

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 758

By Senator Grady

[Introduced February 12, 2024; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §11-8-26 of the Code of West Virginia, 1931, as amended, relating to
 2 unlawful expenditures by local fiscal bodies; and prohibiting obligating local fiscal bodies
 3 beyond one year, subject to exceptions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. LEVIES.

§11-8-26. Unlawful expenditures by local fiscal body.

1 (a) Except as provided in §11-8-14b, §11-8-25a, and §11-8-26a of this code, or subsection
 2 (b) of this section, a local fiscal body shall may not expend money or incur obligations:

- 3 (1) In an unauthorized manner;
- 4 (2) For an unauthorized purpose;
- 5 (3) In excess of the amount allocated to the fund in the levy order; or
- 6 (4) In excess of the funds available for current expenses.

7 (b) Local fiscal bodies may not obligate funds beyond a period of one year except for
 8 contracts executed to procure technology licensing service agreements. Local fiscal bodies shall
 9 justify entering into multi-year technology license service agreements by maintaining
 10 documentation of material fiscal savings to the body.

11 ~~(b)~~ (c) Notwithstanding the foregoing and any other provision of law to the contrary, a local
 12 fiscal body or its duly authorized officials may not be penalized for a casual deficit which does not
 13 exceed its approved levy estimate by more than three percent: *Provided*, That such casual deficit
 14 is satisfied in the levy estimate for the succeeding fiscal year: *Provided, however*, That in
 15 calculating a deficit for purposes of this section, account shall not be taken of any amount for which
 16 the local fiscal body may be liable for the unfunded actuarial accrued liability of the West Virginia
 17 Retiree Health Benefit Trust Fund or any amount allocated to the local fiscal body as an employer
 18 annual required contribution that exceeds the minimum annual employer payment component of
 19 the contribution, all as provided under §5-16D-1 *et seq.* of this code.

NOTE: The purpose of this bill is to prohibit obligating local fiscal bodies beyond one year,

subject to exceptions.

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