

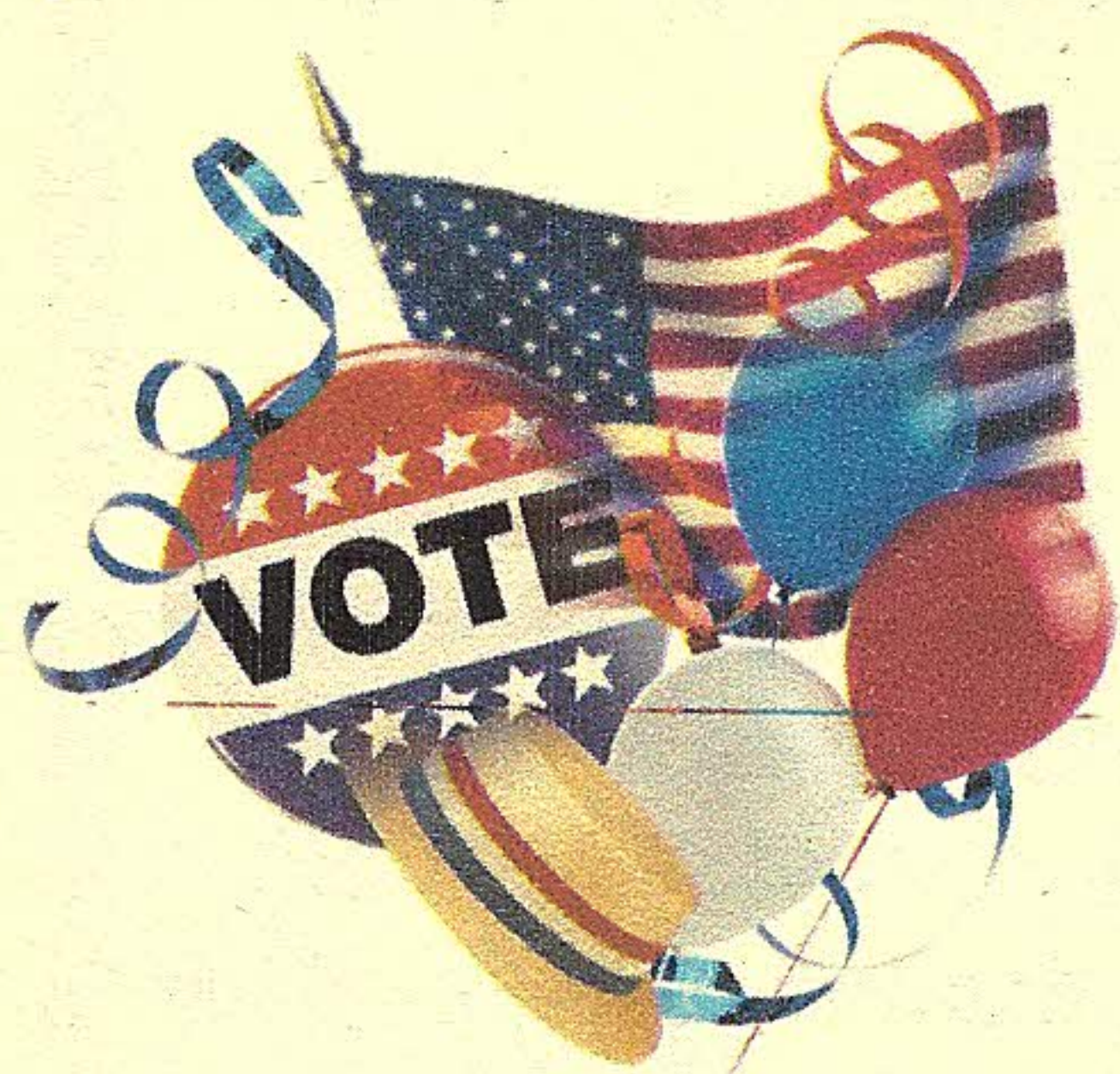
Commissioners' Corner

Vol. 12 No. 6
 April 2008

County Commissioners' Assoc. of WV ~ Sam Hicks, President ~ Vivian Parsons, Exec Dir

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Good Luck at the Polls!!!

Commissioners' Corner
 County Commissioners' Association of
 West Virginia

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This is a monthly publication for county commissioners and their staff, Associate members and other interested parties.

Summing up the 2008 Session with Vivian & Danny...

Calling the shots...

Dan Greathouse, CCAWV Legislative Chairman



For election year antics, the County Commissioners' Association fared well in the first regular legislative session for 2008. As sometimes happens, it was a session for executing a good defensive game more so than offensive attacks. Through many attempts to give away county revenues in some form or fashion, our defensive strategies for the most part, prevailed. When the dust settled and the game was over, our team was still standing and the injuries were minor.

As your legislative chairman, (one who is currently running for re-election) I'd like to thank those of you who were able to participate in the weekly conference calls and those who were able to spend some time at the Capital and on the phone promoting and/or defending our legislative positions. I was, unfortunately, not able to be there as much as needed. Thanks to Vivian, Paul and Jennifer for keeping the ship afloat! At the spring board meeting, we will regroup, put together some new plays and get ready for the interim study season! Good job to CCAWV's legislative team.

Stop, Drop, and Roll.....

Vivian Parsons, Executive Director

The 2008 1st Regular Legislative session is finished and not a moment too soon! "Stop, drop, and roll"....seems a fitting battle cry for CCAWV's legislative team, as it turned out to be a session for dodging bullets and protecting "what 'cha already got!" I was very thankful to have the support and guidance of CCAWV's legislative committee and our assisting lobbyist, Paul Hardesty, as we maneuvered the legislative battlefield.



At the end of the day, when the losses were tallied, CCA had avoided serious injury and will live to fight again!

(Continued on Page 2)

2007-2008
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County Commissioners' Association

2309 Washington Street East

Charleston, WV 25311

(304) 345-4639

Vivian Parsons, Executive Director

Jennifer Webb, Admin. Assistant

President's Perspective

By Sam Hicks, CCAWV President

Hello Fellow Commissioners, Many thanks are extended to Paul Hardesty, Vivian Parsons and Jennifer Webb for all their hard work during the busy legislative session. I've heard many positive comments about their professional efforts. According to news reports, Governor Manchin has signed numerous new bills while vetoing several due to legal technicalities so we will continue to wait for a final assessment of the session. Upcoming local, state and national elections are proving to be interesting. Those of you campaigning are in our thoughts and prayers. In my opinion, the voters are worn out from the national presidential campaign since the media has continued such massive coverage for the past 2 years. I can't imagine campaigning on a national level when the local level is trying enough. I've always said that everyone should run for public office just once. It's quite an experience, as you well know. I encourage every county to promote voter registration and publicizing the early voting and the formal election date, May 13th. The right to vote is so important and a privilege but exercising that right is our patriotic duty. Have an enjoyable Spring! God bless.



Stop, Drop, and Roll.....

Vivian Parsons, Executive Director

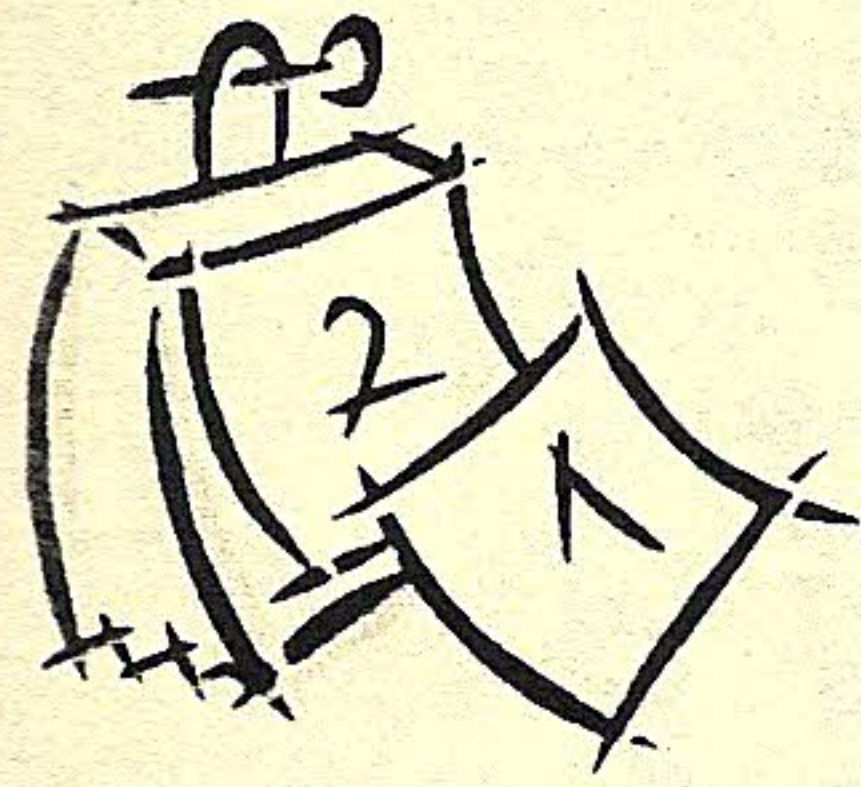
(Continued from Page 1)

