

CCAWV Legislative Wrap Up

County Commissioners' Association of West Virginia

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April 13, 2010

In Remembrance...

*In honor of the 31 miners involved in the mine disaster at the
Upper Big Branch Mine-South*



U.S. Senator
John D. Rockefeller



U.S. Secretary of Labor
Hilda L. Solis



Governor Joe Manchin



Senate President Earl Ray Tomblin,
Congressman Nick Joe Rahall, Governor Joe Manchin,
Senator Corey Palumbo

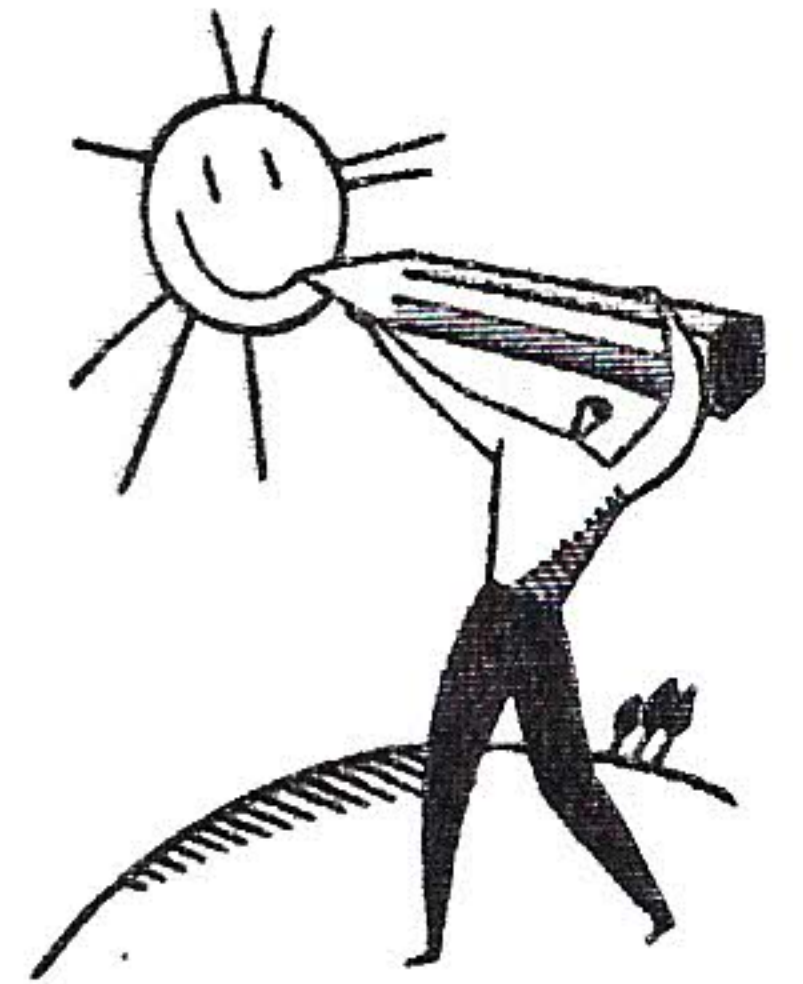
Memorial Service held at the WV State Capitol on April 12, 2010 - 3:30 p.m.

Our sincere condolences to the families and friends of the fallen miners.

A snap shot of where we've been and where we're going...

By Ron Watson

On behalf of "all" County Commissioners I would like to extend a sincere thank you and appreciation to our Executive Director (Vivian) and Lobbyist (Paul Hardesty) for their tireless efforts in getting us through another legislative session. I would like to personally thank President Brad Tuckwiller for the endless hours he spent working the hallways of the Capitol to insure that any legislation passed would be beneficial to all County Commissions or at a minimum.....revenue neutral.

