

H. B. 4252

(By Mr. Speaker, (Mr. Thompson) and
Delegate Armstead)

[By Request of the Executive]

[Introduced January 23, 2012; referred to the
Committee on Finance.]

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10 A BILL to amend and reenact §11B-2-20 of the Code of West Virginia,
11 1931, as amended; to amend said code by adding thereto a new
12 section, designated §11B-2-20a; to amend and reenact §17-3-1
13 of said code; and to amend and reenact §31-15A-9 of said code,
14 all relating to the Revenue Shortfall Reserve Fund, the
15 Revenue Shortfall Reserve Fund - Part B, and the creation of
16 a West Virginia Infrastructure Modernization and Development
17 Special Revenue Fund; specifying maximum aggregate funding
18 amount for the Revenue Shortfall Reserve Fund; providing that
19 interest and other earnings on Revenue Shortfall Reserve Fund
20 - Part B shall be dedicated to and expended for and in support
21 of the federal-state Medicaid program authorized by the
22 Legislature or mandated by the federal government; providing
23 that in commencing and executing the provisions of this
24 subdivision, the West Virginia Investment Management Board is
25 not and shall not be obligated to sell any investments at a

1 loss or otherwise take any action not in furtherance of its
2 fiduciary duties and obligations in respect of funds and
3 investments under its management and supervision; creating the
4 West Virginia Infrastructure Modernization and Development
5 Special Revenue Fund in the State Treasury; specifying the
6 funding source for the West Virginia Infrastructure
7 Modernization and Development Special Revenue Fund; specifying
8 use of funds in the West Virginia Infrastructure Modernization
9 and Development Special Revenue Fund; providing ability of
10 state road fund to accept and expend funds transferred from
11 the West Virginia Infrastructure Modernization and Development
12 Special Revenue Fund; and providing ability of West Virginia
13 Infrastructure Fund to accept and expend funds transferred
14 from the West Virginia Infrastructure Modernization and
15 Development Special Revenue Fund.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §11B-2-20 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted; that said code be amended by adding
19 thereto a new section, designated §11B-2-20a; that §17-3-1 of said
20 code be amended and reenacted; and that §31-15A-9 of said code be
21 amended and reenacted, all to read as follows:

22 **CHAPTER 11B. DEPARTMENT OF REVENUE.**

23 **ARTICLE 2. STATE BUDGET OFFICE.**

24 **§11B-2-20. Reduction of appropriations; powers of Governor;**

1 **Revenue Shortfall Reserve Fund and permissible**
2 **expenditures therefrom.**

3 (a) Notwithstanding any provision of this section, the
4 Governor may reduce appropriations according to any of the methods
5 set forth in sections twenty-one and twenty-two of this article.
6 The Governor may, in lieu of imposing a reduction in
7 appropriations, request an appropriation by the Legislature from
8 the Revenue Shortfall Reserve Fund established in this section.

9 (b) A Revenue Shortfall Reserve Fund is hereby continued
10 within the State Treasury. The Revenue Shortfall Reserve Fund
11 shall be funded continuously and on a revolving basis in accordance
12 with this subsection up to an aggregate amount not to exceed
13 ~~thirteen~~ fifteen percent of the total appropriations from the State
14 Fund, General Revenue, for the fiscal year just ended. The Revenue
15 Shortfall Reserve Fund shall be funded as set forth in this
16 subsection from surplus revenues, if any, in the State Fund,
17 General Revenue, as the surplus revenues may accrue from time to
18 time. Within sixty days of the end of each fiscal year, the
19 secretary shall cause to be deposited into the Revenue Shortfall
20 Reserve Fund such amount of the first fifty percent of all surplus
21 revenues, if any, determined to have accrued during the fiscal year
22 just ended, as may be necessary to bring the balance of the Revenue
23 Shortfall Reserve Fund to ~~thirteen~~ fifteen percent of the total
24 appropriations from the State Fund, General Revenue, for the fiscal

1 year just ended. If at the end of any fiscal year the Revenue
2 Shortfall Reserve Fund is funded at an amount equal to or exceeding
3 ~~thirteen~~ fifteen percent of the State's General Revenue Fund budget
4 for the fiscal year just ended, then there shall be no further
5 deposit by the secretary under the provisions of this section of
6 any surplus revenues as set forth in this subsection until that
7 time the Revenue Shortfall Reserve Fund balance is less than
8 ~~thirteen~~ fifteen percent of the total appropriations from the State
9 Fund, General Revenue.

