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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. For
HOUSE BILL No. 2303

(By Delegate *Mr. Speaker Mr. Chambers,*
and Delegate Burk)
[By Request of the Executive]

Passed *April 9,* 1993

In Effect *From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2303

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)
[By Request of the Executive]

[Passed April 9, 1993; in effect from passage.]

AN ACT to amend and reenact section three, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; further amend said article by adding thereto a new section, designated section sixteen; and to amend and reenact section four, article six, chapter twenty-nine of said code, all relating to highway construction programs throughout the state; providing an increase in the gasoline tax; providing a sunset date for the increase; providing legislative findings; providing that the tax increase be deposited in an appropriated special revenue account to be used only to match available federal funds; and clarifying persons subject to civil service by gubernatorial appointment.

Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, 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 sixteen; and that section four, article six, chapter twenty-nine of said code be amended and reenacted, all to read as follows:

CHAPTER 11. TAXATION.

ARTICLE 14. GASOLINE AND SPECIAL FUEL EXCISE TAX.

§11-14-3. Imposition of tax.

1 There is hereby levied an excise tax of fifteen and one-
2 half cents per gallon on all gasoline or special fuel,
3 which tax shall be computed in accordance with the
4 appropriate measure of tax as hereinafter prescribed in
5 this article: *Provided*, That beginning the first day of
6 May, one thousand nine hundred ninety-three, the tax
7 levied by this article shall be twenty and one-half cents
8 per gallon: *Provided, however*, That on and after the first
9 day of August, two thousand one, the tax levied by this
10 article shall be fifteen and one-half cents per gallon.

§11-14-16. Disposition of increase in tax collected.

1 (a) The Legislature finds:

2 (1) That the "Intermodal Surface Transportation
3 Efficiency Act of 1991" provides a window of opportuni-
4 ty for highway and bridge construction in the state of
5 West Virginia;

6 (2) That the "Intermodal Surface Transportation
7 Efficiency Act of 1991" provides for one billion dollars
8 of regular federal highway and bridge funding over the
9 effective period of the legislation;

10 (3) That the "Intermodal Surface Transportation
11 Efficiency Act of 1991" additionally authorizes the
12 necessary funding to complete the Appalachian highway
13 corridor system in the state of West Virginia;

14 (4) That the "Intermodal Surface Transportation
15 Efficiency Act of 1991" provides authorization for
16 additional funding for other specifically identified
17 highway corridors and projects throughout the state of
18 West Virginia;

19 (5) That the anticipated level of total funding resulting
20 from the passage of the "Intermodal Surface Transpor-
21 tation Act of 1991", if matched by sufficient state funds,
22 would reach approximately six billion dollars through
23 the year two thousand one;

24 (6) That this program level would be made possible
25 by a five cent increase in the rate of tax on gasoline and
26 special fuels;

27 (7) That such a program level would enable a
28 continued aggressive highway paving, bridge safety and
29 highway maintenance program; and

30 (8) That the highways constructed and improvements
31 to the existing transportation system in the state of West
32 Virginia resulting from this highway construction
33 program would be a substantial stimulus to economic
34 development in this state.

35 (b) The Legislature further finds that in view of this
36 anticipated highways construction program, the division
37 of highways must increase its efficiency and profession-
38 alism and make better use of the resources provided to
39 the division by the citizens of our state. To this end, the
40 division of highways shall undertake the efficiency
41 initiatives set forth in subsection (c) of this section, as
42 well as other efficiency initiatives deemed appropriate
43 by the secretary of the department of transportation and
44 the director of the division of highways. The secretary
45 of the department of transportation shall report to the
46 Legislature on the first day of the regular legislative
47 session, one thousand nine hundred ninety-four, regard-
48 ing the implementation of the all efficiency initiatives
49 undertaken by the division of highways. The report shall
50 also include the source and amount of savings from these
51 efficiency initiatives. Any savings resulting from these
52 efficiency initiatives shall be utilized by the department
53 of transportation to increase state funds available to
54 match federal dollars to promote the highway construc-
55 tion program.

56 (c) The following efficiency initiatives shall be
57 implemented by the division of highways:

58 (1) Reduction in the division's passenger vehicle fleet
59 by one hundred seventy vehicles; and

60 (2) Restriction on the use and number of passenger
61 vehicles utilized for twenty-four hour duty so as to cause
62 a reduction in the total cost of operation of the twenty-

63 four hour duty vehicle fleet by fifty percent.

64 (d) The amount of the tax collected attributable to the
65 five cent increase in the tax collected under the
66 provisions of this article effective the first day of May,
67 one thousand nine hundred ninety-three, shall be
68 deposited in a special account in the state treasury
69 known as the "Federal Aid Highway Matching Fund"
70 and shall only be used to match federal moneys available
71 for highway purposes as authorized by Title 23 and Title
72 40 or other provisions of the United States Code:
73 *Provided*, That the "Federal Aid Highway Matching
74 Fund" shall be appropriated by line item by the
75 Legislature.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 6. CIVIL SERVICE SYSTEM.

§29-6-4. Classified-exempt service; additions to classified service; exemptions.

