaining in the above appropriation
5 for Medical Services - Surplus (fund 0403, activity 633) at the
6 close of the fiscal year 2013 is hereby reappropriated for
7 expenditure during the fiscal year 2014.

8 And, That the total appropriation for the fiscal year ending
9 June 30, 2013, to fund 0430, fiscal year 2013, organization 0601,
10 be supplemented and amended by adding new items of appropriation as
11 follows:

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-	General
	Activity	Revenue
		Fund
23 9a	Substance Abuse	
24 9b	Program - Surplus (R)	696 \$ 3,000,000
25 9c	Justice Reinvestment	

1 9d Training - Surplus (R).. 699 500,000

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

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

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

16 TITLE II - APPROPRIATIONS.

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

18 **DEPARTMENT OF MILITARY AFFAIRS**

19 **AND PUBLIC SAFETY**

20 *74-Division of Corrections -*

21 *Correctional Units*

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

23 Fund 0450 FY 2013 Org 0608

24 **General**

25 **Act-**

Revenue

	ivity	Fund
1		
2 14a Capital Improvements - Surplus (R)..	661	\$ 6,000,000
3 15a Capital Outlay, Repairs and		
4 15b Equipment - Surplus (R).	677	4,900,000
5 18a Operating Expenses - Surplus (R).. .	779	2,000,000

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

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

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

3 And, That the total appropriation for the fiscal year ending
4 June 30, 2013, to fund 0589, fiscal year 2013, organization 0441,
5 be supplemented and amended by adding a new item of appropriation
6 as follows:

7 TITLE II - APPROPRIATIONS.

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

9 **HIGHER EDUCATION**

10 *94-Higher Education Policy Commission -*

11 *Administration -*

12 *Control Account*

13 (WV Code Chapter 18B)

14 Fund 0589 FY 2013 Org 0441

15 **General**

16 **Act- Revenue**

17 **ivity Fund**

18 3a Research Investment.	020	\$ 7,000,000
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19 The above appropriation for Research Investment (fund 0589,
20 activity 020) shall be transferred to the West Virginia Research
21 Trust Fund.

22 And, That the total appropriation for the fiscal year ending
23 June 30, 2013, to fund 0586, fiscal year 2013, organization 0442,
24 be supplemented and amended by adding a new item of appropriation
25 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

General

Revenue

Act-

ivity

Fund

12 2a Unclassified - Surplus.. 097 \$ 247,234

13 The purpose of this supplemental appropriation bill is to
14 expire, supplement, amend, increase, and add items of appropriation
15 in the aforesaid accounts for the designated spending units for
16 expenditure during the fiscal year 2013.