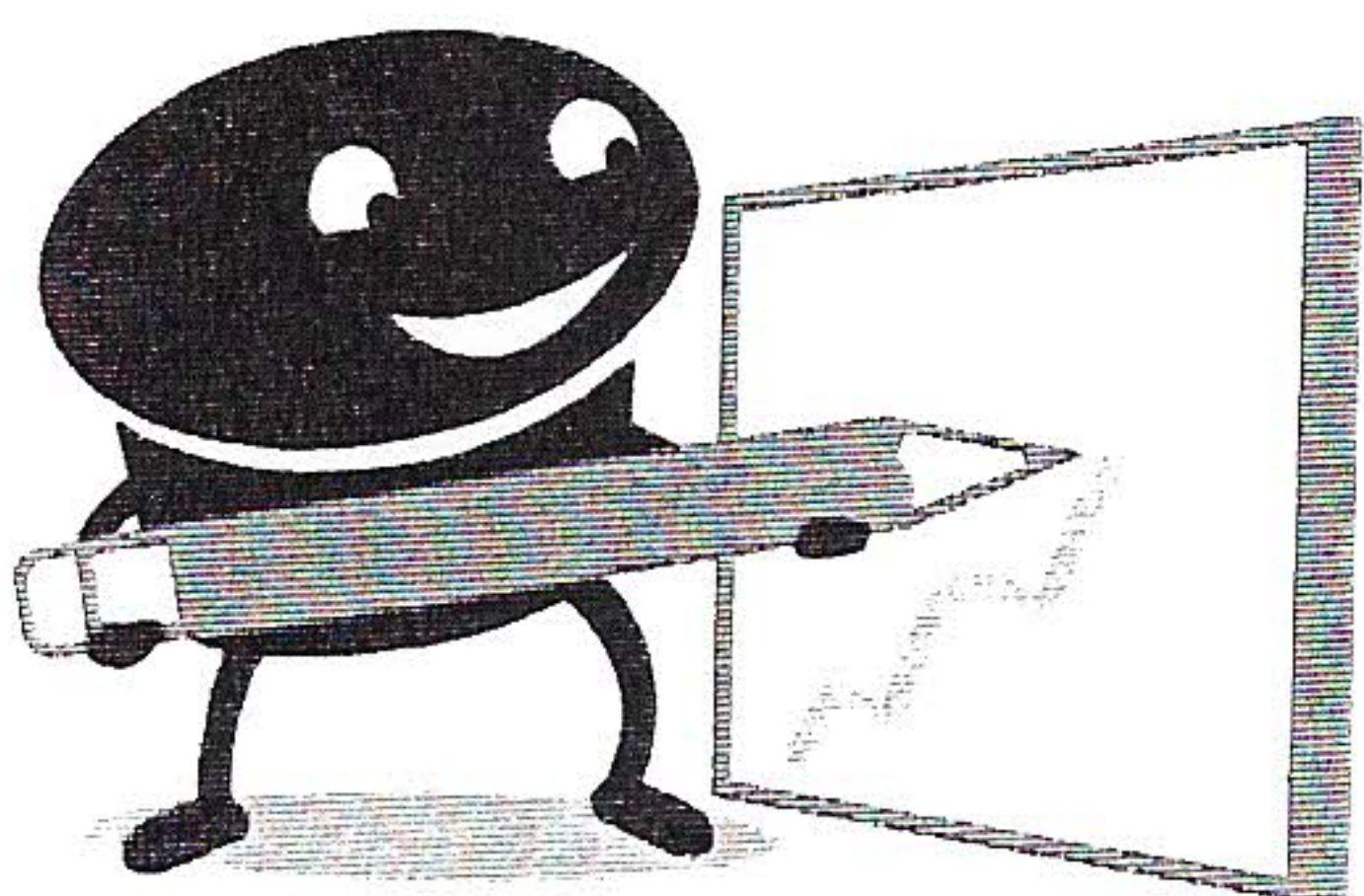


Now that the legislative session has concluded, President Tuckwiller has tendered his resignation in order to devote more attention to family. Brad has been a great mentor and I will do my best to continue to lead our Association in a manner that will instill the highest standards of professionalism.

Let us not forget that we are County Commissioners and as a TEAM (Together Everyone Achieves More) we have the strength and ability to meet the challenges of tomorrow.

I am assessable 24/7 at rwatson@harrisoncountywv.com or by cell (304) 669-0094.

Summing up the 2010 Session with Danny Greathouse, CCAWV Legislative Chair...



For election year antics, the County Commissioners' Association fared well in the first regular legislative session for 2010. 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 state Senate) 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.

Following is a summary of bills that passed during the 2010 Session. If you would like to review a bill you can look them up at the State of West Virginia Legislative Website: www.legis.state.wv.us

If you have any questions or need further information about a bill please call our office at 304-345-4639!

County Commissioners' Association of West Virginia

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SB 41 Relating to Community Enhancement Districts.

[Passed March 13, 2010; in effect ninety days from passage] (June 11, 2010)

Amends and reenacts §8A-5-12, §16-13E-2 and §16-13E-4 of WV code; and adds a new section, designated §16-13E-10a, all relating to generally to subdivision or land development plans or plats. It extends the vesting period for certain subdivision or land development plans and plats; provides definitions relating to the development of community enhancement districts; and excepts from a utility's submission relating to petitions for the creation of a district the capacity of the district to provide its own utility services.

Fiscal Impact to Counties: -0-

Signed by Governor - April 2, 2010

SB 169 Relating to Economic Development Authority Loan's Criteria.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amend and reenacts §31-15-2 and §31-15-4 of WV Code and adds a new section, designated §31-15-12b, all relating to the West Virginia Economic Development Authority; providing requirements for loan criteria for loans to tourism projects.

New Section: §31-15-12b. Tourism projects; criteria for loans.

Notwithstanding any other provision of this article to the contrary, in developing criteria for loans to a tourism project under this article, the authority shall consider many factors including, but not limited to, whether any specific number of jobs are or will be created by the project, whether any existing jobs or jobs to be created by the project are to meet any specific compensation levels, or whether any existing jobs or jobs to be created by the project provide any specific employee benefits: *Provided*, That no tourism project may be denied a loan for the sole reason that a specific number of jobs will not be created by the project or that existing jobs or jobs to be created by the project will not meet specific compensation levels or offer any specific employee benefits. Any criteria for a loan application for a tourism project under this article shall include a requirement that the applicant provide a jobs impact statement with information as required by the authority.

Fiscal Impact to Counties: -0-

Signed by Governor - April 2010

SB 215 Creating Offense of Assaulting Volunteer Firefighters and Emergency Services Employees.