Several bills were active in the final weeks that would have reduced counties' already scarce resources. At the top of the hit list, SCR 12 was a constitutional amendment that, if passed would have given the legislature the ability to eliminate the property tax on manufacturing inventory, an act that would have cost counties over \$22 million in revenues state-wide. At one point, the resolution was amended to allow the removal of all personal property tax. In some counties, personal property taxes account for over half of the county's budget. SB 782 was a second attempt to deal with manufacturing inventory. This bill would have reduced the inventory to salvage (5%) values and would have cost the counties approximately \$21 million state-wide. CCAWV is appreciative of the Governor's office and the State Tax Department's willingness to recognize the county concerns and to work together to formulate a new approach to the manufacturing inventory dilemma, one we could all agree on. Local government, manufacturers, labor, and education all supported the Governor's compromise. That came in the form of a tax credit for property taxes paid on manufacturing inventory against business franchise and corporate net state taxes in SB 680.



Of the 246 bills that completed legislative action, I have summarized 44 bills that are of interest or will have an impact on county government. If there are other bills of concern, or if you have further questions about the ones here, please give me a call @ (304) 345-4639. We will soon send you a list of the study topics for the 2008 interim meetings, and an interim schedule. Alas, a new battle begins.....

CCAWV Calendar of Events



May 18-20, 2008
Interims
Charleston, WV

June 8-10, 2008
CCA Spring Board Meeting
Chief Logan State Park
Logan, WV

June 22-24, 2008
Interims
Charleston, WV

July 27-29, 2008
Interims
Charleston, WV

August 3-5, 2008
CCA Annual Meeting
Mountaineer Racetrack & Resort
Chester, WV

August 24-26, 2008
Interims
Charleston, WV

September 7-9, 2008
Interims
Bridgeport, WV

September 21-22, 2008
Fall Board & Leg. Meeting
Holiday Inn, Weston, WV

October 12-14, 2008
Interims
Charleston, WV

November 16-18, 2008
Interims
Charleston, WV

December 7-9, 2008
Interims
Charleston, WV

January 11-13, 2009
Interims
Charleston, WV

February 8-10, 2009
Interims
Charleston, WV

February 22-24, 2009
CCA Legislative Association Meeting &
Educational Training Series
Charleston, Marriott

WVCORP Update

by Steven L. Rawlings
Member Services Director
West Virginia Counties Risk Pool

Property appraisals for all founding members of the West Virginia Counties Risk Pool have been completed. New members who have recently joined the Pool and those who will do so this year will have their properties appraised later in the fiscal year. The property appraisal, completed by a third party professional valuation group, is just one service offered by the Pool to its members.

Preliminary reclamation reports, showing both initially reported values and new appraised values, are reviewed with each of the members to ensure all applicable buildings have been appraised prior to the official binder completion. At the report presentation, Pool staff reviews structure and content numbers and addresses any concerns commissioners might have.

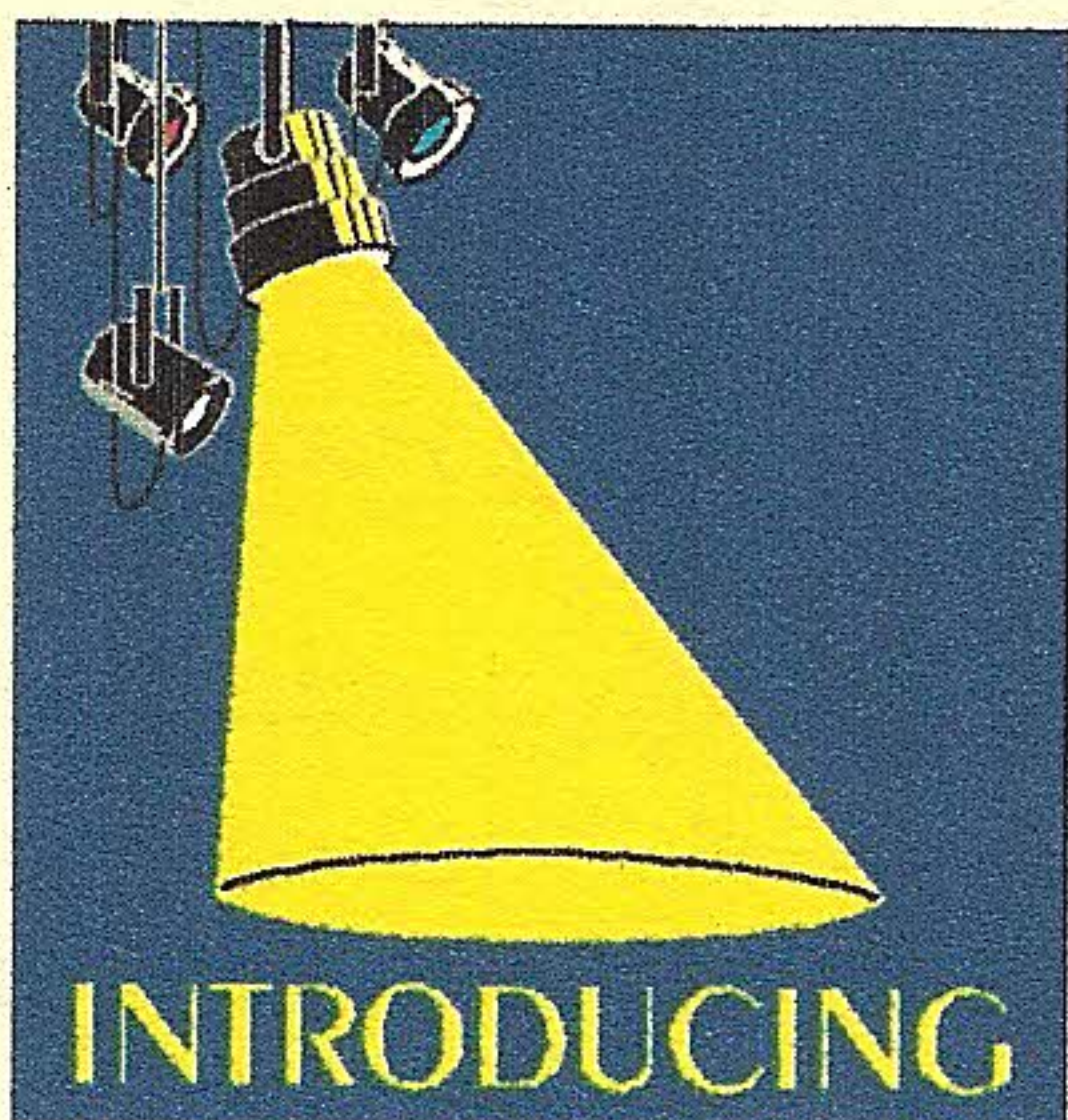
The Pool accepts the appraisals as the structures' replacement costs. Should a loss occur, the appraised value will be applied; neither a coinsurance provision nor margin clause is used by the Pool: a member's structure that suffers a covered loss will be replaced with another of like kind and quality with no financial penalty to the member.

