

County Commissioners' Association of West Virginia Summary of 2012 Bills

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SB 36 Relating to disclosure requirements for certain public construction contracts

Amends WV Code §5-22-1

Passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill requires the disclosure of subcontractors within one business day of the opening of bids for state public construction contracts by the apparent low bidder when any subcontractor is providing over \$25,000 of services on the project, for the construction, alteration, decoration, painting or improvement of a new or existing building or structure **with the Department of Administration, Division of Purchasing, valued at more than \$500,000.00**. This section shall not apply to any other construction projects, such as highway, mine reclamation, water or sewer projects.

Fiscal Impact: No fiscal impact to counties.

Signed by Governor: April 2, 2012

SB 76 Creating Green Buildings Act

Amends WV Code by adding a new article, designated §22-29-1, §22-29-2, §22-29-3 and §22-29-4

Bill Passed March 10, 2012; The new Green Buildings Act is effective July 1, 2012.

This bill requires new building construction projects of public agencies and projects receiving state funds to be designed and constructed complying with the ICC International Energy Conservation Code and the ANSI/ASHRAE/IESNA Standard 90.1-2007.

(a) "ANSI" means the American National Standards Institute;

(b) "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers;

(c) "IESNA" means the Illuminating Engineering Society of North America;

(d) "ICC" means the International Code Council; and

(e) "Public agency" means an agency of the state and political subdivisions, public institutions of higher education and boards of education.

All new building construction projects of public agencies that have not entered the schematic design phase prior to July 1, 2012, or any building construction project receiving state grant funds and appropriations, including public schools, that have not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed complying with the ICC International Energy Conservation Code, adopted by the State Fire Commission, and the ANSI/ASHRAE/IESNA Standard 90.1-2007: *Provided*, That if any construction project has a commitment of federal funds to pay for a portion of such project, this section shall only apply to the extent such standards are consistent with the federal standards.

Fiscal Impact: According to fiscal note provided by Dept. of Administration, all state buildings require LEED standards which already encompasses these factors, but if your county does not require LEED standards, this requirement could cause added construction costs.

Signed by Governor: April 2, 2012

SB 100 Relating to fees collected by circuit court clerks

Amends WV Code §59-1-11

Passed March 5, 2012; Effective 90 days from passage (May 28, 2012)

This bill removes the requirement that the circuit clerk charge three times the amount of actual postage when sending certain documents by mail or express and instead allows for the collection of a fee equal to the **actual** amount of the postage and express costs for sending decrees, orders or records that have not been ordered to be sent by mail or express.

Fiscal Impact: Should be minimal, allowing taxpayers to pay actual costs.

Signed by Governor: March 14, 2012

SB 362 Authorizing bond issuance for Cacapon Resort State Park and Beech Fork State Park capital improvements

Amends WV Code adding new sections, designated §29-22-18e; and §31-15-16b,

Passed March 9, 2012; Effective 90 days from passage (June 7, 2012)

This bill authorizes the issuance of \$52.5 million in bonds for capital improvements for Cacapon Resort State Park (Morgan County) and Beech Fork State Park (Wayne County) beginning in fiscal year 2013 providing that the debt service on the bonds is payable from an additional allocation from the State Excess Lottery Revenue Fund.

Fiscal Impact: No expense to two counties involved, but should provide economic benefits to both.

Signed by Governor: April 2, 2012

SB 365 Increasing membership of PEIA Finance Board

Amends WV Code §5-16-4

Passed March 6, 2012, to take effect July 1, 2012

This bill will increase the number of members on the Public Employees Insurance Agency Finance Board from nine to eleven by adding one representative of a political subdivision and one additional representative of the public having experience in the financing, development or management of employee benefit programs. In a recent newspaper article, PEIA Director Ted Cheatham said “one new member will represent the public, and one will represent interests of counties, cities and other political subdivisions, West Virginia Association of Counties executive director Patti Hamilton is expected to be the governor's appointee for that seat.”

