

COMMITTEE SUBSTITUTE

for

H. B. 2099

(BY DELEGATE(S) HOWELL, HOUSEHOLDER,
J. NELSON, STATLER, WALTERS, ARVON, BORDER, FOLK,
HAMILTON, A. EVANS AND MCGEEHAN)

(Originating in the Committee on the Judiciary.)
(January 30, 2015)

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 the State Auditor is authorized to extend the time of meetings of local levying bodies; authorizing the State Auditor to propose rules to implement this section; requiring that the meeting be held in

compliance with chapter six, article nine-a; and authorizing the State Auditor to set the meeting time.

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.

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

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

9 (c) If a local levying body is unable to meet during the times
10 set out in subsection (a) of this section due to any circumstance
11 beyond the control of a local levying body, such as fire, weather,
12 natural disaster, or if the meeting place becomes unusable
13 without notice due to utility failure, building damages, other

14 sufficient cause or other emergency, the levying body may apply
15 to the State Auditor in his or her capacity as the chief inspector
16 and supervisor of local government offices for permission to
17 extend the time to meet as a levying body, within sixty days of
18 the deadline. The State Auditor shall propose rules for legislative
19 approval in accordance with article three, chapter twenty-nine-a
20 of this code to implement the purposes of this subsection. The
21 proposed rules shall include a procedure for a local levying body
22 to apply for permission to extend the time to meet as a levying
23 body, requiring the local levying body to cite the reason a timely
24 meeting was not held and that the meeting, if approved by the
25 State Auditor, be held in compliance with article nine-a, chapter
26 six of this code relating to open governmental proceedings at a
27 time set by the State Auditor.

