

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

For

House Bill 2801

BY DELEGATE MILEY

[By Request of the Executive]

[Originating in the Committee on Finance;

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 \$650,000 from the Department

27 of Commerce, West Virginia Development Office, fund 0256, fiscal year 2012,
28 organization 0307, appropriation 94100; in the amount of \$150,000 from the Department
29 of Education, State Board of Education – State Department of Education, fund 0313, fiscal
30 year 2011, organization 0402, appropriation 16100; in the amount of \$400,000 from the
31 Department of Education, State Board of Education – State Department of Education, fund
32 0313, fiscal year 2012, organization 0402, appropriation 16100; in the amount of \$400,000
33 from the Department of Education, State Board of Education – State Department of
34 Education, fund 0313, fiscal year 2013, organization 0402, appropriation 16100; in the
35 amount of \$150,000 from the Department of Education, State Board of Education – State
36 Department of Education, fund 0313, fiscal year 2014, organization 0402, appropriation
37 16100; in the amount of \$500,000 from the Department of Education, State Board of
38 Education – State Department of Education, fund 0313, fiscal year 2014, organization
39 0402, appropriation 88600; in the amount of \$40,000 from the Department of Health and
40 Human Resources – Office of the Secretary, fund 0400, fiscal year 2015, organization
41 0501, appropriation 19100; in the amount of \$60,000 from the Department of Health and
42 Human Resources – Office of the Secretary, fund 0400, fiscal year 2016, organization
43 0501, appropriation 19100; in the amount of \$2,000,000 from the Department of Health
44 and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2011,
45 organization 0506, appropriation 75500; in the amount of \$2,000,000 from the Department
46 of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal
47 year 2012, organization 0506, appropriation 75500; in the amount of \$50,000 from the
48 Department of Health and Human Resources, Division of Health – Central Office, fund
49 0407, fiscal year 2008, organization 0506, appropriation 82200; in the amount of \$50,000
50 from the Department of Health and Human Resources, Division of Health – Central Office,
51 fund 0407, fiscal year 2009, organization 0506, appropriation 82200; in the amount of
52 \$400,000 from the Department of Health and Human Resources, Division of Health –

53 Central Office, fund 0407, fiscal year 2007, organization 0506, appropriation 84500; in the
54 amount of \$800,000 from the Department of Health and Human Resources, Division of
55 Health – Central Office, fund 0407, fiscal year 2008, organization 0506, appropriation
56 84500; in the amount of \$1,000,000 from the Department of Health and Human
57 Resources, Consolidated Medical Services Fund, fund 0525, fiscal year 2014,
58 organization 0506, appropriation 21900; in the amount of \$200,000 from the Department
59 of Military Affairs and Public Safety, Division of Corrections – Correctional Units, fund
60 0450, fiscal year 2011, organization 0608, appropriation 09700; in the amount of \$200,000
61 from the Department of Military Affairs and Public Safety, Division of Corrections –
62 Correctional Units, fund 0450, fiscal year 2012, organization 0608, appropriation 09700;
63 in the amount of \$480,000 from the Department of Military Affairs and Public Safety,
64 Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization
65 0608, appropriation 66100; in the amount of \$1,000,000 from the Department of Military
66 Affairs and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal
67 year 2012, organization 0608, appropriation 67700; in the amount of \$500,000 from the
68 Department of Military Affairs and Public Safety, Division of Justice and Community
69 Services, fund 0546, fiscal year 2014, organization 0620, appropriation 56100; in the
70 amount of \$100,000 from the Department of Military Affairs and Public Safety, Division of
71 Juvenile Services, fund 0570, fiscal year 2011, organization 0621, appropriation 75500; in
72 the amount of \$80,000 from the Department of Revenue, State Budget Office, fund 0595,
73 fiscal year 2009, organization 0703, appropriation 09900; in the amount of \$300,000 from
74 the Department of Transportation, Aeronautics Commission, fund 0582, fiscal year 2013,
75 organization 0807, appropriation 13000; in the amount of \$200,000 from the Department
76 of Veterans' Assistance, fund 0456, fiscal year 2013, organization 0613, appropriation
77 28600; in the amount of \$100,000 from the Department of Veterans' Assistance, fund
78 0456, fiscal year 2014, organization 0613, appropriation 28600; in the amount of \$500,000