Fiscal Impact: Finance Board members receive the same compensation and expense reimbursement that is paid to members of the Legislature for their interim duties for each day or portion of a day engaged in the discharge of official duties. At the current time this amount is \$150.00 per day. Finance Board members attend on average six meetings annually. The Public Employees Insurance Agency projects that passage of this legislation with the inclusion of two additional Finance Board members would have an annual cost of approximately \$2,000.00.

Signed by Governor: March 20, 2012

SB 387 Requiring training of floodplain managers

Amends WV Code §15-5-20 and adds a new section designated §15-5-20a

Passed March 7, 2012; Effective 90 days from passage (June 5, 2012)

The bill requires that beginning July 1, 2012, all floodplain managers must complete training of 6 hours in floodplain management annually, as provided by the WV Division of Homeland Security and Emergency Management and provides that another manager may take over the responsibilities of a manager who has not completed the required training. The bill also eliminates the requirement that the Office of Emergency Services report to the West Virginia Disaster Recovery Board on debris that may cause an obstruction during disasters.

Fiscal Impact: Impact to counties is minimal (perhaps some travel costs) as the training is provided by the state at regional locations several times a year without registration fees.

Signed by Governor: March 20, 2012

SB 437 Relating generally to substance abuse

Amends WV Code §16-1-4, §30-1-7a, §30-5-3, §60A-3-308, §60A-9-3, §60A-9-4, §60A-9-5, §60A-9-7, §60A-10-3, §60A-10-4, §60A-10-5, §60A-10-7, §60A-10-8 and §60A-10-11, and §61-12-10. Also adds a new article, designated §16-5H-1, §16-5H-2, §16-5H-3, §16-5H-4, §16-5H-5, §16-5H-6, §16-5H-7, §16-5H-8,

§16-5H-9 and §16-5H-10, three new sections, designated §60A-9-4a, §60A-9-5a and §60A-9-8, and a new section, designated §60A-10-16.

Bill Passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill is the Governor's bill relating to substance abuse generally. It addresses the regulation of opioid treatment programs in this state; updating rules for opioid treatment program facilities to require clinical guidelines, recovery models, education and training requirements for treatment facility staff. It addresses the licensing and oversight of chronic pain management clinics; creating the Chronic Pain Clinic Licensing Act. It establishes limitations on the dispensing of controlled substances at a pain management clinics; requires annual inspections of pain management clinics; and provides for suspension or revocation of a pain management clinic license.

It removes requirement of certain licensed or certified health care professionals to complete continuing education course work on the subject of end-of-life care and requires certain licensed or certified health care professionals to complete drug diversion training and best practice prescribing of controlled substances training.

The bill requires additional information to be submitted to the Controlled Substances Monitoring Program database and clarifies that reporting is required for certain amounts of drugs dispensed to patients. The bill requires training for law-enforcement officials in order to access the Controlled Substances Monitoring Program database.

The bill requires the Board of Pharmacy to establish an advisory committee and sets forth the members and the scope and duties for the committee. It also requires the Board of Pharmacy to create a Controlled Substances Monitoring Program Database Review Committee and sets forth the membership of the review committee and the scope, powers and duties.

The bill further requires the Board of Pharmacy to provide annual reports to the Legislature. The bill requires professions with prescriptive authority to conduct an initial search of the Controlled Substances Monitoring Program database when prescribing a course of treatment that includes prescribing of pain-relieving controlled substances and an annual search of the Controlled Substances Monitoring Program database for certain patients. It also establishes a felony offense and penalties for unauthorized access, use or disclosure of information contained in the Controlled Substances Monitoring Program database.

This bill creates the Fight Substance Abuse Fund and sets forth permissible uses for fund.

The bill addresses the current Methamphetamine Laboratory Eradication Act by establishing reduced daily, monthly and annual amount restrictions on the sale, transfer, dispensing or possession of ephedrine, pseudoephedrine and phenylpropanolamine by pharmacies.

