

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 476

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Originating in the Committee on Finance; reported on

April 1, 2017]

1 A BILL expiring funds to the unappropriated balance in the State Fund, General Revenue, for the
2 fiscal year ending June 30, 2017, in the amount of \$2,000,000 from the Legislative,
3 Senate, fund 0165, fiscal year 2012, organization 2100, appropriation 02100, in the
4 amount of \$1,000,000 from the Legislative, Senate, fund 0165, fiscal year 2012,
5 organization 2100, appropriation 06400, in the amount of \$500,000 from the Legislative,
6 House of Delegates, fund 0170, fiscal year 2015, organization 2200, appropriation 00500,
7 in the amount of \$1,500,000 from the Legislative, House of Delegates, fund 0170, fiscal
8 year 2015, organization 2200, appropriation 02100, in the amount of \$500,000 from the
9 Legislative, Joint Expenses, fund 0175, fiscal year 2015, organization 2300, appropriation
10 10400, in the amount of \$2,000,000 from the Executive, Governor's Office, fund 0101,
11 fiscal year 2005, organization 0100, appropriation 66500, in the amount of \$800,000 from
12 the Executive, Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2005,
13 organization 0100, appropriation 08400, in the amount of \$200,000 from the Executive,
14 Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100,
15 appropriation 11400, in the amount of \$400,000 from the Department of Commerce, West
16 Virginia Development Office, fund 0256, fiscal year 2009, organization 0307, appropriation
17 13100, in the amount of \$400,000 from the Department of Commerce, West Virginia
18 Development Office, fund 0256, fiscal year 2011, organization 0307, appropriation 13100,
19 in the amount of \$200,000 from the Department of Commerce, West Virginia Development
20 Office, fund 0256, fiscal year 2012, organization 0307, appropriation 13100, in the amount
21 of \$500,000 from the Department of Commerce, West Virginia Development Office, fund
22 0256, fiscal year 2007, organization 0307, appropriation 81900, in the amount of \$500,000
23 from the Department of Commerce, West Virginia Development Office, fund 0256, fiscal
24 year 2008, organization 0307, appropriation 81900, in the amount of \$500,000 from the
25 Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009,

26 organization 0307, appropriation 81900, in the amount of \$1,700,000 from the Department
27 of Commerce, West Virginia Development Office, fund 0256, fiscal year 2010,
28 organization 0307, appropriation 81900, in the amount of \$1,500,000 from the Department
29 of Commerce, West Virginia Development Office, fund 0256, fiscal year 2011,
30 organization 0307, appropriation 81900, in the amount of \$640,000 from the Department
31 of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012,
32 organization 0307, appropriation 81900, in the amount of \$628,000 from the Department
33 of Commerce, West Virginia Development Office, fund 0256, fiscal year 2014,
34 organization 0307, appropriation 81900, in the amount of \$932,000 from the Department
35 of Commerce, West Virginia Development Office, fund 0256, fiscal year 2015,
36 organization 0307, appropriation 81900, in the amount of \$650,000 from the Department
37 of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012,
38 organization 0307, appropriation 94100, in the amount of \$150,000 from the Department
39 of Education, State Board of Education – State Department of Education, fund 0313, fiscal
40 year 2011, organization 0402, appropriation 16100, in the amount of \$400,000 from the
41 Department of Education, State Board of Education – State Department of Education, fund
42 0313, fiscal year 2012, organization 0402, appropriation 16100, in the amount of \$400,000
43 from the Department of Education, State Board of Education – State Department of
44 Education, fund 0313, fiscal year 2013, organization 0402, appropriation 16100, in the
45 amount of \$150,000 from the Department of Education, State Board of Education – State
46 Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation
47 16100, in the amount of \$500,000 from the Department of Education, State Board of
48 Education – State Department of Education, fund 0313, fiscal year 2014, organization
49 0402, appropriation 88600, in the amount of \$40,000 from the Department of Health and
50 Human Resources – Office of the Secretary, fund 0400, fiscal year 2015, organization

