

LEGISLATIVE LINEUP



YOUR LEGISLATIVE UPDATE FROM CCAWV

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Collective County Voices

*Friday, April 5, 2019,
Final Summary of the 2019 WV Legislature*
BY: Vivian Parsons, Executive Director

Bill	Title	Status	Effective Date
SB 3	<p><u>Establishing WV Small Wireless Facilities Deployment Act</u> - . all relating generally to wireless telecommunication technology facilities. This bill provides a limited-time valuation of certain specialized wireless technology property. For five years immediately following the date of its construction or erection between July 1, 2019, and July 1, 2024; the value of a tower is its salvage value, and the correlated value determined under a unit valuation approach shall be reduced by the difference between the original cost and the salvage value of a tower. The bill requires initial determination and specifies procedure for protest and appeal of determination.</p> <p>The bill establishes and delineates Public Service Commission jurisdiction over make-ready pole access within the state. It determines the feasibility of electric utilities constructing and operating middle-mile broadband Internet projects to serve certain unserved and underserved areas. It delineates the factors that must be contained in certain feasibility studies and requires the Broadband Enhancement Council and the Public Service Commission to assist electric utilities in the determination of the feasibility of certain proposed middle-mile broadband development projects. It requires that the Broadband Enhancement Council render a judgment as to the feasibility of middle-mile broadband Internet projects within 60 days from the date the feasibility study is submitted to the council.</p> <p>Commencing January 1, 2020, and each year thereafter, the council shall give a report of its consideration of feasibility studies submitted pursuant to this section to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the Joint Committee on Government and Finance.</p> <p>It requires on or before December 31, 2026, all Class I and Class II municipalities shall report to the Joint Committee on Government and Finance of the effects of the implementation of this article.;</p> <p>The bill establishes the West Virginia Small Wireless Facilities Deployment Act; and provides for access to public rights-of-way for the collocation of small wireless facilities. The bill establishes certain permit requirements; and authorizes and limits access to collocation sites, structures, and equipment. The bill requires permits to be issued on a nondiscriminatory basis and provides for the collection of fees and sets the amount of fees. An authority may charge an annual recurring rate to collocate small wireless facilities on an authority utility pole that equals \$65 per year per pole. An authority may adjust this rate 10 percent every five years, rounded to the nearest</p>	<p>Approved by Governor March 27, 2019</p>	<p>Passed March 5, 2019; in effect from passage</p>

	five dollars. Finally, it provides certain zoning, indemnification, insurance, and bonding requirements.		
SB 4	<p><u>Relating generally to Municipal Home Rule Program</u> - This bill amends and reenacts §8-1-5a of the Code of West Virginia, relating to municipal home rule. It establishes the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program. It provides for continuation of plans and amendments approved during Municipal Home Rule Pilot Program and provides that any ordinance, act, resolution, rule, or regulation enacted pursuant to the Municipal Home Rule Pilot Program shall continue until repealed.</p> <p>It expands eligibility to participate in home rule to additional municipalities; establishes annual assessment for participants in Municipal Home Rule Program and It establishes a penalty for failing to timely pay the annual assessment.</p> <p>It creates special revenue account for and clarifies the authority of the Municipal Home Rule Board; requiring Municipal Home Rule Board to reject any application or amendment that does not reasonably demonstrate municipality's ability to manage related costs or liabilities. It requires publication of administrative rules of Municipal Home Rule Board on its website and made available to the public in print upon request. It clarifies procedures related to submitting amendment to approved plan and requires certain notice and public hearing and notice of hearing prior to municipality proposing a plan or amendment.</p> <p>The bill provides more specific direction regarding the requirements for municipalities participating in the Municipal Home Rule Program that reinstate or raise business and occupation taxes and its impact on municipal sales tax in certain circumstances.</p> <p>The bill adds additional prohibitions for municipalities participating in the Municipal Home Rule Program from passing an ordinance, act, resolution, rule, or regulation.....</p> <ul style="list-style-type: none"> -- contrary to laws governing professional licensing or certification of employees --contrary to laws, rules, or regulations governing enforcement of building codes or fire codes; --contrary to federal laws, regulations, or standards that would affect state's required compliance or jeopardize federal funding; --contrary to laws or rules governing procurement of architectural and engineering services with certain exceptions; -- contrary to chapter 17C of the Code of West Virginia, 1931, as amended; --contrary to laws, rules, or regulations governing communication technologies or telecommunication carriers; --that governs the sale, transfer, possession, use, storage, taxation, registration, licensing, or carrying of firearms, ammunition, or accessories thereof; --that imposes duties on another governmental entity and providing certain exceptions to that prohibition; --prohibiting or effectively limiting the rental of a property or regulating the duration, frequency, or location of such rental and providing certain exceptions to that prohibition and limitation. <p>The bill modifies reporting requirements and eliminates automatic termination of the Municipal Home Rule Pilot Program on July 1, 2019.</p>	Approved by Governor March 25, 2019	Passed March 9, 2019; in effect 90 days from passage (June 7, 2019)
SB 16	<p><u>Authorizing expenditure of surplus funds by Wyoming County Commission</u> - The County Commission of Wyoming County is hereby authorized and empowered to use any unexpended sums and surpluses, presently or hereafter existing, in the General Fund or in any special fund for the Wyoming County Sheriff's Department to establish a K-9 Unit to assist with drug searches.</p>		Passed March 8, 2019; in effect 90 days from passage (6/6/19)
SB 17	<p><u>Relating to probation eligibility</u> - The bill adds the option of a psychological study and diagnosis to the studies and treatment required for a person to be eligible for probation upon conviction of certain sexually related offenses; and adding offenses involving preparation, distribution, or exhibition of obscene matter to minors to the list of offenses for which such examinations are required for probation eligibility.</p>	Approved by Governor 2/11/19	Passed January 29, 2019 Effective from passage
SB 18	<p><u>Relating to crimes committed on State Capitol Complex</u> - This bill allows that a person who may lawfully possess a firearm may keep a firearm in his or her motor vehicle upon the State Capitol Complex if the vehicle is locked and the weapon is out of normal view, but it removes the requirement that one must have a concealed</p>	Approved by Governor 2/25/19	Effective from passage - (February 13, 2019)