As a result of the appraisals, member counties now are fully aware of their buildings' values and costs of replacement. And that isn't all; some of the information contained in the final appraisal binders that each county receives includes the following:

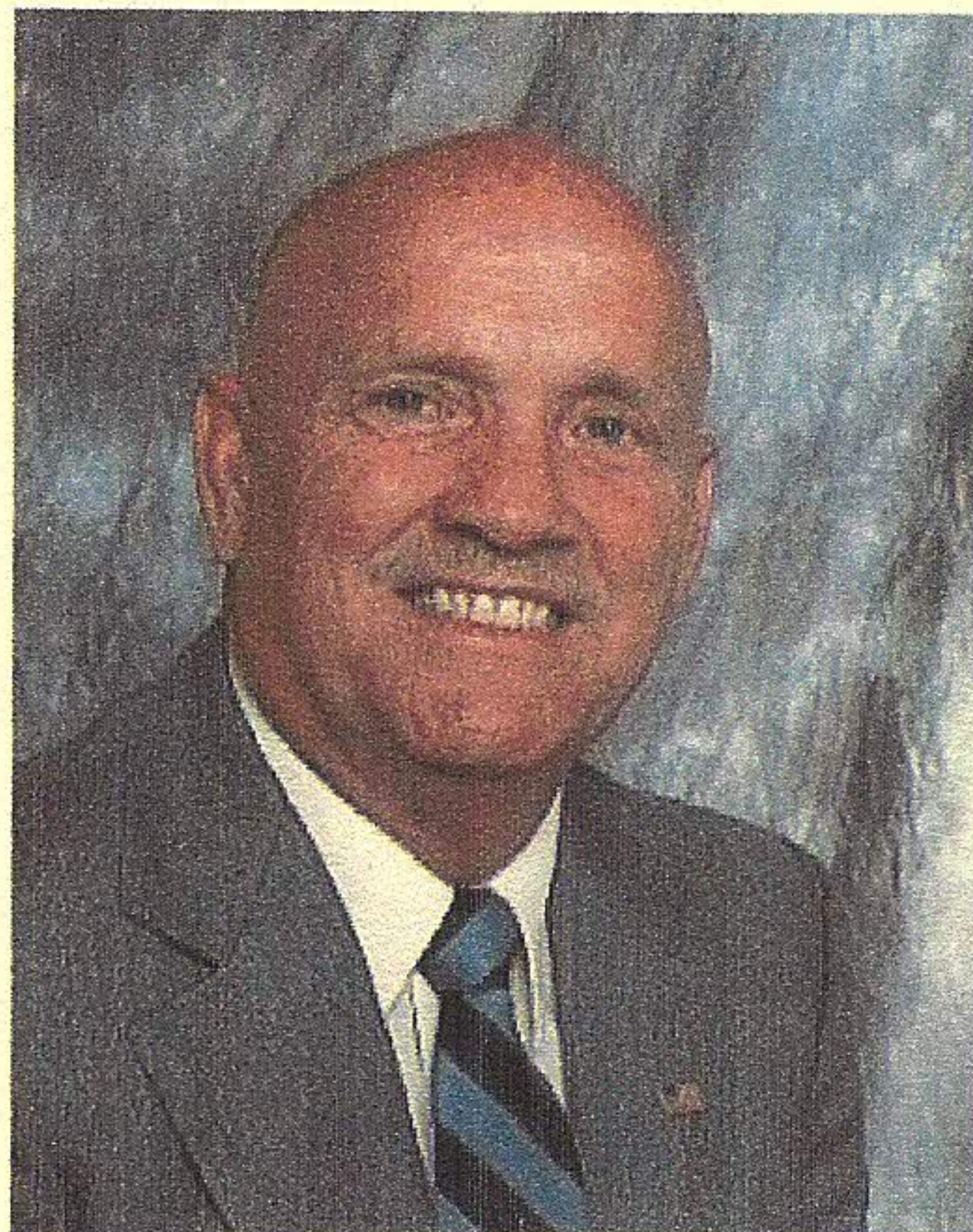
- Building Photographs
 - GPS Coordinates
 - Plot Maps and square footage layouts
- Building materials, condition, etc.

Binders will be updated over time for the members, and buildings acquired during the fiscal year will be appraised where appropriate with the information being added to the binders. West Virginia County Risk Pool members are sure to find this a valuable tool in the future when considering renovation or expansion and as a general reference to county-owned properties.

SPOTLIGHT ON A COUNTY COMMISSION



INTRODUCING RALEIGH COUNTY COMMISSION



John Aliff



Pat Reed



John Humphrey

Crowning Achievement: Keeping Raleigh County financially sound, successfully providing 95% of the citizens of Raleigh County with water and 60% with public sewage treatment. 251 new jobs in the Raleigh County Airport Industrial Park in the past five years with Klockner Pentaplast Company being the largest Pentaplast company in the world. Raleigh County's 80 mile ATV Trail attraction.

Biggest debacle or most embarrassing moment: During the demolition of buildings in downtown to make space for the new Judicial Annex, a wall blew out and destroyed an adjacent building.

Best advice for other County Commissions: Listen to all constituents, no matter how trivial the subject.

Funniest thing to ever happen at a commission meeting: Appointment of a board member for a local committee and later found out he was deceased.

Commission Staff: Dennis Sizemore, County Administrator, Clayton Terry, Asst. Administrator, Detlef Ulfers Engineers, Ida Hill, Office Manager

John Aliff

Place where I grew up: Odd, WV

Real Life Occupation: Retired UPS Deliveryman.

Years Experience as a County Commissioner: 7 years.

You would be surprised to know that I: Was a drill instructor in the Army.

My personal philosophy: Speak well of others or not at all.

What I like most about being a County Commissioner: The opportunity to make changes that effect our citizen's lives in a positive way.

What I like least about being a County Commissioner: Not having enough funds for the needs.

Who I would invite (living or dead) to the next County Commission meeting and what I would discuss: My father to discuss the changes that have taken place over the years.

Pat Reed

Place where I grew up: Elkins, Randolph County

Real Life Occupation: Insurance Agent

Years Experience as a County Commissioner: 5 Years

You would be surprised to know that I: Am a Shag Dancer.

My personal philosophy: "Always behave like a duck; be calm and unruffled on the surface but paddle like the devil underneath."

What I like most about being a County Commissioner: Being effective in moving Raleigh County to a new level.

What I like least about being a County Commissioner: Not being able to fund all requests.

Who I would invite (living or dead) to the next County Commission meeting and what I would discuss: Senator Byrd regarding funding of the new Judicial Annex in Raleigh County.

John Humphrey

Place where I grew up: Beckley Area

Real Life Occupation: Self-employed

Years Experience as a County Commissioner: 15 Years

You would be surprised to know that I: Have owned my own business since age 17.

My personal philosophy: Treat everyone like I would like to be treated.

What I like most about being a County Commissioner: Making progress for Raleigh County in infrastructure and economic development.

What I like least about being a County Commissioner: Dealing with negative rumors.

Who I would invite (living or dead) to the next County Commission meeting and what I would discuss: My father and both Grandfathers to discuss the comparison of today and yesteryear.

County Commissioners' Association of West Virginia Summary of 2008 Bills

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Bills of Interest to County Government

House Bills of Interest

HB 3201 Business Registration.

Passed March 8, 2008; in effect from passage. Amends and reenacts the Code of West Virginia by adding two new sections, designated §11-10-5z and §11-10-7d; amending §11-12-5; adding a new section, designated §11-15-9j; amending §11-15-16 and §11-21-74.

This bill authorizes the tax commissioner to refuse, revoke, suspend or refuse to renew a business registration certificate for a business that attempts to avoid paying owed taxes by using another name or alter ego.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/hb3201%20enr.htm

Fiscal Impact to Counties: Should help the enforcement of collecting delinquent personal property taxes.

Signed by Governor – April 1, 2008

HB 4028 Authorizing Counties and municipalities to enter into contracts for energy-savings.

Passed March 5, 2008; in effect ninety days from passage (June 3). Amends and reenacts the Code of West Virginia by adding a new section, designated §7-1-300; and a new section designated §8- 12-5e.

This bill authorizes counties and municipalities to enter into energy-savings contracts. "Energy-savings contract" means a performance-based contract for the evaluation and recommendation of energy operations conservation measures and for implementation of one or more energy- conservation measures. Counties are authorized to enter into performance-based contracts with qualified providers of energy-conservation measures for the purpose of significantly reducing energy operating costs of county owned buildings. Energy- savings contracts entered into pursuant to this section are subject to competitive bidding requirements. A contract may extend beyond the fiscal year in which it first becomes effective but cannot exceed a fifteen-year term. The long-term contract will be void unless the agreement provides that the county shall have the option during each fiscal year of the contract to terminate the agreement.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4028%20ENR.htm

Fiscal Impact to Counties: Could save counties money through reduction of energy costs.

