

LEGISLATIVE LINEUP



YOUR LEGISLATIVE UPDATE FROM CCAWV

WWW.CCAWV.ORG - (304) 345-4639

Collective County Voices

Monday January 14, 2019
Week 1 of the 2018 WV Legislature
BY: Vivian Parsons, Executive Director

Session 2019 Begins

The opening days of Session 2019 have been very busy! The house has introduced some 328 bills for consideration and the Senate has introduced 284 bills so far. And both sides have already introduced rules bills. That makes for a long list of bills of interest to counties, to report in the first week. So grab a cup of coffee and prepare to do some reading!

CCAWV's Legislative Agenda is Underway

Copies of bill drafts for six of the Association's priorities have been delivered to Speaker Hanshaw's office last week at his request that we do so! We will be working on Sponsors for bills this week, so take the opportunity on Monday night to talk to your legislators about the bills and ask for their support!

- 1% Sales Tax Authority for Counties
- Local Government Salary Bill Mechanism
- Increasing the Roll-back Provision Maximum
- Protection for Court Security Officers
- Expanding Authority for Disposal of County Property
- Exempting Agriculture Buildings from County Building Code

Governor's Proposal To Open the E911 Wireless Fee Statute Introduced – SB 289

The FCC has recently issued a new ruling requiring that any fee collected in the name of "911 Fees" must be used exclusively for that purpose and any violation of that ruling will result in losing federal dollars to the state. Because of FCC mandates, the Governor's bill

proposes splitting the current wireless 911 fee into two separate fees to be sure of compliance. The wireless fee

currently stands at \$3.34 per subscriber. SB 289 would split 34 cents off of the fee and make it a 'public safety fee.' That would cover 15 cents to DSHEM for SIRM, 10 cents to state police and 9 cents to the tower fund. In a perfect world, that would leave \$3 per subscriber to a separate 911 fee that would go 100% to local 911 Centers. But, for some unknown reason, the fee will be cut to \$2.67. It is important that we make our concerns known early in this process. Their argument will be that we received an 11% increase in revenues after the 2017 audit and that's all they are taking away, however current fee less the 11% would be \$3.00 not \$2.67???!

Contact your delegates and senators as well the Governor's office with your concerns, NOW!

Governor's State of the State Proposals

- Justice again promised average 5 percent pay raises for most public employees and proposed increasing an influx of money to shore up insurance for public employees to \$150 million.
- He introduced a program called "Jim's Dream," meant to help with treatment for addiction and job training. With "Jim's Dream," the governor envisions people going to treatment for free, going into job training and being willing to take drug tests. He described a \$20 million expenditure to buy the equipment for training.
- The governor advocated the elimination of two taxes — the income tax on Social Security income **plus the property tax on business and inventory.**
- Eliminating the property tax on business and inventory would be a heavier political lift. This is actually the second year in a row Justice has pitched this. Last year it was called "Just Cut

Taxes and Win,” but it did not emerge from committee. **That tax category brings in about \$140 million in annual revenue.** Changing that would first require two-thirds majorities of each house and then a statewide vote. Putting it to a vote, likely during the 2020 General Election, would buy some implementation time.

- The governor proposed \$14 million more for the Division of Tourism.
- He endorsed an intermediate court of appeals, suggested to cost somewhere between \$3 million and \$12 million.
- He said a portion of road bond money would be shifted from bigger projects toward improving secondary roads.
- He indicated a desire to fix West Virginia’s **medical marijuana law**, which has bogged down over questions about the legality of handling money, but did not specify a solution. Made it VERY clear he did NOT support legalizing recreational marijuana.

- Wanting to improve West Virginia’s overloaded foster care system Justice asked, “Bring me solutions to what we can do.” He proposed taking \$10 million out of surplus and another \$5 million from next year’s budget to improve the Anthony Correctional Center.
- Justice proposed extending Promise Scholarships to cover vocational education. The top priority for the Republican majority in the Senate has been providing grants for community and technical college students. It’s unclear whether the two proposals compete or mesh.

The governor concluded his speech by wishing more people would buy into the idea that West Virginia can improve.






