



*Jim Justice*  
*Governor of West Virginia*

March 6, 2020

The Honorable Mitch Carmichael  
President of the Senate  
State Capitol, Building 1, Room 229-M  
Charleston, West Virginia 25305

The Honorable Roger Hanshaw  
Speaker of the House of Delegates  
State Capitol, Building 1, Room 228-M  
Charleston, West Virginia 25305

Dear President Carmichael and Speaker Hanshaw:

After submission of my recommended FY 2021 Executive Budget on January 8, 2020, there have been a few areas that require adjustments.

Therefore, pursuant to Section 51, Article VI of the Constitution of the State of West Virginia, I submit revisions to the FY 2021 Budget Bill for the TITLE II – APPROPRIATIONS as follows:

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

**Department of Commerce**

*West Virginia Tourism Office, Fund 0246, Fiscal Year 2021, Org 0304*

(To correct drafting error.)

- Replace the phrase at the end of the first paragraph that reads "...are hereby reappropriated for expenditure during the fiscal year 20201." with "...are hereby reappropriated for expenditure during the fiscal year 2021."

**Department of Education**

*State Board of Education – State Department of Education, Fund 0313, Fiscal Year 2021, Org 0402*

(To adjust the Teachers' Retirement Savings Realized appropriation based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Decrease "Teachers' Retirement Savings Realized" Appropriation 09500 by \$9,115,000.

*State Board of Education – State Aid to Schools, Fund 0317, Fiscal Year 2021, Org 0402*

(To adjust School Aid Formula based on final local share numbers.) *(subject to revision)*

- Increase "Improved Instructional Programs" Appropriation 15600 by \$105,056.
- Increase "21<sup>st</sup> Century Strategic Technology Learning Growth" Appropriation 93600 by \$210,113.

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- Increase “Teacher and Leader Induction” Appropriation 93601 by \$210,113
- Decrease “Less Local Share” line by (\$1,050,567) from (\$475,033,135) to (\$476,083,702). (To adjust the State Aid Formula Teachers’ Retirement System appropriations based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)
- Decrease “Teachers’ Retirement System” Appropriation 01900 by \$9,775,000.
- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$14,670,000.

**Department of Health and Human Resources**

*Division of Health – Central Office, Fund 0407, Fiscal Year 2021, Org 0506*

(To add reappropriation language.)

- Add an “(R)” to indicate reappropriation on the line item “Office of Medical Cannabis”.
- Insert into the reappropriation language after Statewide EMS Program Support (fund 0407, appropriation 38300), “...Office of Medical Cannabis (fund 0407, appropriation 42001),..”

*Division of Human Services, Fund 0403, Fiscal Year 2021, Org 0511*

(To adjust Child Protective Services staffing improvement due to appropriation request error.)

- Decrease “Current Expenses” Appropriation 13000 by \$1,158,301.
- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$1,158,301. (To maintain for Adult Protective Services staffing levels.)
- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$268,592.

**Department of Military Affairs and Public Safety**

*Department of Military Affairs and Public Safety – Office of the Secretary, Fund 0430, Fiscal Year 2021, Org 0601*

(To provide funding for the Narcotics Intelligence Unit.)

- Increase “Fusion Center” Appropriation 46900 by \$1,900,000.

*Adjutant General – State Militia, Fund 0433, Fiscal Year 2021, Org 0603*

(To adjust transfer language.)

- Remove “and the secretary of Military Affairs and Public Safety” from the second paragraph under item number 63 to read, “From the above appropriations an amount approved by the Adjutant General may be transferred to the State Armory Board for operation and maintenance of National Guard Armories.”

*West Virginia State Police, Fund 0453, Fiscal Year 2021, Org 0612*

(To adjust the Trooper Retirement Fund appropriation based on the actuarial requirement from the West Virginia Consolidated Public Retirement Board.)

- Decrease “Retirement Systems – Unfunded Liability” Appropriation 77500 by \$372,000.

*Division of Justice and Community Services, Fund 0546, Fiscal Year 2021, Org 0623*

(To separate the Justice Reinvestment Initiative program from the Community Corrections Appropriation.)

- Decrease “Community Corrections” Appropriation 56100 by \$2,332,101.
- Add “Justice Reinvestment Initiative” Appropriation 89501 for \$2,332,101.

(To correct appropriation name in reappropriation language.)

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- Revise Law Enforcement Professional Standards – Surplus (fund 0546, appropriation 83899) to “...Law Enforcement Training – Surplus (fund 0546, appropriation 83899)...”

**Department of Transportation**

*Aeronautics Commission, Fund 0582, Fiscal Year 2021, Org 0807*  
 (To fully fund the Aeronautics staff.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$45,000.

