FILEC

2009 MAR 27 AM 11: 05

WEST VIRGINIA LEGISLATURE

SEVENTY-EIGHTH LEGISLATURE REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE

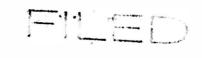
FOR

ENROLLED

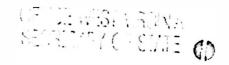
Senate Bill No. 593

(Senators McCabe and Foster, original sponsors)

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



2008 MAR 27 AM 11: 05



ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 593

(Senators McCabe and Foster, original sponsors)

[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.

Enr. Com. Sub. for Com. Sub. for S. B. No. 593] 2

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.

14

15

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

- (a) On the basis of each county's certificates of 1 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 annually developed by each county assessor pursuant to 6 the provisions of articles one-c and three of said 7 8 chapter, the state board shall for each county compute by application of the levies for general current expense purposes, as defined in section two of this article, the 10 amount of revenue which the levies would produce if 11 levied upon one hundred percent of the assessed value 12 of each of the several classes of property contained in 13
- 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

the Tax Commissioner as follows:

the report or revised report of the value, made to it by

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

as an allowance for the usual losses in collections due to 24 25 discounts, exonerations, delinquencies and the like. All of the amount so determined shall be added to the 26 27 ninety-five percent of public utility taxes computed as provided in subdivision (1) of this subsection and this 28 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 local share required prior to the report to the 35 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 thirteen, subsection (a) of this section is void and local 40 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 article, the amount of revenue which the levies would 46 produce if levied upon one hundred percent of the 47 48 assessed value calculated pursuant to section five-b, article one-c, chapter eleven of this code; 49
- 50 (2) Five percent shall be deducted from the revenue 51 calculated pursuant to subdivision (1) of this subsection as an allowance for the usual losses in collections due to 52 discounts, exonerations, delinquencies and the like; and

53

- 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 provisions of this section in setting the valuations of 62 property for assessment purposes in any class or classes 63 of property in the county, the State Tax Commissioner 64 shall review the valuations for assessment purposes 65 66 made by the county assessor and the county commission 67 and shall direct the county assessor and the county commission to make corrections in the valuations as 68 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.
 - (d) For the purposes of any computation made in accordance with the provisions of this section, in any taxing unit in which tax increment financing is in effect pursuant to the provisions of article eleven-b, chapter seven of this code, the assessed value of a related private project shall be the base-assessed value as defined in section two of said article.

75

76

77

78

79

80

81

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 application of the regular school board levy rate to new 89 90 property values, as that term is designated in said section, may not be considered local share funds and 91 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 throughout the state provide support in varying degrees 97 to public libraries through a variety of means including 98 99 budgeted allocations, excess levy funds and portions of their regular school board levies as may be provided by 100 special act. A number of public libraries are situated 101 on the campuses of public schools and several are 102 within public school buildings serving both the 103 104 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, knowledge of government and the world around them 109 110 and preparation for advanced academic training, work and citizenship, public libraries serve a legitimate 111 112 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 levy revenues to a library shall be paid from the county 117 118 school board's discretionary retainage, which is hereby defined as the amount by which the regular school 119

Enr. Com. Sub. for Com. Sub. for S. B. No. 593] 6

- 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 created by the special act is amended and is reduced to 125 126 amount of the discretionary retainage, notwithstanding any provisions of the special act to the 127 128 contrary. Any excess of the discretionary retainage 129 over the library funding obligation shall be available for expenditure by the county board in its discretion for 130 131 its properly budgeted purposes.
- 132 (g) It is the intent of the Legislature that whenever a provision of subsection (f) of this section is contrary to 133 any special act of the Legislature which has been or 134 135 may in the future be enacted by the Legislature that 136 creates a library funding obligation on the regular school board levy of a county, subsection (f) of this 137 138 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:
- (1) Enrolled Senate Bill No. 11, passed on the twelfth
 day of February, one thousand nine hundred seventy,
 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;
- (3) Enrolled Committee Substitute for House Bill No.
 2833, passed on the fourteenth day of March, one

- 7 [Enr. Com. Sub. for Com. Sub. for S. B. No. 593
- 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
- day of March, one thousand nine hundred fifty-seven,
- 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
- 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,
- 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
- day of March, one thousand nine hundred thirty-five,
- 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
- thirteenth day of March, one thousand nine hundred
- 177 eighty-seven, applicable to the Wood County Board of
- 178 Education.

- (h) Notwithstanding any provision of any special act 179 180 set forth in subsection (g) of this section to the contrary, the county board of any county with a special act 181 182 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 regular school levy revenues, subject to the following: 186
- (1) If a county board chooses to transfer the library obligation pursuant to this subsection, the library funding obligation shall remain an obligation of the regular school levy revenues until the fiscal year in which the excess levy is effective or would have been effective if it had been passed by the voters;
- 193 (2) If a county board chooses to transfer the library obligation pursuant to this subsection, the county board 194 shall include the funding of the public library 195 obligation in the same amount as its library funding 196 obligation which exists or had existed on its regular 197 198 levy revenues as one of the purposes for the excess levy to be voted on as a specifically described line item of 199 the excess levy: Provided, That if the county board has 200 transferred the library obligation to the excess levy and 201 202 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 purposes of the subsequent excess levy as a specifically 209 described line item of the excess levy; 210

9 [Enr. Com. Sub. for Com. Sub. for S. B. No. 593

- 211 (3) If a county board chooses to transfer the library 212 obligation pursuant to this subsection, regardless of whether or not the excess levy passes, effective the 213 fiscal year in which the excess levy is effective or would 214 have been effective if it had been passed by the voters, 215 216 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.

Enr. Com. Sub. for Com. Sub. for S. B. No. 593] 10 The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee Chairmon House Committee Originated in the Senate. In effect from passage. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates

The within 12 applaced this
the 2.74 Day of Much 2008.

Governor

PRESENTED TO THE GOVERNOR

MAR 1 8 2008

M01:8 emit