It also establishes the use and requirements of the Multi-State Real-Time Tracking System; requiring pharmacies and retail establishments to electronically submit certain information to the Multi-State Real-Time Tracking System. **This bill further provides supersession and preemption of all local laws, ordinances and regulations pertaining to the sale of certain substances.**

The bill establishes an expiration date for Multi-State Real-Time Tracking System; requires the National Association of Drug Diversion Investigators to forward certain records to the West Virginia State Police and provides real-time access to the Multi-State Real-Time Tracking System to law enforcement. It requires the West Virginia State Police to submit an annual report with data and statistics on methamphetamine use, production and distribution; and requires the chief medical officer to provide notice to the Controlled Substances Monitoring Program Database Review Committee in the case of a death caused by overdose.

Fiscal Impact: The Department of Health and Human Resources estimates the fiscal impact to comply

with the licensing and oversight of chronic pain management clinics to be \$503,202 the first year and \$493,335 thereafter. Revenue projections are based on an assumption of 100 pain clinics at \$300/year licensing fee for \$30,000. There is an initial appropriation of \$ 5 million in the state budget for this purpose.

Signed by Governor: March 29, 2012

SB 469 Relating generally to other post-employment benefits

Amends WV Code §5-16-3; §5-16D-7; §11-21-96; and §18-9A-24 and adds three new sections, designated §5-16-5a; §5-16-5b.

Effective from passage (February 20, 2012)

This bill creates a funding source for “other post-employment benefits” or OPEB. It directs \$30 million in personal income tax into the West Virginia Retiree Health Benefit Trust Fund expected to begin in fiscal year 2016 until the Governor certifies that trust fund is fully funded or July 1, 2037, whichever date is later. It also directs the Director of the Public Employees Insurance Agency to evaluate and administer programs that ensure the long-term effectiveness of the agency and requires the director to issue annual progress reports to the Legislature. The bill prohibits the Public Employees Insurance Agency (PEIA) Finance Board from including in the financial plans any subsidy from the Retiree Health Benefit Trust for the cost of coverage for retired employees who were hired on or after July 1, 2010. The bill also specifies that portions of the employer annual required contribution (ARC) of county boards of education shall be billed to and be a responsibility of the state.

Fiscal Impact: *(provided by the Governor’s office)* **Recent actions of the PEIA Finance Board, together with these legislative changes have created a reduction in the Plan’s Actuarial Accrued Liability (AAL) by approximately \$2.6 billion and allow for reduction in the ARC and the annual OPEB Cost billed to Employers. Since the ARC is what sets their OPEB liability, employers will see relief in the rate of OPEB liability accrual, July 2012. The annual OPEB cost has gone from \$864 million in FY 2012 to \$225 million in FY 2013. Taking into consideration money collected for the ARC in the form of ARC contribution payments, the remaining ARC employers must accrue in 2013 will be approximately \$79 per eligible health policy. This represents a \$715 (\$794-\$79) decrease from the previous year’s rate of accrual. The participating employers with OPEB liabilities on their financial statements are currently under no obligation to fund this liability per WV Code 5-16d-6. There will come a point in the life cycle of this long-term liability (approximately FY 2017) where the plan will begin amortization of this amount off employer books by crediting the previously billed remaining ARC.**

Signed by Governor: February 20, 2012

SB 487 Creating Coalbed Methane Gas Distribution Fund

Amends WV Code §11-13A-20a

Effective from passage (March 10, 2012)

This bill relates to the distribution of coalbed methane gas severance tax to counties. It redefines “county economic development entity.” Without this bill, some counties currently could not receive their share of this money because their EDA was not created under WV Code § 7-12. This bill defines “county economic development entity” as a county economic development authority established in §7-12 of the WV Code or if a county does not have an authority under §7-12, an entity designated by resolution of the county commission of the county as the lead entity for economic development activities for the purpose of encouraging economic development in the county which entity may be, but is not limited to being, redevelopment authorities created under WV Code §16-18; county economic development corporations; regional economic development councils, corporations or partnerships.

