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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2010

—
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 70

(SENATORS McCABE, FOSTER, UNGER,
PALUMBO AND CHAFIN, *original sponsors*)

[Passed March 13, 2010; to take effect July 1, 2010.]

SB70

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(SENATORS MCCABE, FOSTER, UNGER, PALUMBO
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[Passed March 13, 2010; to take effect July 1, 2010.]

AN ACT to amend and reenact §11-8-6e of the Code of West Virginia, 1931, as amended, relating to the clarification in the code that a municipality or county issuing bonds approved by an election pursuant to article one, chapter thirteen of said code is not subject to the restriction described in subsection (c), section six-e, article eight, chapter eleven of said code.

Be it enacted by the Legislature of West Virginia:

That §11-8-6e of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 8. LEVIES.

§11-8-6e. Effect on regular levy rate when appraisal results in tax increase; public hearings.

1 (a) Notwithstanding any other provision of law, where
2 any annual appraisal, triennial appraisal or general
3 valuation of property would produce an assessment that

4 would cause an increase of one percent or more in the total
5 projected property tax revenues that would be realized
6 were the then current regular levy rates by the county
7 commission and the municipalities to be imposed, the rate
8 of levy shall be reduced proportionately as between the
9 county commission and the municipalities and for all
10 classes of property for the forthcoming tax year so as to
11 cause such rate of levy to produce no more than one
12 hundred one percent of the previous year's projected
13 property tax revenues from extending the county commis-
14 sion and municipality levy rates, unless there has been
15 compliance with subsection (c) of this section.

16 An additional appraisal or valuation due to new con-
17 struction or improvements to existing real property,
18 including beginning recovery of natural resources, and
19 newly acquired personal property shall not be an annual
20 appraisal or general valuation within the meaning of this
21 section, nor shall the assessed value of such improvements
22 be included in calculating the new tax levy for purposes of
23 this section. Special levies shall not be included in the
24 reduced levy calculation set forth in subsection (b) of this
25 section.

26 (b) The reduced rates of levy shall be calculated in the
27 following manner:

28 (1) The total assessed value of each class of property as
29 it is defined by section five, article eight of this chapter for
30 the assessment period just concluded shall be reduced by
31 deducting the total assessed value of newly created
32 properties not assessed in the previous year's tax book for
33 each class of property;

34 (2) The resulting net assessed value of Class I property
35 shall be multiplied by .01; the value of Class II by .02; and
36 the values of Class III and IV, each by .04;

37 (3) Total the current year's property tax revenue result-
38 ing from regular levies for each county commission and

39 municipality and multiply the resulting sum by one
40 hundred one percent: *Provided*, That the one hundred one
41 percent figure shall be increased by the amount the
42 county's or municipality's increased levy provided for in
43 subsection (b), section eight, article one-c of this chapter;

44 (4) Divide the total regular levy tax revenues, thus
45 increased in subdivision (3) of this subsection, by the total
46 weighted net assessed value as calculated in subdivision
47 (2) of this subsection and multiply the resulting product by
48 one hundred; the resulting number is the Class I regular
49 levy rate, stated as cents-per-one hundred dollars of
50 assessed value;

51 (5) The Class II rate is two times the Class I rate; Classes
52 III and IV, four times the Class I rate as calculated in the
53 preceding subdivision.

54 (c) The governing body of a county or municipality may,
55 after conducting a public hearing, which may be held at
56 the same time and place as the annual budget hearing,
57 increase the rate above the reduced rate required in this
58 section if any such increase is deemed to be necessary by
59 such governing body: *Provided*, That in no event shall the
60 governing body of a county or municipality increase the
61 rate above the reduced rate required by subsection (b) of
62 this section for any single year in a manner which would
63 cause total property tax revenues accruing to the govern-
64 ing body of the county or municipality, excepting addi-
65 tional revenue attributable to assessed valuations of newly
66 created properties not assessed in the previous year's tax
67 book for each class of property, to exceed by more than ten
68 percent those property tax revenues received by the
69 governing body of the county or municipality for the next
70 preceding year: *Provided, however*, That this provision
71 shall not restrict the ability of a county or municipality to
72 enact excess levies as authorized under existing statutory
73 or constitutional provisions: *Provided further*, That this

74 provision does not restrict the ability of a county or
75 municipality to issue bonds and enact sufficient levies to
76 pay for such bonds pursuant to article one, chapter
77 thirteen of this code when such issuance has been ap-
78 proved by an election administered pursuant to that
79 article.

