

H. B. 205

(By Mr. Speaker, (Mr. Miley) and Delegate Armstead)

[By Request of the Executive]

[Introduced May 19, 2014; referred to the Committee on Finance.]

A BILL making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, by supplementing and amending chapter thirteen, Acts of the Legislature, regular session 2014, known as the budget bill, by amending and replacing Title II, section five.

WHEREAS, The passage of the HB 101 during the 2014 First Extraordinary Session increased the revenues available for appropriation from the State Excess Lottery Revenue Fund during the fiscal year ending June 30, 2015; and

WHEREAS, The Governor submitted to the Legislature, an Executive Message on May 19, 2014, which included a revised Statement of the State Excess Lottery Revenue Fund, setting forth therein the estimated unappropriated cash balance as of July 1, 2014, and further included the revised estimate of revenue for the fiscal year 2015, less regular appropriations and other adjustments for the fiscal year 2015; and

WHEREAS, It appears from the Governor's Statement of the State Excess Lottery Revenue

1 Fund, there now remains an unappropriated balance in the State Treasury which is available for
2 appropriation during the fiscal year ending June 30, 2015; therefore

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

4 That chapter thirteen, Acts of the Legislature, regular session 2014, known as the budget bill,
5 be supplemented and amended by amending Title II, section five, all to read as follows:

6 TITLE II--APPROPRIATIONS.

7 **Sec. 5. Appropriations from State Excess Lottery Revenue Fund.**— In accordance with W.Va.
8 Code §29-22-18a, §29-22A-10d, §29-22A-10e, §29-22C-27a and §29-25-22b the following
9 appropriations shall be deposited and disbursed by the director of the lottery to the following
10 accounts in this section in the amounts indicated.

11 After first funding the appropriations required by W.Va. Code §29-22-18a, §29-22A-10d,
12 §29-22A-10e, §29-22C-27a and §29-25-22b the director of the lottery shall provide funding from
13 the State Excess Lottery Revenue Fund for the remaining appropriations in this section to the extent
14 that funds are available. In the event that revenues to the State Excess Lottery Revenue Fund are not
15 sufficient to meet all the appropriations made pursuant to this section, then the director of the lottery
16 shall first provide the necessary funds to meet Fund 7208, appropriation 70011 of this section; next,
17 to provide the funds necessary for Fund 3517, appropriation 09500 of this section; next, to provide
18 the funds necessary for Fund 5365, appropriation 18900. Allocation of the funds for each
19 appropriation shall be allocated in succession before any funds are provided for the next subsequent
20 appropriation.

21 *298—Lottery Commission-*

1 *Refundable Credit*

2 Fund 7207 FY 2015 Org 0705

3	4	5	Appropriation	Excess Lottery Funds
6	1	Directed Transfer.	70000	\$ 10,000,000

7 The above appropriation shall be transferred to the General Revenue Fund to provide
8 reimbursement for the refundable credit allowable under W.Va. Code §11-21-21. The amount of the
9 required transfer shall be determined solely by the State Tax Commissioner and shall be completed
10 by the director of the lottery upon the commissioner's request.

11 *299–Lottery Commission-*

12 *General Purpose Account*

13 Fund 7206 FY 2015 Org 0705

14	1	General Revenue Fund - Transfer.	70011	\$ 65,000,000
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15 The above appropriation shall be transferred to the General Revenue Fund as determined by
16 the director of the lottery in accordance with W.Va. Code §29-22-18a.

17 *300–Higher Education Policy Commission-*

18 *Education Improvement Fund*

19 Fund 4295 FY 2015 Org 0441

20	1	PROMISE Scholarship - Transfer.	80000	\$ 29,000,000
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21 The above appropriation shall be transferred to the PROMISE Scholarship Fund (fund 4296,
22 org 0441) established by W.Va. Code §18C-7-7.

1 The Legislature has explicitly set a finite amount of available appropriations and directed the
2 administrators of the program to provide for the award of scholarships within the limits of available
3 appropriations.

