

LEGISLATIVE LINEUP



YOUR LEGISLATIVE UPDATE FROM CCAWV

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

Collective County Voices

Wednesday January 23, 2019
Week 1 of the 2018 WV Legislature
BY: Vivian Parsons, Executive Director

CCAWV's Legislative Agenda is Underway

Copies of bill drafts for six Association's priorities have been delivered to Speaker Hanshaw's office last week and are just waiting on the bills to be assigned a number! We will be working on sponsors for bills in the Senate this week, so be sure 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

HOUSE FINANCE COMMITTEE PASSES HJR 17

The House Finance Committee met today and took up HJR 17. This constitutional amendment would take the issue of property taxing **business inventory, machinery, and equipment** out of the constitution and put it in the hands of future legislators to decide what and if to exempt all or any portion of the tax. According to Department of Revenue numbers guy, Mark Muchow, the current total amount of tax dollars among all receiving entities is about \$250 - \$300 million. As you are aware, about 28% of all property taxes come directly to fund county government. Many good questions were asked by the committee members, however each time they questioned specifics, they were reminded that this amendment doesn't actually spell out anything in way of a plan for reducing or eliminating, only takes the issue out of constitution and gives authority to future legislators to

decide....meaning no protection or plan to make counties financially whole!

Although HJR 17 passed out of Finance committee and now goes to House Judiciary, to actually pass on the House Floor, a constitutional amendment requires a 2/3rds majority vote. If the vote remains divided along party lines, there are not enough votes for 2/3rds majority passage. Still, Commissioners need to be talking with your legislative representatives now. Unlike last year's proposal, there is **nothing** in this amendment to require backfilling county budgets, and would leave us entirely at the mercy of future legislators!

Governor's Pulls Support for SB 289 – 911 Wireless Fees

Over the weekend, newly appointed Senator Paul Hardesty, came out strong in defense of counties and 911 responders across the state with regards to SB 289. Many newer commissioners may not know Sen Hardesty, but his roots run deep in county government and he assuredly understands our issues.

Many county and 911 folks have been very concerned with the Governor's SB 289 and have been working with the Governor's office and legislators on the issue. Sen Hardesty's letter of concerns with SB 289 on Monday seemed to tip the scales and the Governor has pulled his support for the bill until a county friendly solution can be found. Many thanks to Sen Hardesty, former County Administrator, 911 Board Chair, and county school board president! Please let Sen Hardesty know you appreciate his support on this and all county issues.

House Finance to Take up HJR 18 This Afternoon





As I write this newsletter, the House Finance Committee intends to go back in this afternoon and take up a 2nd constitutional amendment dealing with property tax exemptions. HJR 18 proposes a constitutional amendment that would lock the value of a homestead property owned by a senior citizen at no more than the assessed value when he or she turned 65 or purchased the property whichever is later and to exempt from property tax the principal residence of a veteran who was totally and permanently disabled in service to our country.

According to the attached fiscal note the first provision of this resolution results in a revenue loss of roughly \$3.0 million in the first year of effect and additional \$3.0 million each year thereafter (i.e., \$6.0 million in the second year and \$9.0 million

in the third year). The estimated first year revenue loss would be roughly \$890,000 to the State General Revenue Fund, \$1.1 million to local county school boards, \$810,000 to county commissions and \$210,000 to municipalities. The second provision would exempt the real property or personal property in the form of a mobile home used exclusively for residential property of a veteran with a hundred percent service disability. This exemption would result in a revenue loss of roughly \$2,000,000 annually. The estimated revenue loss would be roughly \$590,000 to the State General Revenue Fund, \$720,000 to local county school boards, \$540,000 to county commissions and \$140,000 to municipalities. It is harder to get legislators to vote against Seniors & Veterans! The reality is that county budgets can not endure the loss and it creates a tax shift onto other taxpayers where possible! Please contact your legislators!

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!

2019wk2 - 2019 Regular Session					
Bill	Title	SA/SI	Last Action	Committee Reference	Notes
SJR 1 	(None) County Economic Development Amendment		01/09/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance	Add a note.
HJR 2 	(None) Homestead Exemption Increase Amendment		01/09/19 - To House Finance	House Ref. 1 - Finance House Ref. 2 - Judiciary	Add a note.
SJR 3 	(None) Homestead Exemption Increase Amendment		01/09/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance	Add a note.
HJR 7 	(None) Volunteer Emergency Service Personnel Property Tax Exemption Amendment		01/11/19 - To House Finance	House Ref. 1 - Finance House Ref. 2 - Judiciary	Add a note.