[Passed March 9, 2010; in effect ninety days from passage.] (June 2010)

Amends and reenacts §61-2-10b of the WV Code, relating to expanding certain crimes against governmental representatives and health care providers to include emergency service personnel.

Fiscal Impact to Counties: -0-

Signed by Governor - March 18, 2010

SB 218 Providing for Early Parole Eligibility for Certain Inmates

[Passed March 13, 2010; in effect ninety days from passage.] (June 2010)

Amends and reenacts §62-12-13 of the Code of West Virginia, relating to powers and duties of the board of parole; eligibility for parole; changing when an inmate's written parole release plan may be prepared and considered; procedures for granting parole; accelerated parole eligibility for certain inmates who complete a rehabilitation treatment plan created with the assistance of a standardized risk and needs assessment; authorizing the Division of Corrections to promulgate policies and procedures related to accelerated parole eligibility; creating a rebuttable presumption for parole in

certain circumstances; authorizing board of parole to contingently grant parole allowing board of parole to consider inmates for parole who have certain detainers pending against them; reducing the period for parole reconsideration; making technical corrections; and creating an internal effective date for certain amendments to the section.

Fiscal Impact to Counties: -0-

Signed by Governor - March 31, 2010

SB 232 Transferring Certain Requirements for Redeeming Delinquent Land Sales from County Clerks to State Auditor. [Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Adds two new sections, designated §11A-3-5a and §11A-3-5b; and amends and reenacts §11A-3-6, §11A-3-8, §11A-3-9, §11A-3-11, §11A-3-14, §11A-3-15, §11A-3-16, §11A-3-18, §11A-3-19, §11A-3-20, §11A-3-21, §11A-3-22, §11A-3-23, §11A-3-24, §11A-3-25, §11A-3-26, §11A-3-27, §11A-3-28, §11A-3-29, §11A-3-30, §11A-3-31 and §11A-3-32 of WV Code, all relating to delinquent land sales by the sheriff generally; authorizing the auditor to perform certain duties related to delinquent land sales by the sheriff instead of being performed by the clerk of the county commission.

This bill permits county commissions to order that the county clerk will continue to perform the duties related to delinquent land sales by the sheriff by the following process:

If the clerk of the county commission wants to perform the duties of the State Auditor and retain the fees incident to the duties as set forth herein, then the clerk of the county commission shall petition its county commission for authorization.

If a county clerk wants to retain the duties and fees set forth in this section on the enactment of this section in **2010**, then the county commission's order for authorization must be entered, certified and received by the State Auditor **on or before August 1, 2010**, and will apply to all real properties already purchased at the delinquent land sales by the sheriff and to all real properties subsequently purchased at the delinquent land sales by the sheriff.

In any subsequent year, the county commission's order for authorization must be entered, certified and received by the State Auditor **on or before October 1** and will apply to all real properties subsequently purchased at the delinquent land sales by the sheriff.

The county commission's order for authorization remains in effect until a new order rescinding the authorization is entered and certified by the county commission and is received by the State Auditor on or before October 1 and applies to all real properties subsequently purchased at the delinquent land sales by the sheriff. As long as the county commission's order for authorization remains in effect, the county clerk is authorized to perform the duties of the State Auditor and retain the fees incident to the duties as set forth in this article.

The bill also requires the mailing of a notice to redeem to the physical mailing address for the subject property; prohibits certain assistants from purchasing tax liens; requires certification of real estate by the sheriff to the auditor where the highest bidder bids at least the amount of taxes, interest and charges for which a tax lien is offered for sale; requires notice to the purchaser of the requirement to secure a deed; **increases maximum reimbursable amount for certain legal services**; requires that a person redeeming be given a copy of the written opinion or report used for the preparation of the list of those to be served with notice; **authorizes the county clerk to accept and write a receipt for payment made to redeem delinquent lands on behalf of the auditor**; requires that certain reimbursements to purchasers must be for legal services actually performed; enlarges the time within

which a quitclaim deed must be delivered; authorizes the auditor to appoint designees; and establishes and increases fees for services provided.

Fiscal Impact to Counties: This amount will differ county by county, based on activity. If this duty transfers to the State Auditor's Office, any fees currently collected to county general revenue will transfer with the duty. According to the fiscal note provided last year by the State Auditor's Office, the total amount of anticipated state-wide revenue if all counties transferred these duties to the State Auditor equaled \$435,502.00. Estimates used in determining this fiscal note was derived from data supplied by 29 County Clerks and from the 2005 Sheriff's Tax Sale list that was provided the Auditor's Office.

Signed by Governor - April 2, 2010

SB 237 Authorizing Issuance of Revenue Bonds for Public Projects.

[Passed March 13, 2010; in effect from passage.]

Amends the Code of West Virginia by adding a new article, designated §13-2H-1, §13-2H-2, §13-2H-3, §13-2H-4, §13-2H-5, §13-2H-6, §13-2H-7, §13-2H-8, §13-2H-9, §13-2H-10, §13-2H-11 and §13-2H-12; and amends and reenacts §29-22C-27 of WV Code, all relating to funding distributions from state lottery revenues generally; providing authorization for municipalities, county commissions and certain boards of education to issue revenue bonds secured by lottery revenue for the purpose of acquiring or constructing public projects; and changing the allocation of a certain distribution from the lottery racetrack table games fund to the purse funds of the thoroughbred racetracks from an equal allocation among the tracks to a pro rata distribution.