79 from the West Virginia Council for Community and Technical College Education – Control
80 Account, fund 0596, fiscal year 2012, organization 0420, appropriation 66100; in the
81 amount of \$200,000 from the Higher Education Policy Commission – Administration –
82 Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 09700; in
83 the amount of \$1,000,000 from the Higher Education Policy Commission – Administration
84 – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 66100;
85 in the amount of \$20,000,000 from the Department of Revenue, Insurance Commissioner
86 – Insurance Commission Fund, fund 7152, fiscal year 2017, organization 0704; in the
87 amount of \$100,000 from the State Board of Education, fund 3951, fiscal year 2007,
88 organization 0402, appropriation 09900; in the amount of \$300,000 from the State Board
89 of Education, fund 3951, fiscal year 2008, organization 0402, appropriation 09900; in the
90 amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2012,
91 organization 0402, appropriation 09900; in the amount of \$500,000 from the State Board
92 of Education, fund 3951, fiscal year 2013, organization 0402, appropriation 39600; in the
93 amount of \$500,000 from the State Board of Education, fund 3951, fiscal year 2014,
94 organization 0402, appropriation 39600; in the amount of \$1,000,000 from the State Board
95 of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 93300; in the
96 amount of \$150,000 from the Division of Culture and History – Lottery Education Fund,
97 fund 3534, fiscal year 2003, organization 0432, appropriation 86500; in the amount of
98 \$40,000 from the Division of Culture and History – Lottery Education Fund, fund 3534,
99 fiscal year 2012, organization 0432, appropriation 62400; in the amount of \$150,000 from
100 the Library Commission – Lottery Education Fund, fund 3559, fiscal year 2011,
101 organization 0433, appropriation 62500; in the amount of \$250,000 from the Library
102 Commission – Lottery Education Fund, fund 3559, fiscal year 2012, organization 0433,
103 appropriation 62500; in the amount of \$150,000 from the Bureau of Senior Services-
104 Lottery Senior Citizens Fund, fund 5405, fiscal year 2011, organization 0508,

105 appropriation 46200; in the amount of \$350,000 from the Bureau of Senior Services-
106 Lottery Senior Citizens Fund, fund 5405, fiscal year 2012, organization 0508,
107 appropriation 46200; in the amount of \$550,000 from the Bureau of Senior Services-
108 Lottery Senior Citizens Fund, fund 5405, fiscal year 2013, organization 0508,
109 appropriation 46200; in the amount of \$50,000 from the West Virginia Development Office,
110 fund 3170, fiscal year 2007, organization 0307, appropriation 92300; in the amount of
111 \$2,500,000 from the West Virginia Development Office, fund 3170, fiscal year 2008,
112 organization 0307, appropriation 25300; in the amount of \$400,000 from the West Virginia
113 Development Office, fund 3170, fiscal year 2013, organization 0307, appropriation 09600;
114 in the amount of \$1,000,000 from the Division of Corrections – Correctional Units, fund
115 6283, fiscal year 2010, organization 0608, appropriation 75500; in the amount of
116 \$1,000,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509,
117 fiscal year 2017, organization 1500; in the amount of \$2,000,000 from the Department of
118 Administration, Board of Risk and Insurance Management, Premium Tax Savings Fund,
119 fund 2367, fiscal year 2017, organization 0218; in the amount of \$500,000 from the Office
120 of the Treasurer, Financial Electronic Communication Fund, fund 1345, fiscal year 2017,
121 organization 1300; in the amount of \$110,468 from the Department of Administration,
122 Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2017, organization 0211; in
123 the amount of \$4,000,000 from the Public Services Commission, Public Services
124 Commission Fund, fund 8623, fiscal year 2017, organization 0926; in the amount of
125 \$184,848 from the Department of Environmental Protection, Dam Safety Rehabilitation
126 Fund, fund 3025, fiscal year 2017, organization 0313; in the amount of \$500,000 from the
127 Department of Health and Human Resources, Health Care Authority Fund, fund 5375,
128 fiscal year 2017, organization 0507; and in the amount of \$40,404,684 from the
129 Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund
130 7005, fiscal year 2017, organization 0701,

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

136 Whereas, The Secretary of the Department of Revenue has submitted a monthly General
137 Revenue Fund Collections Report for the first seven months of fiscal year 2017 as prepared by
138 the State Budget Office; and

139 Whereas, This report demonstrates that the State of West Virginia has experienced a
140 revenue shortfall of approximately \$116 million for the first seven months of fiscal year 2017, as
141 compared to the monthly revenue estimates for the first seven months of the fiscal year 2017;
142 and

143 Whereas, Current economic and fiscal trends are anticipated to result in projected year-
144 end revenue deficits, including potential significant shortfalls in Personal Income Tax, Consumer
145 Sales and Use Tax, and Corporation Net Income Tax; and

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

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

150 Whereas, On November 4, 2016, the Governor issued Executive Order 8-16 which
151 redirected certain revenues pursuant to the terms SB 419 for fiscal year 2017 of approximately
152 \$25.5 million; and

