

H. B. 4399

(By Delegates Skaiff, Poore, Lane,
Guthrie, Wells, McCuskey and Storch)

[Introduced February 4, 2014; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §11-8-16 of the Code of West Virginia,
1931, as amended, relating to prohibiting a local levying body
from holding a special election for the purpose of submitting
a levy question to the voters if the date of the special
election is one hundred eighty days or less before or after a
regular primary or general election.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 8. LEVIES.

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

(a) A local levying body may provide for an election to
increase the levies by entering on its record of proceedings an

1 order setting forth:

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

3 (2) The amount for each purpose;

4 (3) The total amount needed;

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

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

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

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

14 (b) The local levying body shall submit to the voters within
15 their political subdivision the question of the additional levy at
16 either a primary, general or special election. The local levying
17 body may not hold a special election for the purpose of submitting
18 a levy question to the voters if the date of the special election
19 is one hundred eighty days or less before or after a regular
20 primary or general election.

21 (c) If at least sixty percent of the voters cast their ballots
22 in favor of the additional levy, the county commission or
23 municipality may impose the additional levy. If at least a
24 majority of voters cast their ballot in favor of the additional

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

1 Class I properties, and for Class III and IV properties a rate
2 greater than twice the rate for Class II properties.

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

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

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

NOTE: The purpose of this bill is to prohibit a local levying body from holding a special election for the purpose of submitting a levy question to the voters if the date of the special election is one hundred eighty days or less before or after a regular primary or general election.

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