HJR 9	(None) 	Disabled Veteran's Property Tax Exemption Amendment		01/11/19 - To House Finance	House Ref. 1 - Finance House Ref. 2 - Judiciary	Add a note.
HJR 10	(None) 	Veteran's Property Tax Exemption Amendment		01/11/19 - To House Finance	House Ref. 1 - Finance House Ref. 2 - Judiciary	Add a note.
HJR 11	(None) 	Senior Citizen Homestead Valuation Amendment		01/11/19 - To House Finance	House Ref. 1 - Finance House Ref. 2 - Judiciary	Add a note.
HJR 12	(None) 	Manufacturing Inventory and Equipment Tax Exemption Amendment		01/14/19 - To House Finance	House Ref. 1 - Finance	Add a note.
HJR 13	(None) 	Veteran's Additional Property Tax Exemption Amendment	SI HJR10	01/15/19 - To House Veterans' Affairs and Homeland Security	House Ref. 1 - Veterans' Affairs and Homeland Security House Ref. 2 - Finance	Add a note.
HJR 17	(None) 	Business Inventory, Machinery and Equipment Tax Exemption Amendment		01/17/19 - To House Finance	House Ref. 1 - Finance House Ref. 2 - Judiciary	Add a note.
HJR 18	(None) 	Property Tax Relief for Seniors and Disabled Veterans Amendment		01/22/19 - To House Finance	House Ref. 1 - Finance House Ref. 2 - Judiciary	Add a note.
SB 345	(None) 	Adding definition of "grantee" to include state spending units and local governments	SI HB2558	01/18/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization	The purpose of this bill is to add the definition of grantee to include state spending units and local governments and to require grantees to report state grant spending information to grantors. Edit Delete
SB 352	(None) 	Relating to Division of Corrections and Rehabilitation acquiring and disposing of goods		01/18/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization Senate Ref. 2 -	Add a note.

		and commodities			Finance	
SB 363	(None) 	Exempting first \$150,000 assessed value of residence of veteran or physically or mentally disabled person		01/21/19 - To Senate Finance	Senate Ref. 1 - Finance	Add a note.
SB 376	(None) 	Creating Local Government Labor and Consumer Marketing Regulatory Limitation Act		01/21/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization Senate Ref. 2 - Judiciary	The bill prohibits political subdivisions from enacting any ordinance, regulation, local policy, local resolution or other legal requirements regulating certain areas of the employer-employee relationship and the sale or marketing of consumer merchandise. Edit Delete
SB 392	(None) 	Relating to payment of invoices received by Division of Corrections and Rehabilitation for contract work		01/22/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization	Add a note.
SB 405	(None) 	Increasing limit on additional expenses incurred in preparing notice list for redemption		01/23/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization	The purpose of this bill is to increase from \$200 to \$500 the limit on additional expenses a purchaser may recover for preparing notice to redeem real estate from the sale of a tax lien, including a title examination by a licensed attorney. Edit Delete
SB 406	(None) 	Relating to collection of taxes on estate or property in receivership	SI HB2579	01/23/19 - To Senate Finance	Senate Ref. 1 - Finance	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. Edit Delete
HB 2012	(None) 	Establishing country roads accountability and transparency		01/18/19 - To House Technology and Infrastructure	House Ref. 1 - Technology and Infrastructure House Ref. 2 - Government Organization	The purpose of this bill is to establish country roads accountability and transparency to the public. The bill directs the State Auditor to develop and maintain a website for the public to search (without cost) ongoing expenditures and locations for state and public road work. Edit Delete
HB 2482	(None) 	Relating to the reorganization of state agencies involved in emergency and disaster planning	SI SB326	01/17/19 - To House Veterans' Affairs and Homeland Security	House Ref. 1 - Veterans' Affairs and Homeland Security House Ref. 2 -	The purpose of this bill is to reorganize state agencies involved in emergency and disaster planning, response, recovery, and resiliency in order to more efficiently and effectively perform such duties. The Division of

