

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 385**

BY SENATORS BLAIR, SYPOLT, AND CLINE

[Introduced January 21, 2019; Referred  
to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §19-1-4e; and to amend and reenact §19-12A-6a of said code, all relating to  
 3 establishing and funding a special revenue fund to be known as the Department of  
 4 Agriculture Capital Improvements Fund; creating the fund; providing for administration by  
 5 Department of Agriculture; identifying sources of moneys for said fund; identifying  
 6 expenditures that may be made from said fund; providing for funds to remain at end of  
 7 each fiscal year; eliminating certain deposits in the General Revenue Account; permitting  
 8 deposits into certain funds; and making technical corrections.

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

**ARTICLE 1. DEPARTMENT OF AGRICULTURE.**

**§19-1-4e. Department of Agriculture Capital Improvements Fund.**

1 (a) There is created in the State Treasury a special revenue account to be known as the  
 2 Department of Agriculture Capital Improvements Fund. The fund shall be administered by the  
 3 Department of Agriculture. The fund shall consist of all moneys transferred into the fund pursuant  
 4 to §19-12A-6a of this code, any moneys that may be appropriated and designated for the fund by  
 5 the Legislature, and all interest or other return earned from investment of the fund.

6 (b) Expenditures from the fund shall be for the purpose of funding construction and capital  
 7 improvements to facilities owned or occupied by the Department of Agriculture and are not  
 8 authorized from collections but are to be made only in accordance with appropriation by the  
 9 Legislature and in accordance with the provisions of §12-3-1 et seq. of this code and upon the  
 10 fulfillment of the provisions set forth in §11B-2-1 et seq. Any balance, including accrued interest  
 11 and other returns, remaining in the fund at the end of each fiscal year shall not revert to the  
 12 General Revenue Fund, but shall remain in the fund and be expended as provided by this section.

**ARTICLE 12A. LAND DIVISION.**

**§19-12A-6a. Special revenue account.**

1 All funds collected by the ~~commission~~ department pursuant to this article, whether from  
2 the sale of food, the disposition of assets other than land, the lease of land or minerals or any  
3 other source, shall be paid into a special revenue account to be used for the purposes of this  
4 article: *Provided*, That when the aggregate remaining balance at the end of any fiscal year of said  
5 the funds so collected and deposited in the special revenue account ~~in any fiscal year total~~  
6 ~~\$2,000,000, the commission shall deposit half of any excess funds collected into the special~~  
7 ~~revenue account, and half into the General Revenue Fund of the state~~ exceeds \$1 million, the  
8 department may transfer a portion of the funds, not to exceed \$1 million, to the Department of  
9 Agriculture Capital Improvements Fund established in §19-1-4e of this code.

NOTE: The purpose of this bill is to establish a new special revenue fund and a funding source to support the Department of Agriculture's efforts to make capital improvements to its facilities.

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