

RECEIVED

36 JUL 25 PM 12 29

OFFICE OF THE
SECRETARY

WEST VIRGINIA LEGISLATURE

EXTRAORDINARY SESSION, 1996



ENROLLED

HOUSE BILL No. 103

(By Delegate *Mr. Speaker, Mr. Chambers,
and Delegate Ashley*)
[By Request of the Executive]

Passed July 16, 1996
In Effect From Passage

RECEIVED

96 JUL 25 PM 12:29

OFFICE OF WEST VIRGINIA
SERVICES

ENROLLED
H. B. 103

(BY MR. SPEAKER, MR. CHAMBERS, AND DELEGATE ASHLEY)
[By Request of the Executive]

[Passed July 16, 1996; in effect from passage.]

AN ACT to amend and reenact section twenty, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the revenue shortfall reserve fund; clarifying permissible expenditures from the fund; authorizing moneys to be borrowed from the fund under specific circumstances; and requiring repayment of borrowed funds.

Be it enacted by the Legislature of West Virginia:

That section twenty, article two, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. FINANCE DIVISION.

§5A-2-20. Reduction of appropriations; powers of governor; revenue shortfall reserve fund and permissible expenditures therefrom.

1 (a) Notwithstanding any provision of this section, the
2 governor may reduce appropriations according to any of
3 the methods set forth in sections twenty-one and
4 twenty-two of this article. The governor may, in lieu of
5 imposing a reduction in appropriations, request an appro-
6 priation by the Legislature from the revenue shortfall
7 reserve fund established in this section.

8 (b) A revenue shortfall reserve fund is hereby contin-
9 ued within the state treasury. The revenue shortfall reserve

10 fund shall be funded as set forth in this subsection from
11 surplus revenues, if any, in the state fund, general revenue,
12 as the surplus revenues may accrue from time to time.
13 Within sixty days of the end of each fiscal year, the secre-
14 tary shall cause to be deposited into the revenue shortfall
15 reserve fund the first fifty percent of all surplus revenues,
16 if any, determined to have accrued during the fiscal year
17 just ended. The revenue shortfall reserve fund shall be
18 funded continuously and on a revolving basis in accord-
19 dance with this subsection up to an aggregate amount not
20 to exceed five percent of the total appropriations from the
21 state fund, general revenue, for the fiscal year just ended.
22 If at the end of any fiscal year the revenue shortfall re-
23 serve fund is funded at an amount equal to or exceeding
24 five percent of the state's general revenue fund budget for
25 the fiscal year just ended, then there shall be no further
26 obligation of the secretary under the provisions of this
27 section to apply any surplus revenues as set forth in this
28 subsection until such time as the revenue shortfall reserve
29 fund balance is less than five percent of the total appropri-
30 ations from the state fund, general revenue.

31 (c) Not earlier than the first day of November of each
32 calendar year, if the state's fiscal circumstances are such as
33 to otherwise trigger the authority of the governor to re-
34 duce appropriations under section twenty, twenty-one or
35 twenty-two of this article, then in that event the governor
36 may notify the presiding officers of both houses of the
37 Legislature in writing of his or her intention to convene
38 the Legislature pursuant to section 19, article VI of the
39 West Virginia Constitution for the purpose of requesting
40 the introduction of a supplementary appropriation bill or
41 to request a supplementary appropriation bill at the next
42 preceding regular session of the Legislature to draw mon-
43 ey from the surplus revenue shortfall reserve fund to meet
44 any anticipated revenue shortfall. If the Legislature fails
45 to enact a supplementary appropriation from the revenue
46 shortfall reserve fund during any special legislative session
47 called for the purposes set forth in this section or during
48 the next preceding regular session of the Legislature, then
49 the governor may proceed with a reduction of appropri-
50 ations pursuant to sections twenty-one and twenty-two of

51 this article. Should any amount drawn from the revenue
52 shortfall reserve fund pursuant to an appropriation made
53 by the Legislature prove insufficient to address any antici-
54 pated shortfall, then the governor may also proceed with a
55 reduction of appropriations pursuant to sections
56 twenty-one and twenty-two of this article.

57 (d) Upon the creation of the fund, the Legislature is
58 authorized and may make an appropriation from the reve-
59 nue shortfall reserve fund for revenue shortfalls, for emer-
60 gency revenue needs caused by acts of God or natural
61 disasters or for other fiscal needs as determined solely by
62 the Legislature.

63 (e) Prior to the thirty-first day of October, in any
64 fiscal year in which revenues are inadequate to make time-
65 ly payments of the state's obligations, the governor may
66 by executive order, after first notifying the presiding offi-
67 cers of both houses of the Legislature in writing, borrow
68 funds from the revenue shortfall reserve fund. The
69 amount of funds borrowed under this subsection shall not
70 exceed one percent of the general revenue estimate for the
71 fiscal year in which the funds are to be borrowed, or the
72 amount the governor determines is necessary to make
73 timely payment of the state's obligations, whichever is less.
74 Any funds borrowed pursuant to this subsection shall be
75 repaid, without interest, and redeposited to the credit of the
76 revenue shortfall reserve fund within ninety days of their
77 withdrawal.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Andy Schoonover
Chairman Senate Committee

Randy Deament
Chairman House Committee

Originating in the House.

Takes effect from passage.

Barrett B. Bhas
Clerk of the Senate

Bryan W. Gray
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert C. Calvert
Speaker of the House of Delegates

The within *is approved* this the *24th*
day of *July*, 1996.

Robert C. Calvert
Governor

PRESENTED TO THE

GOVERNOR

Date 7/19/96

Time 3:49 pm