	weapons permit to have a firearm secured and out of view in his or her vehicle on the State Capitol Complex.		
SB 28	<u>Removing hotel occupancy tax limit collects for medical care and emergency services</u> - The purpose of this bill is to remove the current \$200,000 limitation on the amount collected by the county via the hotel occupancy tax that may be used for medical care and emergency services. The final version of this bill also added a new approved use: Support and operation of economic development activities, including site development, facilities and infrastructure in an amount not to exceed \$200,000.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 7, 2019)
SB 61	<u>Adding certain crimes for which prosecutor may apply for court order authorizing interception of communications (wire-tap)</u> . The bill adds the crime of extortion to the list of crimes for which a prosecutor may apply for a court order authorizing interception of communications (wire-tap); allows for the lawful disclosure of lawfully intercepted communications in court proceedings including federal court; and permits the use of derivative crime evidence to obtain an arrest warrant or indictment.	Approved by Governor 3/27/19	Effective Ninety Days from Passage - (June 4, 2019)
SB 90	<u>Transferring Safety and Treatment Program from DHHR to DMV</u> - The purpose of this bill is to transfer the Safety and Treatment Program, which treats and educates people whose licenses were revoked for alcohol- or drug-related concerns, from the Department of Health and Human Resources to the Division of Motor Vehicles. Further the bill waives license reinstatement fees in some circumstances and provides for a method to reduce the license revocation period.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 7, 2019)
SB 100	<u>Increasing court fees to fund law-enforcement standards training and expenses</u> – The bill increases a fee (from \$2 to \$12) added to the usual court costs of all criminal proceedings; and increases the fee (from \$2 to \$12) added to the amount of any cash or property bond posted for violation of any criminal law, dedicated to funding law-enforcement standards training and expense.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 4, 2019)
SB 101	<u>Equalizing penalties for intimidating and retaliating against certain public officers and other persons</u> – This bill will equalize the criminal penalties for intimidating and retaliating against public officers and employees, jurors, and witnesses; increasing penalty for intimidation of such persons to a felony on first offense; and establishing criminal penalties.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 3, 2019)
SB 103	<u>Relating generally to Public Defender Services</u> - requiring Public Defender Services to establish and operate a division within the agency for the purpose of prosecuting writs of habeas corpus on behalf of eligible clients in the circuit courts of the state and before the Supreme Court of Appeals upon appointment by a court. This bill transfers initial authority to review, approve, modify, or refuse panel attorney vouchers from circuit courts to Public Defender Services; provides for resubmission or reconsideration of vouchers previously modified or refused; establishes procedures for handling of modified or refused vouchers; and maintains final authority over payment of vouchers with circuit courts. The bill authorizes the Executive Director of Public Defender Services, with approval of the Indigent Defense Commission, to contract for noncriminal legal services. The bill provides for payment of contracts; authorizes agency to reduce or reject vouchers or requests for payment; requires panel attorneys to maintain time-keeping records to enable the attorney to determine time expended on a daily basis; sets record-keeping standards; requires prompt processing and payment of vouchers; increases the rates of compensation for panel attorneys; authorizes payment for in-court paralegal services with prior approval of the circuit court and subject to agency rule regarding maximum reimbursement. Finally, the bill authorizes the executive director to promulgate emergency rules; and sets an effective date of July 1, 2019 for all other provisions of the bill.	Approved by Governor 3/27/19	Effective July 1, 2019
SB 147	<u>Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities</u> - all relating to shifting \$1.00 funding from the Landfill Closure Assistance Fund (from \$3.50 to \$2.50) to local solid waste authorities (from 50 cents to \$1.50). VETOE Message: “The \$1.00 per ton reduction in the assessment would affect the Landfill Closure Assistance Fund administered by DEP, which is used to close landfills in an environmentally protective and sound manner and to pay ongoing maintenance costs on the closed landfills as they age. The annual reduction in this Fund is approximately \$2.1 million dollars.....Senate Bill147 is concerning because the fee reduction to the Closure Fund will severely impair the DEP's ability to continue maintenance on the already closed landfills and to the ability to close the upcoming ones in a safe manner; posing a threat to the health and safety of our citizens. Putting	Governor VETOED March 27, 2019	