Fiscal Impact to Counties: Would allow counties to use lottery revenues to leverage more dollars.

Signed by Governor - March 31, 2010

SB 345 Requiring Telecommunications Tax Study.

[Passed March 9, 2010; in effect ninety days from passage.] (June 7, 2010)

Amends the Code of West Virginia, adding a new section, designated §11-13B-19, relating to requiring a study of the telecommunications tax. Authorizes the Tax Commissioner to order the disclosure of certain information; exempts certain information received by the Tax Commissioner from the West Virginia Freedom of Information Act; prohibits the disclosure of certain information received by the Tax Commissioner; and authorizes the Tax Commissioner to promulgate rules and emergency rules.

Fiscal Impact to Counties: This is a study, however the results of the study could be recommendations that could affect county revenue (i.e. 911 fees & cable franchising fees)

Signed by Governor - March 18, 2010

SB 352 Creating WV Community Empowerment Transportation Act.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts WV Code §13-1-2, §17-4-47, §17-4-49, and by adding a new article, designated §17-28-1, §17-28-2, §17-28-3, §17-28-4, §17-28-5, §17-28-6, §17-28-7, §17-28-8, §17-28-9, §17-28-10, §17-28-11 and §17-28-12, all relating generally to the creation of the West Virginia Community Empowerment Transportation Act.

This bill authorizes county commissions to issue general obligation bonds for acquiring, maintaining, improving public roads and transportation facilities. It gives counties authority to impose, administer, collect and enforce payment of **voter-approved user fees** to pay for or finance cost of transportation projects within their counties; gives county commissions authority to issue special revenue bonds to finance transportation projects; includes authority to issue refunding bonds; and gives authority to take other actions to finance and complete transportation projects.

It authorizes the Commissioner of Highways to establish procedures relating to review of transportation projects; requires certain governmental entities seeking state funds for transportation projects to submit a transportation project plan to Commissioner of Highways; sets forth transportation project plan requirements; and sets forth conditions for approval by the Commissioner of Highways.

The bill provides notice, advertisement and election requirements for user fees; provides for a comprehensive agreement for a transportation facility between the sponsoring governmental entity and the Division of Highways. It establishes the requirements for qualifying a transportation facility as a public improvement; authorizes information sharing; and requires a bond covering the division for improvements to highway facilities required as a result of development.

It provides that transportation projects are awarded by competitive bidding and subject to prevailing wages; authorizes municipal utilities and public service districts to include into rates costs borne by the utility in contributing moneys or dedicate revenue to transportation project costs; and regulates access from properties to and from state roads.

Fiscal Impact to Counties: There is no fiscal impact unless a county chooses to use the authorizations given in the bill.

Signed by Governor - April 2, 2010

SB 376 Relating to Residential Mortgage Foreclosure Data.

[Passed March 20, 2010; to take effect July 1, 2010.]

Amends and reenacts WV Code §31-18-6, §31A-2-4c, §38-1-8a, §44-13-4a, and §59- 1-10, all relating to gathering, compilation and publication of residential mortgage foreclosure data. It expands the powers and duties of the West Virginia Housing Development Fund to include the receipt, compilation and publication of mortgage foreclosure data and reports contained in reports of sale filed by trustees with county clerks; provides the West Virginia Housing Development Fund with the authority to require additional information to be filed with the reports of sale; and transfers the jurisdiction, powers and duties relative to the receiving, compiling into an electronic data base and making the data available from the Commissioner of Banking to the West Virginia Housing Development Fund. It provides that mortgage financial data and reports received by the Commissioner of Banking under the code provisions prior to the effective date be supplied to the West Virginia Housing Development Fund; and provides that the portion of the fee paid for recording the trustee's report of sale that is paid by county clerks to the Division of Banking be paid to the West Virginia Housing Development Fund. It establishes an effective date of July 1, 2010.

Fiscal Impact to Counties: -0-

Signed by Governor - April 2, 2010

SB 385 Requiring Banks Provide Bond to Secure Certain County Deposits.

[Passed March 11, 2010; in effect ninety days from passage.] (June 9, 2010)

Amends and reenacts §7-6-2 of the Code of West Virginia, relating to bond requirements for county depositories. It requires that a county depository execute a bond only for the amount of the public money deposited that exceeds the amount of the deposit insured by an agency of the federal government.

Fiscal Impact to Counties: -0-

Signed by Governor - March 22, 2010

SB 401 Relating to Ad Valorem Property Taxes.

[Passed March 16, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §11-3-1, §11-3-2a, §11-3-10, §11-3-12, §11-3-15, §11-3-19, §11-3-24, §11-3-24a and §11-3-25 of the Code of West Virginia, and adds fourteen new sections, designated §11-3-15a, §11-3-15b, §11-3-15c, §11-3-15d, §11-3-15e, §11-3-15f, §11-3-15g, §11-3-15h, §11-3-15i, §11-3-23a, §11-3-24b, §11-3-25a, §11-3-32 and §11-3-33; and adds a new article, designated §11-6K-1, §11-6K-2, §11-6K-3, §11-6K-4, §11-6K-5, §11-6K-6, §11-6K-7 and §11-6K-8; and amends and reenacts §18-9A-12 of said code, all relating to taxation of real and personal property for ad valorem property tax purposes.