Further the bill authorizes the Tax Commissioner to deposit coalbed methane severance tax moneys into the Coalbed Methane Gas Distribution Fund created in the State Treasurer’s Office and directs the State Treasurer to

distribute these funds to county commissions directly (when total is \$10,000 or less) or to the designated county economic development entities (including accumulated but undistributed moneys from fiscal years 2009, 2010, 2011 and 2012, in counties whose EDA's didn't heretofore qualify.)

When funds total \$10,000 or less, the county commission may then use the funds to offset its regional jail costs, costs of any community corrections programs in which it participates, expenses of a volunteer fire department that provides service within its county or expenses of any library that provides services within its county.

The bill also sets forth that the permissible uses of Coalbed Methane Gas Distribution Fund moneys received by county economic development entities are for economic development projects and infrastructure projects.

"Economic development project" means a project in the state which is likely to foster economic growth and development in the area in which the project is developed for commercial, industrial, community improvement or preservation or other proper purposes.

"Infrastructure project" means a project in the state which is likely to foster infrastructure improvements and covers post mining land use, water or wastewater facilities, stormwater systems, steam, gas, telephone and telecommunications, broadband development, electric lines and installations, roads, bridges, railroad spurs, drainage and flood control facilities, industrial park development, road or buildings that promote job creation and retention.

EDA's must obtain approval of its respective county commission, in writing, for expenditure of these funds. None of these funds may be used for paying wages to any employee of the county or EDA.

The bill also eliminates the requirement of the Development Office approval for use of these funds. Instead, on or before December 1, 2013, and December 1 of each year thereafter, the county economic development entity or county commission receiving a distribution of funds shall deliver to the Joint Committee on Government and Finance a written report setting forth the specific projects for which those funds were expended during the next preceding fiscal year, a detailed account of those expenditures and a showing that the expenditures were made for the purposes required by this section.

An audit of any funds distributed under this section may be authorized at any time by the Joint Committee on Government and Finance to be conducted by the Legislative Auditor at no cost to the county economic development entity or county commission audited.

Fiscal Impact: According to the Fiscal note from the State Tax Department, passage of this bill would have no overall impact on State or local revenue. The changes proposed in the bill do not affect the levying of the Severance Tax on coalbed methane or the computation of the amount to be distributed to counties or the lead economic development authorities in counties. It simply allows counties access to their current share.

Signed by Governor: April 2, 2012

SB 517 Including community beautification and reclamation programs in authorized community corrections programs.

Amends WV Code §62-11C-5

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill adds authorization for Community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas, and community gardens, to the list of programs that Community corrections programs may provide.

Fiscal Impact: According to fiscal note provided by the WV Department of Corrections, Total Estimated Costs are \$200,000 to \$300,000 implementation plus \$300,000 annual operational costs.

Signed by Governor: March 30, 2012

SB 618 Relating to certain payments to governmental units.

Amends WV Code §8-10-2a; §8-10-2b; §8-13-15; and §50-3-2a and adds a new section, designated §7-5-2a
Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill was amended in the final days of the session to include the language from HB 4030 (which CCAWV OPPOSED) and SB 167 (which CCAWV supported), along with its original purpose to require municipal courts and magistrate courts to wait at least eighty days from the date the person is charged with a motor vehicle violation before notifying the Division of Motor Vehicles of that person's failure to pay or failure to appear. As passed, SB 618 will also include a new **§7-5-2a. Credit cards as form of payment (SB 167), which reads as follows:**

Notwithstanding any code provision to the contrary, county officers required or authorized to collect fines, fees, taxes or other moneys provided by law may accept credit or check cards as a form of payment. County officers may set a fee to be added to each transaction equal to the charge paid by the county officers for the use of the credit or check card by the payor: Provided, That the county officer is required to obtain three bids and use the lowest qualified bid received: Provided, however, That if a county officer has obtained credit card services, another county officer may be added to that service without receiving bids for that service. The county officer shall disclose the amount of the fee to the payor prior to the transaction and no other fees for the use of a credit or check card may be imposed upon the payor. Acceptance of a credit or check card as a form of payment shall be in accordance with the rules and requirements set forth by the credit or check card provider.