**Section 3. Appropriations from other funds.**

**Executive**

*Treasurer’s Office College Prepaid Tuition and Savings Program Administrative Account, Fund 1301, Fiscal Year 2021, Org 1300*  
 (To increase spending authority to meeting operating needs.)

- Increase “Current Expenses” Appropriation 13000 by \$278,000.

**Department of Administration**

*Department of Administration – Office of the Secretary – Employee Pension and Health Care Benefit Fund, Fund 2044, Fiscal Year 2021, Org 0201*  
 (To adjust spending authority to match the Teachers’ Retirement Realized Savings.)

- Decrease “Current Expenses” Appropriation 13000 by \$9,115,000.

**Department of Commerce**

*West Virginia Development Office – Department of Commerce – Marketing and Communications Operating Fund, Fund 3002, Fiscal Year 2021, Org 0307*  
 (To reimburse general revenue for classified exempt positions.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$131,682.
- Decrease “Current Expenses” Appropriation 13000 by \$131,682.

*Division of Labor – West Virginia Jobs Act Fund, Fund 3176, Fiscal Year 2021, Org 0308*

(Add spending authority for the Jobs Act created through HB 205, passed October 17, 2017, before fund 3186.)

*158a - Division of Labor –*

*West Virginia Jobs Act Fund*

(WV Code Chapter 21)

Fund 3176 FY 2021 Org 0308

1	Current Expenses .....	13000	\$	75,000
2	Equipment .....	07000		<u>25,000</u>
3	Total .....		\$	100,000

*Division of Labor – Weights and Measures Fund, Fund 3196, Fiscal Year 2021, Org 0308*  
 (To realign spending authority to more accurately reflect anticipated revenues.)

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- Decrease/eliminate “Personal Services and Employee Benefits” Appropriation 00100 by \$1,500,000.
- Decrease/eliminate “BRIM Premium” Appropriation 91300 by \$8,500.
- Decrease “Current Expenses” Appropriation 13000 by \$127,000.
- Decrease “Repairs and Alterations” Appropriation 06400 by \$18,000.
- Decrease “Equipment” Appropriation 07000 by \$5,000.
- Add “Unclassified” Appropriation 09900 for \$1,200.

*Division of Miners’ Health, Safety and Training – Special Health, Safety and Training Fund, Fund 3355, Fiscal Year 2021, Org 0314*

(To increase spending authority to allow purchase of a building.)

- Increase “Buildings” Appropriation 25800 by \$2,000,000.

*Department of Commerce – Office of the Secretary – Broadband Enhancement Fund, Fund 3013, Fiscal Year 2021, Org 0327*

(To realign spending authority to add two new positions for Broadband work.)

- Add “Personal Services and Employee Benefits” Appropriation 00100 for \$131,682.
- Decrease “Current Expenses” Appropriation 13000 by \$131,682.

**Department of Education**

*State Board of Education – School Construction Fund, Fund 3952, Fiscal Year 2021, Org 0404*

(To clarify fund name.)

*State Board of Education –*

*School Building Authority –*

*School Construction Fund*

(WV Code Chapters 18 and 18a)

Fund 3952 FY 2021 Org 0404

**Department of Health and Human Resources**

*Division of Health – West Virginia Birth-to-Three Fund, Fund 5214, Fiscal Year 2021, Org 0506*

(To increase spending authority due to increased costs.)

- Increase “Current Expenses” Appropriation 13000 by \$2,080,851.

**Department of Military Affairs and Public Safety**

*State Armory Board – General Armory Fund, Fund 6057, Fiscal Year 2021, Org 0603*

(To adjust spending authority to meet anticipated expenditures.)

- Decrease “Buildings” Appropriation 25800 by \$250,000.
- Increase “Other Assets” Appropriation 69000 by \$250,000.

*Division of Administrative Services – Second Chance Driver’s License Program Account, Fund 6810, Fiscal Year 2021, Org 0623*

(To increase spending authority to properly administer program.)

- Increase “Current Expenses” Appropriation 13000 by \$100,000.

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**Department of Transportation**

*Division of Highways – A. James Manchin Fund, Fund 8319, Fiscal Year 2021, Org 0803*

(To increase spending authority due to increased costs for waste tire removal.)

- Increase “Current Expenses” Appropriation 13000 by \$850,000.

*State Rail Authority – West Virginia Commuter Rail Access Fund, Fund 8402, Fiscal Year 2021, Org 0804*

(Add spending authority with fund and item of appropriation appearing before “Department of Veterans’ Assistance” for transfer of General Revenue.)