10 (c) Not earlier than November 1 of each calendar year, if the
11 state's fiscal circumstances are such as to otherwise trigger the
12 authority of the Governor to reduce appropriations under this
13 section or section twenty-one or twenty-two of this article, then
14 in that event the Governor may notify the presiding officers of
15 both houses of the Legislature in writing of his or her intention
16 to convene the Legislature pursuant to section nineteen, article VI
17 of the Constitution of West Virginia for the purpose of requesting
18 the introduction of a supplementary appropriation bill or to
19 request a supplementary appropriation bill at the next preceding
20 regular session of the Legislature to draw money from the surplus
21 Revenue Shortfall Reserve Fund to meet any anticipated revenue
22 shortfall. If the Legislature fails to enact a supplementary
23 appropriation from the Revenue Shortfall Reserve Fund during any
24 special legislative session called for the purposes set forth in

1 this section or during the next preceding regular session of the
2 Legislature, then the Governor may proceed with a reduction of
3 appropriations pursuant to sections twenty-one and twenty-two of
4 this article. Should any amount drawn from the Revenue Shortfall
5 Reserve Fund pursuant to an appropriation made by the Legislature
6 prove insufficient to address any anticipated shortfall, then the
7 Governor may also proceed with a reduction of appropriations
8 pursuant to sections twenty-one and twenty-two of this article.

9 (d) Upon the creation of the fund, the Legislature is
10 authorized and may make an appropriation from the Revenue Shortfall
11 Reserve Fund for revenue shortfalls, for emergency revenue needs
12 caused by acts of God or natural disasters or for other fiscal
13 needs as determined solely by the Legislature.

14 (e) Prior to October 31, in any fiscal year in which revenues
15 are inadequate to make timely payments of the state's obligations,
16 the Governor may by executive order, after first notifying the
17 presiding officers of both houses of the Legislature in writing,
18 borrow funds from the Revenue Shortfall Reserve Fund. The amount
19 of funds borrowed under this subsection shall not exceed one and
20 one-half percent of the general revenue estimate for the fiscal
21 year in which the funds are to be borrowed, or the amount the
22 Governor determines is necessary to make timely payment of the
23 state's obligations, whichever is less. Any funds borrowed
24 pursuant to this subsection shall be repaid, without interest, and

1 redeposited to the credit of the Revenue Shortfall Reserve Fund
2 within ninety days of their withdrawal.

3 (f) There is hereby created in the State Treasury the Revenue
4 Shortfall Reserve Fund - Part B. The Revenue Shortfall Reserve
5 Fund - Part B shall consist of moneys transferred from the West
6 Virginia Tobacco Settlement Medical Trust Fund pursuant to the
7 provisions of section two, article eleven-a, chapter four of this
8 code, repayments made of the loan from the West Virginia Tobacco
9 Settlement Medical Trust Fund to the Physician's Mutual Insurance
10 Company pursuant to the provisions of article twenty-f, chapter
11 thirty-three of this code, and all interest and other return earned
12 on the moneys in the Revenue Shortfall Reserve Fund - Part B.
13 Moneys in the Revenue Shortfall Reserve Fund - Part B may be
14 expended solely for the purposes set forth in subsection (d) of
15 this section, subject to the following conditions:

16 (1) Beginning on July 1, 2012, any and all interest and other
17 return earned thereon that may accrue on the moneys in the Revenue
18 Shortfall Reserve Fund - Part B shall be dedicated to and expended
19 for and in support of the federal-state Medicaid program authorized
20 by the Legislature or mandated by the federal government:
21 Provided, That in commencing and executing the provisions of this
22 subdivision, the West Virginia Investment Management Board is not
23 and shall not be obligated to sell any investments at a loss or
24 otherwise take any action not in furtherance of its fiduciary

1 duties and obligations in respect of funds and investments under
2 its management and supervision;

