

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2478**

4 (By Mr. Speaker, (Mr. Armstead) and Delegate Miley))  
5 [By Request of the Executive]

6 (Originating in the Committee on Finance)

7 [February 25, 2015]

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9  
10 A BILL to amend and reenact §11-8-6f of the Code of West Virginia, 1931, as amended; and to  
11 amend and reenact §18-9A-4, §18-9A-5, §18-9A-7, §18-9A-11 and §18-9A-12 of said code,  
12 all relating to public school finance; eliminating authority of growth county boards of  
13 education to designate regular school board levy revenues due to new construction or  
14 improvements to a growth county school facilities act fund; removing the reduction in a  
15 county's basic foundation allowance to a county school system for professional educators and  
16 service personnel if the number employed is less than the maximum allowed for formula  
17 funding; adjusting the foundation school program allowance for transportation costs for the  
18 school years 2015-2016 and 2016-2017; including propane as an eligible fuel for the ten  
19 percent additional percentage allowance for school bus systems using alternative fuels;  
20 changing the percent of the replacement value of bus fleets included in the calculation of the  
21 allowance in the foundation school program for transportation; and eliminating certain  
22 adjustments in basic foundation program.

23 *Be in enacted by the Legislature of West Virginia:*

24 That §11-8-6f of the Code of West Virginia, 1931, as amended, be amended and reenacted;

1 and that §18-9A-4, §18-9A-5, §18-9A-7, §18-9A-11 and §18-9A-12 of said code be amended and  
2 reenacted, all to read as follows:

3 **CHAPTER 11. TAXATION.**

4 **ARTICLE 8. LEVIES.**

5 **§11-8-6f. Regular school board levy rate.**

6 (a) Notwithstanding any other provision of law, where any annual appraisal, triennial  
7 appraisal or general valuation of property would produce a statewide aggregate assessment that  
8 would cause an increase of two percent or more in the total property tax revenues that would be  
9 realized were the then current regular levy rates of the county boards of education to be imposed, the  
10 rate of levy for county boards of education shall be reduced uniformly statewide and proportionately  
11 for all classes of property for the forthcoming tax year so as to cause the rate of levy to produce no  
12 more than one hundred two percent of the previous year's projected statewide aggregate property tax  
13 revenues from extending the county board of education levy rate, unless subsection (b) of this section  
14 is complied with. The reduced rates of levy shall be calculated in the following manner: (1) The  
15 total assessed value of each class of property as it is defined by section five of this article for the  
16 assessment period just concluded shall be reduced by deducting the total assessed value of newly  
17 created properties not assessed in the previous year's tax book for each class of property; (2) the  
18 resulting net assessed value of Class I property shall be multiplied by .01; the value of Class II by  
19 .02; and the values of Classes III and IV, each by .04; (3) total the current year's property tax revenue  
20 resulting from regular levies for the boards of education throughout this state and multiply the  
21 resulting sum by one hundred two percent: *Provided*, That the one hundred two percent figure shall  
22 be increased by the amount the boards of education's increased levy provided for in subsection (b),  
23 section eight, article one-c of this chapter; (4) divide the total regular levy tax revenues, thus

1 increased in subdivision (3) of this subsection, by the total weighted net assessed value as calculated  
2 in subdivision (2) of this subsection and multiply the resulting product by one hundred; the resulting  
3 number is the Class I regular levy rate, stated as cents-per-\$100 of assessed value; and (5) the Class  
4 II rate is two times the Class I rate; Classes III and IV, four times the Class I rate as calculated in the  
5 preceding subdivision.

6 An additional appraisal or valuation due to new construction or improvements, including  
7 beginning recovery of natural resources, to existing real property or newly acquired personal property  
8 shall not be an annual appraisal or general valuation within the meaning of this section, nor shall the  
9 assessed value of the improvements be included in calculating the new tax levy for purposes of this  
10 section. Special levies shall not be included in any calculations under this section.

11 (b) After conducting a public hearing, the Legislature may, by act, increase the rate above the  
12 reduced rate required in subsection (a) of this section if an increase is determined to be necessary.

