WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED
Com. Sed. For
HOUSE BILL No. 2303....

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

Passed ........................................ April 9, 1993
In Effect .................................... From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2303
(By Mr. Speaker, Mr. Chambers, and Delegate Burk)
[By Request of the Executive]
[Passed April 9, 1993; in effect from passage.]

AN ACT to amend and reenact section three, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; further amend said article by adding thereto a new section, designated section sixteen; and to amend and reenact section four, article six, chapter twenty-nine of said code, all relating to highway construction programs throughout the state; providing an increase in the gasoline tax; providing a sunset date for the increase; providing legislative findings; providing that the tax increase be deposited in an appropriated special revenue account to be used only to match available federal funds; and clarifying persons subject to civil service by gubernatorial appointment.

Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto a new section, designated section sixteen; and that section four, article six, chapter twenty-nine of said code be amended and reenacted, all to read as follows:
CHAPTER 11. TAXATION.

ARTICLE 14. GASOLINE AND SPECIAL FUEL EXCISE TAX.

§11-14-3. Imposition of tax.

1 There is hereby levied an excise tax of fifteen and one-half cents per gallon on all gasoline or special fuel, which tax shall be computed in accordance with the appropriate measure of tax as hereinafter prescribed in this article: Provided, That beginning the first day of May, one thousand nine hundred ninety-three, the tax levied by this article shall be twenty and one-half cents per gallon: Provided, however, That on and after the first day of August, two thousand one, the tax levied by this article shall be fifteen and one-half cents per gallon.

§11-14-16. Disposition of increase in tax collected.

1 (a) The Legislature finds:

2 (1) That the “Intermodal Surface Transportation Efficiency Act of 1991” provides a window of opportunity for highway and bridge construction in the state of West Virginia;

6 (2) That the “Intermodal Surface Transportation Efficiency Act of 1991” provides for one billion dollars of regular federal highway and bridge funding over the effective period of the legislation;

10 (3) That the “Intermodal Surface Transportation Efficiency Act of 1991” additionally authorizes the necessary funding to complete the Appalachian highway corridor system in the state of West Virginia;

14 (4) That the “Intermodal Surface Transportation Efficiency Act of 1991” provides authorization for additional funding for other specifically identified highway corridors and projects throughout the state of West Virginia;

19 (5) That the anticipated level of total funding resulting from the passage of the “Intermodal Surface Transportation Act of 1991”, if matched by sufficient state funds, would reach approximately six billion dollars through the year two thousand one;
(6) That this program level would be made possible by a five cent increase in the rate of tax on gasoline and special fuels;

(7) That such a program level would enable a continued aggressive highway paving, bridge safety and highway maintenance program; and

(8) That the highways constructed and improvements to the existing transportation system in the state of West Virginia resulting from this highway construction program would be a substantial stimulus to economic development in this state.

(b) The Legislature further finds that in view of this anticipated highways construction program, the division of highways must increase its efficiency and professionalism and make better use of the resources provided to the division by the citizens of our state. To this end, the division of highways shall undertake the efficiency initiatives set forth in subsection (c) of this section, as well as other efficiency initiatives deemed appropriate by the secretary of the department of transportation and the director of the division of highways. The secretary of the department of transportation shall report to the Legislature on the first day of the regular legislative session, one thousand nine hundred ninety-four, regarding the implementation of the all efficiency initiatives undertaken by the division of highways. The report shall also include the source and amount of savings from these efficiency initiatives. Any savings resulting from these efficiency initiatives shall be utilized by the department of transportation to increase state funds available to match federal dollars to promote the highway construction program.

(c) The following efficiency initiatives shall be implemented by the division of highways:

(1) Reduction in the division's passenger vehicle fleet by one hundred seventy vehicles; and

(2) Restriction on the use and number of passenger vehicles utilized for twenty-four hour duty so as to cause a reduction in the total cost of operation of the twenty-
four hour duty vehicle fleet by fifty percent.

(d) The amount of the tax collected attributable to the five cent increase in the tax collected under the provisions of this article effective the first day of May, one thousand nine hundred ninety-three, shall be deposited in a special account in the state treasury known as the "Federal Aid Highway Matching Fund" and shall only be used to match federal moneys available for highway purposes as authorized by Title 23 and Title 40 or other provisions of the United States Code:

Provided, That the "Federal Aid Highway Matching Fund" shall be appropriated by line item by the Legislature.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-4. Classified-exempt service; additions to classified service; exemptions.

(a) The classified-exempt service includes all positions included in the classified-exempt service on the effective date of this article.

(b) Except for the period commencing on the first day of July, one thousand nine hundred ninety-two, and ending on the first Monday after the second Wednesday of the following January and except for the same periods commencing in the year one thousand nine hundred ninety-six, and in each fourth year thereafter, the governor may, by executive order, with the written consent of the state personnel board and the appointing authority concerned, add to the list of positions in the classified service, but such additions shall not include any positions specifically exempted from coverage as provided in this section.

(c) The following offices and positions are exempt from coverage under the classified service:

(1) All judges, officers and employees of the judiciary;

(2) All members, officers and employees of the Legislature;
(3) All officers elected by popular vote and employees of the officer;

(4) All secretaries of departments and employees within the office of a secretary;

(5) Members of boards and commissions and heads of departments appointed by the governor or such heads of departments selected by commissions or boards when expressly exempt by law or board order;

(6) Excluding the policy-making positions in an agency, one principal assistant or deputy and one private secretary for each board or commission or head of a department elected or appointed by the governor or Legislature;

(7) All policymaking positions;

(8) Patients or inmates employed in state institutions;

(9) Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Legislature or a committee thereof, an executive department or by authority of the governor;

(10) All employees of the office of the governor, including all employees assigned to the executive mansion;

(11) County road supervisors employed by the division of highways or their successors;

(12) Part-time professional personnel engaged in professional services without administrative duties and personnel employed for ninety days or less during a working year;

(13) Members and employees of the board of regents or its successor agencies;

(14) Uniformed personnel of the division of public safety; and

(15) Seasonal employees in the state forests, parks, and recreational areas working less than 1,560 hours per calendar year: Provided, That notwithstanding any
(d) The Legislature finds that the holding of political beliefs and party commitments consistent or compatible with those of the governor contributes in an essential way to the effective performance of and is an appropriate requirement for occupying certain offices or positions in state government, such as the secretaries of departments and the employees within their offices, the heads of agencies appointed by the governor and, for each such head of agency, a private secretary and one principal assistant or deputy, all employees of the office of the governor including all employees assigned to the executive mansion, as well as any persons appointed by the governor to fill policy-making positions and county road supervisors or their successors; in that such offices or positions are confidential in character and/or require their holders to act as advisors to the governor or the governor's appointees, to formulate and implement the policies and goals of the governor or of the governor's appointees, or to help the governor or the governor's appointees communicate with and explain their policies and views to the public, the Legislature and the press.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

President of the Senate

Speaker of the House of Delegates

The within is approved this the 2nd day of April, 1993.

Governor