3 ~~(1)~~ (2) No moneys in the Revenue Shortfall Reserve Fund - Part
4 B nor any interest or other return earned thereon may be expended
5 for any purpose unless all moneys in the Revenue Shortfall Reserve
6 Fund described in subsection (b) of this section have first been
7 expended, except that the interest or other return earned on moneys
8 in the Revenue Shortfall Reserve Fund - Part B may be expended as
9 provided in subdivisions ~~(2)~~ (1) and (3) of this subsection; and

10 ~~(2)~~ (3) Notwithstanding any other provision of this section to
11 the contrary, the Legislature may appropriate any interest and
12 other return earned thereon that may accrue on the moneys in the
13 Revenue Shortfall Reserve Fund - Part B after June 30, 2025, for
14 expenditure for the purposes set forth in section three, article
15 eleven-a, chapter four of this code; and

16 ~~(3)~~ (4) Any appropriation made from Revenue Shortfall Reserve
17 Fund - Part B shall be made only in instances of revenue shortfalls
18 or fiscal emergencies of an extraordinary nature.

19 (g) Subject to the conditions upon expenditures from the
20 Revenue Shortfall Reserve Fund - Part B prescribed in subsection
21 (f) of this section, in appropriating moneys pursuant to the
22 provisions of this section, the Legislature may in any fiscal year
23 appropriate from the Revenue Shortfall Reserve Fund and the Revenue
24 Shortfall Reserve Fund - Part B a total amount up to, but not

1 exceeding, ten percent of the total appropriations from the State
2 Fund, General Revenue, for the fiscal year just ended.

3 (h) (1) Of the moneys in the Revenue Shortfall Reserve Fund,
4 \$100 million, or such greater amount as may be certified as
5 necessary by the director of the budget for the purposes of
6 subsection (e) of this section, shall be made available to the West
7 Virginia Board of Treasury Investments for management and
8 investment of the moneys in accordance with the provisions of
9 article six-c, chapter twelve of this code. All other moneys in
10 the Revenue Shortfall Reserve Fund shall be made available to the
11 West Virginia Investment Management Board for management and
12 investment of the moneys in accordance with the provisions of
13 article six, chapter twelve of this code. Any balance of the
14 Revenue Shortfall Reserve Fund including accrued interest and other
15 return earned thereon at the end of any fiscal year shall not
16 revert to the General Fund but shall remain in the Revenue
17 Shortfall Reserve Fund for the purposes set forth in this section.

18 (2) All of the moneys in the Revenue Shortfall Reserve Fund -
19 Part B shall be made available to the West Virginia Investment
20 Management Board for management and investment of the moneys in
21 accordance with the provisions of article six, chapter twelve of
22 this code. Any balance of the Revenue Shortfall Reserve Fund -
23 Part B, including accrued interest and other return earned thereon
24 at the end of any fiscal year, shall not revert to the General Fund

1 but shall remain in the Revenue Shortfall Reserve Fund - Part B for
2 the purposes set forth in this section.

3 **§11B-2-20a. West Virginia Infrastructure Modernization and**
4 **Development Special Revenue Fund and permissible**
5 **expenditures therefrom.**

6 (a) There is hereby created in the State Treasury the West
7 Virginia Infrastructure Modernization and Development Special
8 Revenue Fund. The West Virginia Infrastructure Modernization and
9 Development Special Revenue Fund shall be funded on a revolving
10 basis in accordance with this subsection from surplus revenues, if
11 any, in the State Fund, General Revenue, as the surplus revenues
12 may accrue from time to time, subject to the requirements of
13 section twenty of this article. If at the end of any fiscal year
14 there exists surplus revenues in the State Fund, General Revenue,
15 that accrued during the fiscal year just ended, then the secretary
16 shall first cause funds to be deposited into the Revenue Shortfall
17 Reserve Fund pursuant to section twenty of this article. If at the
18 end of any fiscal year the Revenue Shortfall Reserve Fund is funded
19 at an amount equal to or exceeding fifteen percent of the State's
20 General Revenue Fund budget for the fiscal year just ended, then
21 the secretary shall, within sixty days of the end of such fiscal
22 year, cause to be deposited into the West Virginia Infrastructure
23 Modernization and Development Special Revenue Fund the first fifty
24 percent of all surplus revenues, if any, in the State Fund, General