13 (c) The State Tax Commissioner shall report to the Joint Committee on Government and  
14 Finance and the Legislative Oversight Commission on Education Accountability by March 1, of each  
15 year on the progress of assessors in each county in assessing properties at the constitutionally  
16 required sixty percent of market value and the effects of increasing the limit on the increase in total  
17 property tax revenues set forth in this section to two percent.

18 ~~(d) Growth County School Facilities Act. — Legislative findings. —~~

19 ~~The Legislature finds and declares that there has been, overall, a statewide decline in~~  
20 ~~enrollment in the public schools of this state; due to this decline, most public schools have ample~~  
21 ~~space for students, teachers and administrators; however, some counties of this state have~~  
22 ~~experienced significant increases in enrollment due to significant growth in those counties; that those~~  
23 ~~counties experiencing significant increases do not have adequate facilities to accommodate students;~~

1 teachers and administrators. Therefore, the Legislature finds that county boards of education in those  
2 high-growth counties should have the authority to designate revenues generated from the application  
3 of the regular school board levy due to new construction or improvements placed in a Growth  
4 County School Facilities Act Fund be used for school facilities in those counties to promote the best  
5 interests of this state's students.

6 (1) For the purposes of this subsection, "growth county" means any county that has  
7 experienced an increase in second month net enrollment of fifty or more during any three of the last  
8 five years, as determined by the state Department of Education.

9 (2) The provisions of this subsection shall only apply to any growth county, as defined in  
10 subdivision (1) of this subsection, that, by resolution of its county board of education, chooses to use  
11 the provisions of this subsection.

12 (3) For any growth county, as defined in subdivision (1) of this subsection, that adopts a  
13 resolution choosing to use the provisions of this subsection, pursuant to subdivision (2) of this  
14 subsection, assessed values resulting from additional appraisal or valuation due to new construction  
15 or improvements to existing real property shall be designated as new property values and identified  
16 by the county assessor. The statewide regular school board levy rate as established by the Legislature  
17 shall be applied to the assessed value designated as new property values and the resulting property  
18 tax revenues collected from application of the regular school board levy rate shall be placed in a  
19 separate account designated as the Growth County School Facilities Act Fund. Revenues deposited  
20 in the Growth County School Facilities Act Fund shall be appropriated by the county board of  
21 education for construction, maintenance or repair of school facilities. Revenues in the fund may be  
22 carried over for an indefinite length of time and may be used as matching funds for the purpose of  
23 obtaining funds from the School Building Authority or for the payment of bonded indebtedness

1 incurred for school facilities. For any growth county choosing to use the provisions of this  
2 subsection, estimated school board revenues generated from application of the regular school board  
3 levy rate to new property values are not to be considered as local funds for purposes of the  
4 computation of local share under the provisions of section eleven, article nine-a, chapter eighteen  
5 of this code.

6 (e) This section, as amended during the legislative session in the year 2004, shall be effective  
7 as to any regular levy rate imposed for the county boards of education for taxes due and payable on  
8 or after July 1, 2004. If any provision of this section is held invalid, the invalidity shall not affect  
9 other provisions or applications of this section which can be given effect without the invalid  
10 provision or its application and to this end the provisions of this section are declared to be severable.

## 11 CHAPTER 18. EDUCATION.

### 12 ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

#### 13 §18-9A-4. Foundation allowance for professional educators.

14 (a) The basic foundation allowance to the county for professional educators ~~shall be~~ is the  
15 amount of money required to pay the state minimum salaries, in accordance with provisions of article  
16 four, chapter eighteen-a of this code, ~~to the personnel employed~~, subject to the following:

17 (1) ~~Subject to subdivision (2) of this subsection~~ In making this computation ~~no~~ a county shall  
18 receive an allowance for the ~~personnel which number is in excess of~~ number of state aid eligible  
19 professional educators to each one thousand students in net enrollment as follows:

20 (A) For each high-density county, ~~the number of personnel for which a county shall receive~~  
21 ~~the allowance shall not exceed~~ seventy-two and ~~one tenth~~ three tenths professional educators per  
22 each one thousand students in net enrollment;

