STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 1-16

By the Governor

WHEREAS, the West Virginia Legislature passed during the 2016 Regular Session Senate Bill 419, effective from passage, on February 26, 2016, and I signed such bill into law February 29, 2016; and

WHEREAS, pursuant to the terms of Senate Bill 419, I am authorized to redirect certain revenues currently dedicated to payment of the unfunded liability of the Workers' Compensation Debt Reduction Fund to the General Revenue Fund by Executive Order for any period commencing after February 29, 2016 and ending before July 1, 2016, if the budget shortfall for fiscal year 2016 as of December 1, 2015 is greater than $100 million, as determined by the State Budget Office; and

WHEREAS, the State Budget Office has submitted to me a letter, dated February 29, 2016, certifying that the State of West Virginia General Revenue budget shortfall was $114.484 million as of December 1, 2015, which is greater than the $100 million shortfall required by Senate Bill 419 to redirect certain revenues as described above; and

WHEREAS, current economic and fiscal trends will result in projected year-end revenue deficits, including potential significant shortfalls in Severance Tax, Personal Income Tax, Consumer Sales and Use Tax, and Corporation Net Income Tax; and

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

WHEREAS, the total projected year-end revenue deficit for the General Revenue Fund under a best case scenario is estimated at more than $354.13 million; and

WHEREAS, the Constitution of the State of West Virginia requires that the State's estimated revenues and expenditures for each fiscal year as provided in the approved budget do not result in the creation of a deficit; and

WHEREAS, it is estimated that $59.4 in additional revenue will be provided to the General Revenue Fund for fiscal year 2016 by my exercise of authority to redirect certain revenues pursuant to Senate Bill 419; and

WHEREAS, by this Executive Order, I am exercising the authority granted to me pursuant to Senate Bill 419 to redirect certain revenues into the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

WHEREAS, pursuant to the terms of Senate Bill 419, I retain the authority to change the duration of such revenue redirections during fiscal year 2016, and may alter these periods by subsequent Executive Order.

NOW, THEREFORE, I, EARL RAY TOMBLIN, by virtue of the authority vested in me as the Governor of West Virginia, do hereby **DECLARE** and **ORDER** that:

1. The deposits of revenues described in West Virginia Code § 11-13V-4 are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

2. The deposits of revenues described in West Virginia Code § 23-2C-3 are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

3. The deposits of revenues described in West Virginia Code § 29-22A-10d are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

4. The deposits of revenues described in West Virginia Code § 29-22A-10e are redirected to the General Revenue Fund for the period commencing March 1, 2016 and ending June 30, 2016.

5. The Secretary of the Department of Revenue will supply instructions on the implementation of this revenue redirection.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol, in the City of Charleston, State of West Virginia, this twenty-ninth day of February, in the year of our Lord, Two Thousand Sixteen, and in the One Hundred Fifty-third year of the State.

Earl Ray Tomblin

GOVERNOR

By the Governor

Natalie E. Tennant

SECRETARY OF STATE