

COMMITTEE SUBSTITUTE

for

H. B. 2538

(BY MR. SPEAKER, (MR. THOMPSON)
AND DELEGATE ARMSTEAD)

[BY REQUEST OF THE EXECUTIVE]

[Originating in the
Committee on Finance, April 5, 2013.]

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 \$3,500,000 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 Saving 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 Authority 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 \$30,000,000 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 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, 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 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 - Administration - Control Account, fund 0589, fiscal year 2013, organization 0441, 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 Saving Fund, fund 2367, fiscal year 2013, organization 0218, the West Virginia Health Care Authority, Health Care Cost Review Authority 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, 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 \$3,500,000, 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, and in the West Virginia Health Care Authority, Health Care Cost Review Authority Fund, fund 5375, fiscal year 2013, organization 0507, be decreased by expiring the amount of \$5,000,000, and in the Department of Health and Human Resources, Division of Human Services, Low Income Energy Assistance Program Fund, fund 5081, fiscal year 2013, organization 0511, be decreased by expiring the amount of \$2,000,000, and in the Department of Revenue, State Budget Office, Public Employees, Insurance Reserve Fund, fund 7400, fiscal year 2013, organization 0703, be decreased by expiring the amount of \$4,600,000, and in the Department of Revenue, Insurance Commissioner, Insurance Commission Fund, fund 7152, fiscal year 2013, organization 0704, be decreased by expiring the amount of \$30,000,000, and in the Department of Revenue, Lottery Commission, Revenue Center Construction Fund, fund 7209, fiscal year 2013, organization 0705, be decreased by expiring the amount of

\$14,736,022, 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 0203, fiscal year 2013, organization 0209, be supplemented and amended by adding a new item of appropriation 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..... 872 \$ 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
 18 0307, be supplemented and amended by adding a new item of
 19 appropriation 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		General
8	Act-	Revenue
9	ivity	Fund
10	4a 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.

17 And, That the total appropriation for the fiscal year ending
 18 June 30, 2013, to fund 0265, fiscal year 2013, organization

17 0310, be supplemented and amended by adding a new item of
18 appropriation 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	8	9	General
	Act-	Revenue	
	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 0525, fiscal year 2013, organization
18 0506, be supplemented and amended by increasing an existing
19 item of appropriation as follows:

1 TITLE II - APPROPRIATIONS.

2 Section 1. Appropriations from general revenue.

3 DEPARTMENT OF HEALTH AND

4 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

12 Program - Surplus (R)... 631 \$ 3,662,312

13 Any unexpended balance remaining in the above appropria-
14 tion for Behavioral Health Program - Surplus (fund 0525,
15 activity 631) at the close of the fiscal year 2013 is hereby
16 reappropriated for expenditure during the fiscal year 2014.

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

1 TITLE II - APPROPRIATIONS.

2 Section 1. Appropriations from general revenue.

3 DEPARTMENT OF HEALTH AND

4 HUMAN RESOURCES

5 *67-Division of Human Services*

6 (WV Code Chapters 9, 48 and 49)

7 Fund 0403 FY 2013 Org 0511

8			General
9		Act-	Revenue
10		ivity	Fund
11	9	Medical Services - Surplus (R).. 633	\$ 34,384,273
12	10	Social Services - Surplus. 082	4,717,147

13 Any unexpended balance remaining in the above appropria-
14 tion for Medical Services - Surplus (fund 0403, activity 633) at
15 the close of the fiscal year 2013 is hereby reappropriated for
16 expenditure during the fiscal year 2014.