	public health at risk for West Virginian's is a bad policy choice, and one that I cannot endorse.”		
SB 152	Relating generally to criminal offense expungement - The purpose of this bill is to allow for criminal record expungement, rather than just reducing felonies to a misdemeanor and, to allow access to the petition process for expungement of nonviolent felonies after five years instead of 10 years.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 7, 2019)
SB 153	Providing greater flexibility for making infrastructure project grants - This bill increases the percentage of the infrastructure fund (from 20% to 25% that may be used for grants; provides authority to transfer additional funds designated to loans on to the grant program under certain circumstances (when below \$150,000 in the district, council may convert up to 30 percent of the funds available for loans); clarifies how funding assistance may be spent; and increases the cap on annual spending that may be made on the preapplication process to project sponsors (from \$100,000 to \$500,000 annually)	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 5, 2019)
SB 163	Authorizing DEP promulgate legislative rules – One of the rules in this bundle deals with water quality standards. You can find the modified rule at this link: http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=50947&Format=PDF	Approved by Governor 3/26/19	Effective from passage - (March 5, 2019)
SB 177	Fire Commission rule relating to State Building Code You can find the final rule at this link: http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=51028&Format=PDF	Approved by Governor 2/14/19	Bill Effective from passage - (January 31, 2019) Rule Effective April 30, 2019
SB 187	Authorizing Department of Revenue to promulgate legislative rules: This bill bundles together multiple bills to authorize certain agencies under the Department of Tax and Revenue to promulgate legislative rules: This bundle includes: authorizing the State Tax Department to promulgate a legislative rule relating to payment of taxes by electronic funds transfer: http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=50945&Format=PDF ; authorizing the State Tax Department to promulgate a legislative rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities: http://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=50729&Format=PDF ;	Approved by Governor 3/26/19	Effective from passage -
SB 199	Authorizing certain miscellaneous agencies and boards promulgate legislative rules: -- Commissioner of Agriculture (industrial hemp, 61 CSR 29), is authorized with the following amendments: On page 4, section 4, by inserting a new subsection 4.1 to read as follows: 4.1. Within 60 days of being issued a license, the licensee shall certify to the Commissioner that he or she has provided a copy of that license to both the sheriff of the county in which the hemp is being grown and the local detachment of the West Virginia State Police.	Approved by Governor 3/22/19	Effective from passage - (March 8, 2019)
SB 237	Improving ability of law enforcement to locate and return missing persons – This bill details actions that must be taken by law-enforcement agencies following the receipt of a missing persons complaint and during a missing persons investigation. It details actions that must be taken by medical examiners and law-enforcement agencies related to identification of human remains; requires the timely notification to family members of identification of human remains; and requires submission of information to certain national and state databases. The bill also creates a misdemeanor offense of knowingly and willfully filing a false-missing-persons report with a law-enforcement agency.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 3, 2019)
SB 241	Permitting county court clerks scan certain documents in electronic form – This bill provides that the county commission may, in accordance with the provisions of §5A-8-15 of this code, authorize the clerk to scan, record, and make available online when determined to be financially feasible by the county commission all such writings and papers in electronic form rather than in well-bound books, not prepare in separate books an index of any type, and replace existing well-bound books by scanning them in an approved electronic format: It further provides <i>however</i> , That existing well-bound books be retained either on-site or off-site unless the provisions	Approved by Governor 3/22/19	Effective Ninety Days from Passage - (June 7, 2019)

	of §5A-8-15 of this code are followed: <i>and further that</i> any documents in an electronic format are stored on a server off site, such as a cloud-based server, to retain a backup copy of electronic documents.		
SB 255	<u>Relating to Emergency Medical Services Advisory Committee</u> – The bill reconfigures and increases the membership of the council by adding three voting citizen-members; and requiring three members to be representative of professional groups. (CCAWV retains a member on the committee.)	Approved by Governor 2/14/19	Effective Ninety Days from Passage - (May 2, 2019)
SB 291	<u>Relating generally to survivor benefits for emergency response providers</u> - The purpose of this bill is to include Division of Forestry employees eligible for survivor benefits as other first responders if they are killed while engaging in wildland fire fighting.	Approved by Governor 3/22/19	Effective July 1, 2019
SB 295	<u>Relating to crimes against public justice</u> - The original purpose of this bill was to include court security officers in the definition of persons against whom obstructing an officer is a crime. It was a priority for CCAWV. However, it was amended in the final hours of the session to be much broader than our original intent and to include the Fire Marshal's officers. As adopted, the bill now grants courthouse security officers arrest powers under certain circumstances; authorizes certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; sets forth firearm training and qualification requirements; requires supervising authority to issue photo identification and certification cards; specifies policy content and states legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act. The bill establishes an effective date of July 1, 2020. It does criminalize the obstruction of a courthouse security officer, correctional officer, and certain Fire Marshal's office personnel while they are acting in their official capacities (our original request); criminalizes fleeing from a courthouse security officer, correctional officer, and certain Fire Marshal's office personnel; and criminalizes the disarming or attempted disarming of courthouse security officers and certain Fire Marshal's office personnel.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 7, 2019)
SB 317	<u>Authorizing three or more adjacent counties form multicounty trail network authority</u> – The purpose of this bill is to create a framework for establishment of multicounty trail network authorities. It provides that an authority is a public corporation and joint development entity; and provides procedures for counties to join a trail network authority as a participating county. It provides for the merger of two established authorities. It authorizes the formation of the Mountaineer Trail Network Recreation Authority and establishes the creation of the Mountaineer Trail Network Recreation Area. It further identifies participating counties (consisting of representatives from the counties of Barbour, Grant, Harrison, Marion, Mineral, Monongalia, Preston, Randolph, Taylor, and Tucker); and authorizes counties to join through certain procedures. The bill authorizes the Mountaineer Trail Network Recreation Authority to merge with other multicounty trail network authorities through certain procedures; provides legislative findings and purposes for this authority; lists the recreational purposes for the recreation area; specifies the manner of governance and payment of expenses; and ensures liability protections for cooperating land owners.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 7, 2019)
SB 345	<u>Relating to fire service equipment and training funds for VFDs</u> – This bill ended up combining a couple of bills all relating generally to accounting and reporting of state grants, distributions, and studies. The bill redefines "grantee" to include state spending units and local governments ; and requires grantees to report state grant spending information to grantors and imposes duties and consequences. It imposes authority, duties, and consequences relating to volunteer and part-volunteer fire companies and departments as to state grants and distributions. It modifies the liability for criminal penalties; and imposes authority and duties on Legislative Auditor, State Auditor, and State Fire Marshal; for proposing legislative rules. This bill also removes last year's requirement for a report by State Fire Marshal for transferring authority and oversight of volunteer fire departments to counties that was due by July 1, 2019!	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 7, 2019)
SB 352	<u>Relating to Division of Corrections and Rehabilitation acquiring and disposing of services, goods, and commodities</u> - The purpose of this bill is to clarify the purchasing authority for Division of Corrections and Rehabilitation, establish new fund, and provide guidance in the disposal of surplus property.	Approved by Governor 3/25/19	Effective from passage - (March 9, 2019)
SB 373	<u>Relating to financial responsibility of inmates</u> – This bill authorizes the Commissioner of Corrections and Rehabilitation to deduct money from court-ordered	Approved by Governor 3/25/19	Effective Ninety Days from