The bill also includes language (HB 4030) to prioritize the crediting of partial payments of costs, fines, forfeitures, restitutions or penalties imposed by magistrate court. Currently, this has been handled in administrative court rule. The bill moves Worthless Check Payee and Restitution to number 2 and 3 spots of the list, ahead of multiple county revenue sources as follows:

Partial payments of costs, fines, fees, forfeitures, restitution or penalties made pursuant to this section shall be credited to amounts due in the following order:

- (1) Regional Jail Fund;*
- (2) Worthless Check Payee;*
- (3) Restitution;*
- (4) Magistrate Court Fund;*
- (5) Worthless Check Fund;*
- (6) Per Diem Regional Jail Fee;*
- (7) Community Corrections Fund;*
- (8) Regional Jail Operational Fund;*
- (9) Law Enforcement Training Fund;*
- (10) Crime Victims Compensation Fund;*
- (11) Court Security Fund;*
- (12) Courthouse Improvement Fund;*
- (13) Litter Control Fund;*
- (14) Sheriff arrest fee;*
- (15) Teen Court Fund;*
- (16) Other costs, if any;*
- (17) Fine.*

While CCAWV supported the concept of accepting credit cards for payment in counties, we were opposed to the reprioritization language that was amended into this bill and therefore we sent a letter to the Governor requesting that he veto SB 618 along with several county commissions and the W Courthouse Facilities Improvement Authority.

Fiscal Impact: CCAWV requested a new fiscal note on the amended bill but none was provided. We were told that the impact is very difficult to quantify...another reason CCAWV requested that the Governor veto this bill. The Governor did sign the bill, but pledged to continue to monitor the impact to county revenue and support legislative change if reductions warrant it.

Signed by Governor: April 3, 2012

SB 621 Requiring DOH concur with major subdivisions or land developments provide sufficient access

Amends WV Code §8A-5-7

Bill passed March 8, 2012; Effective 90 days from passage (June 6, 2012)

This bill recommends that counties, prior to final approval for a new subdivision, require the developer obtain and submit a letter from the Division of Highways acknowledging that the subdivision provides sufficient access to state roads.

Fiscal Impact: No fiscal note was provided, however CCAWV has received and forwarded to all counties, a letter from DOH, acknowledging the passage of the bill and their willingness to work with counties to “assure that all new subdivisions are safe for the traveling public.” The letter also indicates that Developers will work with the DOH local district office to receive the confirmation letter needed.

Signed by Governor: March 20, 2012

HB 4063 Relating to civil service commissions in political subdivisions

Amends WV Code §7-14-3; §7-14B-3; §8-14-7; and §8-15-12

Bill passed March 9, 2012, Effective from passage

This bill relates to county and municipal civil service commissions. Each civil service commission for deputy sheriffs previously created is continued. The commissioners shall, unless sooner removed, continue to serve until their respective terms expire and their successors have been appointed and qualified. Each civil service commission for deputy sheriffs consists of the following three members:

- (1) One commissioner appointed by the county bar association;
 - (2) One commissioner appointed by the county deputy sheriff's association; and
 - (3) One commissioner appointed by the county commission.
- (c) The commissioners' terms are for four years and shall be staggered.

If the county bar association or the county deputy sheriff's association fails to make an appointment within sixty days, then the county commission shall make the appointment.