17 And, That the total appropriation for the fiscal year ending
18 June 30, 2013, to fund 0430, fiscal year 2013, organization
19 0601, be supplemented and amended by adding new items of
20 appropriation as follows:

1 TITLE II - APPROPRIATIONS.

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

3 **DEPARTMENT OF MILITARY AFFAIRS**

4 **AND PUBLIC SAFETY**

5 *68-Department of Military Affairs and Public Safety -*

6 *Office of the Secretary*

7 (WV Code Chapter 5F)

8 Fund 0430 FY 2013 Org 0601

9	General
10	Revenue
11	Fund
12	Act- ivity
12 9a Substance Abuse	
13 9b Program - Surplus (R). 696	\$ 3,000,000
14 9c Justice Reinvestment	
15 9d Training - Surplus (R). 699	500,000

16 Any unexpended balances remaining in the above appropria-
 17 tions for Substance Abuse Program - Surplus (fund 0430,
 18 activity 696) and Justice Reinvestment Training - Surplus (fund
 19 0430, activity 699) at the close of the fiscal year 2013 are
 20 hereby reappropriated for expenditure during the fiscal year
 21 2014.

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

27 And, That the total appropriation for the fiscal year ending
28 June 30, 2013, to fund 0450, fiscal year 2013, organization
29 0608, be supplemented and amended by adding new items of
30 appropriation as follows:

1 TITLE II - APPROPRIATIONS.

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

3 **DEPARTMENT OF MILITARY AFFAIRS**

4 **AND PUBLIC SAFETY**

5 *74-Division of Corrections -*

6 *Correctional Units*

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

8 Fund 0450 FY 2013 Org 0608

9		General
10	Act-	Revenue
11	ivity	Fund

12	14a Capital Improvements -		
13	Surplus (R).....	661	\$ 6,000,000
14	15a Capital Outlay, Repairs and		
15	15b Equipment - Surplus (R).	677	4,900,000
16	18a Operating Expenses -		
17	Surplus (R).	779	2,000,000

18 Any unexpended balances remaining in the above appropria-
19 tions for Capital Improvements - Surplus (fund 0450, activity
20 661), Capital Outlay, Repairs and Equipment - Surplus (fund
21 0450, activity 677), and Operating Expenses - Surplus (fund
22 0450, activity 779) at the close of the fiscal year 2013 are
23 hereby reappropriated for expenditure during the fiscal year
24 2014.

25 And, That the total appropriation for the fiscal year ending
26 June 30, 2013, to fund 0596, fiscal year 2013, organization
27 0420, be supplemented and amended by adding a new item of
28 appropriation as follows:

1 TITLE II - APPROPRIATIONS.

2 Section 1. Appropriations from general revenue.

3 HIGHER EDUCATION

4 *92-West Virginia Council for*
5 *Community and Technical College Education-*
6 *Control Account*
7 (WV Code Chapter 18B)
8 Fund 0596 FY 2013 Org 0420

		General
	Act-	Revenue
	ivity	Fund
12 2a Unclassified - Surplus (R).	097	\$ 80,758

13 And, That the total appropriation for the fiscal year ending
14 June 30, 2013, to fund 0589, fiscal year 2013, organization
15 0441, be supplemented and amended by adding a new item of
16 appropriation as follows:

1 TITLE II - APPROPRIATIONS.
2 **Section 1. Appropriations from general revenue.**
3 **HIGHER EDUCATION**

4 *94-Higher Education Policy Commission -*
5 *Administration -*
6 *Control Account*
7 (WV Code Chapter 18B)
8 Fund 0589 FY 2013 Org 0441

9		General
10	Act-	Revenue
11	ivity	Fund
12	3a Research Investment. 020	\$ 7,000,000

13 The above appropriation for Research Investment (fund
14 0589, activity 020) shall be transferred to the West Virginia
15 Research Trust Fund.

16 And, That the total appropriation for the fiscal year ending
17 June 30, 2013, to fund 0586, fiscal year 2013, organization
18 0442, be supplemented and amended by adding a new item of
19 appropriation as follows:

1 **TITLE II - APPROPRIATIONS.**

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

3 **HIGHER EDUCATION**

4 *94-Higher Education Policy Commission -*

5 *System -*

6 *Control Account*

7 (WV Code Chapter 18B)

8 Fund 0586 FY 2013 Org 0442

9	10	11	12	2a Unclassified - Surplus.	097	\$	247,234
						General	
						Revenue	
						Fund	

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

