WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

House Bill 4742

(BY DELEGATES ANDERSON, BUTLER, CANTERBURY, ESPINOSA, FRICH, HOUSEHOLDER, MILLER, PERRY, STORCH, WALTERS AND WAXMAN)

[Originating in the Committee on Finance; March 8, 2016]

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A BILL expiring funds to the balance of the Division of Human Services -- Medical Services Trust Fund, fund 5185, organization 0511, for the fiscal year ending June 30, 2016, in the amount of \$5,000,000 from the Attorney General – Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the amount of \$500,000 from the Secretary of State, Motor Voter Registration Fund, fund 1606, fiscal year 2016, organization 1600; in the amount of \$569,776.07 from the State Election Commission -Supreme Court of Appeals Public Campaign Financing Fund, fund 1690, fiscal year 2016, organization 1601; in the amount of \$2,527,991.87 from the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2016, organization 0218; in the amount of \$1,500,000 from the Department of Commerce, West Virginia Development Office - Development Office Promotion Fund, fund 3171, fiscal year 2016, organization 0307; in the amount of \$500,000 from the Department of Health and Human Resources, Division of Health – Infectious Medical Waste Program Fund, fund 5117, fiscal year 2016, organization 0506; in the amount of \$1,000,000 from the Department of Health and Human Resources, Division of Human Services - Medicaid Fraud Control Fund, fund 5141, fiscal year 2016, organization 0511; in the amount of \$7,500,000 from the Department of Health and Human Resources, Division of Health -Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2016, organization 0506; in the amount of \$50,000 from the Department of Health and Human Resources, Division of Health - Tobacco Control Special Fund, fund 5218, fiscal year 2016, organization 0506; in the amount of \$450,000 from the Department of Health and Human Resources, Division of Health - Central Office, fund 5219, fiscal year 2016, organization 0506; in the amount of \$1,000,000 from the Department of Health and Human Resources, Division of Health - Department of Health and Human Resources Safety and Treatment Fund, fund 5228, fiscal year 2016, organization 0506; in the amount of \$5,000,000 from the Department of Health and Human

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Resources, West Virginia Health Care Authority - Health Care Cost Review Authority Fund, fund 5375, fiscal year 2016, organization 0507; in the amount of \$1,000,000 from the Department of Health and Human Resources, Division of Human Services - James "Tiger" Morton Catastrophic Illness Fund, fund 5454, fiscal year 2016, organization 0511: in the amount of \$50,000 from the Department of Health and Human Resources, Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2016, organization 0511; in the amount of \$118,374.34 from the Department of Military Affairs and Public Safety - Division of Homeland Security and Emergency Management - June 2010 DR 1918 Flood Disaster – Goy Cont Fund, fund 6227, fiscal year 2016, organization 0606; in the amount of \$5,000,000 from the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of \$3,000,000 from Miscellaneous Boards and Commissions - Public Service Commission – Public Service Commission Fund, fund 8623, fiscal year 2016, organization 0926; in the amount of \$1,361,384.62 from the West Virginia Economic Development Authority - Economic Development Project Bridge Loan Fund, fund 9066, fiscal year 2016, organization 0944; in the amount of \$500,000 from the Division of Purchasing --Purchasing Improvement Fund, fund 2264, fiscal year 2016, organization 0213; in the amount of \$1,000,000 from the Division of Personnel, fund 2440, fiscal year 2016, organization 0222; in the amount of \$1,000,000 from the Division of Financial Institutions -- Assessment and Examination Fund, fund 3041, fiscal year 2016, organization 0303; in the amount of \$1,000,000 from the Division of Forestry -- Outdoor Heritage Conservation Fund, fund 3091, fiscal year 2016, organization 0305; in the amount of \$1,000,000 from the Division of Labor -- Contractor Licensing Board Fund, fund 3187, fiscal year 2016, organization 0308; in the amount of \$750,000 from the Division of Labor -- Manufactured Housing Trust Recovery Fund, fund 3190, fiscal year 2016, organization 0308; in the amount of \$1,500,000 from the Division of Natural Resources -- Law Enforcement