23 (B) For each medium-density county, ~~the number of personnel for which a county shall~~

1 ~~receive the allowance shall not exceed~~ seventy-two and ~~twenty-five~~ forty-five one hundredths  
2 professional educators per each one thousand students in net enrollment;

3 (C) For each low-density county, ~~the number of personnel for which a county shall receive~~  
4 ~~the allowance shall not exceed~~ seventy-two and four six tenths professional educators per each one  
5 thousand students in net enrollment; and

6 (D) For each sparse-density county, ~~the number of personnel for which a county shall receive~~  
7 ~~the allowance shall not exceed~~ seventy-two and ~~fifty-five~~ seventy-five one hundredths professional  
8 educators per each one thousand students in net enrollment;

9 ~~(2) For the ratios applicable to each of the four density categories set forth in subdivision (1)~~  
10 ~~of this subsection, the number of professional educators per each one thousand students in net~~  
11 ~~enrollment increases by five one hundredths per year for each of fiscal years 2010, 2011, 2012 and~~  
12 ~~2013. For each fiscal year thereafter, the ratios remain at the 2013 level.~~

13 ~~(3)(2)~~ (2) The number of and the allowance for personnel paid in part by state and county funds  
14 shall be prorated; and

15 ~~(4)(3)~~ (3) Where two or more counties join together in support of a vocational or comprehensive  
16 high school or any other program or service, the professional educators for the school or program  
17 may be prorated among the participating counties on the basis of each one's enrollment therein and  
18 the personnel shall be considered within the above-stated limit.

19 (b) ~~Subject to subsection (c) of this section,~~ Each county board shall establish and maintain  
20 a minimum ratio of professional instructional personnel ~~per one thousand students in net enrollment~~  
21 state aid funded professional educators as follows:

22 (1) For each high-density county, the minimum ~~number~~ ratio of professional instructional  
23 personnel ~~per one thousand students in net enrollment is sixty-five and eight tenths~~ state aid funded

1 professional educators, or the number employed, whichever is less, is ninety-one and twenty-nine  
2 one hundredths percent;

3 (2) For each medium-density county, the minimum number ratio of professional instructional  
4 personnel per ~~one thousand students in net enrollment is sixty-five and nine tenths~~ state aid funded  
5 professional educators, or the number employed, whichever is less, is ninety-one and twenty-four  
6 one hundredths percent;

7 (3) For each low-density county, the minimum number ratio of professional instructional  
8 personnel per ~~one thousand students in net enrollment is sixty-six~~ state aid funded professional  
9 educators, or the number employed, whichever is less, is ninety-one and eighteen one hundredths  
10 percent;

11 (4) For each sparse-density county, the minimum number ratio of professional instructional  
12 personnel per ~~one thousand students in net enrollment is sixty-six and five one hundredths~~ state aid  
13 funded professional educators, or the number employed, whichever is less, is ninety-one and seven  
14 one hundredths percent.

15 ~~(c) For the ratios applicable to each of the four density categories set forth in subsection (b)~~  
16 ~~of this subsection, the number of professional instructional personnel per each one thousand students~~  
17 ~~in net enrollment increases by five one hundredths per year for each of fiscal years 2010, 2011, 2012~~  
18 ~~and 2013. For each fiscal year thereafter, the ratios remain at the 2013 level.~~

19 ~~(d)~~ (c) Any county board which does not establish and maintain the applicable minimum ratio  
20 required in subsection (b) of this section shall suffer a pro rata reduction in the allowance for  
21 professional educators under this section: *Provided*, That no county ~~shall~~ may be penalized if it has  
22 increases in enrollment during that school year: ~~*Provided, however,*~~ That for the school year  
23 2008-2009, only, no county shall be penalized for not meeting the applicable minimum ratio required

1 ~~in subsection (b) of this section.~~

2       ~~(c) No~~ (d) A county shall may not increase the number of administrative personnel employed  
3 as either professional educators or pay grade “H” service personnel above the number which were  
4 employed, or for which positions were posted, on June 30, 1990, and, therefore, county boards shall  
5 whenever possible utilize classroom teachers for curriculum administrative positions through the use  
6 of modified or extended contracts.