51 0501, appropriation 19100, in the amount of \$60,000 from the Department of Health and
52 Human Resources – Office of the Secretary, fund 0400, fiscal year 2016, organization
53 0501, appropriation 19100, in the amount of \$1,000,000 from the Department of Health
54 and Human Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2014,
55 organization 0506, appropriation 21900, in the amount of \$200,000 from the Department
56 of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund
57 0450, fiscal year 2011, organization 0608, appropriation 09700, in the amount of \$200,000
58 from the Department of Military Affairs and Public Safety, Division of Corrections –
59 Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 09700,
60 in the amount of \$480,000 from the Department of Military Affairs and Public Safety,
61 Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization
62 0608, appropriation 66100, in the amount of \$1,000,000 from the Department of Military
63 Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal
64 year 2012, organization 0608, appropriation 67700, in the amount of \$500,000 from the
65 Department of Military Affairs and Public Safety, Division of Justice and Community
66 Services, fund 0546, fiscal year 2014, organization 0620, appropriation 56100, in the
67 amount of \$100,000 from the Department of Military Affairs and Public Safety, Division of
68 Juvenile Services, fund 0570, fiscal year 2011, organization 0621, appropriation 75500, in
69 the amount of \$80,000 from the Department of Revenue, State Budget Office, fund 0595,
70 fiscal year 2009, organization 0703, appropriation 09900, in the amount of \$300,000 from
71 the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2013,
72 organization 0807, appropriation 13000, in the amount of \$200,000 from the Department
73 of Veterans’ Assistance, fund 0456, fiscal year 2013, organization 0613, appropriation
74 28600, in the amount of \$100,000 from the Department of Veterans’ Assistance, fund
75 0456, fiscal year 2014, organization 0613, appropriation 28600, in the amount of \$500,000

76 from the West Virginia Council for Community and Technical College Education – Control
77 Account, fund 0596, fiscal year 2012, organization 0420, appropriation 66100, in the
78 amount of \$200,000 from the Higher Education Policy Commission – Administration –
79 Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 09700, in
80 the amount of \$1,000,000 from the Higher Education Policy Commission – Administration
81 – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 66100,
82 in the amount of \$41,700,000 from the Department of Revenue, Office of the Secretary –
83 Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, in the
84 amount of \$20,000,000 from the Department of Revenue, Insurance Commissioner –
85 Insurance Commission Fund, fund 7152, fiscal year 2017, organization 0704, in the
86 amount of \$100,000 from the State Board of Education, fund 3951, fiscal year 2007,
87 organization 0402, appropriation 09900, in the amount of \$300,000 from the State Board
88 of Education, fund 3951, fiscal year 2008, organization 0402, appropriation 09900, in the
89 amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2012,
90 organization 0402, appropriation 09900, in the amount of \$500,000 from the State Board
91 of Education, fund 3951, fiscal year 2013, organization 0402, appropriation 39600, in the
92 amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2014,
93 organization 0402, appropriation 39600, in the amount of \$1,000,000 from the State Board
94 of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 93300, in the
95 amount of \$150,000 from the Division of Culture and History – Lottery Education Fund,
96 fund 3534, fiscal year 2003, organization 0432, appropriation 86500, in the amount of
97 \$40,000 from the Division of Culture and History – Lottery Education Fund, fund 3534,
98 fiscal year 2012, organization 0432, appropriation 62400, in the amount of \$150,000 from
99 the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2011,
100 organization 0433, appropriation 62500, in the amount of \$250,000 from the Library

101 Commission – Lottery Education Fund, fund 3559, fiscal year 2012, organization 0433,
102 appropriation 62500, in the amount of \$150,000 from the Bureau of Senior Services-
103 Lottery Senior Citizens Fund, fund 5405, fiscal year 2011, organization 0508,
104 appropriation 46200, in the amount of \$350,000 from the Bureau of Senior Services-
105 Lottery Senior Citizens Fund, fund 5405, fiscal year 2012, organization 0508,
106 appropriation 46200, in the amount of \$550,000 from the Bureau of Senior Services-
107 Lottery Senior Citizens Fund, fund 5405, fiscal year 2013, organization 0508,
108 appropriation 46200, in the amount of \$50,000 from the West Virginia Development Office,
109 fund 3170, fiscal year 2007, organization 0307, appropriation 92300, in the amount of
110 \$2,500,000 from the West Virginia Development Office, fund 3170, fiscal year 2008,
111 organization 0307, appropriation 25300, in the amount of \$400,000 from the West Virginia
112 Development Office, fund 3170, fiscal year 2013, organization 0307, appropriation 09600,
113 in the amount of \$1,000,000 from the Division of Corrections – Correctional Units, fund
114 6283, fiscal year 2010, organization 0608, appropriation 75500, in the amount of
115 \$5,000,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509,
116 fiscal year 2017, organization 1500, and in the amount of \$2,000,000 from the Department
117 of Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund,
118 fund 2367, fiscal year 2017, organization 0218.