Following is a list of the introduced last week that have county interest. Remember our legislative committee meets weekly by phone conference to discuss the issues. Contact this office (304) 345-4639 or any of your legislative committee members to express concerns. You can find a complete list of all bills at the WV Legislative website: <http://www.legis.state.wv.us/index.cfm>

If you are viewing this report online, you can click on bill numbers to review the full language of the bill or resolution. Be sure to look at the latest version!

2019wk1 - 2019 Regular Session					
Bill	Title	SA/SI	Last Action	Committee Reference	Notes
SB 3 (None) 	Establishing WV Small Wireless Facilities Deployment Act		01/09/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization	The bill makes legislative findings and defines terms; provides for access to public rights-of-way for the collocation of small wireless facilities; provides for certain permit requirements and requires permits to be issued on a nondiscriminatory basis; provides for the collection of fees and setting the amount of fees and provides for certain local zoning, indemnification, insurance, and bonding requirements. Edit Delete
SB 4 (None) 	Relating generally to Municipal Home Rule Program		01/09/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization	The bill continues the current homerule program. Edit Delete
















SB 13	(None) 	Changing distribution of racetrack video lottery net terminal income, excess net terminal income, and excess lottery fund		01/09/19 - To Senate Finance	Senate Ref. 1 - Finance	This bill allocates a certain amount of net and excess terminal income from racetrack video lottery distributed to licensed racetrack purse funds once the Workers' Compensation Debt Reduction Fund is fully funded, as originally intended in the 2005 enabling legislation and in current code §29-22A-10(c)(9) and code §29-22A-10b(a)(9). Edit Delete
SB 20	(None) 	Providing wind power projects be taxed at real property rate		01/09/19 - To Senate Finance	Senate Ref. 1 - Finance	CCAWV supports Edit Delete
SB 24	(None) 	Relating generally to local boards of health		01/14/19 - To Senate On 1st reading 1st Reading	Senate Ref. 1 - Finance	The purpose of this bill is to require the Legislature to provide funds to Department of Health and Human Resources to provide local boards of health funds for pay raises for employees when the Legislature provides funds for across-the-board pay raises for state employees. provided funds. Edit Delete
SB 28	(None) 	Removing hotel occupancy tax limit collects for medical care and emergency services		01/14/19 - To Senate On 1st reading 1st Reading	Senate Ref. 1 - Finance	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. Edit Delete
SB 31	(None) 	Relating generally to Local Powers Act		01/09/19 - To Senate Transportation and Infrastructure	Senate Ref. 1 - Transportation and Infrastructure Senate Ref. 2 - Finance	The purpose of this bill is to provide for the fair distribution of costs for county development by authorizing the assessment and collection of fees to offset the cost of development, including industrial development, within affected counties. From last year. Edit Delete
SB 42	(None) 	Increasing number of magistrates serving Berkeley County		01/09/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance	Add a note.
SB 47	(None) 	Providing wind power projects be taxed at real property rate	SI SB20	01/09/19 - To Senate Finance	Senate Ref. 1 - Finance	Add a note.

SB 53	(None) 	Relating to tax treatment of wind power projects		01/09/19 - To Senate Finance	Senate Ref. 1 - Finance	Add a note.
SB 57	(None) 	Relating to Local Powers Act		01/09/19 - To Senate Transportation and Infrastructure	Senate Ref. 1 - Transportation and Infrastructure Senate Ref. 2 - Finance	Add a note.
SB 65	(None) 	Prohibiting political subdivisions from regulating certain areas of employer-employee relationship and sale or marketing of consumer merchandise		01/09/19 - To Senate Workforce	Senate Ref. 1 - Workforce Senate Ref. 2 - Judiciary	from last year Edit Delete
SB 70	(None) 	Prohibiting political subdivisions from regulating certain areas of employer-employee relationship and sale or marketing of consumer merchandise	SI SB65	01/09/19 - To Senate Workforce	Senate Ref. 1 - Workforce Senate Ref. 2 - Judiciary	Add a note.
SB 83	(None) 	Funding for veterans' programs and volunteer fire departments		01/09/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization Senate Ref. 2 - Finance	Funding for veterans' programs and volunteer fire departments; ending the sales tax exemption on charges for memberships or services provided by health and fitness organizations relating to personalized fitness programs; setting an effective date for the elimination of the exemption; requiring revenue from the elimination of the exemption be deposited in the Veterans Facility Support Fund; directing the Division of Veterans' Affairs to use the revenue to fund bonds for certain purposes; ending the deposit of a portion of the fireworks safety fee in the Veterans Facility Support Fund and instead depositing it into the Fire Protection Fund for volunteer fire departments. Edit Delete
SB 98	(None) 	Reforming liability for municipalities and counties for certain civil actions alleging injury		01/09/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	Add a note.

