WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1998

ENROLLED

SENATE BILL NO. 366

(By Senators Love and Kessner)

PASSED March 14, 1998

In Effect NINETY DAYS FROM PASSAGE
ENROLLED

Senate Bill No. 366

(BY SENATORS LOVE AND KESSLER)

[Passed March 14, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to additional funding for certain assessors' offices beginning on or after the first day of July, one thousand nine hundred ninety-nine; requirements imposed upon use of additional funding; and certification of level of funding by valuation commission.

Be it enacted by the Legislature of West Virginia:

That section eight, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
ARTICLE 1C. FAIR AND EQUITABLE PROPERTY VALUATION.

§11-1C-8. Additional funding for assessors’ offices; maintenance funding.

(a) In order to finance the extra costs associated with the valuation and training mandated by this article, there is hereby created a revolving valuation fund in each county which shall be used exclusively to fund the assessor’s office. No persons whose salary is payable from the valuation fund shall be hired under this section without the approval of the valuation commission, the hirings shall be without regard to political favor or affiliation, and the persons hired under this section are subject to the provisions of the ethics act in chapter six-b of this code, including, but not limited to, the conflict of interest provisions under chapter six-b of this code. Notwithstanding any other provisions of this code to the contrary, assessors may employ citizens of any West Virginia county for the purpose of performing, assessing and appraising duties under this chapter upon approval of the employment by the valuation commission.

(b) During the fiscal year commencing the first day of July, one thousand nine hundred ninety-four, and thereafter as necessary, any county receiving moneys provided by the valuation commission under this section shall use the county’s valuation fund receipts which exceed the total amount received in the fiscal year ending the thirtieth day of June, one thousand nine hundred ninety-four, and such other portion of the county’s valuation fund receipts that may be required by the valuation commission, to repay the valuation commission the money received plus accrued interest. Provided, That the fund should not drop below one percent of the total municipal, county commission and county school board revenues generated by application of the respective regular levy rates.

(c) (1) To finance the ongoing extra costs associated with the valuation and training mandated by this article,
beginning with the fiscal year commencing on the first day
of July, one thousand nine hundred ninety-one, and for a
period of at least three consecutive years, an amount equal
to two percent of the previous year’s projected tax collec-
tions, or whatever percent is approved by the valuation
commission, from the regular levy set by, or for, the
county commission, the county school board and any
municipality in the county shall be prorated as to each
levying body, set aside and placed in the valuation fund.
In May of each year the sheriff of each county shall make
a final transfer to the assessor’s valuation fund which will
reflect any difference in the amount of actual collections
in the previous fiscal year as opposed to those previously
projected by the chief inspector’s office as the basis for the
contributions to the valuation fund, to bring the total
transfers for that year to two percent of the previous
year’s actual collections. The two-percent payment shall
continue in any county where funds borrowed from the
state pursuant to subsection (a) of this section have not
been fully repaid until such moneys, together with accrued
interest thereon, have been fully repaid or until the first
day of July, one thousand nine hundred ninety-nine,
whichever comes last. Each year thereafter, for counties
with loans, and each fiscal year after the thirtieth day of
June, one thousand nine hundred ninety-nine, for those
counties without loans, the valuation fund shall be
continued at an annual amount not to exceed two percent,
as determined by the valuation commission, of the previ-
ous year’s projected tax collections from such regular
levies: Provided, That on and after the first day of July,
one thousand nine hundred ninety-nine, a valuation fund
of a county with a loan shall be continued at an annual
amount not to exceed three percent, as determined by the
valuation commission, and any amounts received in excess
of two percent of the collections shall be expended solely
to repay the loan and for no other purpose. No provision
of this subdivision shall be construed to abrogate any
requirement imposed under subsection (b) of this section.
For the fiscal year beginning on the first day of July, one thousand nine hundred ninety-nine, and any fiscal year thereafter, the assessors, in order to receive any percent of the previous year's projected tax collections for their valuation funds, must submit a request to the valuation commission no later than the fifteenth day of December, one thousand nine hundred ninety-four, and by the same date in December each year thereafter. The submission shall include a projected expenditure budget, including any balances expected to be carried forward, with justification for the percent requested for their valuation fund for the ensuing fiscal year. A copy of the projected budget and justifications shall also be sent to the assessor's county commission, municipalities and school board. The valuation commission shall meet after the fifteenth day of January but prior to the first day of February each year beginning in the year one thousand nine hundred ninety-five, and has authority to accept and confirm up to two percent as a justifiable amount for counties without loans, and to accept and confirm up to three percent for counties with loans, subject to the requirement of subdivision (1) of this subsection that any amounts received in excess of two percent of the collections shall be expended solely to repay the loan and for no other purpose. The valuation commission may establish whatever lower percent of the previous year's projected tax collections each assessor shall receive based upon the evidence at hand, and the particular reevaluation needs of the county. Absent a proper application by any assessor, the valuation commission may, after consultation with the tax commissioner's office, set whatever allowable percent it considers proper. Following its decisions, the valuation commission shall certify to the chief inspector's office of the department of tax and revenue and the joint committee on government and finance, the percent approved for each assessor's valuation fund, and the chief inspector's office shall notify each affected sheriff and levying body of the moneys due from their levies to their respective
valuation funds. County commissions, boards of education and municipalities may present written evidence, prior to the fifteenth day of January, one thousand nine hundred ninety-five, and by the same date of each year thereafter, acceptable to the valuation commission showing that a lesser amount than that requested by the assessor would be adequate to fund the extra costs associated with the valuation mandated by section seven of this article: Provided, That the county commissions, in addition, shall fund the county assessor's office at least the level of funding provided during the fiscal year in which this section was initially enacted.

These additional funds are intended to enable assessors to maintain current valuations and to perform the periodic reevaluation required under section nine of this article.

(d) Moneys due the valuation fund shall be deposited by the sheriff of the county on a monthly basis as directed by the chief inspector's office for the benefit of the assessor and shall be available to and may be spent by the assessor without prior approval of the county commission, which may not exercise any control over the fund. Clerical functions related to the fund shall be performed in the same manner as done with other normal funding provided to the assessor.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the day of , 1998.

Governor