2004 Session

Budget Bill - HB29 (Introduced)

Item 4-1.03 (Not set out)

§ 4-1.03 APPROPRIATION TRANSFERS

a. GENERAL:

1.a) Subject to the conditions stated in this paragraph, during any fiscal year the Director, Department of Planning and Budget, may transfer up to a total of 15 percent of the total appropriation for a state or other agency, from one such agency to another, to supplement an appropriation or reappropriation for a closely and definitely related purpose for which an appropriation is made. The Director, Department of Planning and Budget, and the governing board(s), and/or executive head(s) if there is no governing board, of the affected state agency(ies) must first determine that the transfer effects the original intention of the General Assembly in making the appropriations. The total amount appropriated to the affected state agencies shall in no case be exceeded. Upon the recommendation of the Director, Department of Planning and Budget, the Governor may waive the 15 percent limit if he finds that the appropriation transfer is required to alleviate a threat to life or safety or a threat to property. Prior to making such a transfer, the Governor shall notify the Chairmen of the Senate Finance and House Appropriations Committees.

b) The Director, Department of Planning and Budget, may transfer operating expense appropriations among agencies within the Judicial System, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections to effect changes in operating expense requirements which may occur during the biennium.

c) The Director, Department of Planning and Budget, may transfer appropriations from the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

2.a) The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

b) Subject to the conditions stated in § 4-1.03 a 1 a) above, the Director may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to effect the budgeted program purposes of the General Assembly, or to supplement appropriations to provide for unbudgeted increases in costs which he determines a state or other agency must receive to render essential services.

c)1) The Director, Department of Planning and Budget, may transfer any amortization, rental and/or debt service appropriations or portion thereof from any agency appropriation to the Virginia Public Building Authority to support the undertakings with respect to any or all of the projects of said Authority authorized by the General Assembly and approved by the Governor.

2) The Director, Department of Planning and Budget, may transfer from any other agency appropriations, to

supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority project.

3. The Director, Department of Planning and Budget, may transfer general fund appropriations from the second year to the first year, when the expenditure of such funds in the first year is required to:

a) address a threat to life, safety, or public welfare, or

b) address a threat to property, or

c) continue a program at the present level of service or at an increased level of service when required to address unanticipated business or industrial development opportunities and other actions which will benefit the state's economy, or

d) realize cost savings in excess of the additional funds provided, or

e) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, property or the continuation of services, or

f) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia.

4. No transfer of funds other than by appropriation (e.g., by interdepartmental transfer invoice, letter or other means), whether for provision of services or other purpose, shall be effected unless it is in accordance with guidelines issued by the Secretary of Finance.

5. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

6. Reporting of appropriation transfers made pursuant to this subsection shall be in accordance with § 4-8.00, Reporting Requirements.

b. INSTITUTIONS OF HIGHER EDUCATION:

1. In the event the total regular session full-time-equivalent student enrollment in an institution of higher education exceeds, by one percent or more, the number upon which the appropriation to that institution was based, the Director, Department of Planning and Budget, is authorized to direct the transfer to the surplus of the general fund, from the appropriation to that institution for educational and general programs, an amount not exceeding the tuition and fees collected on account of the enrollment in excess of one percent. Prior to calculating the amount of the transfer, fifty full-time-equivalent students shall be deducted from the excess enrollment. The transfer shall be made by the Department of Planning and Budget prior to the end of the fiscal year in which the excess enrollment occurs; if funds are not available in the account to effect the transfer in the same fiscal year, the amount not then available shall be transferred at the beginning of the succeeding fiscal year. With reference to part-time students, this limitation shall be interpreted liberally.

2. For the purposes of this provision, the Virginia Community College System shall be considered one institution.