Signed by Governor – March 14, 2008

HB 4041 Relating to the regulation and treatment of the production of natural gas and coalbed methane.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §11-13A-3d; §11-13A-20a; and §31-15A-16 of the Code of West Virginia and adding new section §11-13V-4a.

As provided by the fiscal note from the State Tax Department, the stated purpose of this bill is to make the taxation of natural gas and coalbed methane equal and uniform, to dedicate certain amounts of tax revenue to the West Virginia Infrastructure Fund, and to grandfather certain entitlements to the exemption previously applicable to coalbed methane production.

As written, this bill would, for periods on and after January 1, 2009, subject coalbed methane and methane produced from or by a coalbed methane well to the identical severance taxes (i.e., the taxes imposed under W.Va. Code 11-13A et. al. and W.Va. Code 11-13V et. al.) as imposed on natural gas. The proposed bill also provides that all coalbed methane produced from any coalbed methane well placed in service prior to January 1, 2009 would be entitled to the remainder of the original five-year exemption for coalbed methane wells placed in service after January 1, 2000. Additionally, the proposed bill provides that beginning with Fiscal Year 2009 up to \$4 million per year of the tax levied via W.Va. Code 11-13A-3d are to be deposited into the West Virginia Infrastructure Fund. **Finally, the bill requires that 75 percent of the funds from the tax on coalbed methane as deposited into the West Virginia Infrastructure Fund are to be distributed for infrastructure projects in the counties in which coalbed methane is produced. The 75 percent portion is to be distributed to the coalbed methane producing counties in direct proportion to the amount of tax attributable to each county. The remaining 25 percent portion is to be distributed equally among the counties in which no coalbed methane was produced.**

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4041%20ENR%20SUB.htm

Fiscal Impact to Counties: According to the State Tax Department interpretation, passage of this bill will result in an increase in funds for the West Virginia Infrastructure Fund and in minimal changes to the General Revenue Fund and the Workers' Compensation Debt Reduction Fund. The increase in the West Virginia Infrastructure Fund will be attributable to additional tax revenue as the previous five-year exemption expires and additional coalbed methane production becomes subject to tax. Due to the phase-out of the exemption over a five-year period, the additional revenue for the West Virginia Infrastructure Fund may be up to \$1

million in Fiscal Year 2009, up to \$2 million in Fiscal Year 2010, and up to \$4 million in each succeeding year. Two counties (Wyoming 60 % of total production & McDowell 29% of total production) are the largest producers.

Signed by Governor – March 28, 2008

HB 4088 Allowing farm equipment dealers to calculate their inventory based on an average of their yearly sales.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §11-6C-1, §11-6C-2, §11-6C-3, §11-6C-4 and §11-6C-5 of the Code of West Virginia.

The stated purpose of this bill is to allow farm equipment dealers to calculate their inventory based on their average yearly sales.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4088%20enr%20SUB.htm

Fiscal Impact to Counties: As stated in the Tax Department fiscal note, the loss of revenue to the State and local governments would be minimal.

Signed by Governor – March 28, 2008

HB 4121 Authorizing the participation of local governments in a purchasing card program administered by the State Auditor.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts the Code of West Virginia by adding new sections, designated §6-9-2a, §6-9-2b; §6-9-2c and §7-5-7a; and to amend and reenact §8-12-5.

This bill authorizes the participation of local governments in a purchasing card program to be administered by the Auditor as chief inspector of public offices; authorizes the auditor to contract with institutions for provision of the cards; and authorizes the auditor to propose rules for the program.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4121%20ENR%20SUB.htm

Fiscal Impact to Counties: Should save money for the counties and provide a rebate back to the counties.

Signed by Governor – April 1, 2008

HB 4137 Clarifying that a municipality and county will be notified by an insurance company when a total loss to a structure occurs.

Passed March 5, 2008; in effect ninety days from passage (June 3). Amends and reenacts §33-17-9a of the Code of West Virginia.

This bill clarifies that a municipality and county will be notified in writing by an insurance company when the policy provides for cleanup or removal of the remains of a structure when a total loss to a structure occurs within that county or municipality.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4137%20ENR.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 13, 2008

HB 4206 Authorizing Department of Military Affairs and Public Safety to promulgate legislative rules .

Passed March 5, 2008; in effect from passage. Amends and reenacts §of the Code of West Virginia.

This bill modified the Regional Jail and Correctional Facility Authority legislative rules for furlough program for regional jails and work program for regional jail inmates.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4206%20ENR.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 13, 2008

HB 4287 Clarifying that certain funds are authorized investments for funds of political subdivisions.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §12-6-8 and §12-6C-6 of the Code of West Virginia.

This bill clarifies that the funds, pools and securities maintained or invested in by the West Virginia Investment Management Board and the West Virginia Board of Treasury Investments are authorized investments for all local government funds.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4287%20enr%20SUB.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 28, 2008

HB 4328 Excluding the service of a poll worker from being considered a prohibited political activity.

Passed March 6, 2008; in effect from passage. Amends and reenacts §29-6-20 of the Code of West Virginia. This bill allows state employees to serve as poll workers and as delegates to state and national political conventions without being considered as engaging in a prohibited political activity.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4328%20ENR.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 15, 2008

HB 4476 Public-Private Transportation Facilities Act.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts the Code of West Virginia by adding a new article, designated §17-27-1, §17-27-2, §17-27-3, §17-27-4, §17-27-5, §17-27-6, §17-27-7, §17-27-8, §17-27-9, §17-27-10, §17-27-11, §17-27-12, §17-27-13, §17-27-14, §17-27-15, §17-27-16, §17-27-17 and §17-27-18.

This bill establishes the Public-Private Transportation Facilities Act. It provides prerequisites for acquiring, constructing or improving of a transportation facility; for creating public-private transportation oversight within the Division of Highways; for creating the powers and duties of the division and any other agencies that are part of the department; provides for the submission of proposals and approval by the division; provides for service contracts; provides for the dedication of public property; sets forth the powers and duties of a developer; requires a comprehensive agreement; requires that comprehensive agreement be adopted by the Legislature by concurrent resolution; requires yeas and nays to be entered in journal; provides for federal, state and local assistance; addresses the issues of material default and remedies; prohibits governmental entities from pledging full faith and credit; provides for the exercise of condemnation; addresses utility crossings and relocations; addresses dedication of assets; qualifies transportation facilities as public improvements; provides for an exemption of qualifying transportation facilities from taxation; addresses liberal construction and application of the article; and requires approval of the Governor.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4476%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 1, 2008

HB 4511 Relating to zoning ordinance adoption by election or otherwise.

Passed March 7, 2008; in effect from passage. Amends and reenacts §8A-7-7, §8A-7-8 and §8A-7-13 and to add a new section, designated §8A-7-8a of the Code of West Virginia.

This bill lowers the threshold for triggering a zoning ordinance election from current 15% to 10% of total eligible voters in the area to be affected by the proposed zoning ordinance. It also requires a notice for such an election to be published in a local paper as a Class II-0 legal advertisement. The bill establishes a 10% petition method for requiring an election when amending a zoning ordinance, publication of a legal advertisement regarding the proposed modification and requires specific notice requirements to affected owners of affected parcels when a proposed zoning ordinance modification would change the zoning classification of a parcel of land.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4511%20ENR%20SUB.htm

Fiscal Impact to Counties: Publishing legal advertisement costs and possible special election costs if a special election is held.

Signed by Governor – March 28, 2008

HB 4524 Amendments to the WV Ethics Act.

Passed March 8, 2008; in effect from passage. Amends and reenacts §6B-1-3, §6B-2-1, §6B-2-2a, §6B-2-3a, §6B-2-4, §6B-2-5, §6B-3-3c, and §6B-3-4 of the Code of West Virginia.

2008 Amendments to the Ethics Act as prepared by the WV Ethics Commission:
Substantive Amendments

└ Provides definitions of "business" and "relative" in order to clarify when public officials may vote on certain matters. §§ 6B-1-3(b) & (l).

└ Adds a proviso in the prohibition against using public office for private gain which allows public servants to use "frequent traveler" points from travel on state business. § 6B-2-5(b)(2).

