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SENATE BILL NO. 1192

Offered January 21, 1999

A BILL to amend the Code of Virginia by adding in Chapter 14 of Title 2.1 an article numbered 2.2, consisting of sections numbered 2.1-191.5 through 2.1-191.11, relating to the Virginia Investment Act of 1999; establishment of the Virginia Investment Account.

Patron—Barry

Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 14 of Title 2.1 an article numbered 2.2, consisting of sections numbered 2.1-191.5 through 2.1-191.11, as follows:

*Article 2.2.**Virginia Investment Act of 1999.**§ 2.1-191.5. Definitions.**As used in this article:**"Account" means the Virginia Investment Account established by this article.**"Cost of living" means the Consumer Price Index (all items) for the United States, or any comparable index, as computed by the federal Bureau of Labor Statistics for a twelve month period.**"Emergency" means an extraordinary event or occurrence that could not have been reasonably foreseen or prevented and that requires immediate expenditure to preserve the health, safety and general welfare of the residents of the Commonwealth.**"Expenditures" means the total amount of appropriations by the Commonwealth except:**1. Appropriations funded moneys received from the federal government;**2. Principal and interest on bonded indebtedness;**3. Appropriations funded by unemployment and disability insurance funds;**4. Appropriations funded by user charges to the extent that such charges do not exceed the cost of the goods or services and that the purchase of such goods or services is discretionary;**5. Appropriations funded from permanent endowment, trust funds, or pension funds;**6. Proceeds of gifts or bequests made for purposes specified by the donor; and**7. Moneys appropriated for tax relief.**"Per capita expenditures" means the quotient derived from dividing expenditures of the state for a fiscal year by its population on the first day of that fiscal year.**"Personal income" means the total income received by residents of the Commonwealth from all sources, including transfer payments as defined and officially reported by the federal Department of Commerce for a twelve month period.**"Population" means the number of people residing in the Commonwealth, excluding members of the armed forces stationed overseas, as determined by the federal Bureau of the Census.**§ 2.1-191.6. Expenditure limitation.**The Governor shall not submit any budget bill pursuant to subsection A of § 2.1-399 or any amendments to a general appropriation act pursuant to subsection B of § 2.1-399 that increases state expenditures above the amount of state expenditures for the prior fiscal year by a percentage that is greater than the total of the rates of increase in cost of living and population growth over the same period; however, in no event shall the such percentage of increase in expenditures exceed the average percentage change in the Commonwealth's per capita personal income over the prior three fiscal years.**§ 2.1-191.7. Virginia Investment Account established; deposits; withdrawals.**A. There is hereby established in the state treasury a special nonreverting fund to be known as the Virginia Investment Account. The Account shall be established on the books of the Comptroller. Any moneys remaining the Account, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Account.**B. Any excess of the Commonwealth's revenues over expenditures, measured at the end of a fiscal year, net of any deposits required to be made to the Revenue Stabilization Fund and the Water Quality Improvement Fund, shall be deposited in the Account; however, any such excess amount that is more than a sum equal to five percent of the total expenditures for the then-current fiscal year shall be rebated to taxpayers as provided in § 2.1-191.8.**C. The Governor shall include an appropriation for the amount required by subsection B to be deposited into the to the Account in his budget bill, or amendments proposed to the general appropriation act, submitted to the General Assembly pursuant to § 2.1-399. The State Comptroller shall*

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SB1192

60 draw such warrants as are appropriated, and the Treasurer of Virginia shall deposit such warrants into
61 the Account. Such required amount shall be deposited in to the Account on the first day of the fiscal
62 year.

63 D. No amounts shall be withdrawn from the Account except in pursuance of appropriations made by
64 the General Assembly. Moneys shall be appropriated from the Account only for (i) capital expenditures
65 on transportation projects, (ii) public school construction and renovation projects, (iii) capital projects
66 at public institutions of higher education, (iv) payments reducing the Commonwealth's bonded
67 indebtedness, or (v) non-recurring research and development grants relating to economic development
68 activities, which may be conducted at public institutions of higher education. Notwithstanding the
69 foregoing, moneys in the Account may be appropriated to address an emergency.

70 § 2.1-191.8. Excess revenues.

71 If at the end of a fiscal year the Commonwealth's revenues exceed the amount of (i) expenditures,
72 (ii), deposits required to be made to the Revenue Stabilization Fund and the Water Quality Improvement
73 Fund, and (iii) deposits required to be made to the Account pursuant to § 2.1-191.7, the amount of the
74 excess shall be rebated to individuals filing Virginia individual income tax returns pro rata on their
75 annual income tax returns.

76 § 2.1-191.9. Emergencies.

77 The limitation on the rate of growth in expenditures established by § 2.1-191.6 may be exceeded
78 upon the exhaustion of the moneys in the Account and upon the declaration of an emergency by the
79 Governor. The General Assembly shall set forth the amount of the cost of the emergency and the method
80 by which it shall be defrayed. The limitation on the rate of growth in expenditures may be exceeded
81 only for the year or years in which the emergency is declared. In no event shall such emergency
82 expenditures be included in the computation of the limitation imposed by § 2.1-191.6 for any other year.

83 § 2.1-191.10. Mandated and shifted costs.

84 The Commonwealth shall not impose upon any county, city, town or other political subdivision of the
85 Commonwealth any part of the total costs of new programs or services, or increases in existing
86 programs or services, unless a specific appropriation is made sufficient to pay the political subdivision
87 for that purpose. The proportion of state revenue paid to all political subdivisions of the Commonwealth
88 collectively shall not be reduced below that proportion in effect on July 1, 1999. If costs are transferred
89 from one unit of government to another unit of government, either by legislative or judicial action, the
90 limitation imposed by § 2.1-191.6 shall be adjusted and transferred accordingly so that total costs are
91 not increased as a result of such transfer.

92 § 2.1-191.11. Severability.

93 If any expenditure category or revenue source shall be adjudged to be exempt from this article by a
94 court of competent jurisdiction, the process of computing the expenditure limitation shall be adjusted
95 accordingly and the other provisions shall remain in full force and effect.