

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4399**

4 (By Delegates Skaff, Poore, Lane, Guthrie,
5 Wells, McCuskey, Lawrence and Storch)

6
7 (Originating in the Committee on the Judiciary)

8 [February 18, 2014]

9
10 A BILL to amend and reenact §11-8-16 of the Code of West Virginia,
11 1931, as amended, relating to special elections for the
12 purpose of submitting a levy question to voters; prohibiting
13 a local levying body from holding more than one special
14 election for the purpose of submitting a levy question to the
15 voters in any year during which a regular primary or general
16 election is held; and prohibiting a local levying body from
17 holding a special election for the purpose of submitting a
18 levy question to voters during the months of January, February
19 and December during years in which there is no regular primary
20 or general election.

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

22 That §11-8-16 of the Code of West Virginia, 1931, as amended,
23 be amended and reenacted to read as follows:

24 **ARTICLE 8. LEVIES.**

25 **§11-8-16. What order for election to increase levies to show; vote**
26 **required; amount and continuation of additional levy;**

1 **issuance of bonds.**

2 (a) A local levying body may provide for an election to
3 increase the levies by entering on its record of proceedings an
4 order setting forth:

5 (1) The purpose for which additional funds are needed;

6 (2) The amount for each purpose;

7 (3) The total amount needed;

8 (4) The separate and aggregate assessed valuation of each
9 class of taxable property within its jurisdiction;

10 (5) The proposed additional rate of levy in cents on each
11 class of property;

12 (6) The proposed number of years, not to exceed five, to which
13 the additional levy applies;

14 (7) The fact that the local levying body will or will not
15 issue bonds, as provided by this section, upon approval of the
16 proposed increased levy.

17 (b) The local levying body shall submit to the voters within
18 their political subdivision the question of the additional levy at
19 either a primary, general or special election. The local levying
20 body may not hold more than one special election for the purpose of
21 submitting a levy question to the voters during any year in which
22 a regular primary or general election is held. During years in
23 which there is no regular primary or general election, the local
24 levying body may not hold a special election in the months of
25 January, February or December.

1 (c) If at least sixty percent of the voters cast their ballots
2 in favor of the additional levy, the county commission or
3 municipality may impose the additional levy. If at least a
4 majority of voters cast their ballot in favor of the additional
5 levy, the county board of education may impose the additional levy:
6 *Provided*, That any additional levy adopted by the voters ~~including~~
7 ~~any additional levy adopted prior to the effective date of this~~
8 ~~section, shall~~ must be the actual number of cents per each \$100 of
9 value set forth in the ballot provision, which number ~~shall~~ may not
10 exceed the maximum amounts prescribed in this section, regardless
11 of the rate of regular levy then or currently in effect, unless
12 ~~such~~ the rate of additional special levy is reduced in accordance
13 with the provisions of section six-g of this article or otherwise
14 changed in accordance with the applicable ballot provisions. For
15 county commissions, this levy ~~shall~~ may not exceed a rate greater
16 than seven and fifteen hundredths cents for each \$100 of value for
17 Class I properties, and for Class II properties a rate greater than
18 twice the rate for Class I properties, and for Class III and IV
19 properties a rate greater than twice the rate for Class II
20 properties. For municipalities, this levy ~~shall~~ may not exceed a
21 rate greater than six and twenty-five hundredths cents for each
22 \$100 of value for Class I properties, and for Class II properties
23 a rate greater than twice the rate for Class I properties, and for
24 Class III and IV properties a rate greater than twice the rate for
25 Class II properties. For county boards of education, this levy

1 ~~shall~~ may not exceed a rate greater than twenty-two and ninety-five
2 hundredths cents for each \$100 of value for Class I properties, and
3 for Class II properties a rate greater than twice the rate for
4 Class I properties, and for Class III and IV properties a rate
5 greater than twice the rate for Class II properties.

6 (d) Levies authorized by this section ~~shall~~ may not continue
7 for more than five years without resubmission to the voters.

8 (e) Upon approval of an increased levy as provided by this
9 section, a local levying body may immediately issue bonds in an
10 amount not exceeding the amount of the increased levy plus the
11 total interest thereon, but the term of the bonds ~~shall~~ may not
12 extend beyond the period of the increased levy.

13 (f) Insofar as they might concern the issuance of bonds as
14 provided in this section, the provisions of sections three and
15 four, article one, chapter thirteen of this code ~~shall~~ do not
16 apply.