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Program Fund, fund 3204, fiscal year 2016, organization 0310; in the amount of \$2,500,000 from the Division of Natural Resources -- Planning and Development Division, fund 3205, fiscal year 2016, organization 0310; in the amount of \$1,000,000 from the Solid Waste Management Board -- Facilities Operating Expense Fund, fund 3287, fiscal year 2016, organization 0312; in the amount of \$1,000,000 from the Solid Waste Management Board -- Planning Fund, fund 3288, fiscal year 2016, organization 0312; in the amount of \$1,000,000 from the Division of Environmental Protection -- Air Pollution Control Fund, fund 3336, fiscal year 2016, organization 0313; in the amount of \$2,500,000 from the Division of Environmental Protection -- Closure Cost Assistance Fund, fund 3328, fiscal year 2016, organization 0313; in the amount of \$2,000,000 from the Division of Environmental Protection -- Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2016, organization 0313; in the amount of \$3,000,000 from the Division of Environmental Protection -- Solid Waste Enforcement Fund, fund 3333, fiscal year 2016, organization 0313; in the amount of \$2,500,000 from the Division of Environmental Protection -- Water Quality Management Fund, fund 3327, fiscal year 2016, organization 0313; in the amount of \$2,000,000 from the Division of Miners' Health, Safety and Training - Special Health, Safety and Training Fund, fund 3355, fiscal year 2016, organization 0314; in the amount of \$1,000,000 from the State Board of Education -- Strategic Staff Development, fund 3937, fiscal year 2016, organization 0402; in the amount of \$1,000,000 from the West Virginia Health Care Authority -- Certificate of Need Program Fund, fund 5376, fiscal year 2016, organization 0507; in the amount of \$1,000,000 from the Division of Homeland Security and Emergency Management - West Virginia Interoperable Radio Project, fund 6295, fiscal year 2016, organization 0606; in the amount of \$1,000,000 from the West Virginia Division of Corrections -- Parolee Supervision Fees, fund 6362, fiscal year 2016, organization 0608; in the amount of \$1,500,000 from the Fire Commission --Fire Marshal Fees, fund 6152, fiscal year 2016, organization 0619; in the amount of

\$1,500,000 from the Insurance Commissioner Unfair Claims Settlement Practice Trust
Fund, fund 7168, fiscal year 2016, organization 0704; in the amount of \$1,000,000 from
the State Rail Authority South Branch Valley Railroad Operating Fund, fund 8401, fiscal
year 2016, organization 0804; in the amount of \$1,000,000 from the WV Board of
Examiners for Registered Professional Nurses - Registered Professional Nurses, fund
8520, fiscal year 2016, organization 0907; in the amount of \$1,000,000 from the Board of
Pharmacy Pharmacy Operating Fund, fund 8537, fiscal year 2016, organization 0913;
in the amount of \$1,000,000 from the Auditor's Office Securities Regulation Fund, fund
1225, fiscal year 2016, organization 1200; in the amount of \$500,000 from the Treasurer's
Office - Treasurer's Financial Electronic Commerce Fund, fund 1345, fiscal year 2016,
organization 1300; and in the amount of \$1,000,000 from the Department of Agriculture -
- Agriculture Fees Fund, fund 1401, fiscal year 2016, organization 1400.

Whereas, The Governor submitted to the Legislature the Executive Budget Document, dated January 13, 2016, which included a Statement of the State Fund, General Revenue, setting forth therein the cash balance as of July 1, 2015, and further included the estimate of revenues for the fiscal year 2016, less net appropriation balances forwarded and regular appropriations for the fiscal year 2016; and

Whereas, The Secretary of the Department of Revenue has submitted a monthly General Revenue Fund Collections Report for the first eight months of fiscal year 2016 as prepared by the State Budget Office; and

Whereas, This report demonstrates that the State of West Virginia has experienced a revenue shortfall of approximately \$176 million for the first eight months of fiscal year 2016, as compared to the monthly revenue estimates for the first eight months of the fiscal year 2016; and Whereas, Current economic and fiscal trends are anticipated to result in projected year-

end revenue deficits, including potential significant shortfalls in Severance Tax revenue

collections, and shortfalls in Personal Income Tax and Consumers Sales and Use Tax revenue collections; and

Whereas, Projected year-end revenue surpluses in various other General Revenue sources will only offset a small portion of these deficits; and

Whereas, The total projected year-end revenue deficit for the General Revenue Fund is estimated at \$354 million; and

Whereas, On October 22, 2015, the Governor issued Executive Order 7-15 which directed a spending reduction for General Revenue appropriations for fiscal year 2016 totaling \$93,379,526; and

Whereas, The Legislature agreed to take voluntary action to effect a four percent spending reduction of its General Revenue appropriation for fiscal year 2016 totaling \$938,067; and