7       ~~(f) As the number of professional educators per each one thousand students in net enrollment~~  
8 ~~increases during fiscal years 2009 through 2013, any additional positions that are created as a result~~  
9 ~~of that increase shall be positions that will enhance student achievement and are consistent with the~~  
10 ~~needs as identified in each county board’s electronic county strategic improvement plan. County~~  
11 ~~boards are encouraged to fill at least some of the additional positions with technology integration~~  
12 ~~specialists.~~

13       ~~(g) During the 2008-2009 interim period, and every three interim periods thereafter, the~~  
14 ~~Legislative Oversight Commission on Education Accountability shall review the four density~~  
15 ~~categories created in section two of this article, the ratios for professional educators established in~~  
16 ~~this section and the ratios for service personnel established in section five of this article.~~

17 **§18-9A-5. Foundation allowance for service personnel.**

18       (a) The basic foundation allowance to the county for service personnel ~~shall be~~ is the amount  
19 of money required to pay the annual state minimum salaries in accordance with the provisions of  
20 article four, chapter eighteen-a of this code, ~~to such service personnel employed, subject to~~ in  
21 accordance with the following:

22       (1) ~~For the school year beginning on July 1, 2008, and thereafter, no~~ A county shall receive  
23 an allowance for ~~an amount in excess of~~ the number of state aid eligible service personnel per one

1 thousand students in net enrollment, as follows:

2 (A) For each high-density county, ~~the number of personnel for which a county shall receive~~  
3 ~~the allowance shall not exceed forty-three and ninety-seven~~ forty-four and seventeen one hundredths  
4 service personnel per one thousand students in net enrollment;

5 (B) For each medium-density county, ~~the number of personnel for which a county shall~~  
6 ~~receive the allowance shall not exceed forty-four and fifty-three~~ seventy-three one hundredths service  
7 personnel per one thousand students in net enrollment;

8 (C) For each low-density county, ~~the number of personnel for which a county shall receive~~  
9 ~~the allowance shall not exceed forty-five and one-tenth~~ three tenths service personnel per one  
10 thousand students in net enrollment; and

11 (D) For each sparse-density county, ~~the number of personnel for which a county shall receive~~  
12 ~~the allowance shall not exceed forty-five and sixty-eight~~ eighty-eight one hundredths service  
13 personnel per one thousand students in net enrollment; and

14 (2) Where two or more counties join together in support of a vocational or comprehensive  
15 high school or any other program or service, the service personnel for the school or program may be  
16 prorated among the participating counties on the basis of each one's enrollment therein and that the  
17 personnel shall be considered within the above-stated limit.

18 **§18-9A-7. Foundation allowance for transportation cost.**

19 (a) The allowance in the foundation school program for each county for transportation shall  
20 be the sum of the following computations:

21 (1) A percentage of the transportation costs incurred by the county for maintenance, operation  
22 and related costs exclusive of all salaries, including the costs incurred for contracted transportation  
23 services and public utility transportation, as follows:

1 (A) For each high-density county, eighty-seven and one-half percent;

2 (B) For each medium-density county, ninety percent;

3 (C) For each low-density county, ninety-two and one-half percent;

4 (D) For each sparse-density county, ninety-five percent;

5 (E) For any county for the transportation cost for maintenance, operation and related costs,  
6 exclusive of all salaries, for transporting students to and from classes at a multicounty vocational  
7 center, the percentage provided in paragraphs (A) through (D) of this subdivision as applicable for  
8 the county plus an additional ten percent; and

9 (F) For any county for that portion of its school bus system that uses as an alternative fuel  
10 compressed natural gas or propane, the percentage provided in paragraphs (A) through (D) of this  
11 subdivision as applicable for the county plus an additional ten percent: *Provided*, That for any  
12 county receiving an additional ten percent for that portion of their bus system using bio-diesel as an  
13 alternative fuel during the school year 2012-2013, bio-diesel shall continue to qualify as an  
14 alternative fuel under this paragraph to the extent that the additional percentage applicable to that  
15 portion of the bus system using bio-diesel shall be decreased by two and one-half percent per year  
16 for four consecutive school years beginning in school year 2014-2015: *Provided, however*, That any  
17 county using an alternative fuel and qualifying for the additional allowance under this subdivision  
18 shall submit a plan regarding the intended future use of alternatively fueled school buses;