The stated purpose of this bill is to reform and modernize procedures and time frames for assessments of real and personal property, notices of assessments, and appeals of assessments. It provides special provisions for assessment of industrial and natural resources property. **The bill establishes the local board of assessment appeals (county commission) to meet in the fall of the tax year to which taxpayers may appeal as an alternative to the board of equalization and review which meets in February of the tax year.** It authorizes a circuit court, upon an appeal from a board of equalization and review or a board of assessment appeals, to remand the case back to such board if the court finds the record is inadequate.

It accelerates date for issuance of notices of increase in assessed value of real property; updates penalties for failure to file required property tax reports and returns; clarifies report and return filing requirements; accelerates due dates for filing reports and returns; and requires assessment of property of limited liability companies.

The bill requires assessors to notify owners of commercial business personal property of increases in assessed values for current assessment year by an established deadline. It provides procedures for property owners to protest notices of assessed valuation and obtain appropriate adjustments from county assessors.

The bill provides for appeal of protested assessments to county board of equalization and review, board of assessment appeals (2nd session in October) and circuit court. It provides for protest of classification or taxability to Tax Commissioner; specifies effective dates; provides for discovery; and authorizes assignment to hearing examiner.

The bill provides methods for assessment of industrial property and natural resources property; establishes time and basis for assessments; specifies form and manner of making returns; and establishes criminal penalties for failure to file.

It provides for tentative appraisals by Tax Commissioner and notification to taxpayers; provides procedures for informal review of tentative appraisals; makes final appraisals; transmits final appraisals to assessors; provides for appeals; and authorizes reductions of assessments upon instruction of Tax Commissioner in certain circumstances. It specifies effective dates; and holds

harmless the local share for public school support for reductions in revenues resulting from decisions of a board of assessment appeals.

Fiscal Impact to Counties: According to the State Tax Department fiscal note, there would be no impact on State or local revenue. Local governments would incur additional administrative costs of \$50,000 per year, state-wide for additional notice mailings and the State Tax Department would incur \$250,000 in additional costs annually. Administrative costs are for additional mailings and taxpayer meetings associated with this bill.

Signed by Governor - April 2, 2010

SB. 427 Renaming and Reorganizing Parkways, Economic Development and Tourism Authority.

[Passed March 13, 2010; to take effect July 1, 2010.]

Amends and reenacts §17-16A-3, §17-16A-5, §17-16A-6, §17-16A-10, §17-16A-11, §17-16A-13a, §17-16A-19, §17-16A-26 and §17-16A-29 of the WV Code; and adds a new section, designated §17-16A-30, all relating to the West Virginia Parkways, Economic Development and Tourism Authority.

As of July 1, 2010, the bill renames the West Virginia Parkways, ***Economic Development and Tourism Authority*** and reorganizes the membership of the authority to include at least two members representing each current Congressional district.. It authorizes issuance of revenue bonds for parkway projects; and prohibits the authority from constructing new tourism projects or new economic development projects. The term "parkway project" is expanded to bring in any road or portion of road in the state, whether contiguous or noncontiguous to the Turnpike.

The bill clarifies certain powers of the Department of Transportation with respect to parkway projects; clarifies the power of the authority to reimburse the Department of Transportation for costs associated with parkway projects; and clarifies certain powers of the authority with respect to real and personal property.

The bill clarifies the powers of the authority to fix and revise tolls for transit over certain parkway projects; requires notice and public hearings prior to fixing initial rates or tolls on parkway projects; and requires an annual legislative audit of the Parkways Authority.

The bill requires a discount program for purchasers of EZ Pass transponders prior to fixing initial rates or tolls on parkway projects; requires the Parkways Authority to hold informational sessions concerning the discount program for purchasers of EZ Pass transponders; requires EZ Pass transponders to be available without the payment of a security deposit; and requires refunds of paid security deposits through credits on statements.

Finally the bill requires the county commission where a parkway project is located approve a parkways project by resolution; requires the Governor to establish a local committee; and provides duties of the local committee....

§17-16A-30. Coordination with county commission in counties where a parkway project may be located. *Once a parkway project is identified by the Authority, the Governor shall appoint, with the advice and consent of the Senate, two persons from each county where the parkway project is located to serve on a local committee to provide recommendations and suggestions to the Authority on all matters regarding the local identified project. The local committee shall also report any of its findings to the county commission or county commissions of the counties in which the parkway project is located. Prior to any final approval of a parkway project, the county commissions of the counties in which a parkway project is located shall by resolution approve the parkway project.*

Fiscal Impact to Counties: No cost to counties.

Signed by Governor - April 2, 2010

SB 442 Clarifying PEIA Finance Board may Offset Certain Annual Retiree Premium Increases.

[Passed March 13, 2010; in effect from passage.]

Amends and reenacts §5-16D-1 of the WV Code relates to clarifying that the Public Employees Insurance Agency Finance Board may offset annual retiree premium increases with amounts held in the trust. This bill is simply a clarification that, along with employer contributions and retiree contributions, consideration of other available funds, including available funds in the Retiree Health Benefit trust, are an intrinsic part of the Public Employees Insurance Agency Finance Board annual calculation of the minimum annual employer payment.

