WEST VIRGINIA LEGISLATURE

ENROLLED

SENATE BILL NO. 4002

(By Senators Tomblin, Mr. President, and Sprouse,)

PASSED September 9, 2005

In Effect from Passage
AN ACT to amend and reenact §11-8-16 of the Code of West Virginia, 1931, as amended, relating to levy elections; allowing levy elections in conjunction with primary elections; and conforming the statute to meet constitutional requirements.

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.

1 A local levying body may provide for an election to
2 increase the levies by entering on its record of proceedings
3 an order setting forth:
(1) The purpose for which additional funds are needed;

(2) The amount for each purpose;

(3) The total amount needed;

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

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

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

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

The local levying body shall submit to the voters within their political subdivision the question of the additional levy at either a primary, general or special election. If at least sixty percent of the voters cast their ballots in favor of the additional levy, the county commission or municipality may impose the additional levy. If at least a majority of voters cast their ballot in favor of the additional levy, the county board of education may impose the additional levy: Provided, That any additional levy adopted by the voters, including any additional levy adopted prior to the effective date of this section, shall be the actual number of cents per each one hundred dollars of value set forth in the ballot provision, which number shall not exceed the maximum amounts prescribed in this section, regardless of the rate of regular levy then or currently in effect, unless such rate of additional special levy is reduced in accordance with the provisions of section six-g of this article or otherwise changed in accordance with the applicable ballot provisions. For county commissions, this levy shall not exceed a rate greater than seven and fifteen hundredths cents for each one hundred dollars of value for Class I properties, and for
Class II properties a rate greater than twice the rate for
Class I properties, and for Class III and IV properties a
rate greater than twice the rate for Class II properties. For
municipalities, this levy shall not exceed a rate greater
than six and twenty-five hundredths cents for each one
hundred dollars of value for Class I properties, and for
Class II properties a rate greater than twice the rate for
Class I properties, and for Class III and IV properties a
rate greater than twice the rate for Class II properties. For
county boards of education, this levy shall not exceed a
rate greater than twenty-two and ninety-five hundredths
cents for each one hundred dollars of value for Class I
properties, and for Class II properties a rate greater than
twice the rate for Class I properties, and for Class III and
IV properties a rate greater than twice the rate for Class II
properties.

Levies authorized by this section shall not continue for
more than five years without resubmission to the voters.

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

Insofar as they might concern the issuance of bonds as
provided in this section, the provisions of sections three
and four, article one, chapter thirteen of this code shall not
apply.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 28th Day of September, 2005.

Governor