*266a - State Rail Authority –*

*West Virginia Commuter Rail Access Fund*

(WV Code Chapter 29)

Fund 8402 FY 2021 Org 0804

1	Current Expenses .....	13000	\$	2,800,000
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**Miscellaneous Boards and Commissions**

*Board of Barbers and Cosmetologists – Barbers and Beauticians Special Fund, Fund 5425, Fiscal Year 2021, Org 0505*

(To adjust spending authority to meet anticipated expenditures.)

- Decrease “Current Expenses” Appropriation 13000 by \$5,000.
- Add “Repairs and Alterations” Appropriation 06400 for \$5,000.

*Public Service Commission – Consumer Advocate Fund, Fund 8627, Fiscal Year 2021, Org 0926*

(To adjust spending authority for increased expenses and a new position due to federal legislation.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$104,000.
- Increase “Current Expenses” Appropriation 13000 by \$110,000.

**Section 4. Appropriations from lottery net profits.**

**Department of Education**

*State Department of Education – School Building Authority – Debt Service Fund, Fund 3963, Fiscal Year 2021, Org 0404*

(To bring School Building Authority Lottery bond debt service into compliance with bond indentures.)

- Add the following directive language below the items of appropriation as follows:  
“The above appropriation for Directed Transfer (fund 3963, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects.”

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**Section 5. Appropriations from state excess lottery revenue.**

*State Department of Education – School Building Authority, Fund 3514, Fiscal Year 2021, Org 0404*  
(To bring School Building Authority Excess Lottery bond debt service into compliance with bond indentures.)

- Decrease “Debt Service - Total” Appropriation 31000 by \$100.
- Add “Direct Transfer” Appropriation 70000 for \$100.
- Add Total line for the fund.
- Add the following directive language below the items of appropriation as follows:  
“The School Building Authority shall have the authority to transfer between the above appropriations in accordance with W.Va. Code §29-22-18a.

The above appropriation for Directed Transfer (fund 3514, appropriation 70000) may be transferred to the Department of Education, State Board of Education, School Building Authority, School Construction Fund, fund 3952, organization 0404 to be used for school construction and maintenance projects.”

**Section 6. Appropriations of federal funds.**

**Department of Commerce**

*West Virginia Development Office, Fund 8705, Fiscal Year 2021, Org 0307*

(To increase federal spending authority for the Apprenticeship Grant federal positions.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$250,000.

*Division of Natural Resources, Fund 8707, Fiscal Year 2021, Org 0310*

(To increase federal spending authority to enable expenditure of funds from federal grant and cooperative agreement programs.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$1,826,933.

**Department of Education**

*State Board of Education – Vocational Division, Fund 8714, Fiscal Year 2021, Org 0402*

(To increase federal spending authority due to gradually increasing federal appropriations.)

- Increase “Current Expenses” Appropriation 13000 by \$1,000,000.

*State Board of Education – Aid for Exceptional Children, Fund 8715, Fiscal Year 2021, Org 0402*

(To increase federal spending authority due to gradually increasing federal appropriations.)

- Increase “Current Expenses” Appropriation 13000 by \$10,000,000.

**Department of Military Affairs and Public Safety**

*Adjutant General – State Militia, Fund 8726, Fiscal Year 2021, Org 0603*

(To adjust federal spending authority to hire additional staff for Mountaineer Challenge Academy.)

- Decrease “Military Authority” Appropriation 74800 by \$2,221,320.
- Increase “Mountaineer Challenge Academy” Appropriation 70900 by \$2,221,320.

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*Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund, Fund 8785, Fiscal Year 2021, Org 0603*

(To adjust federal spending authority to have flexibility to use federal funds.)

- Decrease “Current Expenses” Appropriation 13000 by \$150,000.
- Add “Repairs and Alterations” Appropriation 06400 for \$50,000.
- Decrease “Equipment” Appropriation 07000 by \$150,000.
- Add “Buildings” Appropriation 25800 for \$100,000.
- Add “Other Assets” Appropriation 69000 for \$100,000.
- Add “Land” Appropriation 73000 for \$50,000.

*Division of Administrative Services, Fund 8803, Fiscal Year 2021, Org 0623*

(To correct a drafting error.)

- Decrease “Unclassified” Appropriation 09900 by \$25,356,788.
- Increase “Current Expenses” Appropriation 13000 by \$25,380,223.
- Decrease “Repairs and Alterations” Appropriation 06400 by \$23,435.

**Department of Transportation**

*Division of Motor Vehicles, Fund 8787, Fiscal Year 2021, Org 0802*

(To adjust federal spending authority to allow the across-the-board increase provided in July 2019 to be charged to federal funding.)

- Increase “Personal Services and Employee Benefits” Appropriation 00100 by \$50,000.
- Decrease “Current Expenses” Appropriation 13000 by \$50,000.

*Aeronautics Commission, Fund 8831, Fiscal Year 2021, Org 0807*

(Add federal spending authority for an Aviation Impact Study awarded from Federal Aviation Administration with fund and items of appropriation appearing before “Department of Veterans’ Assistance”).