Fiscal Impact to Counties: No fiscal impact.

Signed by Governor - March 24, 2010

SB 446 Clarifying Deceased Public Employees' Survivors Participate in Comprehensive Group Health Insurance Plans Only.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §5-16-13 of the WV Code clarifies that the surviving spouse and dependents of a deceased public employee participating in a plan of the Public Employees Insurance Agency may only participate in comprehensive group health insurance coverage provided by the Public Employees Insurance Agency.

Fiscal Impact to Counties: No fiscal impact.

Signed by Governor - March 31, 2010

SB 449 Relating to PEIA Preexisting Conditions Limitations.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §5-16-17 of the WV Code, relating to the West Virginia Public Employees Insurance Act generally. For participants enrolling in the plan after the effective date of this bill (June 11, 2010), it prohibits the imposition of pre-existing condition limitations; and while limiting the instances in which participants may enroll or make plan selections.

Fiscal Impact to Counties: No fiscal impact.

Signed by Governor - March 31, 2010

SB. 471 Increasing Circuit Clerks' Copying Charge.

[Passed March 13, 2010; to take effect July 1, 2010.]

Amends and reenacts §59-1-11 of the WV Code, relating to increasing the amount circuit clerks may charge for copies from 50 cents to 75 cents. Fees are deposited into the County General Fund.

Fiscal Impact to Counties: Will increase county revenues.

Signed by Governor - March 31, 2010

SB 494 Providing Fiduciary Commissioner Oversight.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §44-3-1, and §44-3A-35 of WV Code; and by adding a new section, designated §51-10A-6; all relating to fiduciary matters. The bill updates references from the commissioner of accounts to the fiduciary commissioner; requires fiduciary commissioner to file

status reports and settle accounts of certain cases with county clerks; **requires county clerks to file the status report with county commissions**; and prohibits bail bonding companies or bail bond enforcers from providing fiduciary bonds unless licensed by the Insurance Commissioner .

Fiscal Impact to Counties: -0-

Signed by Governor - March 24, 2010

SB 573 Allowing Audits to be Published Electronically.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §6-9-7 of the WV Code, relating to allowing audits to be published electronically with notice to the proper authorities.

If any audit examination discloses misfeasance, malfeasance or nonfeasance in office on the part of any public officer or employee, a certified copy of the report shall be published electronically by the chief inspector with notice of the publishing sent in writing to the proper legal authority of the agency, the prosecuting attorney of the county wherein the agency is located and with the Attorney General for such legal action as is proper.

Fiscal Impact to Counties: -0-

Signed by Governor - March 31, 2010

SB 595 Extending Vesting Period for Subdivision and Land Development Plans.

[Passed March 11, 2010; in effect from passage.]

Amends and reenacts §8A-4-2, and §8A-5-12 of the WV Code, all relating to subdivisions.

The bill extends the approval term of certain uses and permits associated with a subdivision plan or plat and extends the vesting period for a subdivision or land development plan or plat.

*All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to this section that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be **extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission.** The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.*

Fiscal Impact to Counties: -0-

Signed by Governor - March 22, 2010

SB 633 Depositing Public Funds into Certain Federally Insured Accounts.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends the Code of West Virginia by adding a new section, designated §7-6-2a; and amends and reenacts §8-13-22a, §12-1-4, and §18-9-6 of WV Code, all relating to enabling counties, municipalities, the state and county boards of education to deposit public funds into deposit accounts that are swept periodically into multiple federally fully insured deposit accounts through a deposit

placement program with full federal insurance in lieu of a bond or other collateral required of the depository institution.

Fiscal Impact to Counties: -0-

Signed by Governor - March 22, 2010

SB 635 Requiring State Fire Commission Approve Certain County and Municipal Fire Ordinances.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §29-3-5 and §29-3-5 of WV Code, relating to the State Fire Code. The bill clarifies the State Fire Commission's process for updating the State Fire Code upon adoption of revised codes or standards by the National Fire Protection Association and requires review and approval of county and municipal fire ordinances and agency regulations which impose more stringent standards than those required by the State Fire Code by the West Virginia State Fire Commission.

Fiscal Impact to Counties: -0-

Signed by Governor - March 31, 2010

HB 4037 Relating Generally to Federal Subsidy Bonds and Bond Financing.

[Passed February 25, 2010; in effect from passage.]

Amends the Code of West Virginia, by adding thereto a new article, designated §13-4-1 and §13-4-2, all relating generally to federal subsidy bonds and bond financing.

This bill authorizes certain bond issuers to receive credit payments with respect to federal subsidy bonds, and to clarify that such bonds are exempt from taxation in the manner set forth in the provisions of the West Virginia Code authorizing said issuance.

Fiscal Impact to Counties: -0-

Signed by Governor - March 8, 2010

H. B. 4038 Imposing a Statutory Lien on Fire Insurance Proceeds.

[Passed March 11, 2010; in effect ninety days from passage.] (June 9, 2010)

AN ACT to repeal §33-17-9a of the Code of West Virginia, to amend the WV code by adding a new section, designated §33-12C-6a; and to amend and reenact §33-17-9b; and to amend by adding a new article, designated §38-10E-1 and §38-10E-2, all relating to imposing a statutory lien on fire insurance proceeds in the event of a total loss to real property. The bill requires insurance companies to notify insured and municipality or county after determining that a claim involves a total loss to real property. It requires a municipality or county to perfect the lien within thirty days of notice of a total loss determination; provides for release of the lien upon satisfaction of certain conditions; and authorizes the Insurance Commissioner to declare surplus lines insurers ineligible for certain violations.