	obligations, civil judgments, and settlements, including child support, restitution, spousal support, and court costs prior to depositing such moneys in the inmate's account. CCAWV supports this bill because such action contributes the county funds that come via court costs!		Passage - (June 3, 2019)
SB 405	Increasing limit on additional expenses incurred in preparing notice list for redemption - This bill increases the limit from \$300 to \$500 on additional expenses a purchaser may recover in preparing notice list for redemption of purchase and for licensed attorney's title examination.	Approved by Governor 3/25/19	Effective Ninety Days from Passage - (June 7, 2019)
SB 421	Relating to annual legislative review of economic development tax credit: The Development Office shall report annually to the Joint Commission on Economic Development by December 1 of each year on the number of applications received from eligible companies as provided in this article, the identity of each eligible company, whether the eligible company is seeking the tourism development project credit or the tourism development expansion project credit, or both, a description of the tourism development projects to which the credit may be applied, the status of each application, the number of projects approved, the status of each project, whether the projects are certified multiple year projects, the amount of credit allowed, and the amount of consumers sales and service tax generated by each project.	Approved by Governor 3/22/19	Passed March 7, 2019; in effect 90 days from passage (6/5/19)
SB 491	Extending effective date for voter registration in conjunction with driver licensing: Relating generally to automatic voting registration through the Division of Motor Vehicles; adding United States citizenship status to information that applicants must provide; requiring the Division of Motor Vehicles to develop a regular process by January 1, 2020, that allows the Secretary of State to fulfill his or her duties as provided by §3-2-3 of this code to confirm that persons who are noncitizens of the United States have not and cannot register to vote via the Online Voter Registration portal; delaying the effective date for automatic voter registration in conjunction with certain Division of Motor Vehicle transactions until July 1, 2021; and requiring the Division of Motor Vehicles, the Department of Transportation, and the Secretary of State to file certain reports with, and appear before, the Joint Committee on Government and Finance and the Joint Standing Committee on the Judiciary during the first interim meetings occurring after September 1, 2019.	Approved by Governor 3/25/19	Passed March 6, 2019; in effect from passage
SB 519	Requiring county emergency dispatchers complete course for telephonic cardiopulmonary resuscitation: Relating to requiring persons employed to dispatch emergency calls in county emergency dispatch centers to complete a training course in emergency cardiovascular care for telephonic cardiopulmonary resuscitation; requiring training to be completed by July 1, 2020 and new hires after July 1, 2019, within one year from hire date. All public safety answering points that answer calls for emergency medical conditions shall, in the appropriate circumstances, provide telephonic assistance in administering cardiopulmonary resuscitation directly or transfer calls to a call center to provide assistance in administering telephonic cardiopulmonary resuscitation.	Approved by Governor 3/26/19	Passed March 5, 2019; in effect 90 days from passage (6/3/19)
SB 520	Requiring entities report drug overdoses - To fulfill the purposes of this article, the following information shall be reported, within 72 hours after the provider responds to the incident and via an appropriate information technology platform, to the Office of Drug Control Policy: (1) The date and time of the overdose; (2) The approximate address of where the person was picked up or where the overdose took place; (3) Whether an opioid antagonist was administered; (4) Whether the overdose was fatal or nonfatal; (5) The gender and approximate age of the person receiving attention or treatment; and (6) The suspected controlled substance involved in the overdose. This requirement applies to: 1) Health care providers; (2) Medical examiners; (3) Law-enforcement agencies, including, state, county, and local police departments; (4) Emergency response providers; and (5) Hospital emergency rooms. The data, collected by the Office of Drug Control Policy, shall be made available to law enforcement, local health departments, and emergency medical service agencies in each county. Entities who are required to report information to or from the office pursuant to this section in good faith are not subject to civil or criminal liability for making the report.	Approved by Governor 3/25/19	Passed March 5, 2019; in effect 90 days from passage (6/3/19)

