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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



# ENROLLED

HOUSE BILL No. 4653

(By Delegate Kiss, S. Cook, Yarris,  
Doyle and McKinley)



Passed March 12, 1994

In Effect 90 Days From Passage

**ENROLLED**  
**H. B. 4653**

(By DELEGATES KISS, S. COOK, FARRIS,  
DOYLE AND MCKINLEY)

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[Passed March 12, 1994; in effect ninety days from passage.]

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AN ACT to amend article six, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections eleven-a and twenty-six; and to amend and reenact section six-a, article eight of said chapter eleven, all relating to the public utilities division; establishment of a special revenue account; authorizing expenditures to operate the public utilities division and authorizing the board of public works to adjust valuations prior to appeal in circuit court.

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

That article six, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections eleven-a and twenty-six; and to amend and reenact section six-a, article eight of said chapter eleven, all to read as follows:

**ARTICLE 6. ASSESSMENT OF PUBLIC SERVICE BUSINESSES.**

**§11-6-11a. Adjustment of valuation by board.**

1 Any time before an owner or operator appeals a  
2 valuation to circuit court, as provided for in section  
3 twelve of this article, the board of public works may,  
4 after consideration of all relevant facts and evidence,  
5 adjust the valuation made by the board pursuant to

6 section eleven of this article.

**§11-6-26. Operating fund for public utilities division in auditor's office.**

1 The auditor shall establish a special operating fund in  
2 the state treasury for the public utilities division in his  
3 or her office. The auditor shall pay into the fund three  
4 eighths of one percent of the gross receipts of all moneys  
5 collected as provided for in this article. From the fund,  
6 the auditor shall reimburse the department of tax and  
7 revenue for the actual operating expenses incurred in  
8 the performance of its duties required by this article.  
9 The reimbursements to the tax department from the  
10 fund shall not exceed fifty percent of the annual deposits  
11 to the fund. Any moneys remaining in the special  
12 operating fund after reimbursement to the tax depart-  
13 ment shall be used by the auditor for funding the  
14 operation of the public utilities division located in his  
15 office. On the thirty-first day of July in each fiscal year,  
16 if the balance in the operating fund exceeds fifty  
17 thousand dollars, the excess shall be withdrawn from  
18 the special fund and deposited in the general fund of the  
19 state.

**ARTICLE 8. LEVIES.**

**§11-8-6a. Levies on each classification by board of public works.**

1 The state board of public works shall levy as provided  
2 by section eight as follows:  
3 On Class I property, twenty-five hundredths of one  
4 cent; on Class II property, five tenths of one cent; and  
5 on Classes III and IV property, one cent.  
6 Whenever the state board of public works finds the  
7 revenues from all sources have been or will be insuffi-  
8 cient to meet the requirements for interest and sinking  
9 funds on state road bonds, said state board of public  
10 works shall levy for said purposes as provided by section  
11 eight, whatever rates of levy are necessary to meet the  
12 requirements for interest and sinking funds on state  
13 road bonds issued prior to November eight, one thou-  
14 sand nine hundred thirty-two, which rates of levy shall

15 be as follows:

16 On Class I property, one cent; on Class II property,  
17 two cents; and on Classes III and IV property, four  
18 cents, or multiples thereof or in like ratio on all property  
19 subject to taxation in the state.

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

*[Handwritten signature]*  
.....  
Chairman Senate Committee

*Ernest C Moore*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Carroll Johnson*  
.....  
Clerk of the Senate

*Donald L. Jeff*  
.....  
Clerk of the House of Delegates

*Kevin Bricker*  
.....  
President of the Senate

*Paul Walker*  
.....  
Speaker of the House of Delegates

The within *is approved* ..... this the *20th*  
day of *March* .....

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/28/94

Time

4:26 pm