1 Whereas, The Governor submitted to the Legislature the Executive Budget Document,
2 dated February 8, 2017, which included a Statement of the State Fund, General Revenue, setting
3 forth therein the cash balance as of July 1, 2016, and further included the estimate of revenues
4 for the fiscal year 2017, less net appropriation balances forwarded and regular appropriations for
5 the fiscal year 2017; and

6 Whereas, The Secretary of the Department of Revenue has submitted a monthly General
7 Revenue Fund Collections Report for the first eight months of fiscal year 2017 as prepared by the
8 State Budget Office; and

9 Whereas, This report demonstrates that the State of West Virginia has experienced a
10 revenue shortfall of approximately \$106 million for the first eight months of fiscal year 2017, as
11 compared to the monthly revenue estimates for the first eight months of the fiscal year 2017; and

12 Whereas, Current economic and fiscal trends are anticipated to result in projected year-
13 end revenue deficits, including potential significant shortfalls in Personal Income Tax, Consumers
14 Sales and Use Tax, and Corporation Net Income Tax; and

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

17 Whereas, The total projected year-end revenue deficit for the General Revenue Fund is
18 estimated at \$192 million; and

19 Whereas, On November 4, 2016, the Governor issued Executive Order 8-16 which
20 redirected certain revenues pursuant to the terms of SB 419 for fiscal year 2017 of approximately
21 \$25.5 million; and

22 Whereas, On November 15, 2016, the Governor issued Executive Order 9-16 which
23 directed a spending reduction for General Revenue appropriations for fiscal year 2017 of
24 approximately \$59.8 million; and

25 Whereas, On December 30, 2016, the remaining balance of \$5,000,000 in the Personal
26 Income Tax Reserve Fund was utilized to ensure timely payment of tax refunds; and

27 Whereas, The Governor finds that the account balances in the listed accounts exceed that
28 which is necessary for the purposes for which the accounts were established; and

29 Whereas, The Revenue Shortfall Reserve Fund may be drawn on in the event of a revenue
30 shortfall in lieu of imposing additional reductions in appropriations; therefore

Be it enacted by the Legislature of West Virginia:

1 That the balance of the funds available for expenditure in the fiscal year ending June 30,
2 2017, in the Legislative, Senate, fund 0165, fiscal year 2012, organization 2100, appropriation
3 02100, be decreased by expiring the amount of \$2,000,000, in the Legislative, Senate, fund 0165,
4 fiscal year 2012, organization 2100, appropriation 06400, be decreased by expiring the amount
5 of \$1,000,000, in the Legislative, House of Delegates, fund 0170, fiscal year 2015, organization
6 2200, appropriation 00500, be decreased by expiring the amount of \$500,000, in the Legislative,
7 House of Delegates, fund 0170, fiscal year 2015, organization 2200, appropriation 02100, be
8 decreased by expiring the amount of \$1,500,000, in the Legislative, Joint Expenses, fund 0175,
9 fiscal year 2015, organization 2300, appropriation 10400, be decreased by expiring the amount
10 of \$500,000, in the Executive, Governor's Office, fund 0101, fiscal year 2005, organization 0100,
11 appropriation 66500, be decreased by expiring the amount of \$2,000,000, in the Executive,
12 Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2005, organization 0100,
13 appropriation 08400, be decreased by expiring the amount of \$800,000, in the Executive,
14 Governor's Office – Civil Contingent Fund, fund 0105, fiscal year 2008, organization 0100,
15 appropriation 11400, be decreased by expiring the amount of \$200,000, in the Department of
16 Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307,
17 appropriation 13100, be decreased by expiring the amount of \$400,000, in the Department of
18 Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307,
19 appropriation 13100, be decreased by expiring the amount of \$400,000, in the Department of
20 Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307,
21 appropriation 13100, be decreased by expiring the amount of \$200,000, in the Department of
22 Commerce, West Virginia Development Office, fund 0256, fiscal year 2007, organization 0307,
23 appropriation 81900, be decreased by expiring the amount of \$500,000, in the Department of
24 Commerce, West Virginia Development Office, fund 0256, fiscal year 2008, organization 0307,

