

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

**Enrolled**

**Senate Bill 1010**

BY SENATORS COLE (MR. PRESIDENT) AND KESSLER

(BY REQUEST OF THE EXECUTIVE)

[Passed June 14, 2016; in effect from passage]

1 AN ACT making a supplementary appropriation of public moneys out of the Treasury from the  
2 balance of moneys remaining as an unappropriated balance in the State Fund, General  
3 Revenue, to the Department of Education, State Board of Education – State Department  
4 of Education, fund 0313, fiscal year 2016, organization 0402, by supplementing and  
5 amending the appropriations for the fiscal year ending June 30, 2016.

1 Whereas, The Governor submitted to the Legislature the Executive Budget Document,  
2 dated January 13, 2016, which included a Statement of the State Fund, General Revenue, setting  
3 forth therein the cash balance as of July 1, 2015, and further included the estimate of revenues  
4 for the fiscal year 2016, less net appropriation balances forwarded and regular appropriations for  
5 the fiscal year 2016; and

6 Whereas, Current economic and fiscal trends are anticipated to result in projected year-  
7 end revenue deficits, including potential significant shortfalls in severance tax and shortfalls in  
8 personal income tax and consumers sales and use tax; and

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

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

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

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

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

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

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

26           Whereas, This report, which includes approximately \$110 million of additional revenue  
27 collected due to previous legislative actions in SB 364, SB 352 and SB 419 during the 2016  
28 regular session, demonstrates that the State of West Virginia has experienced a revenue shortfall  
29 of approximately \$218.7 million for the first ten months of fiscal year 2016, as compared to the  
30 monthly revenue estimates for the first ten months of fiscal year 2016; and

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

33           Whereas, The Boone County Board of Education has an estimated \$2.2 million deficit as  
34 a result of bankruptcy proceedings and unpaid property taxes for fiscal year 2016; and

35           Whereas, The Boone County Board of Education will be required to reimburse the General  
36 Revenue Fund of the state for any property taxes recovered as a result of ongoing proceedings  
37 in bankruptcy court pursuant to West Virginia Code §18-9A-12(b)(3); and

38           Whereas, There still remains an estimated deficit of \$113 million that must be addressed;  
39 and

40           Whereas, During the 2016 first extraordinary session, the Governor recommended, and  
41 the Legislature amended and passed, SB 1002, which expired \$63,781,089 million to the State  
42 Fund, General Revenue to address the current year deficit; and

43           Whereas, The Governor intends to issue an additional Executive Order to reduce  
44 spending from General Revenue appropriation for the Department of Health and Human  
45 Resources for fiscal year 2016 totaling up to \$47.9 million; and