80 Notice of the public hearing and the meeting in which
81 the levy rate shall be on the agenda shall be given at least
82 seven days before the date for each public hearing by the
83 publication of a notice in at least one newspaper of general
84 circulation in such county or municipality: *Provided*, That
85 a Class IV town or village as defined in section two, article
86 one, chapter eight of this code, in lieu of the publication
87 notice required by this subsection, may post no less than
88 four notices of each public hearing, which posted notices
89 shall contain the information required by the publication
90 notice and which shall be in available, visible locations
91 including the town hall. The notice shall be at least the
92 size of one-eighth page of a standard size newspaper or
93 one-fourth page of a tabloid-size newspaper and the
94 headline in the advertisement shall be in a type no smaller
95 than twenty-four point. The publication notice shall be
96 placed outside that portion, if any, of the newspaper
97 reserved for legal notices and classified advertisements
98 and shall also be published as a Class II-O legal advertise-
99 ment in accordance with the provisions of article three,
100 chapter fifty-nine of this code. The publication area is the
101 county. The notice shall be in the following form and
102 contain the following information, in addition to such
103 other information as the local governing body may elect to
104 include:

105 NOTICE OF PROPOSED TAX INCREASE.

106 The (name of the county or municipality) proposes to
107 increase property tax levies.

108 1. Appraisal/Assessment Increase: Total assessed value
109 of property, excluding additional assessments due to new
110 or improved property, exceeds last year's total assessed
111 value of property by percent.

112 2. Lowered Rate Necessary to Offset Increased Assess-
113 ment: The tax rate which would levy the same amount of
114 property tax as last year, when multiplied by the new total
115 assessed value of property with the exclusions mentioned
116 above, would be \$..... per \$100 of assessed value for Class
117 I property, \$..... per \$100 of assessed value for Class II
118 property, \$..... per \$100 of assessed value for Class III
119 and \$..... per \$100 of assessed value for Class IV property.
120 These rates will be known as the "lowered tax rates".

121 3. Effective Rate Increase: The (name of the county or
122 municipality) proposes to adopt a tax rate of \$..... per
123 \$100 of assessed value for Class I property, \$..... per \$100
124 of assessed value for Class II property, \$..... per \$100 of
125 assessed value for Class III property and \$..... per \$100 of
126 assessed value for Class IV property. The difference
127 between the lowered tax rates and the proposed rates
128 would be \$..... per \$100, or percent for Class I; \$.....
129 per \$100, or percent for Class II; \$..... per \$100, or
130 percent for Class III and \$..... per \$100, or
131 percent for Class IV. These differences will be known as
132 the "effective tax rate increases".

133 Individual property taxes may, however, increase at a
134 percentage greater than or less than the above percentage.

135 4. Revenue produced last year: \$.....

136 5. Revenue projected under the effective rate increases:
137 \$.....

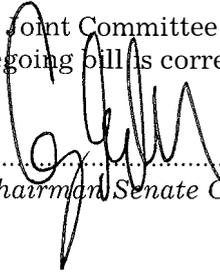
138 6. Revenue projected from new property or improve-
139 ments: \$.....

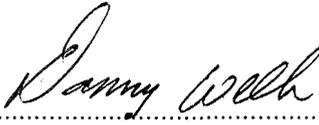
140 7. General areas in which new revenue is to be allo-
141 cated: A public hearing on the increases will be held on
142 (date and time) at (meeting place). A decision regarding
143 the rate increase will be made on (date and time) at
144 (meeting place).

145 (d) All hearings are open to the public. The governing
146 body shall permit persons desiring to be heard an opportu-
147 nity to present oral testimony within such reasonable time
148 limits as are determined by the governing body.

149 (e) This section shall be effective as to any regular levy
150 rate imposed by the county commission or a municipality
151 for taxes due and payable on or after July 1, 1991. If any
152 provision of this section is held invalid, the invalidity does
153 not affect other provisions or applications of this section
154 which can be given effect without the invalid provision or
155 its application and to this end the provisions of this
156 section are declared to be severable.

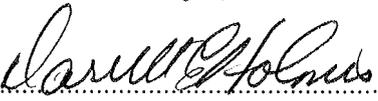
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

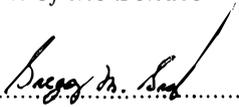

.....
Chairman Senate Committee

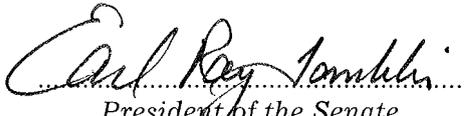

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Chairman House Committee

Originated in the Senate.

Takes effect July 1, 2010.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within *is approved* this the *2nd*
Day of *April*, 2010.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 4:10 pm