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

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

158 Whereas, The Revenue Shortfall Reserve Fund may be drawn on in the event of a revenue
159 shortfall in addition to imposing additional reductions in appropriations; and

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

22 0256, fiscal year 2008, organization 0307, appropriation 81900; in the amount of \$500,000 from
23 the Department of Commerce, West Virginia Development Office, fund 0256, fiscal year 2009,
24 organization 0307, appropriation 81900; in the amount of \$650,000 from the Department of
25 Commerce, West Virginia Development Office, fund 0256, fiscal year 2012, organization 0307,
26 appropriation 94100; in the amount of \$150,000 from the Department of Education, State Board
27 of Education – State Department of Education, fund 0313, fiscal year 2011, organization 0402,
28 appropriation 16100; in the amount of \$400,000 from the Department of Education, State Board
29 of Education – State Department of Education, fund 0313, fiscal year 2012, organization 0402,
30 appropriation 16100; in the amount of \$400,000 from the Department of Education, State Board
31 of Education – State Department of Education, fund 0313, fiscal year 2013, organization 0402,
32 appropriation 16100; in the amount of \$150,000 from the Department of Education, State Board
33 of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402,
34 appropriation 16100; in the amount of \$500,000 from the Department of Education, State Board
35 of Education – State Department of Education, fund 0313, fiscal year 2014, organization 0402,
36 appropriation 88600; in the amount of \$40,000 from the Department of Health and Human
37 Resources – Office of the Secretary, fund 0400, fiscal year 2015, organization 0501, appropriation
38 19100; in the amount of \$60,000 from the Department of Health and Human Resources – Office
39 of the Secretary, fund 0400, fiscal year 2016, organization 0501, appropriation 19100; in the
40 amount of \$2,000,000 from the Department of Health and Human Resources, Division of Health
41 – Central Office, fund 0407, fiscal year 2011, organization 0506, appropriation 75500; in the
42 amount of \$2,000,000 from the Department of Health and Human Resources, Division of Health
43 – Central Office, fund 0407, fiscal year 2012, organization 0506, appropriation 75500; in the
44 amount of \$50,000 from the Department of Health and Human Resources, Division of Health –
45 Central Office, fund 0407, fiscal year 2008, organization 0506, appropriation 82200; in the amount
46 of \$50,000 from the Department of Health and Human Resources, Division of Health – Central
47 Office, fund 0407, fiscal year 2009, organization 0506, appropriation 82200; in the amount of

48 \$400,000 from the Department of Health and Human Resources, Division of Health – Central
49 Office, fund 0407, fiscal year 2007, organization 0506, appropriation 84500; in the amount of
50 \$800,000 from the Department of Health and Human Resources, Division of Health – Central
51 Office, fund 0407, fiscal year 2008, organization 0506, appropriation 84500; in the amount of
52 \$1,000,000 from the Department of Health and Human Resources, Consolidated Medical
53 Services Fund, fund 0525, fiscal year 2014, organization 0506, appropriation 21900; in the
54 amount of \$200,000 from the Department of Military Affairs and Public Safety, Division of
55 Corrections – Correctional Units, fund 0450, fiscal year 2011, organization 0608, appropriation
56 09700; in the amount of \$200,000 from the Department of Military Affairs and Public Safety,
57 Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization 0608,
58 appropriation 09700; in the amount of \$480,000 from the Department of Military Affairs and Public
59 Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012, organization
60 0608, appropriation 66100; in the amount of \$1,000,000 from the Department of Military Affairs
61 and Public Safety, Division of Corrections – Correctional Units, fund 0450, fiscal year 2012,
62 organization 0608, appropriation 67700; in the amount of \$500,000 from the Department of
63 Military Affairs and Public Safety, Division of Justice and Community Services, fund 0546, fiscal
64 year 2014, organization 0620, appropriation 56100; in the amount of \$100,000 from the
65 Department of Military Affairs and Public Safety, Division of Juvenile Services, fund 0570, fiscal
66 year 2011, organization 0621, appropriation 75500; in the amount of \$80,000 from the
67 Department of Revenue, State Budget Office, fund 0595, fiscal year 2009, organization 0703,
68 appropriation 09900; in the amount of \$300,000 from the Department of Transportation,
69 Aeronautics Commission, fund 0582, fiscal year 2013, organization 0807, appropriation 13000; in
70 the amount of \$200,000 from the Department of Veterans’ Assistance, fund 0456, fiscal year
71 2013, organization 0613, appropriation 28600; in the amount of \$100,000 from the Department of
72 Veterans’ Assistance, fund 0456, fiscal year 2014, organization 0613, appropriation 28600; in the
73 amount of \$500,000 from the West Virginia Council for Community and Technical College

