

**WEST VIRGINIA LEGISLATURE**  
**2019 FIRST EXTRAORDINARY SESSION**

**Introduced**

**House Bill 189**

BY DELEGATE HANSHAW (MR. SPEAKER)

[BY REQUEST OF THE EXECUTIVE]

[ Introduced June 17, 2019; Referred  
to the Select Committee on Education Reform C]

1 A BILL to amend and reenact §11-8-6f of the Code of West Virginia, 1931, as amended, relating  
2 to modifying regular school board levy rates.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 8. LEVIES.**

**§11-8-6f. Regular school board levy rate; creation and implementation of Growth County School Facilities Act; creation of Growth County School Facilities Act Fund.**

1 (a) Notwithstanding any other provision of law, except subsection (c) of this section, where  
2 any annual appraisal, triennial appraisal or general valuation of property would produce a  
3 statewide aggregate assessment that would cause an increase of two percent or more in the total  
4 property tax revenues that would be realized were the then current regular levy rates of the county  
5 boards of education to be imposed, the rate of levy for county boards of education shall be  
6 reduced uniformly statewide and proportionately for all classes of property for the forthcoming tax  
7 year so as to cause the rate of levy to produce no more than 102 percent of the previous year's  
8 projected statewide aggregate property tax revenues from extending the county board of  
9 education levy rate, unless subsection (b) of this section is complied with. The reduced rates of  
10 levy shall be calculated in the following manner: (1) The total assessed value of each class of  
11 property as it is defined by §11-8-5 of this code for the assessment period just concluded shall be  
12 reduced by deducting the total assessed value of newly created properties not assessed in the  
13 previous year's tax book for each class of property; (2) the resulting net assessed value of Class  
14 I property shall be multiplied by .01; the value of Class II by .02; and the values of Classes III and  
15 IV, each by .04; (3) total the current year's property tax revenue resulting from regular levies for  
16 the boards of education throughout this state and multiply the resulting sum by 102 percent:  
17 *Provided*, That the 102 percent figure shall be increased by the amount the boards of education's  
18 increased levy provided for in §11-1C-8(b) of this code; (4) divide the total regular levy tax  
19 revenues, thus increased in subdivision (3) of this subsection, by the total weighted net assessed  
20 value as calculated in subdivision (2) of this subsection and multiply the resulting product by 100;

21 the resulting number is the Class I regular levy rate, stated as cents-per-\$100 of assessed value;  
22 and (5) the Class II rate is two times the Class I rate; Classes III and IV, four times the Class I  
23 rate as calculated in the preceding subdivision.

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

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

32 (c) Subsections (a) and (b) of this code shall expire and the regular levy rates for the  
33 county boards of education shall be the following: (1) For Class I property, 19.4 cents per \$100;  
34 (2) for Class II property, 38.8 cents per \$100; and (3) for Class III and Class IV property, 77.6  
35 cents per \$100: *Provided*, That county boards of education may increase their regular levy rates  
36 through a majority vote of their members up to the sum of the levy rates set forth in §11-8-6c of  
37 this code for each class of property, which are: (1) For Class I property, 22.95 cents per \$100; (2)  
38 for Class II property, 45.9 cents per \$100; and (3) for Class III and Class IV property, 91.8 cents  
39 per \$100: *Provided, however*, That prior to any regular levy rate increase, such increase must be  
40 approved by a majority vote of the voters of the county.

41 ~~(e)~~ (d) The State Tax Commissioner shall report to the Joint Committee on Government  
42 and Finance and the Legislative Oversight Commission on Education Accountability by March 1  
43 of each year on the progress of assessors in each county in assessing properties at the  
44 Constitutionally required 60 percent of market value and the effects of increasing the limit on the  
45 increase in total property tax revenues set forth in this section to two percent.

46 ~~(d)~~ (e) *Growth County School Facilities Act. — Legislative findings. —*

47           The Legislature finds and declares that there has been, overall, a statewide decline in  
48 enrollment in the public schools of this state; due to this decline, most public schools have ample  
49 space for students, teachers, and administrators; however, some counties of this state have  
50 experienced significant increases in enrollment due to significant growth in those counties; that  
51 those counties experiencing significant increases do not have adequate facilities to accommodate  
52 students, teachers, and administrators. Therefore, the Legislature finds that county boards of  
53 education in those high-growth counties should have the authority to designate revenues  
54 generated from the application of the regular school board levy due to new construction or  
55 improvements placed in a Growth County School Facilities Act Fund be used for school facilities  
56 in those counties to promote the best interests of this state's students.

57           (1) For the purposes of this subsection, "growth county" means any county that has  
58 experienced an increase in second month net enrollment of 50 or more during any three of the  
59 last five years, as determined by the state Department of Education.

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

63           (3) For any growth county, as defined in subdivision (1) of this subsection, that adopts a  
64 resolution choosing to use the provisions of this subsection, pursuant to subdivision (2) of this  
65 subsection, assessed values resulting from additional appraisal or valuation due to new  
66 construction or improvements to existing real property shall be designated as new property values  
67 and identified by the county assessor. The statewide regular school board levy rate as established  
68 by the Legislature shall be applied to the assessed value designated as new property values and  
69 the resulting property tax revenues collected from application of the regular school board levy rate  
70 shall be placed in a separate account designated as the Growth County School Facilities Act  
71 Fund. Revenues deposited in the Growth County School Facilities Act Fund shall be appropriated  
72 by the county board of education for construction, maintenance or repair of school facilities.

73 Revenues in the fund may be carried over for an indefinite length of time and may be used as  
74 matching funds for the purpose of obtaining funds from the School Building Authority or for the  
75 payment of bonded indebtedness incurred for school facilities. For any growth county choosing  
76 to use the provisions of this subsection, estimated school board revenues generated from  
77 application of the regular school board levy rate to new property values are not to be considered  
78 as local funds for purposes of the computation of local share under the provisions of §18-9A-11  
79 of this code.

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

NOTE: The purpose of this bill is to modify regular school board levy rates.

Strike-throughs indicate language that would be stricken from a heading or the present law  
and underscoring indicates new language that would be added.