25 appropriation 81900, be decreased by expiring the amount of \$500,000, in the Department of
26 Commerce, West Virginia Development Office, fund 0256, fiscal year 2009, organization 0307,
27 appropriation 81900, be decreased by expiring the amount of \$500,000, in the Department of
28 Commerce, West Virginia Development Office, fund 0256, fiscal year 2010, organization 0307,
29 appropriation 81900, be decreased by expiring the amount of \$1,700,000, in the Department of
30 Commerce, West Virginia Development Office, fund 0256, fiscal year 2011, organization 0307,
31 appropriation 81900, be decreased by expiring the amount of \$1,500,000, in the Department of
32 Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307,
33 appropriation 81900, be decreased by expiring the amount of \$640,000, in the Department of
34 Commerce, West Virginia Development Office, fund 0256, fiscal year 2014, organization 0307,
35 appropriation 81900, be decreased by expiring the amount of \$628,000, in the Department of
36 Commerce, West Virginia Development Office, fund 0256, fiscal year 2015, organization 0307,
37 appropriation 81900, be decreased by expiring the amount of \$932,000, in the Department of
38 Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307,
39 appropriation 94100, be decreased by expiring the amount of \$650,000, in the Department of
40 Education, State Board of Education – State Department of Education, fund 0313, fiscal year
41 2011, organization 0402, appropriation 16100, be decreased by expiring the amount of \$150,000,
42 in the Department of Education, State Board of Education – State Department of Education, fund
43 0313, fiscal year 2012, organization 0402, appropriation 16100, be decreased by expiring the
44 amount of \$400,000, in the Department of Education, State Board of Education – State
45 Department of Education, fund 0313, fiscal year 2013, organization 0402, appropriation 16100,
46 be decreased by expiring the amount of \$400,000, in the Department of Education, State Board
47 of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402,
48 appropriation 16100, be decreased by expiring the amount of \$150,000, in the Department of
49 Education, State Board of Education – State Department of Education, fund 0313, fiscal year

50 2014, organization 0402, appropriation 88600, be decreased by expiring the amount of \$500,000,
51 in the Department of Health and Human Resources – Office of the Secretary, fund 0400, fiscal
52 year 2015, organization 0501, appropriation 19100, be decreased by expiring the amount of
53 \$40,000, in the Department of Health and Human Resources – Office of the Secretary, fund 0400,
54 fiscal year 2016, organization 0501, appropriation 19100, be decreased by expiring the amount
55 of \$60,000, in the Department of Health and Human Resources, Consolidated Medical Services
56 Fund, fund 0525, fiscal year 2014, organization 0506, appropriation 21900, be decreased by
57 expiring the amount of \$1,000,000, in the Department of Military Affairs and Public Safety, Division
58 of Corrections – Correctional Units, fund 0450, fiscal year 2011, organization 0608, appropriation
59 09700, be decreased by expiring the amount of \$200,000, in the Department of Military Affairs
60 and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012,
61 organization 0608, appropriation 09700, be decreased by expiring the amount of \$200,000, in the
62 Department of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund
63 0450, fiscal year 2012, organization 0608, appropriation 66100, be decreased by expiring the
64 amount of \$480,000, in the Department of Military Affairs and Public Safety, Division of
65 Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation
66 67700, be decreased by expiring the amount of \$1,000,000, in the Department of Military Affairs
67 and Public Safety, Division of Justice and Community Services, fund 0546, fiscal year 2014,
68 organization 0620, appropriation 56100, be decreased by expiring the amount of \$500,000, in the
69 Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal
70 year 2011, organization 0621, appropriation 75500, be decreased by expiring the amount of
71 \$100,000, in the Department of Revenue, State Budget Office, fund 0595, fiscal year 2009,
72 organization 0703, appropriation 09900, be decreased by expiring the amount of \$80,000, in the
73 Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2013,
74 organization 0807, appropriation 13000, be decreased by expiring the amount of \$300,000, in the