19 (2) The total cost, within each county, of insurance premiums on buses, buildings and  
20 equipment used in transportation;

21 (3) An amount equal to eight and one-third percent of the current replacement value of the  
22 bus fleet within each county as determined by the state board: *Provided*, That the amount for the  
23 school year 2015-2016 will be \$13,500,000 and the amount for the school year 2016-2017 will be

1 \$17,800,000. The amount shall only be used for the replacement of buses. Buses purchased after  
2 July 1, 1999 that are driven one hundred eighty thousand miles, regardless of year model, will be  
3 subject to the replacement value of eight and one-third percent as determined by the state board. In  
4 addition, in any school year in which its net enrollment increases when compared to the net  
5 enrollment the year immediately preceding, a school district may apply to the state superintendent  
6 for funding for an additional bus or buses. The state superintendent shall make a decision regarding  
7 each application based upon an analysis of the individual school district's net enrollment history and  
8 transportation needs: *Provided*, That the superintendent shall not consider any application which  
9 fails to document that the county has applied for federal funding for additional buses. If the state  
10 superintendent finds that a need exists, a request for funding shall be included in the budget request  
11 submitted by the state board for the upcoming fiscal year; and

12 (4) Aid in lieu of transportation equal to the state average amount per pupil for each pupil  
13 receiving the aid within each county.

14 (b) The total state share for this purpose ~~shall be~~ is the sum of the county shares: *Provided*,  
15 That no county shall receive an allowance which is greater than one-third above the computed state  
16 average allowance per transportation mile multiplied by the total transportation mileage in the county  
17 exclusive of the allowance for the purchase of additional buses.

18 (c) One half of one percent of the transportation allowance distributed to each county shall  
19 be for the purpose of trips related to academic classroom curriculum and not related to any  
20 extracurricular activity. Any remaining funds credited to a county for the purpose of trips related  
21 to academic classroom curriculum during the fiscal year shall be carried over for use in the same  
22 manner the next fiscal year and shall be separate and apart from, and in addition to, the appropriation  
23 for the next fiscal year. The state board may request a county to document the use of funds for trips

1 related to academic classroom curriculum if the board determines that it is necessary.

2 **§18-9A-11. Computation of local share; appraisal and assessment of property; valuations for**  
3 **tax increment financing purposes; public library support.**

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

12 (1) For each fiscal year beginning before July 1, 2014, the state board shall first take  
13 ninety-five percent of the amount ascertained by applying these rates to the total assessed public  
14 utility valuation in each classification of property in the county. For each fiscal year beginning after  
15 June 30, 2014, the state board shall first take ninety-six percent of the amount ascertained by  
16 applying these rates to the total assessed public utility valuation in each classification of property in  
17 the county; and

18 (2) For each fiscal year beginning before July 1, 2014, the state board shall then apply these  
19 rates to the assessed taxable value of other property in each classification in the county as determined  
20 by the Tax Commissioner and shall deduct therefrom five percent as an allowance for the usual  
21 losses in collections due to discounts, exonerations, delinquencies and the like. For each fiscal year  
22 beginning after June 30, 2014, the state board shall then apply these rates to the assessed taxable  
23 value of other property in each classification in the county as determined by the Tax Commissioner

1 and shall deduct therefrom four percent as an allowance for the usual losses in collections due to  
2 discounts, exonerations, delinquencies and the like. All of the amount so determined shall be added  
3 to the ninety-five or ninety-six percent, as applicable, of public utility taxes computed as provided  
4 in subdivision (1) of this subsection and this total shall be further reduced by the amount due each  
5 county assessor's office pursuant to section eight, article one-c, chapter eleven of this code and this  
6 amount shall be the local share of the particular county.