SB 100	(None) 	Increasing court fees to fund law-enforcement standards training and expenses		01/09/19 - To Senate Finance	Senate Ref. 1 - Finance	Increasing a fee added to the usual court costs of all criminal proceedings; and increasing fee added to the amount of any cash or property bond posted for violation of any criminal law, the proceeds of which are dedicated to the funding of training, professional development. Edit Delete
SB 102	(None) 	Relating generally to powers and authority of courthouse security officers		01/09/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	Granting courthouse security officers arrest powers under certain circumstances; authorizing certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval; setting forth firearm training and qualification requirements; requiring supervising authority to issue photo identification and certification cards; specifying policy content; and stating legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act. Edit Delete
SB 117	(None) 	Relating to incentives for consolidating local governments		01/09/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization Senate Ref. 2 - Finance	Counties that successfully complete county consolidation pursuant to the provisions of §7A-6-1 et seq. of this code shall be entitled to: (1) A discount in the amount of 10 percent of the county's monthly regional jail bill for a period of 10 years following the consolidation; (2) Preference for any road construction or repair project under consideration with the Division of Highways; and (3) Impose a one percent sales and use tax. Edit Delete
SB 122	(None) 	Funding volunteer fire departments through surcharge on fire and casualty insurance policies		01/09/19 - To Senate Banking and Insurance	Senate Ref. 1 - Banking and Insurance Senate Ref. 2 - Finance	CCAWV supports Edit Delete
SB 128	(None) 	Requiring vacancies in certain public offices be filled by person affiliated with same political party as vacating person		01/09/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	Add a note.
SB 129	(None)	Creating surcharge to fund certain fire-related cleanup and demolition		01/09/19 - To Senate	Senate Ref. 1 - Government Organization Senate Ref. 2 -	creating a surcharge on fire and casualty insurance policies in order to relieve the




			Government Organization	Finance	burden from municipalities and counties of certain fire-related cleanup and demolition Edit Delete
SB 141	(None) 	Creating Volunteer Firefighter Appreciation Act of 2019	01/09/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization Senate Ref. 2 - Finance	A retroactive effective date for the increase to death benefits; setting forth legislative findings; detailing eligibility and participation requirements for newly created incentives for volunteer firefighters; allowing certain volunteer firefighters to hunt, trap, or fish in season in West Virginia without obtaining a license; allowing certain volunteer firefighters a waiver of fees for a special volunteer firefighter registration plate on his or her primary vehicle used for responding to emergencies; declaring a discount on lodging at state parks for certain volunteer firefighters; authorizing a refundable tax credit for certain volunteer firefighters with respect to certain expenses associated with being a volunteer firefighter. Edit Delete
SB 147	(None) 	Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities	01/09/19 - To Senate Finance	Senate Ref. 1 - Finance	Add a note.
SB 177	(None) 	Fire Commission rule relating to State Building Code	01/14/19 - To Senate On 1st reading 1st Reading	Senate Ref. 1 - Judiciary	Add a note.
SB 182	(None) 	State Tax Department rule relating to senior citizen tax credit for property taxes paid	01/10/19 - To Senate Finance	Senate Ref. 1 - Finance Senate Ref. 2 - Judiciary	Add a note.
SB 183	(None) 	State Tax Department rule relating to administration of tax on purchases of wine and liquor inside and outside of municipalities	01/10/19 - To Senate Finance	Senate Ref. 1 - Finance Senate Ref. 2 - Judiciary	Add a note.
SB 217	(None) 	Secretary of State rule relating to loan and grant programs under Help America Vote Act	01/10/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	Add a note.