74 Education – Control Account, fund 0596, fiscal year 2012, organization 0420, appropriation
75 66100; in the amount of \$200,000 from the Higher Education Policy Commission – Administration
76 – Control Account, fund 0589, fiscal year 2012, organization 0441, appropriation 09700; in the
77 amount of \$1,000,000 from the Higher Education Policy Commission – Administration – Control
78 Account, fund 0589, fiscal year 2012, organization 0441, appropriation 66100; in the amount of
79 \$20,000,000 from the Department of Revenue, Insurance Commissioner – Insurance
80 Commission Fund, fund 7152, fiscal year 2017, organization 0704; in the amount of \$100,000
81 from the State Board of Education, fund 3951, fiscal year 2007, organization 0402, appropriation
82 09900; in the amount of \$300,000 from the State Board of Education, fund 3951, fiscal year 2008,
83 organization 0402, appropriation 09900; in the amount of \$500,000 from the State Board of
84 Education, fund 3951, fiscal year 2012, organization 0402, appropriation 09900; in the amount of
85 \$500,000 from the State Board of Education, fund 3951, fiscal year 2013, organization 0402,
86 appropriation 39600; in the amount of \$500,000 from the State Board of Education, fund 3951,
87 fiscal year 2014, organization 0402, appropriation 39600; in the amount of \$1,000,000 from the
88 State Board of Education, fund 3951, fiscal year 2014, organization 0402, appropriation 93300;
89 in the amount of \$150,000 from the Division of Culture and History – Lottery Education Fund, fund
90 3534, fiscal year 2003, organization 0432, appropriation 86500; in the amount of \$40,000 from
91 the Division of Culture and History – Lottery Education Fund, fund 3534, fiscal year 2012,
92 organization 0432, appropriation 62400; in the amount of \$150,000 from the Library Commission
93 – Lottery Education Fund, fund 3559, fiscal year 2011, organization 0433, appropriation 62500;
94 in the amount of \$250,000 from the Library Commission – Lottery Education Fund, fund 3559,
95 fiscal year 2012, organization 0433, appropriation 62500; in the amount of \$150,000 from the
96 Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405, fiscal year 2011, organization
97 0508, appropriation 46200; in the amount of \$350,000 from the Bureau of Senior Services- Lottery
98 Senior Citizens Fund, fund 5405, fiscal year 2012, organization 0508, appropriation 46200; in the
99 amount of \$550,000 from the Bureau of Senior Services- Lottery Senior Citizens Fund, fund 5405,

100 fiscal year 2013, organization 0508, appropriation 46200; in the amount of \$50,000 from the West
101 Virginia Development Office, fund 3170, fiscal year 2007, organization 0307, appropriation 92300;
102 in the amount of \$2,500,000 from the West Virginia Development Office, fund 3170, fiscal year
103 2008, organization 0307, appropriation 25300; in the amount of \$400,000 from the West Virginia
104 Development Office, fund 3170, fiscal year 2013, organization 0307, appropriation 09600; in the
105 amount of \$1,000,000 from the Division of Corrections – Correctional Units, fund 6283, fiscal year
106 2010, organization 0608, appropriation 75500; in the amount of \$1,000,000 from the Attorney
107 General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2017, organization 1500;
108 in the amount of \$2,000,000 from the Department of Administration, Board of Risk and Insurance
109 Management, Premium Tax Savings Fund, fund 2367, fiscal year 2017, organization 0218; in the
110 amount of \$500,000 from the Office of the Treasurer, Financial Electronic Communication Fund,
111 fund 1345, fiscal year 2017, organization 1300; in the amount of \$110,468 from the Department
112 of Administration, Capitol Complex Parking Garage Fund, fund 2461, fiscal year 2017,
113 organization 0211; in the amount of \$4,000,000 from the Public Services Commission, Public
114 Services Commission Fund, fund 8623, fiscal year 2017, organization 0926; in the amount of
115 \$184,848 from the Department of Environmental Protection, Dam Safety Rehabilitation Fund,
116 fund 3025, fiscal year 2017, organization 0313; in the amount of \$500,000 from the Department
117 of Health and Human Resources, Health Care Authority Fund, fund 5375, fiscal year 2017,
118 organization 0507; and in the amount of \$40,404,684 from the Department of Revenue, Office of
119 the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701;
120 each be decreased by expiring the aggregate amount of \$101,700,000, to the unappropriated
121 balance of the State Fund, General Revenue, to be available during the fiscal year ending June
122 30, 2017.