Fiscal Impact to Counties: -0-

Signed by Governor - April 1, 2010

H. B. 4130 Creating the WV Supreme Court of Appeals Public Campaign Financing Pilot Program.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)
Amends and reenacts §3-1A-1, §3-1A-4 and §3-1A-5 of the WV Code and by adding a new article, designated §3-12-1, §3-12-2, §3-12-3, §3-12-4, §3-12-5, §3-12-6, §3-12-7, §3-12-8, §3-12-9, §3-12-10, §3-12-11, §3-12-12, §3-12-13, §3-12-14, §3-12-15, §3-12-16 and §3-12-17, all relating to creating the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program...

The purpose of this bill is to provide alternative campaign financing options for candidates for the West Virginia Supreme Court of Appeals in 2012 through public funds funded through attorney fees, special court fees, and funds from the Treasurer's Unclaimed Property Trust Fund. Candidates participating in the Pilot Project would be required to raise a certain amount of campaign funds to qualify for the program and receive public funds. Candidates accepting public funds are thereafter prohibited from raising or spending money from private sources.

Fiscal Impact to Counties: -0-

Signed by Governor - March 23, 2010

H. B. 4143 Relating to Emergency Medical Services.

[Passed March 13, 2010; in effect from passage.]
AN ACT to repeal §16-4C-5a of the WV Code; and to amend and reenact §16-4C-3, §16-4C-6, §16-4C-6a, §16-4C-8, §16-4C-9, §16-4C-10, §16-4C-12 and §16-4C-16, all relating to emergency medical services.

This bill strengthens the authority of the Office of Emergency Medical Services. It requires applicants for certification to allow the state police access to personal background information; requires certified persons to report violations and provides immunity from civil liability for reporting violations; removes automatic stay on appeal and increases criminal penalties for violations.

Fiscal Impact to Counties: -0-

Signed by Governor - April 1, 2010

H. B.4155 Expanding Permitted Uses for Revenues Allocated to Volunteer and Part-Time Fire Departments.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)
Amends and reenacts §8-15-8b of the WV Code, relating to permitting revenues allocated to volunteer and part time fire departments to be used for Workers' Compensation premiums, certain life insurance premiums, educational training supplies and fire prevention promotional materials; and revising references.

Fiscal Impact to Counties: No additional required funding from Counties.

Signed by Governor - March 26, 2010

H. B. 4247 County Discretion for Printed Poll Book.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §3-4A-17 of the WV Code. This bill provides counties the discretion to accompany an electronic poll book with a printed poll book, but does not require it.

Fiscal Impact to Counties: -0-

Signed by Governor - March 28, 2010

H. B. 4299 Nonstate Retirees Working for Less than 5 yr. Responsible for Entire Premium.

[Passed March 11, 2010; in effect ninety days from passage.] (June 9, 2010)

Amends and reenacts §5-16-22 of the WV Code, relating to the West Virginia Public Employees Insurance Agency. This bill provides that those retired employees of an employer not participating in the plan who retire on or after **July 1, 2010**, who have participated in the plan as active employees of the employer for less than five years are responsible for the entire premium cost for coverage and the Public Employees Insurance Agency shall bill for and collect the entire premium from the retired employees, unless the employer elects to pay the employer share of the premium.

Fiscal Impact to Counties: This bill should help with future OPEB liability for those employees working less than 5 years, unless the County chooses to pay a portion of the retiree's premium

Signed by Governor - March 19, 2010

H. B. 4335 Relating to the Business Registration Tax.

[Passed March 11, 2010; in effect ninety days from passage.] (June 9, 2010)

Amends and reenacts §11-12-5 of the WV Code, relating to the business registration tax generally.

This bill clarifies that the West Virginia Code §11-12-3 requirements, exemptions and exceptions apply with relation to the business registration tax and business registration certificate, and further clarifies that, subject to the requirements, exemptions and exceptions of West Virginia Code §11-12-3, the tax is imposed for each and every **issuance, reissuance or reinstatement** of a business registration certificate.

Fiscal Impact to Counties: -0-

Signed by Governor - March 23, 2010

H. B. 4352 Creation of Business Court Division.

[Passed March 11, 2010; in effect ninety days from passage.] (June 9, 2010)

Amends the WV Code, by adding a new section, designated §51-2-15. The West Virginia Legislature finds that, due to the complex nature of litigation involving highly technical commercial issues, there is a need for a separate and specialized court docket to be maintained in West Virginia's most populated circuit court districts with specific jurisdiction over actions involving such commercial issues and disputes between businesses. Under this legislation the West Virginia Supreme Court of Appeals is authorized to designate a business court division within the circuit court of any judicial district with a population in excess of sixty thousand according to the 2000 Federal Decennial Census. Upon the determination to designate business court divisions, the West Virginia Supreme

Court of Appeals shall promulgate rules for the establishment and jurisdiction of the business court divisions within its circuit court system.