SB 522	<p>Creating Special Road Repair Fund – This bill was known as “Randy’s Dream,” for Senator Randy Smith’s efforts to find funds for highway/road maintenance. The bill relates to enhancing maintenance and repair of the state’s roads and highways generally. It establishes roads accountability and transparency; directs the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating to state and public roads; setting forth the minimum content to be contained in the website. The bill directs the Commissioner of Highways to provide information and data to the State Auditor; and requires an annual update to the Joint Committee on Government and Finance. It creates the Special Road Repair Fund as a subaccount of the State Road Fund and authorizes the Commissioner to transfer certain funds into the subaccount for certain purposes. It creates the Enhanced Road Repair and Maintenance Program; stating legislative findings and purpose of the program. The bill also requires the Division of Highways county supervisors consult with county commissions and legislators to submit project requests to the Division of Highways.</p> <p>Veto Message: “The purpose of the bill, while well-intentioned, is problematic because it represents a legislative encroachment into executive functions.”</p>	Governor VETOED March 27, 2019	
SB 538	<p>Relating to WV Highway Design-Build Pilot Program – This bill modifies and defines monetary project limits of the program and changing terminology. It allows exceptions for declared states of emergency; and allows use of the program with limits for projects financed with and without bonds.</p>		
SB 587	<p>Relating to PEIA reimbursement of air ambulance providers - The plan shall reimburse any air-ambulance provider that provides emergency air transportation or related emergency medical or treatment services to an employee or dependent of an employee covered by the plan the amount then in effect for the federal Medicare program, including any applicable Geographic Practice Cost Index.</p>	Approved by Governor 3/25/19	Passed March 6, 2019; in effect 90 days from passage (6/4/19)
SB 601	<p>Relating to mandatory supervision of adult inmates- authorizing the Commissioner of the Division of Corrections and Rehabilitation to develop mandatory supervised release plans.</p>	Approved by Governor 3/25/19	Passed March 8, 2019; in effect from passage
SB 622	<p>Relating generally to regulation and control of financing elections -This bill changes the donation limits for campaigns; the maximum contribution to candidate committees is \$2,800, while the limits for political action committees go to \$5,000 and state party executive committees go to \$10,000. The maximum donation for each group had been \$1,000. The bill requires all PACs to file their financial reports with the Secretary of State’s office electronically and more immediate. The bill also closes a current loophole that allows independent expenditure groups to file financial reports with the Federal Election Commission, but not with the state, even when they spend money on West Virginia campaigns.</p>	Approved by Governor 3/27/19	Passed March 9, 2019; in effect 90 days from passage
SB 655	<p>Relating to conservation districts generally - The purpose of this bill is to clarify that the State Conservation Committee may operate and administer a conservation grant program providing financial assistance to conservation districts and others to promote approved conservation practices.</p>	Approved by Governor 3/25/19	Passed March 7, 2019; in effect 90 days from passage (6/5/19)
HB 2001	<p>Relating to exempting social security benefits from personal income tax Relating to exempting social security benefits from personal income tax. The purpose of this bill is to create a partial state income tax exemption for Social Security benefits received by taxpayers with federal adjusted gross income under \$100,000 if married filing jointly, or under \$50,000 if single or married filing separately. The exemption would be phased in to a full exemption over 3 years. For taxable years beginning in 2020, 25 percent of the Social Security benefits are exempt; in 2021, 50 percent, and in 2022 and thereafter, 100 percent. This bill also clarified this exemption for certain uniformed services; clarified that tier one railroad retirement benefits are not subject to personal income tax, specified an effective date and removed obsolete language in the bill.</p>	Governor SIGNED 3/27/19	Passed 3/9/19; Effective 90 days from passage. (6/7/19)
HB 2020	<p>Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution</p>	Approved by Governor with deletions and reductions3/14/19	Effective from passage - (March 8, 2019)
HB 2079	<p>Removing certain limitations on medical cannabis grower, processor and dispensary licenses. The purpose of this bill is to remove the maximum number of</p>	Governor Vetoed March 27, 2019	

	<p>grower, processor and dispensary permits. The bill removes the requirements that licenses be limited in regions of the state.</p> <p>VETO MESSAGE: “The bill imposes excise taxes on growers, processors, and dispensaries of medical cannabis that favors wholly vertically integrated businesses. While the Legislature has authority to classify different businesses and to tax them differently, the classifications must be (1) reasonable, (2) based on pertinent and real differences, and (3) have as their object a purpose that is germane to the enabling legislation. See United Fuel Gas Co. v. Battle, 167 S.E.2d 890 (1969), cert. denied, United Fuel Gas Co. v. Haden, 396 U.S. 116 (1969). Applying this test, it is impossible to justify the classifications in the bill.”</p>		
HB 2362	<p><u>Ardala Miller Memorial Act.</u> -This bill relates to emergency absentee ballots and states that providing that persons who become confined to a particular location on or after the seventh day preceding an election, because of illness, injury, physical disability, immobility due to extreme advanced age, or other medical reason, may vote an emergency absentee ballot. It also provides that a county commission may adopt a policy extending emergency absentee voting procedures to qualified voters who are eligible to vote an emergency absentee ballot; and providing that a county clerk may require written confirmation by certain licensed medical professionals that a voter meets the criteria to vote an emergency absentee ballot based on confinement.</p>	Governor SIGNED 3/26/19	Passed 3/6/19; Effective 90 days from Passage (6/4/19)
HB 2363	<p><u>Relating to the Upper Kanawha Valley Resiliency and Revitalization Program -</u> This bill is to modify the Upper Kanawha Valley Resiliency and Revitalization Program; modifying definition of “Upper Kanawha Valley”; defining terms; extending the length of the program; adding to duties of revitalization council; clarifying the reporting requirements for the program; removing certain language regarding funding; and requiring an assessment of the option of establishing or maintaining schools jointly pursuant to authority granted in said code.</p> <p>VETO MESSAGE: “Certain provisions of Enrolled Committee Substitute for House Bill 2363 attempt to encroach upon the authority of the West Virginia Board of Education, and the State Superintendent as its chief executive officer, to provide for the general supervision of public schools in West Virginia, which authority must be equitably exercised across the state without disparate treatment between districts.”</p>	Governor Vetoed March 27, 2019	
HB 2439	<p><u>Relating to fire service equipment and training funds for volunteer and part-volunteer fire companies.</u> The purpose of this bill is to provide a simpler alternative for fire departments and fire companies to document their use of state funds for safety equipment and training, and provides sanctions, including forfeiture of state money, for failure to provide required documentation or for spending state funds for improper uses. This bill also provides procedures for notification to the fire department or company that is subject to sanctions and to correct or contest determinations of improper expenditures. This bill was recommended for introduction and passage by the Joint Committee on Volunteer Fire Departments and Emergency Medical Services.</p>	Governor SIGNED 3/26/19	Passed 3/5/19 Effective 90 days from Passage (6/3/19)
HB 2446	<p><u>Blue Alert Plan</u> - The purpose of this bill is to establish the Blue Alert program which will aid in locating a law-enforcement officer who has disappeared in the line of duty or locating and safely apprehending a suspect or suspects who kill or inflict a life-threatening injury upon a law-enforcement officer and remain at large.</p>	Approved by Governor 2/25/19	Effective Ninety Days from Passage - (May 14, 2019)
HB 2452	<p><u>Creating the West Virginia Cybersecurity Office</u> - Creating the West Virginia Cybersecurity Office. The purpose of this bill is to authorize the establishment of a cybersecurity framework for state agencies. The framework will be developed and administered by the Chief Information Security Officer within the Office of Technology. The bill creates a minimum standard for cybersecurity controls for state agencies. The bill requires cybersecurity assessments to determine the status of state agencies with respect to cybersecurity. The bill provides exceptions from application and from disclosure of certain information. The bill repeals §5A-6-4a.</p>	Governor SIGNED 3/26/19	Passed 3/7/19; Effective 90 days from Passage (6/5/19)
HB 2481	<p><u>Permitting retail sale of alcoholic beverages on Sundays after 1 p.m.</u> - all relating to allowing retail liquor licensees to sell liquor on Sundays, other than Easter Sunday and those Sundays on which Christmas falls, beginning no earlier than 1 p.m.; and removing the criminal offense of selling liquor on Sundays.</p>	Approved by Governor 2/28/19	Passed 2/19/2019 Effective from passage
HB 2538	<p><u>Providing banking services for medical cannabis</u> - The purpose of this bill is to provide banking services for services provided under the West Virginia Medical Cannabis Act.</p>	Approved by Governor 3/26/19	Passed 3/5/19 Effective from Passage