└ Clarifies the prohibition on having an improper interest in a public contract to eliminate any arguable requirement that the value of the contract must exceed \$30,000. Allow public officials to have a *de minimis* interest of \$1,000.00 in a public contract.

§ 6B-2-5(d).

└ Prohibits employees from influencing the award of a contract in which they have a financial interest. § 6B-2-5(d)(3).

└ Expands the prohibition against being employed by a regulated business to include employment by vendors or contractors over which the public servant exercises authority or control. The requisite level of control includes drafting bid specifications, being involved in the selection process, conducting inspections, approving the method of payment, providing legal or technical guidance or taking other discretionary action which may affect the financial interests of the vendors. Persons who exercise the requisite level of control may seek employment with a vendor once they request and receive an employment exemption from the Ethics Commission. These exemptions will be granted in accordance with the Commission's present practice which is already set forth in the Code. § 6B-2-5(h)(1)(C).

└ Provides a procedure for granting exceptions from the restrictions on purchasing personal property from regulated persons. § 6B-2-5(h)(3).

└ Establishes within the Ethics Act rules on voting by elected and appointed state, county and municipal officials. The rules on voting are currently incorporated in a Legislative Rule. § 6B-2-5(j). The new rules are:

- ▶ Does not apply to Members of the Legislature who are governed by the rules of their respective chambers and are immune from prosecution for voting if they ask their presiding officer if they should vote.
- ▶ Public Officials **may not** vote on a matter in which they have a financial interest.
- ▶ Public Officials **may not** vote on a matter which involves a business in which they have a financial interest or a business with which they are associated. A business with which they are associated means a business in which they are a: (1) director; (2) officer; (3) owner; (4) employee; (5) compensated agent; or (6) holder of 5% or more of outstanding stocks of any class.
- ▶ Public Officials **may not** vote on a matter which involves a business in which an immediate family member is associated. The meaning of the term associated is outlined above. An immediate family member is defined as spouse, dependent children, dependent grandchildren or dependent parents.
- ▶ Public officials who are employed by a financial institute **may not** vote on a matter if: (1) their primary responsibilities include consumer and commercial lending; (2) a matter is before their governing body which involves a customer; (3) they have been involved in approving a loan request for the customer in the past 12 months or are currently involved in approving such a request; and, (4) the loan request in question exceeds \$15,000.00.
- ▶ Public officials **may not** vote on a personnel matter involving their relatives. Relatives are defined as spouse, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law.
- ▶ Public officials **may not** vote on appropriating monies or awarding a contract to a nonprofit corporation if the public official or an immediate family member is employed by the nonprofit.
- ▶ Public officials **may** vote on any matters where they or a family member are a member of a class of 5 or more persons.
- ▶ Public officials **may** vote on a matter involving a publicly traded company if they or a dependent family member own: (1) less than 5% of the stock in the company, and (2) the value of the stock is less than \$10,000.00.
- ▶ Codifies existing rule on proper recusal. For a recusal to be effective, public officials must: (1) disclose their interest; and, (2) physically remove themselves from the room.

└ Reduces the training requirement for lobbyists from annual training to one training program in each two-year registration cycle. The change to the Act also requires lobbyists to undergo some form of training prior to engaging in lobbying. § 6B-3-3c.

└ Permits members of the Ethics Commission and Probable Cause Review Board to receive per diem compensation, excluding expenses, for meetings attended by telephone. § 6b-2-1(g).

└ Requires appeals of Ethics Act enforcement proceedings be made exclusively to the Circuit Court of Kanawha County. § 6B-2-4(i).

CLEAN-UP AMENDMENTS

L Eliminates reference to "investigative panels" which are obsolete. In 2005 they were replaced by the Probable Cause Review Board. § 6B-2-1(k).

L Adds provision for replacing one or more recused members of the Probable Cause Review Board. § 6B-2-2a.

L Clarifies that replacing a recused Commissioner at the hearing stage of a complaint proceeding is discretionary. § 6B-2-4(n).

L Clarifies procedures to follow when a complaint is stayed due to a pending election. § 6B-2-3a(c).

L Change the requirement for notifying lobbyists that have been suspended for failing to file reports to allow service by certified mail rather than registered mail. § 6B-3-4(b).

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4524%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 27, 2008

HB 4527 Allowing county commissions options to regulate subdivisions and land development.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §8A-4-1 and §8A-4-2 of the Code of West Virginia.

This bill provides an option to counties and municipalities to regulate subdivisions and land development by: (1) Adopting a comprehensive plan and enacting a subdivision and land development ordinance; or (2) Establishing a planning commission, enacting a subdivision and land development ordinance, and adopting a comprehensive plan for the area included in the subdivision and land development ordinance within three years of the enactment of the subdivision and land development ordinance.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4527%20ENR%20SUB.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 28, 2008

HB 4637 Relating to the deployment of broadband to the remaining unserved areas of the state.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts the Code of West Virginia by adding a new article, designated §31-15C-1, §31-15C-2, §31-15C-3, §31-15C-4, §31-15C-5, §31-15C-6, §31-15C-7, §31-15C-8, §31-15C-9, §31-15C-10, §31-15C-11, §31-15C-12, §31-15C-13 and §31-15-14.

This bill relates to the deployment of broadband to the remaining unserved areas of the state through the creation of the Broadband Deployment Council and the Broadband Development Fund. The council is created under the Department of Commerce for administrative, personnel and technical support services only. Appointments to this eleven member council includes:

- (1) The Governor or his or her designee;
- (2) The Secretary of Commerce or his or her designee;
- (3) The Secretary of Administration or his or her designee;
- (4) The Director of Homeland Security and Emergency Management or his or her designee; and
- (5) Seven public members that serve at the will and pleasure of the Governor and are appointed by the Governor with the advice and consent of the Senate.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4637%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 1, 2008

HB 4670 Authorizing PEIA to charge interest on late payments.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §5-17-18 of the Code of West Virginia.

Get your PEIA payments in on time! The Public Employees Insurance Agency may recover an additional interest amount from any employer that fails to pay in a timely manner any premium or minimum annual employer payment, as defined in article sixteen-d of this chapter, which is due and payable to the Public Employees Insurance Agency or the

Retiree Health Benefit Trust. The agency may recover the amount due plus an additional amount equal to two and one half percent per annum of the amount due. Accrual of interest owed by the delinquent employer commences upon the thirty-first day following the due date for the amount owed and shall continue until receipt by the Public Employees Insurance Agency of the delinquent payment. Interest shall compound every thirty days.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/hb4670%20enr.htm

Fiscal Impact to Counties: -0- if you pay on time!

Signed by Governor – March 31, 2008

HB 4692 Permitting depositories of state, county, municipal and other public moneys to pool securities.

Passed March 7, 2008; in effect ninety days from passage (June 5). Amends and reenacts §12-1-4 and §12-1-5 of the Code of West Virginia.

This bill gives depositories of state moneys authority to place deposits of those moneys in certificates of deposit which meet certain requirements in lieu of providing a bond or security; and permitting depositories of state moneys to insure such deposits in excess of the amount insured by an agency of the federal government with a deposit guaranty bond issued by a bankers surety company.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4692%20ENR%20SUB.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 28, 2008

Senate Bills of Interest

SB 88 Creating brownfield economic development districts.

Passed March 6, 2008; in effect ninety days from passage (June 4). Amends and reenacts the Code of West Virginia by adding a new section, designated §5B-2-6a.

This bill relates to the creation of brownfield economic development districts; providing eligibility criteria; exempts brownfield economic development districts from land-use planning provisions; and requires the development office to promulgate emergency rules by the first day of July, two thousand eight, to implement this new section.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB88%20SUB1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 3, 2008

SB 101 Exempting nonprofit companies providing electricity from property tax.

Passed March 5, 2008; in effect ninety days from passage (June 3). Amends and reenacts §11-3-9 of the Code of West Virginia.

This bill provides an exemption from property taxation for property used by nonprofit corporations for providing electricity to residents of this state.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb101%20enr.htm

Fiscal Impact to Counties: According to fiscal note provided by State Tax Department, passage of this bill would result in a in a loss of \$280,000 in local property tax revenue statewide and a minimal decrease in General Revenue Fund collections. Although there was some loss of revenue, in the counties wherein this situation lies, commissioners felt it was for the overall good of the citizens they represent.

