

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 3055

BY DELEGATES HORNBUCKLE, DOYLE, PYLES,

LONGSTRETH AND DISERIO

[Introduced February 12, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §11-8-16 of the Code of West Virginia, 1931, as amended, relating
2 to permitting levies to pass with a majority of the vote.

Be it enacted by the Legislature of West Virginia:

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 increase the levies by entering on its
2 record of proceedings an order setting forth:

3 (1) The purpose for which additional funds are needed;

4 (2) The amount for each purpose;

5 (3) The total amount needed;

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

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

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

10 and

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

13 The local levying body shall submit to the voters within their political subdivision the
14 question of the additional levy at either a primary, general or special election. If at least ~~sixty~~
15 ~~percent~~ a majority of the voters cast their ballots in favor of the additional levy, the county
16 commission or municipality may impose the additional levy. If at least a majority of voters cast
17 their ballot in favor of the additional levy, the county board of education may impose the additional
18 levy: *Provided*, That any additional levy adopted by the voters, including any additional levy
19 adopted prior to the effective date of this section, shall be the actual number of cents per each
20 \$100 of value set forth in the ballot provision, which number shall not exceed the maximum

21 amounts prescribed in this section, regardless of the rate of regular levy then or currently in effect,
22 unless such rate of additional special levy is reduced in accordance with the provisions of §11-8-
23 6g of this code or otherwise changed in accordance with the applicable ballot provisions. For
24 county commissions, this levy shall not exceed a rate greater than seven and fifteen hundredths
25 cents for each \$100 of value for Class I properties, and for Class II properties a rate greater than
26 twice the rate for Class I properties, and for Class III and IV properties a rate greater than twice
27 the rate for Class II properties. For municipalities, this levy shall not exceed a rate greater than
28 six and twenty-five hundredths cents for each \$100 of value for Class I properties, and for Class
29 II properties a rate greater than twice the rate for Class I properties, and for Class III and IV
30 properties a rate greater than twice the rate for Class II properties. For county boards of education,
31 this levy shall not exceed a rate greater than twenty-two and ninety-five hundredths cents for each
32 \$100 of value for Class I properties, and for Class II properties a rate greater than twice the rate
33 for Class I properties, and for Class III and IV properties a rate greater than twice the rate for
34 Class II properties.

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

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

41 Insofar as they might concern the issuance of bonds as provided in this section, the
42 provisions of §13-1-3 and §13-1-4 of this code shall not apply.

NOTE: The purpose of this bill is to allow levies to pass with a majority vote.

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