75 Department of Veterans' Assistance, fund 0456, fiscal year 2013, organization 0613,
76 appropriation 28600, be decreased by expiring the amount of \$200,000, in the Department of
77 Veterans' Assistance, fund 0456, fiscal year 2014, organization 0613, appropriation 28600, be
78 decreased by expiring the amount of \$100,000, in the West Virginia Council for Community and
79 Technical College Education – Control Account, fund 0596, fiscal year 2012, organization 0420,
80 appropriation 66100, be decreased by expiring the amount of \$500,000, in the Higher Education
81 Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012, organization
82 0441, appropriation 09700, be decreased by expiring the amount of \$200,000, in the Higher
83 Education Policy Commission – Administration – Control Account, fund 0589, fiscal year 2012,
84 organization 0441, appropriation 66100, be decreased by expiring the amount of \$1,000,000, in
85 the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund
86 7005, fiscal year 2017, organization 0701, be decreased by expiring the amount of \$41,700,000,
87 in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund
88 7152, fiscal year 2017, organization 0704, be decreased by expiring the amount of \$20,000,000,
89 in the State Board of Education, fund 3951, fiscal year 2007, organization 0402, appropriation
90 09900, be decreased by expiring the amount of \$100,000, in the State Board of Education, fund
91 3951, fiscal year 2008, organization 0402, appropriation 09900, be decreased by expiring the
92 amount of \$300,000, in the State Board of Education, fund 3951, fiscal year 2012, organization
93 0402, appropriation 09900, be decreased by expiring the amount of \$500,000, in the State Board
94 of Education, fund 3951, fiscal year 2013, organization 0402, appropriation 39600, be decreased
95 by expiring the amount of \$500,000, in the State Board of Education, fund 3951, fiscal year 2014,
96 organization 0402, appropriation 39600, be decreased by expiring the amount of \$500,000, in the
97 State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 93300,
98 be decreased by expiring the amount of \$1,000,000, in the Division of Culture and History –
99 Lottery Education Fund, fund 3534, fiscal year 2003, organization 0432, appropriation 86500, be

100 decreased by expiring the amount of \$150,000, in the Division of Culture and History – Lottery
101 Education Fund, fund 3534, fiscal year 2012, organization 0432, appropriation 62400, be
102 decreased by expiring the amount of \$40,000, in the Library Commission – Lottery Education
103 Fund, fund 3559, fiscal year 2011, organization 0433, appropriation 62500, be decreased by
104 expiring the amount of \$150,000, in the Library Commission – Lottery Education Fund, fund 3559,
105 fiscal year 2012, organization 0433, appropriation 62500, be decreased by expiring the amount
106 of \$250,000, in the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal
107 year 2011, organization 0508, appropriation 46200, be decreased by expiring the amount of
108 \$150,000, in the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year
109 2012, organization 0508, appropriation 46200, be decreased by expiring the amount of \$350,000,
110 in the Bureau of Senior Services – Lottery Senior Citizens Fund, fund 5405, fiscal year 2013,
111 organization 0508, appropriation 46200, be decreased by expiring the amount of \$550,000, in the
112 West Virginia Development Office, fund 3170, fiscal year 2007, organization 0307, appropriation
113 92300, be decreased by expiring the amount of \$50,000, in the West Virginia Development Office,
114 fund 3170, fiscal year 2008, organization 0307, appropriation 25300, be decreased by expiring
115 the amount of \$2,500,000, in the West Virginia Development Office, fund 3170, fiscal year 2013,
116 organization 0307, appropriation 09600, be decreased by expiring the amount of \$400,000, in the
117 Division of Corrections – Correctional Units, fund 6283, fiscal year 2010, organization 0608,
118 appropriation 75500, be decreased by expiring the amount of \$1,000,000, in the Attorney General,
119 Consumer Protection Recovery Fund, fund 1509, fiscal year 2017, organization 1500, be
120 decreased by expiring the amount of \$5,000,000, and in the Department of Administration, Board
121 of Risk and Insurance Management, Premium Tax Savings Fund, fund 2367, fiscal year 2017,
122 organization 0218, be decreased by expiring the amount of \$2,000,000, all to the unappropriated
123 balance of the State Fund, General Revenue, to be available during the fiscal year ending June
124 30, 2017.