Signed by Governor – March 20, 2008

SB 237 Repealing County Officers Expenditure Report.

Passed March 6, 2008; in effect ninety days from passage (June 4). Repeals §7-7-17 of the Code of West Virginia.

This bill repeals the code section relating to requiring county officers to file annual reports for expenditures for assistants, deputies and employees. This information is being provided electronically on a monthly basis.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb237%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 27, 2008

SB 238 Increasing monetary limit to file circuit court suit.

Passed March 6, 2008; in effect ninety days from passage (June 4). Amends and reenacts §50-4-8 and §51-2-2 of the Code of West Virginia.

This bill increases the monetary jurisdictional requirement for circuit courts from \$300 to \$2500.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb238%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 20, 2008

SB 239 Senior Citizen Property Tax Payment Deferment Act.

Passed March 8, 2008; in effect July 1, 2008. Amends and reenacts the Code of West Virginia by adding a new article, designated §11-6H-1, §11-6H-2, §11-6H-3, §11-6H-4, §11-6H-5, §11-6H-6, §11-6H-7, §11-6H-8, §11-6H-9, §11-6H-10 and §11-6H-11; and to amend by adding a new section, designated §11-21-24.

This bill provides deferment for payment of property tax increase/increment for senior citizens on any homestead owned by an owner sixty-five years of age or older and used and occupied exclusively for residential purposes by such owner when the tax increment is the greater of three hundred dollars or ten percent or more. Deferred taxes are not subject to any rate of interest. This bill requires application through the Assessor before Nov 1st for the deferment and once approved, does not require reapplication for the continued deferment. The bill provides for an appeals procedure through the county commission within 30 days of denial and further appeal to the circuit court within 60 days of the county commission's decision. The Act authorizes creation of a lien on property for which deferment is approved. The Act requires the Tax Commissioner to prescribe the necessary forms and instructions and authorizes the Tax Commissioner to propose legislative rules for the process. In lieu of the deferment of the tax increment authorized, a taxpayer 65 years of age or older, entitled to such deferment may elect to instead apply the Senior Citizen Property Tax Relief Credit authorized under this same act. Under this Credit provision, for the tax years beginning on or after the first day of January, two thousand nine, any homeowner having a gross household income equal to or less than twenty-five thousand dollars for the tax year, living in his or her homestead shall be allowed a refundable credit against the taxes imposed by this article equal to the amount of real property taxes paid that are attributable to the tax increment of ad valorem taxes assessed on the homestead. The gross household income shall be adjusted annually in accordance with the consumer price index. An application for the tax credit is required. Applications filed before Nov 1st will be reviewed and approved by the Assessor and an appeals procedure is provided through the county commission within 30 days of the denial. Further appeal may be taken to the circuit court within 60 days. No renewal is required; however, the taxpayer shall in all cases be required to file a personal income tax return in order to claim the credit in any tax year.

Again the Tax Commissioner must prescribe the necessary forms and instructions. Criminal penalties will apply to both the deferment and credit process when someone willfully files a fraudulent application.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB239%20SUB1%20enr.htm

Fiscal Impact to Counties: According to the fiscal note prepared by the State Tax Department, there is not data to quantify the loss of revenue to the State or local governments. Information is not available on the income level of applicants to determine if individuals will qualify for the Senior Citizens Property Tax Relief Credit. Of those taxpayers qualifying for the deferment based on an increase in property taxes of \$300 or greater than 10% about ½ are located in Jefferson County.

Total administrative costs cannot be determined. The State Tax Department would have a one-time cost of \$25,000 for programming. In addition, the Tax Department and the county sheriffs would incur additional costs because the deferment and acquired interest would have to be tracked annually on a parcel by parcel basis. – Mark Muchow

Signed by Governor – April 1, 2008

SB 265 Creating Special Aircraft Property Valuation Act.

Passed March 7, 2008; in effect ninety days from passage (June 5). Amends the Code of West Virginia by adding a new article, designated §11-6H-1, §11-6H-2, §11-6H-3, §11-6H-4, §11-6H-4a, §11-6H-5, §11-6H-5a, §11-6H-6 and §11-6H-7.

This bill creates a method for valuing certain special aircraft property, at salvage value or 5% of purchase value.

Special aircraft property is defined as all aircraft owned or leased by commercial airlines or private carriers. This bill provides that the initial determination of valuation is to be made by the county assessor, and can be appealed to the Board of Public Work. The bill also requires an economic report on the economic benefit of the valuation methodology beginning March 1, 2012 and every two years afterwards.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB265%20SUB1%20enr.htm

Fiscal Impact to Counties: As noted by the State Tax Department, the stated purpose of this bill is to provide a methodology for the valuation of all aircraft owned or leased by commercial airlines, charter carriers, private carriers, private companies or private firms, for property tax purposes. The bill would result in an annual decrease of up to \$2.3 million in local property tax revenues and minimal loss in State revenue. The bill would allow special aircraft property which is defined to be all aircraft owned or leased by commercial airlines or private carriers to be valued at salvage value. The salvage value would be the lower of the fair market salvage value or 5 percent of the original cost. The State Tax Department will incur a one-time programming cost of \$7,500. There would be no other additional administrative costs to the State Tax Department or local governments.

Signed by Governor – March 16, 2008

SB 270 Elimination of Circuit Clerks handling of inmate monies.

Passed March 5, 2008; in effect ninety days from passage (June 3). Amends and reenacts §of the Code of West Virginia.

This bill eliminates obsolete language requiring circuit clerks to handle and disburse certain inmate moneys currently being handled by the regional jail.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb270%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 20, 2008

SB 291 Appointing additional circuit court judges.

Passed March 7, 2008; in effect ninety days from passage (June 5). Amends and reenacts §of the Code of West Virginia.

This bill authorizes an additional circuit court judge to each of the ninth(Mercer), twenty-second (Wayne) and twenty-fourth (Pendleton, Hardy, & Hampshire)judicial circuits.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB291%20SUB1%20enr.htm

Fiscal Impact to Counties: While judicial salaries are paid by the WV Supreme Court other costs such as judicial courtroom and staff are costs to the counties. As stated by the fiscal note prepared by the WV Supreme Court, the cost to the State for adding one judge is \$396,910. This bill adds 3 new judges.

Signed by Governor – April 1, 2008

SB 305 Clarifying procedures for seizing neglected or abused animals.

Passed March 6, 2008; in effect ninety days from passage (June 4). Amends and reenacts the Code of West Virginia by adding a new section, designated §7-1-14; and amending and reenacting §7-10-4.

This bill clarifies procedures for seizing neglected or abused animals by authorizing county commissions to adopt ordinances, rules and regulations relating to such animals; providing for protection of such animals and the public's health, safety and the environment; providing guidance on developing ordinances, rules and regulations relating to such animals; authorizing county commissions that adopt such ordinances, rules and regulations to also limit the number of animals owned or kept based on ability to care for the animals; authorizing county commissions to establish penalties in such ordinances, rules and regulations; and clarifying evidentiary standards in hearings before magistrates involving in the seizure of abandoned, neglected or cruelly treated animals.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB305%20SUB1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 27, 2008

SB 311 Allowing Judges to order jurors from other counties..

Passed March 6, 2008; in effect ninety days from passage (June 4). Amends and reenacts § 52-1-14 of the Code of West Virginia.

In any criminal case or any civil case referred to the Mass Litigation Panel, in any court, if qualified jurors, not exempt from serving, cannot be conveniently found in the county in which the trial is to be held, the judge of the court shall enter an order directing as many jurors as necessary be summoned from any other county or counties: *Provided*, That for those cases referred to the Mass Litigation Panel, jurors may only be summoned from any contiguous county.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB311%20SUB2%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 20, 2008

SB 323 Stormwater regulations.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §of the Code of West Virginia.

In this bill municipalities are given authority to establish and operate stormwater systems; and to set rates, charges and fees for stormwater services. It provides that water service may be terminated for nonpayment of stormwater service fees; authorizes municipalities to adopt ordinances or regulations to allow issuance of orders, entry on property, setting fines and penalties for violation of stormwater law; establishes requirements for notice of violations of stormwater law, authorizes municipality to correct violations and collect cost from violator.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB323%20SUB1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 17, 2008

SB 492 Eliminating part-time prosecutors.

Passed March 8, 2008; in effect July 1, 2008. Amends and reenacts §7-7-4a of the Code of West Virginia.