1 Revenue, determined to have accrued during the fiscal year just
2 ended.

3 (b) On October 1 in the fiscal year beginning July 1, 2012,
4 and on October 1 in each subsequent fiscal year thereafter, the
5 secretary shall transfer: (1) Fifty percent of the balance, if any,
6 of the West Virginia Infrastructure Modernization and Development
7 Special Revenue Fund into the West Virginia Infrastructure Fund
8 created in section nine, article fifteen-a, chapter thirty-one of
9 this code to be expended in accordance with the provisions of said
10 article; and (2) fifty percent of the balance, if any, of the West
11 Virginia Infrastructure Modernization and Development Special
12 Revenue Fund into the State Road Fund created in section one,
13 article three, chapter seventeen of this code to be expended in
14 accordance with the provisions of said chapter.

15 **CHAPTER 17. ROADS AND HIGHWAYS.**

16 **ARTICLE 3. STATE ROAD FUND.**

17 **§17-3-1. What constitutes fund; payments into fund; use of money**
18 **in fund.**

19 There shall be a state road fund, which shall consist of the
20 proceeds of all state license taxes imposed upon automobiles or
21 other motor or steam driven vehicles; the registration fees imposed
22 upon all owners, chauffeurs, operators and dealers in automobiles
23 or other motor driven vehicles; all sums of money which may be
24 donated to such fund; all proceeds derived from the sale of state

1 bonds issued pursuant to any resolution or act of the Legislature
2 carrying into effect the "Better Roads Amendment" to the
3 Constitution of this state, adopted in the month of November, 1964,
4 except that the proceeds from the sale of these bonds shall be kept
5 in a separate and distinct account in the State Road Fund; all
6 proceeds from the sale of state bonds issued pursuant to any
7 resolution or act of the Legislature carrying into effect the "Safe
8 Roads Amendment of 1996" to the Constitution of this state, adopted
9 in the month of November, 1996, except that the proceeds from the
10 sale of these bonds shall be kept in a separate and distinct
11 account in the State Road Fund; all moneys and funds appropriated
12 to it by the Legislature; and all moneys allotted or appropriated
13 by the federal government to this state for road construction and
14 maintenance pursuant to any act of the Congress of the United
15 States; the proceeds of all taxes imposed upon and collected from
16 any person, firm or corporation and of all taxes or charges imposed
17 upon and collected from any county, district or municipality for
18 the benefit of the fund; the proceeds of all judgments, decrees or
19 awards recovered and collected from any person, firm or corporation
20 for damages done to, or sustained by, any of the state roads or
21 parts thereof; all moneys recovered or received by reason of the
22 violation of any contract respecting the building, construction or
23 maintenance of any state road; all penalties and forfeitures
24 imposed, recovered or received by reason thereof; all funds

1 transferred in accordance with section twenty-a, article two,
2 chapter eleven-b of this code; and any and all other moneys and
3 funds appropriated to, imposed and collected for the benefit of
4 such fund, or collected by virtue of any statute and payable to
5 such fund: *Provided*, That notwithstanding any provisions of this
6 code to the contrary, fifty cents of every license fee paid
7 pursuant to the provisions of subdivision (2), subsection (a),
8 section eight, article two, chapter seventeen-b of this code shall
9 be paid to the special fund established pursuant to the provisions
10 of subsection (a), section twelve, article two, chapter three of
11 this code.

12 When any money is collected from any of the sources aforesaid,
13 it shall be paid into the State Treasury by the officer whose duty
14 it is to collect and account for the same, and credited to the
15 State Road Fund, and shall be used only for the purposes named in
16 this chapter, which are: (a) To pay the principal and interest due
17 on all state bonds issued for the benefit of said fund, and set
18 aside and appropriated for that purpose; (b) to pay the expenses of
19 the administration of the road department; and (c) to pay the cost
20 of maintenance, construction, reconstruction and improvement of all
21 state roads.