Fiscal Impact to Counties: -0- According to the fiscal note provided by the Supreme Court, it will cost the state budget a total of \$1,250,000.00 as follows:

Travel expenses for judges: 50,000
 Occupancy: 200,000
 Computers, Software, Copiers: 50,000
 Specialized Judicial Education: 200,000
 Special Commissioners: 500,000
 Court Manager & Support Staff: 250,000
 Total cost: 1,250,000

Signed by Governor - March 19, 2010

H. B. 4359 Requiring Local Labor for public Construction Projects.

[Passed March 11, 2010; in effect ninety days from passage.] (June 9, 2010)

Amends and reenacts §21-1C-2 of the WV Code, relating to requiring local labor for public construction projects. The bill reduces the dollar amount of the applicable construction project to \$500,000; reduces the amount of miles for the local labor market to fifty miles; and clarifies the definition of local labor market.

Fiscal Impact to Counties: -?-

Signed by Governor - March 19, 2010

H. B. 4407 Rabies Vaccinations Schedule for Dogs and Cats.

[Passed March 8, 2010; in effect ninety days from passage.] (June 6, 2010)

Amends and reenacts §19-20A-2 and §19-20A-5 of the WV Code, all relating to individual owners' requirement to have rabies vaccination of their dogs and cats of a certain age. The bill updates the law regarding the rabies vaccinations of dogs and cats. Specifically, this bill would require a dog or cat to receive a rabies vaccination capable of providing immunity for three years instead of two years under the current law. Also, booster shots will be given the year after vaccination and every three years thereafter. It also provides for the appointment of a qualified person to vaccinate when there is no licensed veterinarian in the county; and requires rabies vaccinations for dogs and cats prior to entering the state.

Fiscal Impact to Counties: -0-

Signed by Governor - March 16, 2010

H. B. 4486 Tax Tickets Concerning Property Taxes.

[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)

Amends and reenacts §11A-3-52 and §11A-3-55 of the WV Code, all relating to the procedures, notice and redemption requirements which apply when Class II real property is auctioned or sold for failure to pay taxes. The bill requires the purchaser of real property at a tax lien sale or auction to provide the actual mailing address for the Class II property as a part of the post-sale or post-auction information provided to the deputy commissioner; and requires that a copy of the notice of the right to redeem the property be sent to the actual mailing address of the Class II property, in the name of "Occupant".

Fiscal Impact to Counties: -?- May increase the postage costs.

Signed by Governor - April 2, 2010

H. B. 4524 Revising the Definition of "all-terrain vehicle."**[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)****Amends and reenacts §17A-1-1, §17A-6-1, §17F-1-9 of the WV Code, all relating to a revision of the definition of "all-terrain vehicle." The bill includes a definition for utility terrain vehicle and authorizes the same restrictions and conditions on the use of utility- terrain vehicles as on all-terrain vehicles.****Fiscal Impact to Counties: -0-****Signed by Governor - March 25, 2010****H. B. 4541 Utilizing County and Municipal Jails for Holding and Short-stay.****[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)****Amends and reenacts §31-20-9, §31-20-10 and §31-20-32 of the WV Code, all relating to authorizing circuit court judges and magistrates to utilize county or municipal jails to detain persons charged with a crime up to ninety-six hours, or, to confine persons convicted of a crime for not more than fourteen days. The bill eliminates any restrictions for county or municipal jails to be used only as holding facilities; and distributes certain processing fees that normally go to the Regional Jail Authority to the municipalities or counties.****Fiscal Impact to Counties: County or Municipal jail facilities would have to meet the standards required for holding facilities as set by the Jail Standards Committee created in statute. In facilities holding inmates for longer than 12 hours the standards increase considerably and for longer than 72 hours, require staffing like running a full time jail. Also, wide-spread use by counties and municipalities could reduce revenues to the Regional Jail Authority and ultimately cause RJA per diems to rise. Taking advantage of this provision will require careful review and consideration of cost.****Signed by Governor - March 28, 2010****H. B. 4615 Political Subdivision Given Authority to Create Risk Pool for Workers' Comp.****[Passed March 12, 2010; in effect from passage.]****Amends and reenacts §29-12A-16 of the WV Code, relating to authorizing political subdivisions to establish risk pools to insure their workers' compensation risks. The bill provides that political subdivisions may not make application to the Insurance Commissioner to operate a risk pool until rules promulgated to regulate such programs have been made effective; and authorizes the Insurance Commissioner to promulgate emergency rules.****Fiscal Impact to Counties: Could ultimately provide cost-saving and market stability to counties.****Signed by Governor - April 1, 2010****H. B. 4647 Relating to the Regulation and Control of Elections.****[Passed March 13, 2010; in effect ninety days from passage.] (June 11, 2010)****Repeals §3-9-14 of the WV Code, and amends and reenacts §3-8-1, §3-8-1a, §3-8-2, §3-8-8 and §3-8-12, all relating to the regulation and control of elections. The bill amends and deletes certain definitions; expands reporting requirements for independent expenditures; and provides for electronic filing of reports of independent expenditures. It authorizes the Secretary of State to promulgate rules relating to reports of independent expenditures; retains prohibition on corporate contribution; and repeals the ban on corporate independent expenditures.****Fiscal Impact to Counties: -0-****Signed by Governor - April 1, 2010**