

FILED

2005 SEP 28 P 4: 20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

44th Extraordinary Session, 2005

ENROLLED

SENATE BILL NO. 4002

(By Senator Jomblin, Mr. President, and Sprouse,
By Request of the Executive)

PASSED September 9, 2005

In Effect from Passage

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Senate Bill No. 4002

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[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:

- 4 (1) The purpose for which additional funds are needed;
- 5 (2) The amount for each purpose;
- 6 (3) The total amount needed;
- 7 (4) The separate and aggregate assessed valuation of
8 each class of taxable property within its jurisdiction;
- 9 (5) The proposed additional rate of levy in cents on each
10 class of property;
- 11 (6) The proposed number of years, not to exceed five, to
12 which the additional levy applies;
- 13 (7) The fact that the local levying body will or will not
14 issue bonds, as provided by this section, upon approval of
15 the proposed increased levy.

16 The local levying body shall submit to the voters within
17 their political subdivision the question of the additional
18 levy at either a primary, general or special election. If at
19 least sixty percent of the voters cast their ballots in favor
20 of the additional levy, the county commission or munici-
21 pality may impose the additional levy. If at least a major-
22 ity of voters cast their ballot in favor of the additional
23 levy, the county board of education may impose the
24 additional levy: *Provided*, That any additional levy
25 adopted by the voters, including any additional levy
26 adopted prior to the effective date of this section, shall be
27 the actual number of cents per each one hundred dollars of
28 value set forth in the ballot provision, which number shall
29 not exceed the maximum amounts prescribed in this
30 section, regardless of the rate of regular levy then or
31 currently in effect, unless such rate of additional special
32 levy is reduced in accordance with the provisions of
33 section six-g of this article or otherwise changed in
34 accordance with the applicable ballot provisions. For
35 county commissions, this levy shall not exceed a rate
36 greater than seven and fifteen hundredths cents for each
37 one hundred dollars of value for Class I properties, and for

38 Class II properties a rate greater than twice the rate for
39 Class I properties, and for Class III and IV properties a
40 rate greater than twice the rate for Class II properties. For
41 municipalities, this levy shall not exceed a rate greater
42 than six and twenty-five hundredths cents for each one
43 hundred dollars of value for Class I properties, and for
44 Class II properties a rate greater than twice the rate for
45 Class I properties, and for Class III and IV properties a
46 rate greater than twice the rate for Class II properties. For
47 county boards of education, this levy shall not exceed a
48 rate greater than twenty-two and ninety-five hundredths
49 cents for each one hundred dollars of value for Class I
50 properties, and for Class II properties a rate greater than
51 twice the rate for Class I properties, and for Class III and
52 IV properties a rate greater than twice the rate for Class II
53 properties.

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

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

62 Insofar as they might concern the issuance of bonds as
63 provided in this section, the provisions of sections three
64 and four, article one, chapter thirteen of this code shall not
65 apply.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

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

[Signature]
.....
Governor

**PRESENTED TO THE
GOVERNOR**

Date 9/16/05

Time 4:25pm