Whereas, The Legislature finds that the account balances in the Attorney General — Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; the Secretary of State, Motor Voter Registration Fund, fund 1606, fiscal year 2016, organization 1600; the State Election Commission — Supreme Court of Appeals Public Campaign Financing Fund, fund 1690, fiscal year 2016, organization 1601; the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2016, organization 0218; the Department of Commerce, West Virginia Development Office - Development Office Promotion Fund, fund 3171, fiscal year 2016, organization 0307; the Department of Health and Human Resources, Division of Health — Infectious Medical Waste Program Fund, fund 5117, fiscal year 2016, organization 0506; the Department of Health and Human Resources, Division of Human Services — Medicaid Fraud Control Fund, fund 5141, fiscal year 2016, organization 0511; the Department of Health and Human Resources, Division of Health — Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2016, organization 0506; the Department of Health and Human Resources, Division of Health — Tobacco Control Special Fund, fund 5218, fiscal year 2016,

130 organization 0506: the Department of Health and Human Resources. Division of Health - Central 131 Office, fund 5219, fiscal year 2016, organization 0506; the Department of Health and Human 132 Resources, Division of Health - Department of Health and Human Resources Safety and 133 Treatment Fund, fund 5228, fiscal year 2016, organization 0506; the Department of Health and 134 Human Resources, West Virginia Health Care Authority - Health Care Cost Review Authority 135 Fund, fund 5375, fiscal year 2016, organization 0507; the Department of Health and Human 136 Resources, Division of Human Services – James "Tiger" Morton Catastrophic Illness Fund, fund 137 5454, fiscal year 2016, organization 0511; the Department of Health and Human Resources, 138 Division of Human Services – Marriage Education Fund, fund 5490, fiscal year 2016, organization 139 0511; the Department of Military Affairs and Public Safety - Division of Homeland Security and 140 Emergency Management – June 2010 DR 1918 Flood Disaster – Gov Cont Fund, fund 6227, 141 fiscal year 2016, organization 0606; the Department of Revenue, Insurance Commissioner -142 Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; Miscellaneous 143 Boards and Commissions - Public Service Commission - Public Service Commission Fund, fund 144 8623, fiscal year 2016, organization 0926; the West Virginia Economic Development Authority -145 Economic Development Project Bridge Loan Fund, fund 9066, fiscal year 2016, organization 146 0944; the Division of Purchasing -- Purchasing Improvement Fund, fund 2264, fiscal year 2016, 147 organization 0213; the Division of Personnel, fund 2440, fiscal year 2016, organization 0222; the 148 Division of Financial Institutions -- Assessment and Examination Fund, fund 3041, fiscal year 149 2016, organization 0303; the Division of Forestry -- Outdoor Heritage Conservation Fund, fund 150 3091, fiscal year 2016, organization 0305; the Division of Labor -- Contractor Licensing Board 151 Fund, fund 3187, fiscal year 2016, organization 0308; the Division of Labor -- Manufactured 152 Housing Trust Recovery Fund, fund 3190, fiscal year 2016, organization 0308; the Division of 153 Natural Resources -- Law Enforcement Program Fund, fund 3204, fiscal year 2016, organization 154 0310; the Division of Natural Resources -- Planning and Development Division, fund 3205, fiscal 155 year 2016, organization 0310; the Solid Waste Management Board -- Facilities Operating

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Expense Fund, fund 3287, fiscal year 2016, organization 0312; the Solid Waste Management Board -- Planning Fund, fund 3288, fiscal year 2016, organization 0312; the Division of Environmental Protection -- Air Pollution Control Fund, fund 3336, fiscal year 2016, organization 0313; the Division of Environmental Protection -- Closure Cost Assistance Fund, fund 3328, fiscal year 2016, organization 0313; the Division of Environmental Protection -- Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2016, organization 0313; the Division of Environmental Protection -- Solid Waste Enforcement Fund, fund 3333, fiscal year 2016, organization 0313; the Division of Environmental Protection -- Water Quality Management Fund, fund 3327, fiscal year 2016, organization 0313; the Division of Miners' Health, Safety and Training - Special Health, Safety and Training Fund, fund 3355, fiscal year 2016, organization 0314; the State Board of Education -- Strategic Staff Development, fund 3937, fiscal year 2016, organization 0402; the West Virginia Health Care Authority -- Certificate of Need Program Fund, fund 5376, fiscal year 2016, organization 0507; the Division of Homeland Security and Emergency Management – West Virginia Interoperable Radio Project, fund 6295, fiscal year 2016, organization 0606; the West Virginia Division of Corrections -- Parolee Supervision Fees, fund 6362, fiscal year 2016, organization 0608; the Fire Commission -- Fire Marshal Fees, fund 6152, fiscal year 2016, organization 0619; the Insurance Commissioner -- Unfair Claims Settlement Practice Trust Fund, fund 7168, fiscal year 2016, organization 0704; the State Rail Authority --South Branch Valley Railroad Operating Fund, fund 8401, fiscal year 2016, organization 0804; the WV Board of Examiners for Registered Professional Nurses - Registered Professional Nurses, fund 8520, fiscal year 2016, organization 0907; the Board of Pharmacy -- Pharmacy Operating Fund, fund 8537, fiscal year 2016, organization 0913; the Auditor's Office -- Securities Regulation Fund, fund 1225, fiscal year 2016, organization 1200; the Treasurer's Office -Treasurer's Financial Electronic Commerce Fund, fund 1345, fiscal year 2016, organization 1300; and the Department of Agriculture -- Agriculture Fees Fund, fund 1401, fiscal year 2016,

