

**WEST VIRGINIA LEGISLATURE**  
**2016 FIRST EXTRAORDINARY SESSION**

**Enrolled**

**Senate Bill 1002**

BY SENATORS COLE (MR. PRESIDENT) AND KESSLER

(BY REQUEST OF THE EXECUTIVE)

[Passed May 27, 2016; in effect from passage]

1 AN ACT expiring funds to the unappropriated balance in the State Fund, General Revenue, for  
2 the fiscal year ending June 30, 2016, in the amount of \$1,000,000 from the Governor's  
3 Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100,  
4 appropriation 61400; in the amount of \$1,000,000 from the Governor's Office, Civil  
5 Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100,  
6 appropriation 23800; in the amount of \$1,000,000 from the Governor's Office, Civil  
7 Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400;  
8 \$3,150,000 from the Joint Expenses, Tax Reduction and Federal Funding Increased  
9 Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation  
10 64200; in the amount of \$3,000,000 from the Treasurer's Office, Personal Income Tax  
11 Reserve Fund, fund 1313, fiscal year 2016, organization 1300; in the amount of  
12 \$8,500,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509,  
13 fiscal year 2016, organization 1500; in the amount of \$2,500,000 from the Department of  
14 Health and Human Resources, West Virginia Health Care Authority – Health Care Costs  
15 Review Fund, fund 5375, fiscal year 2016, organization 0507; in the amount of  
16 \$32,000,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall  
17 Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the amount of  
18 \$5,000,000 from the Department of Revenue, Insurance Commissioner – Insurance  
19 Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of  
20 \$4,631,089.49 from the Department of Revenue, Lottery Commission, Operating and  
21 Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the amount of  
22 \$2,000,000 from the Public Service Commission, fund 8623, fiscal year 2016, organization  
23 0926.

24 Whereas, The Governor submitted to the Legislature the Executive Budget document,  
25 dated January 13, 2016, which included a Statement of the State Fund, General Revenue, setting  
26 forth therein the cash balance as of July 1, 2015, and further included the estimate of revenues

27 for the fiscal year 2016, less net appropriation balances forwarded and regular appropriations for  
28 the fiscal year 2016; and

29         Whereas, Current economic and fiscal trends are anticipated to result in projected year-  
30 end revenue deficits, including potential significant shortfalls in Severance Tax, and shortfalls in  
31 Personal Income Tax and Consumers Sales and Use Tax; and

32         Whereas, Unappropriated balances and projected year-end revenue surpluses in various  
33 other General Revenue sources will only offset a small portion of these deficits; and

34         Whereas, The total projected year-end revenue deficit for the General Revenue Fund prior  
35 to any budget or revenue adjustments was estimated at \$464.5 million; and

36         Whereas, On October 22, 2015, the Governor issued Executive Order 7-15 which directed  
37 a spending reduction for General Revenue appropriations for fiscal year 2016 totaling  
38 \$93,379,526; and

39         Whereas, The Legislature agreed to take voluntary action to effect a four percent spending  
40 reduction of its General Revenue appropriation for fiscal year 2016 totaling \$938,067; and

41         Whereas, The Governor recommended and the Legislature passed SB 342, that reduced  
42 General Revenue appropriations to the Department of Health and Human Resources and the  
43 Bureau of Senior Services by \$53,900,000; and

44         Whereas, During the 2016 regular session the Legislature passed HB 4155, which expired  
45 \$22,989,375 to the Medical Services Trust Fund from various special revenue balances; and

46         Whereas, The Secretary of the Department of Revenue has submitted a monthly General  
47 Revenue Fund Collections Report for the first ten months of fiscal year 2016 as prepared by the  
48 State Budget Office; and

49         Whereas, This report, which includes approximately \$110 million of additional revenue  
50 collected due to previous legislative actions in SB 364 and SB 419 during the 2016 regular  
51 session, demonstrates that the State of West Virginia has experienced a revenue shortfall of  
52 approximately \$218.7 million for the first ten months of fiscal year 2016, as compared to the

53 monthly revenue estimates for the first ten months of the fiscal year 2016; and

54           Whereas, An additional \$63 million is anticipated to be collected in May and June due to  
55 legislative action in SB 419; and

56           Whereas, There still remains an estimated deficit of \$111 million that must be addressed;  
57 and

58           Whereas, The Governor intends to issue an additional Executive Order to reduce  
59 spending from General Revenue appropriation for the Department of Health and Human  
60 Resources for fiscal year 2016 totaling up to \$45,797,000; and

61           Whereas, The Revenue Shortfall Reserve Fund may be drawn on in the event of a revenue  
62 shortfall in lieu of imposing additional reductions in appropriations; and

63           Whereas, The Legislature finds that the account balances in the Governor's Office, Civil  
64 Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the  
65 Governor's Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005,  
66 organization 0100, appropriation 23800; in the Governor's Office, Civil Contingent Fund, fund  
67 0105, fiscal year 2006, organization 0100, appropriation 61400; in the Joint Expenses, Tax  
68 Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009,  
69 organization 2300, appropriation 64200; in the Treasurer's Office, Personal Income Tax Reserve  
70 Fund, fund 1313, fiscal year 2016, organization 1300; in the Attorney General, Consumer  
71 Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the Department of  
72 Health and Human Resources, West Virginia Health Care Authority – Health Care Costs Review  
73 Fund, fund 5375, fiscal year 2016, organization 0507; in the Department of Revenue, Office of  
74 the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701;  
75 in the Department of Revenue, Insurance Commissioner – Insurance Commission Fund, fund  
76 7152, fiscal year 2016, organization 0704; in the Department of Revenue, Lottery Commission,  
77 Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the Public  
78 Service Commission, fund 8623, fiscal year 2016, organization 0926, exceed that which is

79 necessary for the purposes for which the accounts were established; therefore

80 *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 2016, in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization  
3 0100, appropriation 61400, be decreased by expiring the amount of \$1,000,000; in the Governor's  
4 Office, Civil Contingent Fund – Total – Surplus, fund 0105, fiscal year 2005, organization 0100,  
5 appropriation 23800, be decreased by expiring the amount of \$1,000,000; in the Governor's  
6 Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation  
7 61400, be decreased by expiring the amount of \$1,000,000; Joint Expenses, Tax Reduction and  
8 Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization  
9 2300, appropriation 64200, be decreased by expiring the amount of \$3,150,000; in the Treasurer's  
10 Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300, be  
11 decreased by expiring the amount of \$3,000,000; in the Attorney General, Consumer Protection  
12 Recovery Fund, fund 1509, fiscal year 2016, organization 1500, be decreased by expiring the  
13 amount of \$8,500,000; in the Department of Health and Human Resources, West Virginia Health  
14 Care Authority – Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507,  
15 be decreased by expiring the amount of \$2,500,000; in the Department of Revenue, Office of the  
16 Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701, be  
17 decreased by expiring the amount of \$32,000,000; in the Department of Revenue, Insurance  
18 Commissioner – Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704, be  
19 decreased by expiring the amount of \$5,000,000; in the Department of Revenue, Lottery  
20 Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705, be  
21 decreased by expiring the amount of \$4,631,089.49; and in the Public Service Commission, fund  
22 8623, fiscal year 2016, organization 0926, be decreased by expiring the amount of \$2,000,000,  
23 all to the unappropriated balance of the State Fund, General Revenue, to be available during the  
24 fiscal year ending June 30, 2016.