*364a – Aeronautics Commission–*

(WV Code Chapter 29)

Fund 8831 FY 2021 Org 0807

1	Current Expenses .....	13000	\$	400,000
2	Other Assets .....	69000		<u>100</u>
3	Total .....		\$	400,100

**Miscellaneous Boards and Commissions**

*Public Service Commission – Motor Carrier Division, Fund 8743, Fiscal Year 2021, Org 0926*

(To increase federal spending authority for installation of Smart Roadside Inspection System and purchase of License Plate Readers through a grant.)

- Increase “Equipment” Appropriation 07000 by \$934,500.

**Section 7. Appropriations from federal block grants.**

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**Department of Health and Human Resources**

*Division of Human Services – Energy Assistance, Fund 8755, Fiscal Year 2021, Org 0511*

(To increase spending authority for complete spending of federal grant.)

- Increase “Current Expenses” Appropriation 13000 by \$5,000,000.

**Section 9. Appropriations from lottery net profits surplus accrued.**

To correct drafting error in sequential fund item numbering, renumber budget bill items to include item number 382.

**Other Items for Consideration:**

Since introduction of the FY 2021 Budget Bill and subsequent passage of the Senate Committee Substitute and House Committee Substitute for the budget bill, please consider the following:

*Public Defender Services, Fund 0226, Fiscal Year 2021, Org 0221*

(To adjust funding for the hiring of two attorneys for the Habeas Corpus Division implemented through supplemental Senate Bill 571 which completed legislation.)

- Increase “Personal Services and Employee Benefits” Appropriation 13000 by \$188,402.
- Decrease “Appointed Counsel Fees” Appropriation 78800 by \$188,402.

*Department of Transportation, State Rail Authority, Fund 0506, Fiscal Year 2021, Org 0804*

As introduced, my budget included \$2.8 million in the General Revenue Fund, State Rail Authority to be transferred to the Commuter Rail Access Fund. I would ask that you reconsider your position and restore my requested recommendation by:

- Increasing “Current Expenses” Appropriation 13000 by \$1,800,000 to \$3,087,707 as per my original recommendation.
- Updating the directive language to indicate \$2,800,00 be transferred.

Another item for consideration, as Senate Bill 586 has completed Legislative action and in order to account for the changes resulting from the passage of the bill for inclusion in the FY 2021 Budget Bill, please consider the following:

(To more accurately account for the Adjutant General, General Revenue funds.)

- Add a “Miscellaneous Boards and Commissions” to Section 1, “Appropriations from General Revenue”, immediately following the item for West Virginia State University, Fund 0373, Fiscal Year 2021, Org 0490 and before the total of TITLE II, Section 1 – General Revenue.
- Following the addition of the section above, move in its entirety Adjutant General – State Militia, Fund 0433, Org 0603 and Adjutant General – Military Fund, Fund 0605, Org 0603 from under Military Affairs and Public Safety to Miscellaneous Board and Commissions.

(To more accurately account for the Adjutant General, Special Revenue funds.)

- In Section 3 “Appropriations from Other Funds”, “Miscellaneous Boards and Commissions”, immediately following the item for Hospital Finance Authority – Hospital Finance Authority Fund, Fund 5475, Fiscal Year 2021, Org 0509 move in its entirety State Armory Board –



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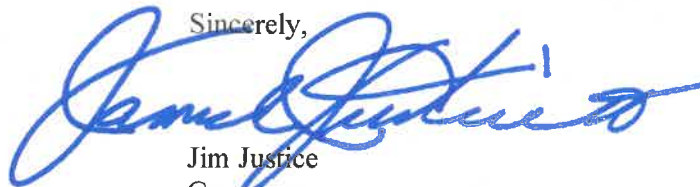
General Amory Fund, Fund 6057, Org 0603 from under Military Affairs and Public Safety to Miscellaneous Boards and Commissions.

(To more accurately account for the Adjutant General, Federal Revenue funds.)

- In Section 6 "Appropriations of Federal Funds", "Miscellaneous Boards and Commissions", as the first item under Miscellaneous Boards and Commissions, move in its entirety Adjutant General – State Militia, Fund 8726, Org 0603 and Adjutant General – West Virginia National Guard Counterdrug Forfeiture Fund, Fund 8785, Org 0603 from under Military Affairs and Public Safety to Miscellaneous Boards and Commissions.

Thank you for your prompt attention of this matter. Your cooperation is always appreciated. Should you have any questions or require additional information, please call me at any time.

Sincerely,



Jim Justice  
Governor

cc: The Honorable Craig Blair, Chairman  
The Honorable Eric Householder, Chairman  
State Budget Office