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

10         (b) It is the intent of the Legislature that the computation of local share for public school  
11 support continue to be based upon actual real property values rather than assumed assessed real  
12 property values that are based upon an assessment ratio study, and that the annual amount of local  
13 share for which a county board of education is responsible continue to be computed without  
14 reference to whether the real property assessments in that county were at least fifty-four percent of  
15 market value in the prior year as indicated by the assessment ratio study. Accordingly, the effective  
16 date of the operation of this section as amended and reenacted during 2014, and the effective date  
17 of the operation of the repeal of section two-a of this article and the operation of the repeal of section  
18 five-b, article one-c, chapter eleven of this code, all as provided under this enactment, are expressly  
19 made retrospective to June 30, 2013.

20         (c) Whenever in any year a county assessor or a county commission fails or refuses to comply  
21 with this section in setting the valuations of property for assessment purposes in any class or classes  
22 of property in the county, the State Tax Commissioner shall review the valuations for assessment  
23 purposes made by the county assessor and the county commission and shall direct the county

1 assessor and the county commission to make corrections in the valuations as necessary so that they  
2 comply with the requirements of chapter eleven of this code and this section and the Tax  
3 Commissioner may enter the county and fix the assessments at the required ratios. Refusal of the  
4 assessor or the county commission to make the corrections constitutes grounds for removal from  
5 office.

6 (d) For the purposes of any computation made in accordance with this section, in any taxing  
7 unit in which tax increment financing is in effect pursuant to article eleven-b, chapter seven of this  
8 code, the assessed value of a related private project shall be the base-assessed value as defined in  
9 section two of said article.

10 ~~(e) For purposes of any computation made in accordance with this section, in any county~~  
11 ~~where the county board of education has adopted a resolution choosing to use the Growth County~~  
12 ~~School Facilities Act set forth in section six-f, article eight, chapter eleven of this code, estimated~~  
13 ~~school board revenues generated from application of the regular school board levy rate to new~~  
14 ~~property values, as that term is designated in said section, may not be considered local share funds~~  
15 ~~and shall be subtracted before the computations in subdivisions (1) and (2), subsection (a) of this~~  
16 ~~section are made.~~

17 ~~(f)~~ (e) The Legislature finds that public school systems throughout the state provide support  
18 in varying degrees to public libraries through a variety of means including budgeted allocations,  
19 excess levy funds and portions of their regular school board levies. A number of public libraries are  
20 situated on the campuses of public schools and several are within public school buildings serving  
21 both the students and public patrons. To the extent that public schools recognize and choose to avail  
22 the resources of public libraries toward developing within their students such legally recognized  
23 elements of a thorough and efficient education as literacy, interests in literature, knowledge of

1 government and the world around them and preparation for advanced academic training, work and  
2 citizenship, public libraries serve a legitimate school purpose and may do so economically.  
3 Therefore, county boards are encouraged to support public libraries within their counties.

4 **§18-9A-12. County basic foundation; total basic state aid allowance.**

5 (a) The basic foundation program for each county for the fiscal year shall be the sum of the  
6 amounts computed in accordance with the provisions of sections four, five, six, seven, eight, nine  
7 and ten of this article. On the first working day of July, in each year, the state board shall determine  
8 the basic foundation program for each county for that fiscal year. Data used in the computations  
9 relating to net and adjusted enrollment, and the number of professional educators, shall be for the  
10 second month of the prior school term. Transportation expenditures used in these computations shall  
11 be for the most recent year in which data are available. The allocated state aid share of the county's  
12 basic foundation program shall be the difference between the cost of its basic foundation program  
13 and the county's local share as determined in section eleven of this article except as provided in  
14 subsection (b) of this section.