HB 2547	Relating to the election prohibition zone - The purpose of this bill is to amend and reenact §3-9-6 of the Code of West Virginia, 1931, as amended, relating to the election prohibition zone; amending the election prohibition zone from 300 feet to 100 feet.	Approved by Governor 3/26/19	Passed March 5, 2019; in effect ninety days from passage.
HB 2579	Relating to the collection of tax and the priority of distribution of an estate or property in receivership - The purpose of this bill is to clarify conflicts within the code and create uniformity relating to the collection of taxes, the priority of distribution of an estate and to limit the liability of a fiduciary charged with distribution of the estate. VETO MESSAGE: "House Bill 2579 destroys the trust fund nature of collected consumers sales and service taxes, withheld employer withholding taxes and collected motor fuel excise taxes held in trust for the State by a business that is in bankruptcy, foreclosure or receivership; and eliminates the personal liability of a fiduciary for failing to remit collected trust fund taxes. The bill allows these public monies to be used for purely private purposes in violation of Article X, § 6 of the Constitution of West Virginia."	Governor Vetoed March 27, 2019	
HB 2600	Relating to publication of sample ballots - The purpose of this bill is to provide for an alternative method to publish sample ballots for electronic voting machines, providing that sample ballots required to be printed as legal advertisements ahead of elections in counties where electronic voting has been adopted may consist of a facsimile of the absentee ballot; providing that when sample ballots for the precincts within a county contain different districts for certain offices or municipal wards, the facsimile shall be altered to include each of the various districts in the appropriate order; providing that if sample ballots must be divided onto more than one page, the arrangement and order shall be made to conform as nearly as possible to the arrangement of the ballot; providing that the publisher of the newspaper containing the sample ballot shall submit a proof and arrangement of the ballot to the ballot commissioners for approval prior to publication. Also providing that on primary election ballots, the nonpartisan ballot for judicial elections shall appear immediately after the state ticket and immediately before the county ticket; providing that on primary election ballots, the non-judicial nonpartisan ballot shall appear immediately after the county ticket and immediately before the district ticket; and providing that on primary election ballots, the national convention ticket shall appear immediately after the district ticket, with the election for at-large delegate to the national convention appearing immediately after the election for congressional district delegate to the national convention.	Approved by Governor 3/26/19	Passed 3/8/19 Effective 90 days from Passage (6/6/19)
HB 2665	Supplemental appropriation for PEIA Rainy Day Fee - Supplemental appropriation for PEIA Rainy Day Fee. The purpose of this supplemental appropriation bill is to add a new item of appropriation in the aforesaid account for the designated spending unit for the fiscal year 2019.	Approved by Governor 3/14/19 - House Journal	Effective from passage - (March 9, 2019)
HB 2673	Creating the Oil and Gas Abandoned Well Plugging Fund - The purpose of this bill was to exempt low volume oil and gas wells from severance tax, and to provide for a special use fee on sales from oil and gas wells which produce more than 5,000 cubic feet of natural gas or one-half barrel of oil per day but less than 60,000 cubic feet of natural gas or 10 barrels of oil per day. The special use fee would be used by the Secretary of the Department of Environmental Protection to plug orphaned oil and gas wells. Counties would have lost revenue from the passage of this bill, especially oil & gas producing counties. VETO MESSAGE: "The goal of providing additional needed funding to the Department of Environmental Protection to plug abandoned oil and gas wells and reclaim property disturbed by the plugging is a goal that needs to be pursued and achieved. However, this needed funding should come from general revenues generated by the current severance tax rate, among other sources, rather than from significantly diminished revenues generated by a 50% tax rate cut, which, under the bill, effectively becomes a 100% tax rate cut when \$4 million is in the Fund. I believe it would be to the detriment of the State and to the many causes to which general revenues are put to allow for such an increase in the amount of natural gas and oil produced with an effective tax rate of 0% once \$4 million has been deposited to the Fund, in order to direct funding to a purpose more efficiently funded from general revenues. Further, there is potential conflict regarding the dedication of the severance tax proceeds from the privilege of producing oil and natural gas. Currently,	Governor VETOED March 27, 2019	CCAWV Opposed this bill. Counties would have lost revenue.