This bill requires that qualified civil service commissioner appointments have not been convicted of a felony or a misdemeanor involving moral turpitude and that they not be related to a county commissioner from which the appointment is made or to the president or chairman of a similarly situated association or of the county bar association from which the appointment is made. They must be a resident of this state and a qualified voter of the county in which the commission is located. Civil Service commissioners must not be a county commissioner of the county from which the appointment is made; or the president, chairman or similarly situated executive official of the county deputy sheriff's association or the county bar association, from which the appointment is made; cannot hold any other office, other than the office of notary public, under the United States, this state, or any municipality, county or other political subdivision thereof or serve on any political committee; or take an active part in the management of any political campaign.

The county commission may remove a serving commissioner for neglect of duty, incompetence, official misconduct or good cause. The reasons for removal of a commissioner shall be stated in writing and made a part

of the records of the civil service commission.

Fiscal Impact: -0-

Signed by Governor: March 20, 2012

HB 4068 Providing that antique motor vehicles be valued at their salvage value for personal property tax purposes – VETOED BY THE GOVERNOR

Amends WV Code §11-1C-5 adds a new section, designated §11-1C-5c

Bill passed March 10, 2012; Effective July 1, 2012

This bill provides that the minimum appraised value of a motor vehicle is \$700 for purposes of ad valorem property taxes; and that the appraised value of an antique motor vehicle is \$5,000 for purposes of ad valorem property taxes.

Fiscal Impact: Bill was amended in final days, therefore no new fiscal note is available.

VETOED by Governor: March 16, 2012 – No Veto Message Available.

HB 4086 Designating certain property as a qualified capital addition to a manufacturing facility.

Amends WV Code §11-6F-2 and §11-6F-4

Bill passed January 25, 2012; Effective July 1, 2012

This bill, dubbed the “cracker bill,” extends the special valuation of certified capital addition property to include certain significant initial investment in certain manufacturing facilities, without the qualifying requirement of preexisting investment, and to enlarge the time over which that special valuation applies from 10 years to 25 years.

Fiscal Impact: As prepared by the WV State Tax Department, the proposed changes to the special method for appraising qualified capital additions will have little or no direct effect on Property Tax revenue because manufacturing capital investments exceeding \$2 billion in a single facility rarely, if ever, occur in West Virginia. While there could be some Property Tax revenue foregone due to the reduced valuation for purposes of the Property Tax, the special method of appraisal would not reduce any tax derived from current sources. With the proposed changes to the special method for appraising qualified capital additions to manufacturing facilities, a \$2 billion investment in capital, including buildings, machinery and equipment, would produce roughly \$1.5 million in new direct Property Taxes each year. In addition, there will likely be other direct or indirect increases in tax revenue attributable to the new or expanded facility that would result in the creation of thousands of new jobs that may offset the tax revenue foregone.

Signed by Governor: January 26, 2012

HB 4107 Relating to volunteer firefighter training.

Amends WV Code §29-3-9 and a new section designated, §29 - 3 - 5 d

Bill passed February 14, 2012; Effective from passage

This bill authorizes the State Fire Commission to establish the training requirements for volunteer firefighters by legislative rule, on or before July 30, 2012.

Training requirements for firefighters which:

(1) Provide for:

(A) Minimum training levels for rescue and firefighting;

(B) Minimum levels of equipment needed to protect life and property within fire service areas;

(C) Minimum performance standards the departments must meet in response times, communications, levels of water flow and pressure; and

(D) Other performance measures as considered necessary to meet the overall goals of improved fire prevention and control.

(2) Allow the training to be offered in segments, blocks or modules: *Provided*, That no firefighter may engage in

firefighting activities, except in response to wildland fires, until he or she has completed all firefighter one training: *Provided*, however, That support members may provide ancillary assistance to firefighters as defined by the rule;

(3) Provide for online training;

(4) Allow testing to be done in person or online; and

(5) Establish the testing requirements which include:

(A) If the individual is required to test in person, then the tests must be given regionally at various times throughout the year; or

(B) If the individual is authorized to test online, then the requirements for online testing must be established.