1 (a) The classified-exempt service includes all positions
2 included in the classified-exempt service on the effective
3 date of this article.

4 (b) Except for the period commencing on the first day
5 of July, one thousand nine hundred ninety-two, and
6 ending on the first Monday after the second Wednesday
7 of the following January and except for the same periods
8 commencing in the year one thousand nine hundred
9 ninety-six, and in each fourth year thereafter, the
10 governor may, by executive order, with the written
11 consent of the state personnel board and the appointing
12 authority concerned, add to the list of positions in the
13 classified service, but such additions shall not include
14 any positions specifically exempted from coverage as
15 provided in this section.

16 (c) The following offices and positions are exempt
17 from coverage under the classified service:

18 (1) All judges, officers and employees of the judiciary;

19 (2) All members, officers and employees of the
20 Legislature;

21 (3) All officers elected by popular vote and employees
22 of the officer;

23 (4) All secretaries of departments and employees
24 within the office of a secretary;

25 (5) Members of boards and commissions and heads of
26 departments appointed by the governor or such heads
27 of departments selected by commissions or boards when
28 expressly exempt by law or board order;

29 (6) Excluding the policy-making positions in an
30 agency, one principal assistant or deputy and one
31 private secretary for each board or commission or head
32 of a department elected or appointed by the governor
33 or Legislature;

34 (7) All policymaking positions;

35 (8) Patients or inmates employed in state institutions;

36 (9) Persons employed in a professional or scientific
37 capacity to make or conduct a temporary and special
38 inquiry, investigation or examination on behalf of the
39 Legislature or a committee thereof, an executive
40 department or by authority of the governor;

41 (10) All employees of the office of the governor,
42 including all employees assigned to the executive
43 mansion;

44 (11) County road supervisors employed by the division
45 of highways or their successors;

46 (12) Part-time professional personnel engaged in
47 professional services without administrative duties and
48 personnel employed for ninety days or less during a
49 working year;

50 (13) Members and employees of the board of regents
51 or its successor agencies;

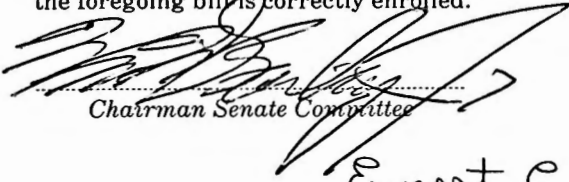
52 (14) Uniformed personnel of the division of public
53 safety; and

54 (15) Seasonal employees in the state forests, parks, and
55 recreational areas working less than 1,560 hours per
56 calendar year: *Provided*, That notwithstanding any

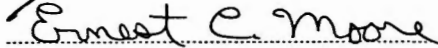
57 provision of law to the contrary, seasonal employees
58 shall not be considered full-time employees.

59 (d) The Legislature finds that the holding of political
60 beliefs and party commitments consistent or compatible
61 with those of the governor contributes in an essential
62 way to the effective performance of and is an appropriate
63 requirement for occupying certain offices or
64 positions in state government, such as the secretaries of
65 departments and the employees within their offices, the
66 heads of agencies appointed by the governor and, for
67 each such head of agency, a private secretary and one
68 principal assistant or deputy, all employees of the office
69 of the governor including all employees assigned to the
70 executive mansion, as well as any persons appointed by
71 the governor to fill policy-making positions and county
72 road supervisors or their successors; in that such offices
73 or positions are confidential in character and/or require
74 their holders to act as advisors to the governor or the
75 governor's appointees, to formulate and implement the
76 policies and goals of the governor or of the governor's
77 appointees, or to help the governor or the governor's
78 appointees communicate with and explain their policies
79 and views to the public, the Legislature and the press.

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



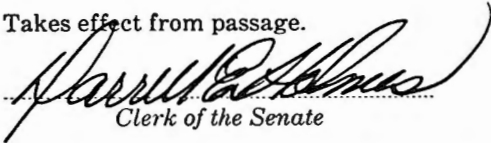
Chairman Senate Committee



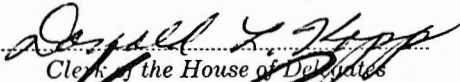
Chairman House Committee

Originating in the House.

Takes effect from passage.



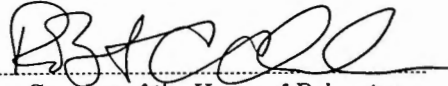
Clerk of the Senate



Clerk of the House of Delegates

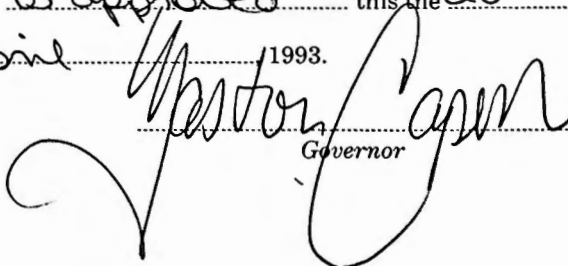


President of the Senate



Speaker of the House of Delegates

The within is approved this the 22nd day of April 1993.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/16/93

Time 1:05 pm