22 **CHAPTER 31. CORPORATIONS.**

23 **ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT**
24 **COUNCIL.**

1 **§31-15A-9. Infrastructure fund; deposits in fund; disbursements**
2 **to provide loans, loan guarantees, grants and other**
3 **assistance; loans, loan guarantees, grants and other**
4 **assistance shall be subject to assistance**
5 **agreements; West Virginia Infrastructure Lottery**
6 **Revenue Debt Service Fund; use of funds for**
7 **projects.**

8 (a) The Water Development Authority shall create and establish
9 a special revolving fund of moneys made available by appropriation,
10 grant, contribution or loan to be known as the "West Virginia
11 Infrastructure Fund". This fund shall be governed, administered and
12 accounted for by the directors, officers and managerial staff of
13 the Water Development Authority as a special purpose account
14 separate and distinct from any other moneys, funds or funds owned
15 and managed by the Water Development Authority. The Infrastructure
16 Fund shall consist of sub-accounts, as deemed necessary by the
17 council or the Water Development Authority, for the deposit of: (1)
18 Infrastructure revenues; (2) any appropriations, grants, gifts,
19 contributions, loan proceeds or other revenues received by the
20 Infrastructure Fund from any source, public or private; (3) amounts
21 received as payments on any loans made by the Water Development
22 Authority to pay for the cost of a project or infrastructure
23 project; (4) insurance proceeds payable to the Water Development
24 Authority or the Infrastructure Fund in connection with any

1 infrastructure project or project; (5) all income earned on moneys
2 held in the Infrastructure Fund; (6) all funds deposited in
3 accordance with section four of article fifteen-b; ~~and~~ (7) all
4 proceeds derived from the sale of bonds issued pursuant to article
5 fifteen-b of this chapter; and (8) all funds transferred in
6 accordance with section twenty-a, article two, chapter eleven-b of
7 this code.

8 Any money collected pursuant to this section shall be paid
9 into the West Virginia Infrastructure Fund by the state agent or
10 entity charged with the collection of the same, credited to the
11 Infrastructure Fund, and used only for purposes set forth in this
12 article or article fifteen-b.

13 Amounts in the Infrastructure Fund shall be segregated and
14 administered by the Water Development Authority separate and apart
15 from its other assets and programs. Amounts in the Infrastructure
16 Fund may not be transferred to any other fund or account or used,
17 other than indirectly, for the purposes of any other program of the
18 Water Development Authority, except that the Water Development
19 Authority may use funds in the Infrastructure Fund to reimburse
20 itself for any administrative costs incurred by it and approved by
21 the council in connection with any loan, loan guarantee, grant or
22 other funding assistance made by the Water Development Authority
23 pursuant to this article.

24 (b) Notwithstanding any provision of this code to the

1 contrary, amounts in the Infrastructure Fund shall be deposited by
2 the Water Development Authority in one or more banking
3 institutions: *Provided*, That any moneys so deposited shall be
4 deposited in a banking institution located in this state. The
5 banking institution shall be selected by the Water Development
6 Authority by competitive bid. Pending the disbursement of any money
7 from the Infrastructure Fund as authorized under this section, the
8 Water Development Authority shall invest and reinvest the moneys
9 subject to the limitations set forth in article eighteen, chapter
10 thirty-one of this code.

11 (c) To further accomplish the purposes and intent of this
12 article and article fifteen-b of this chapter, the Water
13 Development Authority may pledge infrastructure revenues and from
14 time to time establish one or more restricted accounts within the
15 infrastructure fund for the purpose of providing funds to guarantee
16 loans for infrastructure projects or projects: *Provided, however*,
17 That for any fiscal year the Water Development Authority may not
18 deposit into the restricted accounts more than twenty percent of
19 the aggregate amount of infrastructure revenues deposited into the
20 Infrastructure Fund during the fiscal year. No loan guarantee shall
21 be made pursuant to this article unless recourse under the loan
22 guarantee is limited solely to amounts in the restricted account or
23 accounts. No person shall have any recourse to any restricted
24 accounts established pursuant to this subsection other than those

1 persons to whom the loan guarantee or guarantees have been made.

