

SB 593

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WEST VIRGINIA LEGISLATURE

SEVENTY-EIGHTH LEGISLATURE

REGULAR SESSION, 2008

WEST VIRGINIA LEGISLATURE
SENATE CLERK STATE

COMMITTEE SUBSTITUTE

FOR

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FOR

ENROLLED

Senate Bill No. 593

(Senators McCabe and Foster, *original sponsors*)

[Passed March 8, 2008; in effect from passage.]

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[Passed March 8, 2008; in effect from passage.]

AN ACT to amend and reenact §18-9A-11 of the Code of West Virginia, 1931, as amended, relating to school finance; computation of local share; limit on certain library funding obligations; and transfer of a library funding obligation to an excess levy.

Be it enacted by the Legislature of West Virginia:

That §18-9A-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-11. Computation of local share; appraisal and assessment of property; public library support.

1 (a) On the basis of each county's certificates of
2 valuation as to all classes of property as determined and
3 published by the assessors pursuant to section six,
4 article three, chapter eleven of this code for the next
5 ensuing fiscal year in reliance upon the assessed values
6 annually developed by each county assessor pursuant to
7 the provisions of articles one-c and three of said
8 chapter, the state board shall for each county compute
9 by application of the levies for general current expense
10 purposes, as defined in section two of this article, the
11 amount of revenue which the levies would produce if
12 levied upon one hundred percent of the assessed value
13 of each of the several classes of property contained in
14 the report or revised report of the value, made to it by
15 the Tax Commissioner as follows:

16 (1) The state board shall first take ninety-five percent
17 of the amount ascertained by applying these rates to the
18 total assessed public utility valuation in each
19 classification of property in the county; and

20 (2) The state board shall then apply these rates to the
21 assessed taxable value of other property in each
22 classification in the county as determined by the Tax
23 Commissioner and shall deduct therefrom five percent

24 as an allowance for the usual losses in collections due to
25 discounts, exonerations, delinquencies and the like. All
26 of the amount so determined shall be added to the
27 ninety-five percent of public utility taxes computed as
28 provided in subdivision (1) of this subsection and this
29 total shall be further reduced by the amount due each
30 county assessor's office pursuant to the provisions of
31 section eight, article one-c, chapter eleven of this code
32 and this amount shall be the local share of the
33 particular county.

34 As to any estimations or preliminary computations of
35 local share required prior to the report to the
36 Legislature by the Tax Commissioner, the state shall
37 use the most recent projections or estimations that may
38 be available from the Tax Department for that purpose.

39 (b) Effective the first day of July, two thousand
40 thirteen, subsection (a) of this section is void and local
41 share shall be calculated in accordance with the
42 following:

43 (1) The state board shall for each county compute by
44 application of the levies for general current expense
45 purposes, as defined in sections two and two-a of this
46 article, the amount of revenue which the levies would
47 produce if levied upon one hundred percent of the
48 assessed value calculated pursuant to section five-b,
49 article one-c, chapter eleven of this code;

50 (2) Five percent shall be deducted from the revenue
51 calculated pursuant to subdivision (1) of this subsection
52 as an allowance for the usual losses in collections due to
53 discounts, exonerations, delinquencies and the like; and

54 (3) The amount calculated in subdivision (2) of this
55 subsection shall further be reduced by the sum of
56 money due each assessor's office pursuant to the
57 provisions of section eight, article one-c, chapter eleven
58 of this code and this reduced amount shall be the local
59 share of the particular county.

60 (c) Whenever in any year a county assessor or a
61 county commission fails or refuses to comply with the
62 provisions of this section in setting the valuations of
63 property for assessment purposes in any class or classes
64 of property in the county, the State Tax Commissioner
65 shall review the valuations for assessment purposes
66 made by the county assessor and the county commission
67 and shall direct the county assessor and the county
68 commission to make corrections in the valuations as
69 necessary so that they comply with the requirements of
70 chapter eleven of this code and this section and the Tax
71 Commissioner shall enter the county and fix the
72 assessments at the required ratios. Refusal of the
73 assessor or the county commission to make the
74 corrections constitutes grounds for removal from office.

75 (d) For the purposes of any computation made in
76 accordance with the provisions of this section, in any
77 taxing unit in which tax increment financing is in effect
78 pursuant to the provisions of article eleven-b, chapter
79 seven of this code, the assessed value of a related
80 private project shall be the base-assessed value as
81 defined in section two of said article.

82 (e) For purposes of any computation made in
83 accordance with the provisions of this section, in any
84 county where the county board of education has
85 adopted a resolution choosing to use the provisions of

86 the Growth County School Facilities Act set forth in
87 section six-f, article eight, chapter eleven of this code,
88 estimated school board revenues generated from
89 application of the regular school board levy rate to new
90 property values, as that term is designated in said
91 section, may not be considered local share funds and
92 shall be subtracted before the computations in
93 subdivisions (1) and (2), subsection (a) of this section or
94 in subdivisions (2) and (3), subsection (b) of this section,
95 as applicable, are made.