	10% of the severance tax attributable to the severance tax on oil and natural gas is dedicated for the use and benefit of the counties and municipalities of the State, and of that amount 75% is to go to the oil and natural gas producing counties. As enacted, this bill would affect the amount available for these distributions needed to provide funds to counties and municipalities throughout the State."		
HB 2734	<u>Relating to reduced rates for low-income residential customers of privately-owned sewer and combined water and sewer utilities</u> - all relating to reduced rates for low-income residential customers of privately-owned sewer and combined water and sewer utilities; providing for application for reduced rates; and authorizing certain tax credits for cost of using reduced rates. VETO MESSAGE: Enrolled Committee Substitute for House Bill 2734 is technically flawed because its title is defective. See State ex rei. Davis v. Oakley, 156 W.Va. 154, 1919 S.E.2d 610 (requiring bill titles to provide notice of a bill's content). Specifically, the title does not mention that credits are allowable for taxable years beginning on and after January 1, 2019 or that the bill defies certain terms. Additionally, there are other technical flaws in the bill. The bill includes erroneous code references. The language in § 11-13F-3(a) and (b) in the bill erroneously refers to §24-13-1 et seq. when the correct reference is to §11-13-1 et seq. Additionally, within the bill, §11-13F-2(a)(2) and §11-13F-3(a) refer to §24-2A-3 when they should refer to §24-2A-2	Governor VETOED March 27, 2019	
HB 2739	<u>Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board</u> -This bill all relates to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board. It authorizes the State Auditor, county commission, or sheriff of the county in which the employer is located to withhold moneys due to an employer that is delinquent in required contributions to a retirement plan after the Consolidated Public Retirement Board has certified the delinquency. It authorizes withheld moneys to be applied to the retirement system the delinquent payments would have been made to; provides for interest on delinquencies; and requires the Consolidated Public Retirement Board to provide notice to a participating employer 30 days prior to certifying a delinquency. It makes it a criminal offense of a misdemeanor for persons who are responsible for ensuring that an entity complies with the requirements of a retirement plan administered by the Consolidated Public Retirement Board to knowingly and willfully fail to make employee or employer contributions to a retirement plan for a period of 60 days after the payment is due. Upon conviction thereof, a person shall be fined not less than \$100 nor more than \$500 or shall be confined in jail for not more than six months, or both fined and confined.	Approved by Governor 3/26/19	Passed March 8, 2019; in effect ninety days from passage
HB 2746	<u>Relating to administration of estates</u> - Relating to administration of estates. This bill amends the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-2-19a; and to amend and reenact §44-3A-24of said code, all relating to administration of estates; requiring reports by fiduciary commissioners of unprogressed estates; allowing the county commission to close an estate administratively; providing an appeal procedure; and providing that personal representatives are liable for failure to all persons with an interest in the assets of such an estate.	Governor SIGNED 3/25/19	Passed 3/1/19 Effective 90 days from Passage (5/29/19)
HB 2809	<u>Relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area</u> This bill is to amend and reenact § 20-14-8 of the Code of West Virginia, 1931, as amended, relating to prohibited acts and penalties in the Hatfield-McCoy Recreation Area; increasing fines for persons who do not remain within and on a designated and marked trail within the Hatfield-McCoy Recreation Area and cause property damage to a landowner's property outside the designated and marked trails or interfere with a landowner's or lawful possessor's use of property outside the designated and marked trails within the Hatfield-McCoy Recreation Area.	Governor SIGNED 3/26/19	Passed 3/8/19 Effective 90 days from Passage (6/6/19)
HB 2827	<u>Removing the residency requirements for hiring deputy assessors</u> - The deputy assessors shall be appointed by the assessor with the advice and consent of the county commission, and may be removed at any time in the discretion of the assessor. Vacancies occurring from any cause in the office of any deputy assessor shall be filled by the assessors. This bill removes any residency requirements.	Approved by Governor (3/19/19)	Passed February 28, 2019; in effect ninety days from passage. (5/29/19)
HB 2907	<u>Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation</u> - Requiring a form of a certified commitment order to the Division of Corrections and Rehabilitation. Providing forms for state correctional facility and	Governor SIGNED 3/22/19	Passed 3/8/19

	jail commitments; requiring use of statutory forms after July 1, 2019; requiring magistrate court and circuit court clerks immediately provide judicially entered orders to the Division of Corrections and Rehabilitation; requiring that orders sent to prisons must be signed by the circuit judge with jurisdiction over the matter; requiring that orders sent to jails must be signed by the circuit court judge or magistrate with jurisdiction over the matter; acknowledging that the costs of incarceration in jail pending transfer to a state correctional facility shall be paid by the Commissioner from the calendar date following the date of the conviction forward as of July 1, 2019; clarifying the method of transmittal of commitment orders; and establishing an internal effective date of July 1, 2019.		Effective 90 days from Passage (6/6/19)
HB 2945	Relating to vendors paying a single annual fee for a permit issued by a local health department - Relating to temporary food service permits issued by a local or county health departments for selling non-potentially hazardous foods. The bill provides that permits and fees shall be valid for one year; and provides that permits and fees shall be valid beyond the boundaries of the county issuing the permit. The bill requires that vendors must provide notice to local health departments more than 14 days prior to an event and that permits must be visibly posted at the event. The bill also requires the Secretary of DOH to review and modernize legislative rules regarding local boards of health fees.	Governor SIGNED 3/26/19	Passed 3/9/19 Effective 90 days from Passage (6/7/19)
HB 2958	Authorizing the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies – This bill authories the State Auditor to conduct regular financial examinations or audits of all volunteer fire companies. The Auditor is to establish a schedule of examinations; and this bill definies the scope of the Auditor's examinations.	Governor SIGNED 3/25/19	Passed 3/6/19 Effective 90 days from Passage (6/4/19)
HB 2992	Relating to governmental websites - Requiring executive branch agencies maintain a website that contains specific information; requiring county commissions to maintain websites with specific information; requiring county commissions to provide certain information to the Secretary of State ; requiring municipalities to maintain websites with specific information available to the public at no charge; requiring information to be updated; and requiring updated information be provided to the Office of Technology. VETO MESSAGE: "This bill is overly broad in its application, requiring "contact information of each staff member, including office location." There is no exception for employees who are engaged in undercover law enforcement operations, for employees whose office location is their personal residence, or for employees whose safety would be at risk by publishing their office location. I understand the importance of providing the public with readily accessible information about state and local government, as intended by this bill. However, the bill should provide some flexibility for those employees to protect their safety, the safety of their coworkers or the integrity of law enforcement operations. I encourage the Legislature to revisit this bill and present it for signature with the exemptions necessary to protect certain employees."	Governor VETOED March 27, 2019	
HB 3044	Requiring the Commissioner of Highways to develop a formula for allocating road funds - requiring the Commissioner of Highways to develop a formula for allocating road funds among districts, for the benefit of the counties; making legislative findings; requiring the commissioner to solicit and consider public comments; requiring the commissioner to include certain factors in the formula; and requiring the commissioner to submit the formula to the Legislature for approval as a legislative rule. VETO MESSAGE: The West Virginia Division of Highways is a maintenance organization first and foremost, dedicated to keeping the roads and highways of this state in good working order and repair. While a formula may prove useful in predicting where federal and state road money should be spent over a long period, I believe being required to follow a formula for the actual dollar allocation would limit the Division's ability to dedicate funds to maintenance projects where and when needed around the state.	Governor VETOED March 27, 2019	
HB 3045	Exempting certain complimentary hotel rooms from hotel occupancy tax - The purpose of this bill is to exempt complimentary hotel rooms provided by a hotel operator to guests without charge from the hotel occupancy tax.	Approved by Governor 3/19/19	Passed March 5, 2019; in effect ninety days from passage

