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H. B. 2099

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

[Introduced January 20, 2015; referred to the
Committee on Political Subdivisions then the Judiciary.]

**FISCAL
NOTE**

A BILL to amend and reenact §11-8-9 of the Code of West Virginia, 1931, as amended, relating to extending the time of meetings of local levying bodies when meetings are delayed due to circumstances beyond the control of a local levying body; providing when the Secretary of State is authorized to extend the time of meetings of local levying bodies; and authorizing the Secretary of State to adopt procedures and rules for approving extending time to meet as a levying body.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 8. LEVIES.

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

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

1 (b) When a levy is placed on the ballot for consideration during a primary election, each
2 local levying body may extend its time to meet as a levying body until June 1 of that year.

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

NOTE: The purpose of this bill is to provide a procedure for extending the time of meetings of local levying bodies when meetings are delayed because of circumstances beyond the control of a local levying body. The Secretary of State is authorized to extend the time of meetings of local levying bodies within sixty days of the original deadline and to adopt procedures and rules for approving extending time to meet as a levying body.

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