This bill effects the 12 counties that still have part-time prosecutors. All part-time prosecutors are eliminated as of January 1, 2009, unless the county commission and the county prosecutor agree to opt-out and remain part-time. The bill allows prosecutors and counties to mutually agree to a change in part-time or full-time status and provides for a readjustment in salary if full-time prosecutor returns to part-time status. When mutual agreement is not achieved by Commission and Prosecutor, the bill provides a mechanism for review of county finances by the state auditor to confirm the availability of county funds to support a full-time prosecutor.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB492%20SUB2%20enr.htm

Fiscal Impact to Counties: Salary & benefits for Class V Prosecuting Attorney.

Signed by Governor – April 1, 2008

SB 493 Granting emergency powers to Secretary of State.

Passed March 5, 2008; in effect from passage. Amends and reenacts § 3-1A-6of the Code of West Virginia.

This bill authorizes the Secretary of State to implement emergency procedures to ensure the integrity of the election process in times of natural disaster, terrorist attack, war or general emergency.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB493%20sub1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 1, 2008

SB 494 Providing voter verification through electronic poll book.

Passed March 5, 2008; in effect from passage. Amends and reenacts §3-4A-2, §3-4A-10, §3-4A-13, §3-4A-16, §3-4A-17, §3-4A-19, §3-4A-28 and §3-4A-33of the Code of West Virginia.

This bill allows election officials to use an electronic poll book containing voter registration information to verify that registered voters are eligible to vote in an election; provides for storage, protection and maintenance of electronic poll books by county clerk. If the voter is not registered according to the electronic poll book within that precinct, the poll clerk is to inform the voter of the proper precinct in which the voter is registered. The bill also requires preelection examination of electronic poll books; and requires use of printed poll book if electronic poll book is not in working order.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB494%20sub1%20enr.htm

Fiscal Impact to Counties: This use of electronic poll books is optional.

Signed by Governor – April 1, 2008

SB 495 Requiring certain poll worker training.

Passed March 5, 2008; in effect passage. Amends and reenacts §3-1-46 of the Code of West Virginia.

This bill requires training programs for election officials to be conducted within thirty days before an election.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB495%20sub1%20enr.htm

Fiscal Impact to Counties: Timing issue only – no additional cost.

Signed by Governor – April 1, 2008

SB 496 Protecting voter registration information.

Passed March 5, 2008; in effect from passage. Amends and reenacts §3-2-30 of the Code of West Virginia.

This bill protects certain information maintained in voter registration files. No list prepared under this section may include the registrant's telephone number, social security number or driver's license number or nonoperator's identification number issued by the Division of Motor Vehicles.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB496%20SUB1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 20, 2008

SB 507 Clarifying voting procedures.

Passed March 5, 2008; in effect from passage. Amends and reenacts §3-1-20, §3-1-22, §3-1-29, §3-1-34 and §3-1-41 of the Code of West Virginia.

This bill relates to general provisions and definitions for elections; requires cards of instructions to voters to include notice as to effect of voting provisional ballot and right to request location of correct precinct; requires posting of cards of instruction at voting places; requires board of ballot commissioners to provide election officials with a list of county precincts and voter registration records; eliminates provisions requiring election official trainees to be volunteers receiving credits for high school diploma and to be appointed by county commission or municipality where the election is held; clarifies that prohibition against using counting board in special elections is discretionary with the county commission; requires poll clerk to notify prospective voter of effect of voting provisional ballot and of correct precinct in which to vote; and updates language relating to signatures to reflect use of electronic poll books and other electronic devices.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB507%20SUB1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 1, 2008

SB 512 Membership of Records Management and Preservation Board.

Passed March 5, 2008; in effect from passage. Amends and reenacts 5A-8-15§ of the Code of West Virginia.

This bill changes the number of members on the Records Management and Preservation Board for county government entities from nine to eleven members to accurately reflect the actual board membership.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb512%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 27, 2008

SB 514 Permitting electronic mail absentee voting.

Passed March 5, 2008; in effect from passage. Amends and reenacts §3-3-5 of the Code of West Virginia.

This bill relates generally to voting an absentee ballot by electronic mail; allows ballot to be transmitted to absentee voter by electronic mail; requires absentee voter to return completed ballot in the same manner ballot was transmitted or by electronic mail; and specifies that ballots received via electronic mail are to be processed in the same manner as ballots submitted by facsimile.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB514%20SUB1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 20, 2008

SB 535 Modifying certain penalties for DUI.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §17B-4-3, §17C-5-2, §17C-5-7, §17C-5A-1, §17C-5A-2, §17C-5A-3 and §17C-5A-3a of the Code of West Virginia.

This is a, long complicated bill dealing with modifications to both administrative and criminal penalties for driving a motor vehicle under the influence of alcohol and/or drugs. It reduces the criminal and administrative sanctions for driving a vehicle with a lawfully suspended or revoked license; provides for concurrent sentences for driving a vehicle with a lawfully suspended or revoked license; **removes the mandatory 24-hour incarceration for first offense driving under the influence (.08 up to .15); and creates an aggravated offense of driving with a blood alcohol concentration of fifteen hundredths of one percent or more, by weight (.15 and greater).** The bill permits participation in the Motor Vehicle Alcohol Test and Lock Program for first offense driving under the influence; creates a process for rejecting or modifying hearing examiner's proposed findings; excuses law- enforcement officers from hearings unless presence is requested by party whose license is at issue; and adopts a law- enforcement affidavit if officer does not attend hearing. **It mandates participation in the Motor Vehicle Alcohol Test and Lock Program**

for first offense driving under the influence; provides enhanced administrative sanctions for persons operating a motor vehicle with a blood alcohol concentration of fifteen hundredths of one percent or more, by weight; makes certain technical changes to administrative procedures; and transfers primary authority of the Safety and Treatment Program to the Department of Health and Human Resources. The bill provides for removal of the Driver's Rehabilitation Fund from the jurisdiction of the Division of Motor Vehicles and places it under the jurisdiction of the Secretary of the Department of Health and Human Resources; and requires Department of Health and Human Resources to propose legislative rules. SB 535 provides that a person whose driver's license is revoked for refusing to take a secondary chemical test is not eligible to reduce the revocation period by completing the Safety and Treatment Program; removes requirement that victim impact panels be implemented pursuant to legislative rules; and requires the Commissioner of the Division of Motor Vehicles to propose legislative rules. The bill reduces the minimum period of revocation for participation in the test and lock program; increases minimum periods of participation in the ignition interlock device for aggravating offenses; and denies participation in the Motor Vehicle Alcohol Test and Lock Program for person whose driver's license is revoked for driving under the influence of drugs.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB535%20SUB2%20enr.htm

Fiscal Impact to Counties: Removing mandatory 24 hour jail for 1st time DUI with BAC .08 but under .15, could save county some jail costs, however the new aggravated DUI with BAC .15 or greater, carries a mandatory 48 hour jail time and over half of current DUI arrests fall within the aggravated DUI category where jail stay is double!!!. I don't think this bill will reduce jail cost overall. Our best hope is that the costs will be a wash and that SB 535 will create safer public policy. Time will tell....

Signed by Governor – April 1, 2008

SB 552 Relating to prepaid wireless calling taxes, fees and charges.

Passed March 6, 2008; in effect ninety days from passage (June 4). Amends and reenacts §of the Code of West Virginia.