4 *301-Economic Development Authority-*

5 *Economic Development Project Fund*

6 Fund 9065 FY 2015 Org 0944

7 1 Debt Service - Total..... 31000 \$ 19,000,000

8 Pursuant to W.Va. Code §29-22-18a, subsection (f), excess lottery revenues are authorized
9 to be transferred to the lottery fund as reimbursement of amounts transferred to the economic
10 development project fund pursuant to section four of this title and W.Va. Code §29-22-18,
11 subsection (f).

12 *302-Economic Development Authority-*

13 *Cacapon and Beech Fork State Parks*

14 *Lottery Revenue Debt Service Fund*

15 Fund 9067 FY 2015 Org 0944

16 1 Debt Service..... 04000 \$ 0

17 *303-School Building Authority*

18 Fund 3514 FY 2015 Org 0402

19 1 Debt Service - Total..... 31000 \$ 19,000,000

20 *304-West Virginia Infrastructure Council*

21 Fund 3390 FY 2015 Org 0316

1 1 Directed Transfer. 70000 \$ 26,000,000

2 The above appropriation shall be allocated pursuant to W.Va. Code §29-22-18d and §31-15-
3 9.

4 *305-Higher Education Policy Commission-*

5 *Higher Education Improvement Fund*

6 Fund 4297 FY 2015 Org 0441

7 1 Directed Transfer. 70000 \$ 15,000,000

8 The above appropriation shall be transferred to fund 4903, org 0442 as authorized by Senate
9 Concurrent Resolution No. 41.

10 *306-Division of Natural Resources*

11 *State Park Improvement Fund*

12 Fund 3277 FY 2015 Org 0310

13 1 Current Expenses ®. 13000 \$ 2,438,300

14 2 Repairs and Alterations ®. 06400 2,161,200

15 3 Equipment ®. 07000 200,000

16 4 Buildings ®. 25800 100,000

17 5 Other Assets ®. 69000 100,500

18 6 Total. \$5,000,000

19 Any unexpended balances remaining in the above appropriations for Repairs and Alterations
20 (fund 3277, appropriation 06400), Equipment (fund 3277, appropriation 07000), Unclassified – Total
21 (fund 3277, appropriation 09600), Unclassified (fund 3277, appropriation 09900), Current Expenses

1 (fund 3277, appropriation 13000), Buildings (fund 3277, appropriation 25800), and Other Assets
 2 (fund 3277, appropriation 69000) at the close of the fiscal year 2014 are hereby reappropriated for
 3 expenditure during the fiscal year 2015.

4 *307-Racing Commission*

5 Fund 7308 FY 2015 Org 0707

6 1	Special Breeders Compensation		
7 2	(WVC §29-22-18a, subsection(1)).	21800	\$ 2,000,000

8 *307a-Lottery Commission-*

9 *Distributions to Statutory Funds and Purposes*

10 Fund FY 2015 Org 0705

11 1	Parking Garage Fund - Transfer.	70001	\$ 500,000
12 2	2004 Capitol Complex		
13 3	Parking Garage Fund - Transfer.	70002	279,461
14 4	Capitol Dome and Improvements Fund		
15 5	- Transfer.	70003	2,471,387
16 6	Capitol Renovation and Improvement		
17 7	Fund - Transfer.	70004	3,074,079
18 8	Development Office Promotion Fund		
19 9	- Transfer.	70005	1,676,770
20 10	Research Challenge Fund - Transfer.	70006	2,235,694
21 11	Tourism Promotion Fund - Transfer.	70007	6,232,286