SB 218	(None) 	Secretary of State rule relating to early voting in-person satellite precincts		01/10/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	Add a note.
SB 233	(None) 	Relating to age requirements for deputy sheriff		01/10/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization	The purpose of this bill is to change the cut off age for persons applying for appointment as deputy sheriffs from 45-years of age to 50 years of age. Edit Delete
SB 241	(None) 	Permitting county court clerks scan certain documents in electronic form		01/10/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization	Add a note.
SB 244	(None) 	Amending definitions relating to excise tax		01/10/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance	"Document" means any deed, or instrument or writing by which any real property within this state or any interest in real property including mineral interest or right to extract any mineral interest is granted, conveyed or otherwise transferred to the grantee, purchaser or any other person; Edit Delete
SB 251	(None) 	Adjusting distance from polling place that certain electioneering and election-related activity is prohibited		01/10/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	Changing 100 feet to 250 feet. Edit Delete
SB 261	(None) 	Relating to number of magistrates serving each county		01/11/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance	Increasing the number of magistrates in Berkeley County from 6 to 7 in the 2020 election. Edit Delete
SB 276	(None) 	Relating to regulation and control of elections		01/11/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	prohibiting a foreign national from contributing to candidates in West Virginia; defining "foreign national"; offenses for violation of campaign financial disclosure laws; and prohibiting fundraising for candidates for legislative office during the regular session of the Legislature after July 1, 2019. Edit Delete
SB 281	(None) 	Increasing limitation on amount collected by county used for medical care and emergency services		01/11/19 - To Senate Finance	Senate Ref. 1 - Finance	Medical care and emergency services in an amount not exceeding (changed from \$200,000 to) \$300,000 Edit Delete

<p>HB 2066</p> <p>(None)</p> <p>  </p>	<p>Establishing an alternative methodology for pretrial release of persons charged with crimes</p>		<p>01/09/19 - To House Judiciary</p>	<p>House Ref. 1 - Judiciary</p>	<p>Provided, That upon promulgation of a rule by the Supreme Court pursuant to §62-1C-1b of this code, bail or other financial condition shall not be imposed for pretrial detention, unless the court or magistrate determines, pursuant to criteria promulgated by rule, that a serious risk exists that the defendant will flee, or, there is a serious risk that the defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror. (b) Pretrial release with or without bail may be allowed pending appeal from a conviction.</p> <p style="text-align: right;">Edit Delete</p>
<p>HB 2067</p> <p>(None)</p> <p>  </p>	<p>Prohibiting counties, municipalities, and cities from passing any sanctuary ordinances, policies, and procedures</p>		<p>01/09/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary</p>	<p>Add a note.</p>
<p>HB 2068</p> <p>(None)</p> <p>  </p>	<p>Providing counties the power to establish a county sales tax under certain circumstances</p>		<p>01/09/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Finance</p>	<p>providing counties the power to establish a county sales tax if there is a municipality within their borders participating in the Municipal Home Rule Pilot Program that has enacted a municipal home rule sales tax; establishing county tax will not be in effect for municipality that has enacted municipal home rule sales tax; and requiring county to submit county tax to Tax Commissioner.</p> <p style="text-align: right;">Edit Delete</p>
<p>HB 2087</p> <p>(None)</p> <p>  </p>	<p>Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties</p>		<p>01/09/19 - To House Energy</p>	<p>House Ref. 1 - Energy House Ref. 2 - Finance</p>	<p>Add a note.</p>
<p>HB 2089</p> <p>(None)</p> <p>  </p>	<p>Relating to erroneous tax assessments and overpayments to the county</p>		<p>01/09/19 - To House Judiciary</p>	<p>House Ref. 1 - Judiciary</p>	<p>This bill creates a method by which aggrieved taxpayers, who believe that they were erroneously assessed or overpaid taxes based on an overestimation or unintentional mistake, may seek additional review by the State Auditor in order to reverse an adverse decision by a county commission.</p> <p style="text-align: right;">Edit Delete</p>