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organization 1400 exceed that which is necessary for the purposes for which the accounts were established; 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. 2016, in the Attorney General – Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500 be decreased by expiring the amount of \$5,000,000; the Secretary of State. Motor Voter Registration Fund, fund 1606, fiscal year 2016, organization 1600 be decreased by expiring the amount of \$500,000; the State Election Commission – Supreme Court of Appeals Public Campaign Financing Fund, fund 1690, fiscal year 2016, organization 1601 be decreased by expiring the amount of \$569,776.07; the Department of Administration, Risk and Insurance Management Board - Premium Tax Savings Fund, fund 2367, fiscal year 2016, organization 0218 be decreased by expiring the amount of \$2,527,991.87; the Department of Commerce, West Virginia Development Office - Development Office Promotion Fund, fund 3171, fiscal year 2016, organization 0307 be decreased by expiring the amount of \$1,500,000; the Department of Health and Human Resources, Division of Health – Infectious Medical Waste Program Fund, fund 5117, fiscal year 2016, organization 0506 be decreased by expiring the amount of \$500,000; the Department of Health and Human Resources, Division of Human Services, Medicaid Fraud Control Fund, fund 5141, fiscal year 2016, organization 0511 be decreased by expiring the amount of \$1,000,000; the Department of Health and Human Resources, Division of Health -Hospital Services Revenue Account Special Fund Capital Improvement, Renovation and Operations, fund 5156, fiscal year 2016, organization 0506 be decreased by expiring the amount of \$7,500,000; the Department of Health and Human Resources, Division of Health - Tobacco Control Special Fund, fund 5218, fiscal year 2016, organization 0506 be decreased by expiring the amount of \$50,000; the Department of Health and Human Resources, Division of Health -Central Office, fund 5219, fiscal year 2016, organization 0506 be decreased by expiring the amount of \$450,000; the Department of Health and Human Resources, Division of Health -

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Department of Health and Human Resources Safety and Treatment Fund, fund 5228, fiscal year 2016, organization 0506 be decreased by expiring the amount of \$1,000,000; the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Cost Review Authority Fund, fund 5375, fiscal year 2016, organization 0507 be decreased by expiring the amount of \$5,000,000; the Department of Health and Human Resources, Division of Human Services – James "Tiger" Morton Catastrophic Illness Fund, fund 5454, fiscal year 2016, organization 0511 be decreased by expiring the amount of \$1,000,000; the Department of Health and Human Resources, Division of Human Services – Marriage Education Fund, fund 5490, fiscal vear 2016, organization 0511 be decreased by expiring the amount of \$50,000; the Department of Military Affairs and Public Safety - Division of Homeland Security and Emergency Management - June 2010 DR 1918 Flood Disaster - Gov Cont Fund, fund 6227, fiscal year 2016, organization 0606 be decreased by expiring the amount of \$118,374.34; the Department of Revenue, Insurance Commissioner - Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704 be decreased by expiring the amount of \$5,000,000; the Miscellaneous Boards and Commissions - Public Service Commission - Public Service Commission Fund, fund 8623, fiscal year 2016, organization 0926 be decreased by expiring the amount of \$3,000,000; the West Virginia Economic Development Authority - Economic Development Authority Project Bridge Loan Fund, fund 9066, fiscal year 2016, organization 0944 be decreased by expiring the amount of \$1,361,384.62; the Division of Purchasing -- Purchasing Improvement Fund, fund 2264, fiscal year 2016, organization 0213 be decreased by expiring the amount of \$500,000; the Division of Personnel, fund 2440, fiscal year 2016, organization 0222 be decreased by expiring the amount of \$1,000,000; the Division of Financial Institutions -- Assessment and Examination Fund, fund 3041, fiscal year 2016, organization 0303 be decreased by expiring the amount of \$1,000,000: the Division of Forestry -- Outdoor Heritage Conservation Fund, fund 3091, fiscal year 2016, organization 0305 be decreased by expiring the amount of \$1,000,000; the Division of Labor --Contractor Licensing Board Fund, fund 3187, fiscal year 2016, organization 0308 be decreased