1	12	Cultural Facilities and Capitol		
2	13	Resources Matching Grant		
3	14	Program Fund - Transfer.	7008	1,500,000
4	15	Workers' Compensation Debt Reduction		
5	16	Fund - Transfer.....	70009	11,000,000
6	17	State Debt Reduction Fund - Transfer.....	70010	20,119,104
7	18	General Revenue Fund - Transfer.	70011	1,794,761
8	19	West Virginia Racing Commission		
9	20	Racetrack Video Lottery Account.....	70012	4,471,387
10	21	Historic Resort Hotel Fund.	70013	34,200
11	22	Licensed Racetrack Regular Purse Fund.	70014	<u>15,649,886</u>
12	23	Total.....		\$ 71,039,015

13 *308-Lottery Commission-*

14 *Excess Lottery Revenue Fund Surplus*

15 Fund 7208 FY 2015 Org 0705

16	1	General Revenue Fund - Transfer.	70011	\$ 27,600,000
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17 The above appropriation for General Revenue Fund - Transfer (fund 7208, appropriation
 18 70011) shall be transferred to the General Revenue Fund.

19 *309-Governor's Office*

20 (WV Code Chapter 5)

21 Fund 1046 FY 2015 Org 0100

1 Any unexpended balance remaining in the appropriation for Publication of Papers and
 2 Transition Expenses – Lottery Surplus (fund 1046, appropriation 06600) at the close of the fiscal
 3 year 2014 is hereby reappropriated for expenditure during the fiscal year 2015.

4 *310-West Virginia Development Office*

5 (WV Code Chapter 5B)

6 Fund 3170 FY 2015 Org 0307

7 Any unexpended balances remaining in the appropriations for Unclassified – Total (fund
 8 3170, appropriation 09600), Recreational Grants or Economic Development Loans (fund 3170,
 9 appropriation 25300), and Connectivity Research and Development – Lottery Surplus (fund 3170,
 10 appropriation 92300) at the close of the fiscal year 2014 are hereby reappropriated for expenditure
 11 during the fiscal year 2015.

12 *311-State Department of Education*

13 (WV Code Chapters 18 and 18A)

14 Fund 3517 FY 2015 Org 0402

15	1	Teachers' Retirement Savings		
16	2	Realized..	09500	\$ 4,051,000
17	3	Retirement Systems - Unfunded		
18	4	Liability.	77500	<u>0</u>
19	5	Total.		\$4,051,000

20 The above appropriation for Teachers' Retirement Savings Realized (fund 7208,
 21 appropriation 09500) shall be transferred to the Employee Pension and Health Care Benefit Fund

1 (fund 2044).

2 *312-Higher Education Policy Commission-*

3 *Administration-*

4 *Control Account*

5 (WV Code Chapter 18B)

6 Fund 4932 FY 2015 Org 0441

7 Any unexpended balance remaining in the appropriation for Advanced Technology Centers
8 (fund 4932, appropriation 02800) at the close of the fiscal year 2014 is hereby reappropriated for
9 expenditure during the fiscal year 2015.

10 *313-Division of Health-*

11 *Central Office*

12 (WV Code Chapter 16)

13 Fund 5219 FY 2015 Org 0506

14 Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance
15 (fund 5219, appropriation 75500) at the close of the fiscal year 2014 is hereby reappropriated for
16 expenditure during the fiscal year 2015.

17 *313a-Division of Human Services*

18 (WV Code Chapters 9, 48 and 49)

19 Fund 5365 FY 2015 Org 0511

20 1 Medical Services. 18900 \$ 26,228,418

21 *314-Division of Corrections-*

1 *Correctional Units*

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

3 Fund 6238 FY 2015 Org 0608

4 Any unexpended balance remaining in the appropriation for Capital Outlay and Maintenance
5 (fund 6283, appropriation 75500) at the close of the fiscal year 2014 is hereby reappropriated for
6 expenditure during the fiscal year 2015.

7 Total TITLE II, Section 5 – Excess Lottery Funds \$318,918,433.

8 The purpose of this supplementary appropriation bill is to amend and replace Title II, Section
9 five of chapter thirteen, Acts of the Legislature, regular session 2014, known as the budget bill for
10 the appropriations ending June 30, 2015.