WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

ENROLLED

HOUSE BILL No. 4633

(By Delegates Kiser, S. Cook, Harris, Doyle and McKinley)

Passed March 12, 1994

In Effect 90 Days From Passage
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 valuation to circuit court, as provided for in section twelve of this article, the board of public works may, after consideration of all relevant facts and evidence, adjust the valuation made by the board pursuant to
§11-6-26. Operating fund for public utilities division in auditor's office.

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of July in each fiscal year, if the balance in the operating fund exceeds fifty thousand dollars, the excess shall be withdrawn from the special fund and deposited in the general fund of the state.

ARTICLE 8. LEVIES.

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

The state board of public works shall levy as provided by section eight as follows:

On Class I property, twenty-five hundredths of one cent; on Class II property, five tenths of one cent; and on Classes III and IV property, one cent.

Whenever the state board of public works finds the revenues from all sources have been or will be insufficient to meet the requirements for interest and sinking funds on state road bonds, said state board of public works shall levy for said purposes as provided by section eight, whatever rates of levy are necessary to meet the requirements for interest and sinking funds on state road bonds issued prior to November eight, one thousand nine hundred thirty-two, which rates of levy shall
be as follows:

On Class I property, one cent; on Class II property, two cents; and on Classes III and IV property, four cents, or multiples thereof or in like ratio on all property subject to taxation in the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Ernest C. Moore

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clare L. Murphy

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within ........................................... this the ...........................................
day of ...........................................

Governor

[Signature]
PRESENTED TO THE
GOVERNOR
Date 3/28/94
Time 4:26 PM