HB 3057	<p>Relating to the Adult Drug Court Participation Fund - all relating generally to drug courts. This bill removes certain restrictions on Drug Court Participation Fund expenditures and allows that all moneys deposited into the State Treasury and credited to the Adult Drug Court Participation Fund shall be used to pay the costs associated with maintaining and administering the court's adult drug court programs, instead of requiring appropriation by the legislature.</p> <p>The bill also permits the Supreme Court of Appeals of West Virginia to create a family drug treatment court pilot program; permitting implementation in at least four circuits.</p> <p>The bill restricts this pilot program to individuals with substance use disorders who are involved in a child abuse and neglect case. The bill permits the Supreme Court to provide oversight, technical assistance and training.</p> <p>The bill establishes a state family drug treatment court advisory committee and a local family drug treatment court advisory committee. Each local family drug treatment court advisory committee is required to establish criteria for the eligibility and participation of adult responders who have been adjudicated to be an abusive or neglectful parent and who have been granted a post-adjudicatory improvement period and who have a substance use disorder. The bill also prohibits certain respondents from being eligible for participation in a family drug treatment court. Participation by an adult respondent in a family drug treatment court shall be voluntary and made pursuant only to a written agreement by and between the adult respondent and the department with the concurrence of the court.</p>	Approved by Governor 3/27/19	Passed March 9, 2019; in effect ninety days from passage.
HB 3139	<p>Relating to funding of the Public Employees Health Insurance Program - Relating to funding of the Public Employees Health Insurance Program. This bill requires the finance board to maintain a reserve fund at actuarially recommended amounts of at least 10 percent of plan costs; removes requirement to transfer moneys resulting from plan savings into reserve fund; and removes requirement that excess funds be transferred to West Virginia Retiree Health Benefit Trust Fund. It establishes the PEIA Rainy Day Fund as special, nonexpiring, interest-bearing revenue account in the State Treasury and provides funding for the Fund from appropriations, investment income and other sources. The bill also authorizes the promulgation of emergency and legislative rules.</p>	Governor SIGNED 3/27/19	Passed 3/9/19 Effective from Passage
HB 3142	<p>Relating to reducing the severance tax on thermal or steam coal – This bill will reduce the severance tax on thermal or steam coal incrementally over three years; providing for a total reduction of two percent of the coal severance tax at the conclusion of the three year period; providing for a reduction of thirty-five percent of the two percent reduction in the first year; providing for a reduction of sixty-five percent of the two percent reduction in the second year; providing for a full two percent reduction in the third year. It will not affect the .35 of one percent additional severance tax on coal dedicated to counties and cities. It appears that the expenditure limitations for the .35 of 1% have been removed and counties could spend this revenue as the county commission deems appropriate. The bill provides for an elimination of the severance tax on limestone or sandstone; and establishes minimum amounts (not to be less than July 1, 2018) of distribution of portion of severance taxes on coal dedicated for use and benefit of coal-producing counties. This allocation of additional coal severance revenues to coal-producing counties continues to be dedicated to project development (none used for personal services, bond debt, etc.)</p>	Approved by Governor 3/27/19	Passed March 9, 2019; in effect ninety days from passage. (6/7/19)
HB 3144	<p>North Central Appalachian Coal Severance Tax Rebate Act – This Act provides for a rebate of severance tax when capital investment is made in new machinery, equipment, or improvements to real property directly used in severance of coal, or in coal preparation and processing plants. The amount of rebate allowable is determined by multiplying the amount of the taxpayer's capital investment in new machinery, equipment, or improvements to real property directly used in the production of coal at a coal mining operation in this state by 35 percent; then apply this amount against 80 percent of the state portion of the severance tax paid on the privilege of severing, extracting, reducing to possession, and producing coal for sale, profit, or commercial use that is directly attributable to the increased production of coal at the mine due to taxpayer's capital investment in new machinery, equipment, or improvements to real property at the mine or coal processing and preparation plant.</p>	Approved by Governor 3/27/19	Passed March 9, 2019; in effect ninety days from passage. (6/7/19)