(b) The State Fire Commission may promulgate emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of this code to effectuate the provisions of this section.

(c) The training policies in effect as of the effective date of the enactment of this section during the Regular Session of 2012 will remain in effect until superceded by the emergency rule or legislative rule promulgated pursuant to this section.

Fiscal Impact: No fiscal note provided. – Was supported by the VFD Association.

Signed by Governor: February 23, 2012

HB 4238 Establishing procedures for address confidentiality program participants on the special absentee voting list.

Amends WV Code §3-3-1, §3-3-2 and §3-3-2b

Bill passed March 6, 2012; Effective 90 days from passage (June 4, 2012)

To further protect a person's location that is participating in the Address Confidentiality Program, this bill establishes procedures for: (1) The inclusion of Address Confidentially Program participants on the special absentee voting list; and (2) the method of application and ballot provision for the program participants.

Fiscal Impact: No fiscal note provided

Signed by Governor: March 15, 2012

HB 4257 Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986

Amends WV Code adding a new section, designated §3-2-6a

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill permits voter registration in person up to, but not including, the day of the election for any member of a uniformed service of the United States, as defined in 42 U. S. C. §1973ff-6, any member of the Merchant Marine of the United States, any person who resides outside the United States by virtue of his or her employment in support of national security functions or purpose; and any spouse or dependent residing with a person who meets the aforesaid criteria. The bill also provides for applicability of section; providing that any person who registers pursuant to this section shall vote a provisional ballot; and requires the Secretary of State to prescribe procedures to implement the section.

Fiscal Impact: No fiscal note provided.

Signed by Governor: March 30, 2012

HB 4263 The West Virginia Buy American Act.

Amends WV Code by adding a new section, designated §5A-3-57

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill creates a "Buy American Task Force." It sets forth legislative findings and declares the following state policy:

It is the policy of West Virginia that the state and its political subdivisions should aid and promote the economy of this state and the United States by requiring a preference for the procurement of iron, steel, manufactured goods, coal and timber produced in the United States in all contracts for the construction, reconstruction, repair, improvement or maintenance of public buildings and public works projects.

The bill further requires the Purchasing Division and the Division of Labor to convene a task force to study the use of American made construction materials and manufactured goods in the various aspects of the construction and maintenance of public buildings and public works projects of the state and its political subdivisions which are funded in part by state grants, state loans or state appropriations, and requires the task force to report to Legislature by December 31, 2012.

Fiscal Impact: -0-

Signed by Governor: March 15, 2012

HB 4403 Changing the filing deadline for certified write-in candidates.

Amends WV Code §3-6-4a

Bill passed March 9, 2012; Effective 90 days from passage (June 7, 2012)

This bill changes the filing deadline for certified write-in candidates; and removes language that conflicts with other sections of the code relating to the filling of vacancies. The write-in candidate's certificate of announcement for any office shall be received no later than the close of business on the forty-ninth day before the election at which the office is to be filled; except when there is a death of the nominee or a the disqualification or removal of a nominee from the ballot by a court of competent jurisdiction not earlier than the forty-eighth day nor later than the fifth day before the general election, the certificate shall be received no later than the close of business on the fifth day before the election or the close of business on the day following the occurrence of the vacancy, whichever is later.

Fiscal Impact:-0-

Signed by Governor: March 20, 2012

HB 4451 Ensuring that county executive committees have control of designating the persons who serve as ballot commissioner

Amends WV Code §3-1-19

Bill passed March 10, 2012; Effective 90 days from passage (June 8, 2012)

This bill, relating to appointment of ballot commissioners, authorizes the county executive committees of the two largest political parties to make the appointments. If the county executive committees do not make the appointments in a timely manner, then the county clerk shall make the appointments.

