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2003 MAR 27 P 4:43

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

SENATE BILL NO. 655

(By Senator Helmick, et al)

PASSED March 8, 2003

In Effect from Passage

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Senate Bill No. 655

(BY SENATORS HELMICK, SHARPE, CHAFIN, PLYMALE, PREZIOSO,
EDGELL, LOVE, BAILEY, BOWMAN, MCCABE, UNGER, DEMPSEY,
BOLEY, MINEAR, FACEMYER, GULLS AND SPROUSE)

[Passed March 8, 2003; in effect from passage.]

AN ACT to amend and reenact section twenty-six, article six, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section twenty-seven; and to amend and reenact section seventeen, article six-g of said chapter, all relating to creating the public utilities tax loss restoration fund; and providing additional funds to counties, districts and municipalities that have lost public utilities-assessed value.

Be it enacted by the Legislature of West Virginia:

That section twenty-six, article six, 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

twenty-seven; and that section seventeen, article six-g of said chapter be amended and reenacted, all to read as follows:

ARTICLE 6. ASSESSMENT OF PUBLIC SERVICE BUSINESSES.

§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 or
3 her office. The auditor shall pay into the fund one and
4 three eighths percent of the gross receipts of all moneys
5 collected as provided for in this article. Up to one percent
6 of the gross receipts shall be transferred from the operat-
7 ing fund to the tax loss restoration fund created in section
8 twenty-seven of this article. From the operating fund, the
9 auditor shall reimburse the department of tax and revenue
10 for the actual operating expenses incurred in the perfor-
11 mance of its duties required by this article the reimburse-
12 ment to the tax department from the fund shall not exceed
13 fifty percent of three eighths of one percent of the annual
14 deposits to the fund. Any moneys remaining in the special
15 operating fund after reimbursement to the tax department
16 shall be used by the auditor for funding the operation of
17 the public utilities division located in his or her office. On
18 the thirty-first day of July in each fiscal year, if the
19 balance in the operating fund exceeds one percent of gross
20 revenues plus fifty thousand dollars, the excess shall be
21 withdrawn from the special fund and deposited in the
22 general fund of the state.

§11-6-27. Public utilities tax loss restoration fund.

1 The auditor shall establish a special revenue fund in the
2 state treasury entitled the "Public Utilities Tax Loss
3 Restoration Fund". The auditor shall pay into the fund up
4 to one percent of the gross receipts deposited in the public
5 utilities operating fund created in section twenty-six of
6 this article and up to one percent of the gross receipts
7 deposited in the operating fund of the interstate commerce
8 division created in section seventeen, article six-g of this

9 chapter. The proceeds of the tax loss restoration fund
10 shall be distributed quarterly on a proportional basis to
11 counties, districts and municipalities that have lost
12 assessed value from the prior year's assessment and the
13 method of distribution is based upon the county, district
14 or municipality's percentage loss compared to the total
15 loss of all counties, districts and municipalities that have
16 lost assessed value from the prior year's assessment:
17 *Provided*, That the calculation to the adjustments shall
18 exclude loss in tax revenue attributed to the school current
19 levy, as set forth in section six-c, article eight of this
20 chapter: *Provided, however*, That the proceeds received by
21 any county, district or municipality shall not be greater
22 than the loss of tax revenue caused by the decrease in
23 assessed value.

**ARTICLE 6G. ASSESSMENT OF INTERSTATE CORPORATION MOTOR
VEHICLE BUSINESS REGISTERED UNDER A PROPOR-
TIONAL REGISTRATION AGREEMENT.**

**§11-6G-17. Operating fund for interstate commerce disclosure
division in auditor's office.**

1 The auditor shall establish a special operating fund in
2 the state treasury for the interstate commerce disclosure
3 division in his or her office. The auditor shall pay into the
4 fund two percent of the gross receipts of all moneys
5 collected as provided for in this article. Up to one percent
6 of the gross receipts shall be transferred to the public
7 utilities tax loss restoration fund created in section
8 twenty-seven, article six of this chapter. From the fund,
9 the auditor shall reimburse the tax division and the
10 division of motor vehicles for the actual operating ex-
11 penses incurred in the performance of its duties required
12 by this article. The reimbursements to the tax division and
13 division of motor vehicles from the fund shall not exceed
14 one third of one percent of the annual deposits to the fund
15 per agency. Any moneys remaining in the special operat-
16 ing fund after reimbursement to the tax division and the
17 division of motor vehicles shall be used by the auditor for

18 funding the operation of the interstate commerce disclo-
19 sure division located in his or her office.

20 The interstate commerce disclosure division is hereby
21 granted authority and required to share any and all
22 information obtained by the division in the implementa-
23 tion of this article with the state auditor, tax commissioner
24 and the commissioner of motor vehicles to effectuate the
25 collection of taxes and fees under this article. The com-
26 missioner of motor vehicles is hereby authorized and
27 required to share any and all information obtained by the
28 division of motor vehicles in the implementation of this
29 article. The commissioner of motor vehicles will supply to
30 the interstate commerce disclosure division the names of,
31 location or locations of and amount or amounts paid by
32 West Virginia owners or operators of interstate motor
33 vehicles registered under the terms of any proportional
34 registration agreement. The tax commissioner is hereby
35 authorized and required to share any and all information
36 obtained by the department of tax and revenue. The state
37 auditor and the interstate commerce disclosure division is
38 hereby authorized and required to share any and all
39 information obtained by the auditor or the division.

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

Carly Fiorina
.....
Chairman, Senate Committee

Greg Butcher
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Carroll E. Egan
.....
Clerk of the Senate

Greg B. Day
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert L. Williford
.....
Speaker House of Delegates

The within *is approved* this the *27th*
Day of *March*, 2003.

Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/20/03

Time 9:40 am