HB 2091	(None) 	Increasing the minimum number of magisterial districts in a county		01/09/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary	From 3 to 4. Edit Delete
HB 2094	(None) 	Exempting motor vehicles from personal property tax		01/09/19 - To House Technology and Infrastructure	House Ref. 1 - Finance House Ref. 2 - Finance	Add a note.
HB 2110	(None) 	Reallocating and dedicating the natural gas and oil severance tax revenues annually to the natural gas and oil-producing counties of origin		01/09/19 - To House Energy	House Ref. 1 - Energy House Ref. 2 - Finance	Add a note.
HB 2120	(None) 	Providing local government the authority to place video cameras at road intersections		01/09/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary	Add a note.
HB 2136	(None) 	Clarifying that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates		01/09/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Government Organization	Add a note.
HB 2139	(None) 	Allowing quarterly payment of real and personal property taxes		01/09/19 - To House Judiciary	House Ref. 1 - Judiciary House Ref. 2 - Finance	Add a note.
HB 2155	(None) 	Relating to Capitol Complex security access		01/09/19 - To House Judiciary	House Ref. 1 - Judiciary House Ref. 2 - Finance	Add a note.
HB 2157	(None) 	Relating to the right of municipalities and counties to buy real estate for delinquent taxes		01/09/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Finance	The purpose of this bill is to create the right of municipalities and counties to buy real estate for delinquent taxes. Edit Delete

<p>HB 2158</p> <p>(None)</p> 	<p>Relating to alternate sentencing for nonviolent felony offenders</p>		<p>01/09/19 - To House Judiciary</p>	<p>House Ref. 1 - Judiciary</p>	<p>a sentencing judge, following a hearing and with written findings issued, may order a nonviolent felony offender to serve a minimum sentence of one year in a correctional facility or a term up to one year in jail regardless of other specific minimum sentences which may be available for the underlying offense.</p> <p style="text-align: right;">Edit Delete</p>
<p>HB 2190</p> <p>(None)</p> 	<p>Modifying bail requirements</p>		<p>01/09/19 - To House Judiciary</p>	<p>House Ref. 1 - Judiciary</p>	<p>relating to the authorization to release a defendant or a person arrested upon his or her own recognizance; requires a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown.</p> <p style="text-align: right;">Edit Delete</p>
<p>HB 2208</p> <p>(None)</p> 	<p>Reducing federal adjusted gross income for volunteer fire department and rescue squad members</p>		<p>01/10/19 - To House Fire Departments and Emergency Medical Services</p>	<p>House Ref. 1 - Finance House Ref. 2 - Finance</p>	<p>Add a note.</p>
<p>HB 2216</p> <p>(None)</p> 	<p>Defining the term minor boundary adjustment</p>		<p>01/10/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary</p>	<p>Definition of “minor boundary adjustment”. As used in this article, “minor boundary adjustment” means 10 percent or less of the existing acreage of the municipality.</p> <p style="text-align: right;">Edit Delete</p>
<p>HB 2217</p> <p>(None)</p> 	<p>Requiring all local special elections to be held on the days and hours of general, primary or state-wide elections</p>		<p>01/10/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary</p>	<p>Add a note.</p>
<p>HB 2228</p> <p>(None)</p> 	<p>Allowing counties and municipalities to levy a sales tax on food and beverages sold at restaurants</p>		<p>01/10/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Finance</p>	<p>Add a note.</p>
<p>HB 2312</p> <p>(None)</p> 	<p>Authorizing county commissions to initiate collection actions for emergency ambulance service</p>		<p>01/11/19 - To House Fire Departments and Emergency Medical Services</p>	<p>House Ref. 1 - Finance House Ref. 2 - Finance</p>	<p>Add a note.</p>

<p>HB 2314</p> <p>(None)</p> 	<p>Limiting the maximum number of appointees to certain county and municipal bodies</p>		<p>01/11/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Government Organization</p>	<p>Add a note.</p>
<p>HB 2316</p> <p>(None)</p> 	<p>Relating to municipal home rule</p>		<p>01/11/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Government Organization</p>	<p>Add a note.</p>
<p>HB 2326</p> <p>(None)</p> 	<p>Permitting local boards of health to combine without approval from the Commissioner of the Bureau for Public Health</p>		<p>01/11/19 - To House Political Subdivisions</p>	<p>House Ref. 1 - Political Subdivisions House Ref. 2 - Health and Human Resources</p>	<p>Add a note.</p>