2 (d) Each loan, loan guarantee, grant or other assistance made
3 or provided by the Water Development Authority shall be evidenced
4 by a loan, loan guarantee, grant or assistance agreement between
5 the Water Development Authority and the project sponsor to which
6 the loan, loan guarantee, grant or assistance shall be made or
7 provided, which agreement shall include, without limitation and to
8 the extent applicable, the following provisions:

9 (1) The estimated cost of the infrastructure project or
10 project, the amount of the loan, loan guarantee or grant or the
11 nature of the assistance, and in the case of a loan or loan
12 guarantee, the terms of repayment and the security therefor, if
13 any;

14 (2) The specific purposes for which the loan or grant proceed
15 shall be expended or the benefits to accrue from the loan guarantee
16 or other assistance, and the conditions and procedure for
17 disbursing loan or grant proceeds;

18 (3) The duties and obligations imposed regarding the
19 acquisition, construction, improvement or operation of the project
20 or infrastructure project; and

21 (4) The agreement of the governmental agency to comply with
22 all applicable federal and state laws, and all rules and
23 regulations issued or imposed by the Water Development Authority or
24 other state, federal or local bodies regarding the acquisition,

1 construction, improvement or operation of the infrastructure
2 project or project and granting the Water Development Authority the
3 right to appoint a receiver for the project or infrastructure if
4 the project sponsor should default on any terms of the agreement.

5 (e) Any resolution of the Water Development Authority
6 approving loan, loan guarantee, grant or other assistance shall
7 include a finding and determination that the requirements of this
8 section have been met.

9 (f) The interest rate on any loan to governmental, quasi-
10 governmental, or not for profit project sponsors for projects made
11 pursuant to this article shall not exceed three percent per annum.
12 Due to the limited availability of funds available for loans for
13 projects, it is the public policy of this state to prioritize
14 funding needs to first meet the needs of governmental, quasi-
15 governmental and not for profit project sponsors and to require
16 that loans made to for-profit entities shall bear interest at the
17 current market rates. Therefore, no loan may be made by the council
18 to a for-profit entity at an interest rate which is less than the
19 current market rate at the time of the loan agreement.

20 (g) The Water Development Authority shall cause an annual
21 audit to be made by an independent certified public accountant of
22 its books, accounts and records, with respect to the receipts,
23 disbursements, contracts, leases, assignments, loans, grants and
24 all other matters relating to the financial operation of the

1 Infrastructure Fund, including the operating of any sub-account
2 within the Infrastructure Fund. The person performing such audit
3 shall furnish copies of the audit report to the commissioner of
4 finance and administration, where they shall be placed on file and
5 made available for inspection by the general public. The person
6 performing such audit shall also furnish copies of the audit report
7 to the Legislature's Joint Committee on Government and Finance.

8 (h) There is hereby created in the Water Development Authority
9 a separate, special account which shall be designated and known as
10 the "West Virginia Infrastructure Lottery Revenue Debt Service
11 Fund," into which shall be deposited annually for the fiscal year
12 beginning July 1, 2011, and each fiscal year thereafter, the first
13 \$6 million transferred pursuant to section eighteen-d, article
14 twenty-two, chapter twenty-nine of this code and any other funds
15 provided therefor: *Provided*, That such deposits and transfers are
16 not subject to the reservations of funds or requirements for
17 distributions of funds established by sections ten and eleven of
18 this article. Moneys in the West Virginia Infrastructure Lottery
19 Revenue Debt Service Fund shall be used to pay debt service on
20 bonds or notes issued by the Water Development Authority for
21 watershed compliance projects as provided in section seventeen-b of
22 this article, and to the extent not needed to pay debt service, for
23 the design or construction of improvements for watershed compliance
24 projects. Moneys in the West Virginia Infrastructure Lottery

1 Revenue Debt Service Fund not expended at the close of the fiscal
2 year do not lapse or revert to the General Fund but are carried
3 forward to the next fiscal year.

NOTE: The purpose of this bill is to increase the maximum aggregate funding amount from 13% to 15% for the Revenue Shortfall Reserve Fund; dedicate all interest and other earnings on moneys in Revenue Shortfall Reserve Fund - Part B to the State's Medicaid program; create the West Virginia Infrastructure Modernization and Development Special Revenue Fund in the State Treasury; specify the funding source for the West Virginia Infrastructure Modernization and Development Special Revenue Fund; specify the use of funds in the West Virginia Infrastructure Modernization and Development Special Revenue Fund; provide ability of State Road Fund to accept and expend funds transferred from the West Virginia Infrastructure Modernization and Development Special Revenue Fund; and provide ability of West Virginia Infrastructure Fund to accept and expend funds transferred from the West Virginia Modernization and Development Special Revenue Fund.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§11B-2-20a is new; therefore, it has been completely underscored.