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by expiring the amount of \$1,000,000; the Division of Labor -- Manufactured Housing Trust Recovery Fund, fund 3190, fiscal year 2016, organization 0308 be decreased by expiring the amount of \$750,000; the Division of Natural Resources -- Law Enforcement Program Fund, fund 3204, fiscal year 2016, organization 0310 be decreased by expiring the amount of \$1.500,000: the Division of Natural Resources -- Planning and Development Division, fund 3205, fiscal year 2016, organization 0310 be decreased by expiring the amount of \$2,500,000; the Solid Waste Management Board -- Facilities Operating Expense Fund, fund 3287, fiscal year 2016, organization 0312 be decreased by expiring the amount of \$1,000,000; the Solid Waste Management Board -- Planning Fund, fund 3288, fiscal year 2016, organization 0312 be decreased by expiring the amount of \$1,000,000; the Division of Environmental Protection -- Air Pollution Control Fund, fund 3336, fiscal year 2016, organization 0313 be decreased by expiring the amount of \$1,000,000; the Division of Environmental Protection -- Closure Cost Assistance Fund, fund 3328, fiscal year 2016, organization 0313 be decreased by expiring the amount of \$2,500,000; the Division of Environmental Protection -- Oil and Gas Operating Permit and Processing Fund, fund 3323, fiscal year 2016, organization 0313 be decreased by expiring the amount of \$2,000,000; the Division of Environmental Protection -- Solid Waste Enforcement Fund, fund 3333, fiscal year 2016, organization 0313 be decreased by expiring the amount of \$3,000,000; the Division of Environmental Protection -- Water Quality Management Fund, fund 3327, fiscal year 2016, organization 0313 be decreased by expiring the amount of \$2,500,000; the Division of Miners' Health, Safety and Training – Special Health, Safety and Training Fund, fund 3355, fiscal year 2016, organization 0314 be decreased by expiring the amount of \$2,000,000; the State Board of Education -- Strategic Staff Development, fund 3937, fiscal year 2016, organization 0402 be decreased by expiring the amount of \$1,000,000; the West Virginia Health Care Authority -- Certificate of Need Program Fund, fund 5376, fiscal year 2016, organization 0507 be decreased by expiring the amount of \$1,000,000; the Division of Homeland Security and Emergency Management – West Virginia Interoperable Radio Project, fund 6295,

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fiscal year 2016, organization 0606 be decreased by expiring the amount of \$1,000,000; the West Virginia Division of Corrections -- Parolee Supervision Fees, fund 6362, fiscal year 2016, organization 0608 be decreased by expiring the amount of \$1,000,000; the Fire Commission --Fire Marshal Fees, fund 6152, fiscal year 2016, organization 0619 be decreased by expiring the amount of \$1,500,000; the Insurance Commissioner -- Unfair Claims Settlement Practice Trust Fund, fund 7168, fiscal year 2016, organization 0704 be decreased by expiring the amount of \$1,500,000; the State Rail Authority -- South Branch Valley Railroad Operating Fund, fund 8401, fiscal year 2016, organization 0804 be decreased by expiring the amount of \$1,000,000; the WV Board of Examiners for Registered Professional Nurses - Registered Professional Nurses, fund 8520, fiscal year 2016, organization 0907 be decreased by expiring the amount of \$1,000,000; the Board of Pharmacy -- Pharmacy Operating Fund, fund 8537, fiscal year 2016, organization 0913 be decreased by expiring the amount of \$1,000,000; the Auditor's Office -- Securities Regulation Fund, fund 1225, fiscal year 2016, organization 1200 be decreased by expiring the amount of \$1,000,000; the Treasurer's Office - Treasurer's Financial Electronic Commerce Fund. fund 1345, fiscal year 2016, organization 1300 be decreased by expiring the amount of \$500,000; and the Department of Agriculture -- Agriculture Fees Fund, fund 1401, fiscal year 2016, organization 1400 be decreased by expiring the amount of \$1,000,000, all to the balance of the Division of Human Services -- Medical Services Trust Fund, fund 5185, organization 0511, to be available during the fiscal year ending June 30, 2016.