The purpose of this bill is to provide an alternative means of equitably collecting and remitting telecommunications taxes, fees and charges applicable to prepaid wireless calling arrangements. This bill removes prepaid wireless calling service from the \$3.00 per month per subscriber wireless enhanced 911 fee imposed by W. Va. Code §24-6-6b and subject the sale of prepaid wireless service to the 6 percent Consumers Sales and Service Tax imposed by W. Va. Code §11-15 et al. The bill also provides that the State Tax Commissioner is to remit monthly to the Public Service Commission the proceeds of the 6 percent tax on prepaid wireless services. The amount of tax proceeds to be remitted to the Public Service Commission in the first year is to be determined as an amount equal to one-twelfth of the wireless enhanced 911 fees collected from prepaid wireless calling services during the July 1, 2007 to June 30, 2008 period. In subsequent years, the amount to be remitted will be adjusted by an amount proportionate to the increase or decrease in the enhanced wireless 911 fee paid to the Public Service Commission during the previous twelve months.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB552%20SUB1%20enr.htm

Fiscal Impact to Counties: For counties, should be a wash.... actual dollar amount (\$3.00 per month) to 911 remains the same just paid through sales tax collections. According to the State Tax Department fiscal note, current reporting of the wireless enhanced 911 fee does not segregate the amount attributable to prepaid services, therefore they are unable to accurately estimate the potential revenue impact of this proposal. To the extent that some prepaid wireless providers (e.g., calling card sellers) may not have been paying the wireless enhanced 911 fee, the imposition of Consumers Sales and Service Tax will effectively broaden the 911 fee base. However, with various wireless packages now available for less than \$50 per month, the imposition of the sales tax at 6 percent may actually yield less revenue than the \$3.00 per month wireless enhanced 911 fee. In such cases, there would be a loss to the State General Revenue Fund. Additional administrative costs to the State Tax Department associated this bill would be minimal. The Public Service Commission may incur additional administrative costs due to passage of this bill.

Signed by Governor – March 22, 2008

SB 565 Relating to increased real property assessment notice.

Passed March 7, 2008; in effect from passage. Amends and reenacts §11-3-2a of the Code of West Virginia.

This bill requires notice of an increase in the assessed valuation of real property only if the increase is one thousand dollars or more. (Actual tax dollars would be approx. \$2.00 or less)

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB565%20SUB1%20enr.htm

Fiscal Impact to Counties: As stated in the State Tax Department fiscal note, the stated purpose of this bill is reduce the required notice period for a notice of increased assessed valuation of real property, from at least 15 days prior to the first meeting in February at which the county commission meets as the board of equalization and review. The bill also provides that the increase in the assessed valuation must be at least \$1,000 before the notice is required to be sent. The Tax Department does not have the information to quantify the revenue consequences or costs for this bill. However, based on the minimum increase in assessed value of \$1,000, it is anticipated that fewer letters would be required

Signed by Governor – March 20, 2008

SB 570 Allowing county commissions' involvement in joint development efforts.

Passed March 7, 2008; in effect from passage. Amends and reenacts §7-12-9b of the Code of West Virginia.

This bill relates to county commissions' ability to coordinate joint development efforts. County Commissions were added to §7-12-9b. Joint development entities, and given the same authority and responsibility, as municipal government, and county and municipal development authorities.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb570%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 20, 2008

SB 622 Creating Voluntary Rural and Outdoor Heritage Conservation Act.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts the Code of West Virginia by adding a new article, designated §5B-2G-1, §5B-2G-2, §5B-2G-3, §5B-2G-4, §5B-2G-5, §5B-2G-6, §5B-2G-7, §5B-2G-8 and §5B-2G-9; and by amending and reenacting §59-1-10 of said code.

This bill, all relating generally to the Voluntary Rural and Outdoor Heritage Conservation Act, establishes the Outdoor Heritage Conservation Fund; creates a board of trustees; authorizes issuance of bonds; increases recording fees in the County Clerk's office, on deed of conveyance (with or without a plat), trust deed, fixture filing or security agreement concerning real estate lease, from \$10 to \$15; and dedicates a portion of the increase (\$4.00) to the Outdoor Heritage Conservation Fund. An additional \$1 dollar stays with the county.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB622%20SUB2%20enr.htm

Fiscal Impact to Counties: Increased recording fee in the County Clerk's office of \$1.00. Based on the fiscal note provided by the Division of Natural Resources on the introduced version of the bill, total collections for Heritage Conservation Fund would be approximately \$200,000. That was based on a \$39.00 increase in the recording fee. That increased was reduced to \$4.00. Based on the original numbers, the reduced fee would yield about \$20,000 to the Heritage Conservation Fund and about \$5,000 to counties.

Signed by Governor – March 27, 2008

SB 641 Creating Water Resources Protection and Management Act.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §22-26-1, §22-26-2, §22-26-3, §22-26-5 and §22-26-6, of the Code of West Virginia and adds three new sections, designated §22-26-7, §22-26-8 and §22-26-9.

This bill relates to the Water Resources Protection and Management Act. It continues the water resources survey; continues mandatory registration of certain water users; requires reports to the Legislature; and requires development of a state water resources management plan. It authorizes surface and groundwater data collection; sets forth powers and duties of the Secretary of the Department of Environmental Protection with regard to development of water resources management plans; establishes criteria for a state water resources management plan; and authorizes development of regional and critical area water resources management plans.

Under §22-26-9 of the bill, as part of the State Water Resources Management Plan, the secretary of the Department of Environmental Protection may designate areas of the state as regional or critical water planning areas for the development of regional or critical area water resources management plans. The secretary shall identify all federal and state agencies, county commissions, municipal governments and watershed associations that should be involved in the planning process and any compacts or interstate agreements that may be applicable to the development of a regional or critical area water resource management plan.

The secretary shall establish the minimum requirements for any issues to be addressed by regional and critical area plans within twelve months of the amendment and reenactment of this article during the two thousand eight regular session of the Legislature. The plan requirements and issues to be addressed by regional and critical area plans shall be consistent with the state plan requirements of this article.

The secretary shall establish timetables for the completion of tasks or phases in the development of regional and critical area plans. County commissions and municipal governments may recommend changes in the order in which the tasks and phases must be completed. The secretary shall have final authority to determine the schedule for development of a plan.

Any county or municipal government may enter into an agreement with the secretary to designate a local planning area and develop a local plan which may include all or part of a region. The secretary shall assist in development of any such plan to the extent practicable with existing staff and funding.

Plans developed by a county or municipal government shall comply with the secretary's requirements and shall be filed as part of the State Water Resources Management Plan.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb641%20enr.htm

Fiscal Impact to Counties: According to the fiscal note provided by DEP, costs for the water management plan required in the Water Resources Protection and Management Act are projected to average \$540,000 per year over the allotted five year development timeframe. Approximately sixty percent of these funds will be for scientific and technical personnel services. The majority of the remaining funds will be expended for equipment with associated operation and maintenance costs for essential data acquisition. Contractual costs associated with maintenance of the large quantity water users register and public web site are also included. **A minor portion is allocated to meeting, travel and per diem expenses for stakeholders such as county commissions and municipal governments.** No revenues will be generated from the bill.

Signed by Governor – April 1, 2008

SB 645 Exempting city and county hospitals from certain audit requirements.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §16-5F-7 of the Code of West Virginia.

This bill exempts city and county hospitals subject to health care financial disclosure from the additional audit requirements for local government offices. (a) Every covered facility and related organization required to file or publish reports as provided in this article shall be exempt from the audits imposed upon local government offices by article nine, chapter six of this code.

(b) Any covered facility and related organization exempt under this section from the audit requirements and obligations imposed upon local government offices by article nine, chapter six of this code shall file a copy of its audited financial statements with the State Auditor annually, within a reasonable period of time following receipt of the audited financial statements by the covered facility and related organization.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb645%20sub1%20enr.htm

Fiscal Impact to Counties: Will save counties the time and money of including these facilities in their county audit.

Signed by Governor – March 28, 2008

SB 740 Reforming Berkeley County Commission.

Passed March 7, 2008; in effect from passage. AN ACT to reform the county commission of Berkeley County under the provisions of section thirteen, article IX of the Constitution of West Virginia

This bill sends to the voters at the general election in November 2008, the question of increasing the Berkeley County Commission from 3 members to 5 members and calling it the Berkeley County Council. If passed by the voters of Berkeley County at the November 2008 election, the Berkeley County Council will elect it's additional members in the primary and general elections of 2010. This reformation was initiated by resolution passed on a 2-1 vote by the current Berkeley County Commission.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/SB740%20SUB1%20enr.htm

Fiscal Impact to Counties: ?

Signed by Governor – March 28, 2008

SB 784 Relating to reforming, altering or modifying county government.

Passed March 8, 2008; in effect ninety days from passage (June 6). Amends and reenacts §7-1-1 of the Code of West Virginia and by adding a new section, designated §7-1-1a.

This bill relates to reforming, altering or modifying county government as authorized in the West Virginia Constitution, Article IX, Section Thirteen. It establishes requirements for reforming, altering or modifying county commission based on what the Constitution currently allows; creates a procedure to follow the process through in a timely manner and provides for alternative forms of county government to choose from.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/sb784%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 27, 2008