

1 COMMITTEE SUBSTITUTE

2 FOR

3 H. B. 2099

4 (By Delegates Howell, Householder, J. Nelson, Statler, Walters,
5 Arvon, Border, Folk, Hamilton, A. Evans and McGeehan)

6
7 (Originating in the Committee on the Judiciary.)

8 (January 30, 2015)

**FISCAL
NOTE**

9
10 A BILL to amend and reenact §11-8-9 of the Code of West Virginia, 1931, as amended, relating to
11 extending the time of meetings of local levying bodies when meetings are delayed due to
12 circumstances beyond the control of a local levying body; providing the State Auditor is
13 authorized to extend the time of meetings of local levying bodies; authorizing the State
14 Auditor to propose rules to implement this section; requiring that the meeting be held in
15 compliance with chapter six, article nine-a; and authorizing the State Auditor to set the
16 meeting time.

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

18 That §11-8-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted
19 to read as follows:

20 **ARTICLE 8. LEVIES.**

21 **§11-8-9. Meetings of local levying bodies.**

22 (a) Each local levying body shall hold a meeting or meetings between the seventh and
23 twenty-eighth days of March for the transaction of business generally and particularly for the

1 business herein required.

2 (b) When a levy is placed on the ballot for consideration during a primary election, each
3 local levying body may extend its time to meet as a levying body until the first day of June of that
4 year.

5 (c) If a local levying body is unable to meet during the times set out in subsection (a) of this
6 section due to any circumstance beyond the control of a local levying body, such as fire, weather,
7 natural disaster, or if the meeting place becomes unusable without notice due to utility failure,
8 building damages, other sufficient cause or other emergency, the levying body may apply to the State
9 Auditor in his or her capacity as the chief inspector and supervisor of local government offices for
10 permission to extend the time to meet as a levying body, within sixty days of the deadline. The State
11 Auditor shall propose rules for legislative approval in accordance with article three, chapter twenty-
12 nine-a of this code to implement the purposes of this subsection. The proposed rules shall include
13 a procedure for a local levying body to apply for permission to extend the time to meet as a levying
14 body, requiring the local levying body to cite the reason a timely meeting was not held and that the
15 meeting, if approved by the State Auditor, be held in compliance with article nine-a, chapter six of
16 this code relating to open governmental proceedings at a time set by the State Auditor.