96 (f) The Legislature finds that public school systems
97 throughout the state provide support in varying degrees
98 to public libraries through a variety of means including
99 budgeted allocations, excess levy funds and portions of
100 their regular school board levies as may be provided by
101 special act. A number of public libraries are situated
102 on the campuses of public schools and several are
103 within public school buildings serving both the
104 students and public patrons. To the extent that public
105 schools recognize and choose to avail the resources of
106 public libraries toward developing within their students
107 such legally recognized elements of a thorough and
108 efficient education as literacy, interests in literature,
109 knowledge of government and the world around them
110 and preparation for advanced academic training, work
111 and citizenship, public libraries serve a legitimate
112 school purpose and may do so economically. For the
113 purposes of any computation made in accordance with
114 the provisions of this section, the library funding
115 obligation on the regular school board levies which is
116 created by a special act and is due and payable from the
117 levy revenues to a library shall be paid from the county
118 school board's discretionary retainage, which is hereby
119 defined as the amount by which the regular school

120 board levies exceeds the local share as determined
121 hereunder. If the library funding obligation which is
122 created by a special act and is due and payable to a
123 library is greater than the county school board's
124 discretionary retainage, the library funding obligation
125 created by the special act is amended and is reduced to
126 the amount of the discretionary retainage,
127 notwithstanding any provisions of the special act to the
128 contrary. Any excess of the discretionary retainage
129 over the library funding obligation shall be available
130 for expenditure by the county board in its discretion for
131 its properly budgeted purposes.

132 (g) It is the intent of the Legislature that whenever a
133 provision of subsection (f) of this section is contrary to
134 any special act of the Legislature which has been or
135 may in the future be enacted by the Legislature that
136 creates a library funding obligation on the regular
137 school board levy of a county, subsection (f) of this
138 section controls over the special act. Specifically, the
139 special acts which are subject to said subsection upon
140 the enactment of this section during the two thousand
141 seven regular session of the Legislature include:

142 (1) Enrolled Senate Bill No. 11, passed on the twelfth
143 day of February, one thousand nine hundred seventy,
144 applicable to the Berkeley County Board of Education;

145 (2) Enrolled House Bill No. 1352, passed on the
146 seventh day of April, one thousand nine hundred
147 eighty-one, applicable to the Hardy County Board of
148 Education;

149 (3) Enrolled Committee Substitute for House Bill No.
150 2833, passed on the fourteenth day of March, one

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151 thousand nine hundred eighty-seven, applicable to the
152 Harrison County Board of Education;

153 (4) Enrolled House Bill No. 161, passed on the sixth
154 day of March, one thousand nine hundred fifty-seven,
155 applicable to the Kanawha County Board of Education;

156 (5) Enrolled Senate Bill No. 313, passed on the
157 twelfth day of March, one thousand nine hundred
158 thirty-seven, as amended by Enrolled House Bill No.
159 1074, passed on the eighth day of March, one thousand
160 nine hundred sixty-seven, and as amended by Enrolled
161 House Bill No. 1195, passed on the eighteenth day of
162 January, one thousand nine hundred eighty-two,
163 applicable to the Ohio County Board of Education;

164 (6) Enrolled House Bill No. 938, passed on the
165 twenty-eighth day of February, one thousand nine
166 hundred sixty-nine, applicable to the Raleigh County
167 Board of Education;

168 (7) Enrolled House Bill No. 398, passed on the first
169 day of March, one thousand nine hundred thirty-five,
170 applicable to the Tyler County Board of Education;

171 (8) Enrolled Committee Substitute for Senate Bill No.
172 450, passed on the eleventh day of March, one thousand
173 nine hundred ninety-four, applicable to the Upshur
174 County Board of Education; and

175 (9) Enrolled House Bill No. 2994, passed on the
176 thirteenth day of March, one thousand nine hundred
177 eighty-seven, applicable to the Wood County Board of
178 Education.

179 (h) Notwithstanding any provision of any special act
180 set forth in subsection (g) of this section to the contrary,
181 the county board of any county with a special act
182 creating a library obligation out of the county's regular
183 school levy revenues may transfer that library
184 obligation so that it becomes a continuing obligation of
185 its excess levy revenues instead of an obligation of its
186 regular school levy revenues, subject to the following:

187 (1) If a county board chooses to transfer the library
188 obligation pursuant to this subsection, the library
189 funding obligation shall remain an obligation of the
190 regular school levy revenues until the fiscal year in
191 which the excess levy is effective or would have been
192 effective if it had been passed by the voters;

193 (2) If a county board chooses to transfer the library
194 obligation pursuant to this subsection, the county board
195 shall include the funding of the public library
196 obligation in the same amount as its library funding
197 obligation which exists or had existed on its regular
198 levy revenues as one of the purposes for the excess levy
199 to be voted on as a specifically described line item of
200 the excess levy: *Provided*, That if the county board has
201 transferred the library obligation to the excess levy and
202 the excess levy fails to be passed by the voters or the
203 excess levy passes and thereafter expires upon the time
204 limit for continuation as set forth in section sixteen,
205 article eight, chapter eleven of this code, then in any
206 subsequent excess levy which the county board
207 thereafter submits to the voters the library funding
208 obligation again shall be included as one of the
209 purposes of the subsequent excess levy as a specifically
210 described line item of the excess levy;

211 (3) If a county board chooses to transfer the library
212 obligation pursuant to this subsection, regardless of
213 whether or not the excess levy passes, effective the
214 fiscal year in which the excess levy is effective or would
215 have been effective if it had been passed by the voters,
216 a county's library obligation on its regular levy
217 revenues is void notwithstanding any provision of the
218 special acts set forth in subsection (g) of this section to
219 the contrary; and

220 (4) Nothing in subdivision (3) of this subsection
221 prohibits a county board from funding its public library
222 obligation voluntarily.

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

.....
Chandy White
Chairman Senate Committee

.....
[Signature]
Chairman House Committee

Originated in the Senate.

In effect from passage.

.....
Parrell Oldman
Clerk of the Senate

.....
[Signature]
Clerk of the House of Delegates

.....
Earl Ray Tomblin
President of the Senate

.....
[Signature]
Speaker House of Delegates

The within *is approved* this
the *2th* Day of *March*, 2008.

.....
[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 18 2008

Time 3:10 pm