2000 Session

Budget Bill - HB29 (Chapter 1072)

Item 4-1.06

§ 4-1.06 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium, ending on June 30, 1998, and (ii) the last day of the first year of the current biennium, ending on June 30, 1999, shall be reappropriated for expenditure in the respective succeeding year for the following agencies and programs:

1) Agencies in the Legislative Department, the Judicial Department, and the Independent Agencies, except as may be specifically provided otherwise by the General Assembly;

2) Agencies in the Executive Department, subject to the prior written approval of the Governor, except as may be specifically provided otherwise by the General Assembly;

3) Educational and General programs in those institutions of higher education which meet management standards prescribed by the Governor;

4) Unexpended revenues from community education and public service programs in the institutions of higher education;

5) Appropriations to the institutions of higher education for student financial assistance; and

6) Appropriations for the Century Date Change Initiative, which is designed to resolve Year 2000 computer problems.

b) The Governor may, at his discretion, unallot funds from the reappropriated balances of Executive Department agencies which relate to unexpended appropriations for payments to individuals, aid to localities, or any other pass-through grants. Any such reappropriation which the Governor unallots shall revert to and become a part of the general fund, unless the General Assembly shall have specifically provided otherwise, and the State Comptroller shall not thereafter make any payment from such unallotted reappropriation.

2. Where the General Assembly has specifically provided for a reappropriation payable from the general fund, payment for such reappropriation shall be made only upon the Governor's certification that funds are available for such payment. This provision shall also apply to reappropriations based on compliance with management standards as specified in subdivision 1 a) 3) above.

3. Pursuant to subsection E of § 2.1-457.3, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. To the extent that general fund appropriations for fiscal year 2000 for Agency 200, Comprehensive Services for

At-Risk Youth and Families, are insufficient because savings anticipated from the use of Medicaid for treatment foster care services do not meet projections, the Department of Planning and Budget shall unallot unexpended general fund balances up to $10,369,409 remaining in Items 136, 138, 335, and 400, which are not specifically reappropriated or contractually obligated on June 30, 1999, to the extent necessary to achieve savings anticipated from the use of Medicaid for treatment foster care services. Such funds shall not revert to the general fund but shall be transferred, as necessary, by the Department of Planning and Budget to the Comprehensive Services for At-Risk Youth and Families for distribution to local governments through the supplemental pool.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of twelve months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund; the Director, Department of Planning and Budget, may direct the restoration of such balance, or a part of it, within twelve months following the transfer, if he deems there exists an appropriate need for expenditure or repayment of the sum, or a part of it, during this period.

c. CAPITAL PROJECTS:

1. Upon certification by the Director of the Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project. The Director may direct the restoration of any portion of the returned and reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation balance was reverted in the prior biennium, he may likewise restore any portion of such reverted amount under the same conditions.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.