Fiscal Impact: -0-

Signed by Governor: March 30, 2012

HB 4522 Providing additional contempt powers for family court judges

Amends WV Code §51-2A-9

Bill passed March 10, 2012; Effective July 1, 2012

With passage of this bill, when person is in civil contempt, the court, in its discretion, and as an alternative to incarceration, may place the person on work release, in a weekend jail program, in an existing community service program, in an existing day-reporting center program, in any other existing community corrections program or on home confinement until the person has purged himself or herself of the contempt.

Fiscal Impact: No fiscal note provided, however, could provide some relief from regional jail costs.

Signed by Governor: March 30, 2012

HB 45167 Permitting the Harrison County Commission to levy a special district tax

Amends WV Code §7-22-9

Bill passed March 8, 2012; Effective from passage

This bill authorizes the Harrison County Commission to levy a special district excise tax for the benefit of the Charles Pointe Economic Opportunity Development District. As interpreted by the WV State Tax Department, the Consumers Sales and Service Tax and Use Tax currently collected within the Charles Pointe Economic Opportunity Development District would be re-designated as a Special District Excise Tax for deposit into a special fund, for funding the development. The State General Revenue Fund would retain sales tax proceeds from business within the District up to an amount equivalent to the base year tax revenue. Incremental sales tax collections, above the base year amount, from sales and service activity within the Charles Pointe Economic Opportunity Development District would be available for the development project.

Fiscal Impact: As provided by the WV State Tax Department, additional administrative costs associated with passage of this bill would likely be incurred by the State Tax Department, the State Treasurer's Office and the Harrison County Commission. However, the additional administrative costs for the State Tax Department and the State Treasurer's Office would likely be minimal since the creation of the Charles Pointe Economic Opportunity Development District would likely be an addition to existing processes rather than requiring the development of forms, procedures, and processes for an entirely new program. The State Tax Department administrative costs would likely be offset by the one percent retention of Special District Excise Tax revenue authorized by W. Va. Code §11-10-11a(e). The Harrison County Commission would likely incur some minimal additional administrative costs to maintain and share a list of Taxpayers within the Charles Pointe Economic Opportunity Development District required to collect and pay the Special District Excise Tax. There could be some loss of State General Revenue over time to the extent that any new activity within the District displaces existing retail activities in the market region located outside of the District. However, such an impact can not be readily quantified.

Signed by Governor: March 20, 2012

HB 4630 Modifying the membership of the Braxton County Recreational Development Authority

Amends and reenacts chapter 196 of the Acts of the Legislature - Local Bill

Bill passed March 6, 2012; Effective from passage

This bill modifies the membership of the Braxton County Recreational Development Authority. It transfers certain authority from the Braxton County Board of Education to the Braxton County Commission and requires the approval of the Braxton County Commission and the Braxton County Board of Education on land transactions conducted by the authority.

Fiscal Impact: -0-

Signed by Governor: March 15, 2012

HB 4654 Relating to the provision of mailing services by the CPRB to certain retiree organizations

Amends WV Code §5-10D-6

Bill passed March 7, 2012; Effective from passage

This bill, relating to voluntary deductions by the Consolidated Public Retirement Board from monthly benefits to pay retiree association dues, establishes the date when the increased dues will be deducted, requires prior authorization of the increased deductions by the retirants, adds requirement of board provision of blind mailing services for retiree associations, provides that the board is not liable for the provision of services and **establishes a termination date of July 1, 2022.** Under this bill a retiree association representing only West Virginia public retirees may request the board to mail voluntary membership applications and dues deduction cards to any eligible retirees of any West Virginia public retirement plan administered by the board: *Provided*, That the retiree association shall pay all costs associated with these mailings, including but not limited to copying, mailing, postage, record-keeping and auditing. The CPR board may contract with a third-party to provide mailing services that agrees to maintain the confidentiality of the names, addresses and other personally identifiable information of the retirants.

Fiscal Impact: -0-

Signed by Governor: March 14, 2012