15 (b) The allocated state aid share shall be adjusted in the following circumstances in the  
16 following manner: *Provided*, That prior to such adjustment, the State Tax Commissioner shall  
17 provide the state board, by January 15, of each year, a certified listing of those counties in which  
18 such adjustment shall be made pursuant to this subsection, together with the amount of revenue  
19 which will not be available to each county board in the ensuing fiscal year as a result of the  
20 circumstance:

21 (1) In those instances where the local share as computed under section eleven of this article  
22 is not reflective of local funds available because the county is under a final court order, or a final  
23 decision of a board of assessment appeals under section twenty-four-b, article three, chapter eleven

1 of this code, to refund or credit property taxes paid in prior years, the allocated state aid share shall  
2 be the county's basic foundation program, minus the local share as computed under section eleven  
3 of this article, plus the amount of property tax the county is unable to collect or must refund due to  
4 the final court order or final decision of a board of assessment appeals. ~~Provided, That said~~  
5 ~~adjustment shall not be made or shall only be made proportionately when the Legislature fails to~~  
6 ~~fund or funds only in part the public school basic foundation support plan state share at a level~~  
7 ~~sufficient to cover the reduction in state share: Provided, however, That nothing herein provided~~  
8 ~~shall be construed to require or mandate any level of funding by the Legislature.~~

9 (2) In those instances where the local share as computed under section eleven of this article  
10 is not reflective of local funds available because the county is collecting tax based upon an assessed  
11 value which is less than that determined by the Tax Commissioner in the most recent published  
12 survey of property valuations in the state due to an error in the published survey, which error is  
13 certified to by the Tax Commissioner, the allocated state aid share shall be the county's basic  
14 foundation program, minus the local share as computed under section eleven of this article, plus the  
15 amount of property tax the county is unable to collect based on differences in the assessed valuation  
16 between those in the most recent published survey of valuation and the corrected assessed value  
17 actually levied upon by the county. ~~Provided, That said adjustment shall not be made or shall only~~  
18 ~~be made proportionately when the Legislature fails to fund or funds only in part the public school~~  
19 ~~basic foundation support plan state share at a level sufficient to cover the reduction in state share:~~  
20 ~~Provided, however, That nothing herein provided shall be construed to require or mandate any level~~  
21 ~~of funding by the Legislature.~~

22 (3) In instances where a county is unable to collect property taxes from a taxpayer during the  
23 pendency of any court proceeding, the allocated state aid share shall be the county's basic foundation

1 program minus the local share as computed under section eleven of this article, plus the amount the  
2 county is unable to collect as a result of the pending court proceedings as certified by the Tax  
3 Commissioner: *Provided*, That the county is required to reimburse the amount of allocated state aid  
4 share attributable to the amount of property tax it later receives upon completion of court  
5 proceedings, which shall be paid into the General Revenue Fund of the state. ~~Provided, however,~~  
6 ~~That said adjustment shall not be made or shall only be made proportionately when the Legislature~~  
7 ~~fails to fund or funds only in part the public school basic foundation support plan state share at a~~  
8 ~~level sufficient to cover the reduction in state share: Provided further, That nothing herein provided~~  
9 ~~shall be construed to require or mandate any level of funding by the Legislature.~~

10 (c) The allocated state aid share shall be adjusted in any county receiving payments or  
11 contributions in lieu of property taxes. In instances where a county receives payments or  
12 contributions in lieu of property taxes, the allocated state aid share shall be the county's basic  
13 foundation program minus the local share as computed under section eleven of this article, plus any  
14 amounts added pursuant to subsection (b) of this section minus the payments or contributions in lieu  
15 of property taxes which are distributed by the sheriff to the county board of education. In  
16 determining the amount of such contribution or payment in lieu of taxes, each county commission  
17 shall provide to the State Tax Commissioner, by January 1, of each year, the total amount of such  
18 payments or contributions paid to the county and the proportion of the total amount that has been or  
19 will be distributed to the county board of education. The State Tax Commissioner then shall provide  
20 the state board, by January 15, of each year, a certified listing of those counties in which an  
21 adjustment pursuant to this section shall be made, together with the amount of revenue which will  
22 be available to each county board in the ensuing fiscal year as a result of contribution or payment in  
23 lieu of taxes.

1           (d) Total basic state aid to the county shall be the computed state share of basic foundation  
2 support. After such computation is completed, the state board shall immediately certify to each  
3 county board the amount of state aid allocated to the county for that fiscal year, subject to any  
4 qualifying provisions of this article.