				Government Organization	Homeland Security and Emergency Management and the State Resiliency Office are reorganized within the Adjutant General's Department. Edit Delete
HB 2484 <u>(None)</u> 	Mountaineer Trail Network Recreation Authority	SI SB132	01/17/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Government Organization	The bill provides for a method of appointment to the board of the authority. The bill prescribes the terms of appointment. The bill describes the powers and duties of the authority. The bill limits the liability of landowners. The bill sets forth purchasing and bidding procedures. The bill provides civil remedies. The bill provides for conflicts of interest. The bill provides criminal penalties. The bill provides for severability. The bill establishes an effective date. This bill authorizes rule-making. Edit Delete
HB 2489 <u>(None)</u> 	Relating to the removal of the severance tax on oil and gas produced from low producing oil and natural gas wells		01/18/19 - To House Finance	House Ref. 1 - Energy House Ref. 2 - Finance	Removing severance tax for all taxable periods beginning on or after January 1, 2019, natural gas produced from any well which produced an average of less than 15,000 cubic feet of natural gas per day during the calendar year immediately preceding a given taxable period and for all taxable periods beginning on or after January 1, 2019, oil produced from any well which produced an average of less than two and one-half barrels of oil per day during the calendar year immediately preceding a given taxable period. Edit Delete
HB 2494 <u>(None)</u> 	Relating to the ineligibility for home incarceration for offenders under certain circumstances		01/17/19 - To House Judiciary	House Ref. 1 - Judiciary	The purpose of this bill is to make the sentence of home incarceration unavailable to an offender convicted of two or more unrelated felony offenses, not arising from the same criminal transaction on a prior occasion in this jurisdiction or any jurisdiction within the United States. Edit Delete
HB 2499 <u>(None)</u> 	Relating to the publication of sample ballots for electronic voting machines		01/17/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary	The purpose of this bill is to provide for a more cost-effective system of publication of sample ballots for electronic voting machines. Currently, county commissions interpret the law to allow only publication of screenshots of the voting machine screens. The screens are substantially larger than absentee ballot images, and publication of such will substantially decrease WV's counties' legal

					publication costs. Edit Delete
HB 2505 <u>(None)</u> 	Relating to the ineligibility for probation of certain defendants		01/17/19 - To House Judiciary	House Ref. 1 - Judiciary	The purpose of this bill is to deny probation to a criminal defendant previously convicted of two or more prior, unrelated felonies. Edit Delete
HB 2507 <u>(None)</u> 	Eliminating good time credit for inmates who have been convicted on a prior occasion of another felony offense in an unrelated matter		01/17/19 - To House Judiciary	House Ref. 1 - Judiciary	The purpose of this bill is to make certain defendants who have been convicted of two or more prior unrelated felonies not a part of the same criminal transaction ineligible for probation. The bill also establishes a procedure. Edit Delete
HB 2508 <u>(None)</u> 	Relating to certain defendants ineligible for probation		01/17/19 - To House Judiciary	House Ref. 1 - Judiciary	The purpose of this bill is to make certain defendants who have been convicted of two or more prior unrelated felonies not a part of the same criminal transaction ineligible for probation. The bill also establishes a procedure. Edit Delete
HB 2511 <u>(None)</u> 	Requiring members of the State Police to follow the towing services policy of the county	SI SB312	01/18/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Government Organization	Add a note.
HB 2523 <u>(None)</u> 	Increasing the amount of time a taxpayer has to seek relief from a county commission from an erroneous assessment		01/18/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Finance	The purpose of this bill is to increase the amount of time from 1 year to 2 years in which a taxpayer has to seek relief from a county commission from an erroneous assessment. Edit Delete
HB 2579 <u>(None)</u> 	Relating to the collection of tax and the priority of distribution of an estate or property in receivership		01/22/19 - To House Judiciary	House Ref. 1 - Judiciary	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. Edit Delete
HB 2584 <u>(None)</u> 	Relating generally to funding of Public Employees Health Insurance Program		01/22/19 - To House Banking and Insurance	House Ref. 1 - Banking and Insurance House Ref. 2 -	The purpose of this bill is to provide more flexibility to the Public Employees Insurance Agency to manage the reserves and financing of the plan on a year-to-year basis.

				Finance	The bill requires the PEIA reserve fund to be maintained at an actuarially recommended amount and removes the requirement that any amount in excess of 15 percent of the recommended reserve be transferred out of the fund and into the Retiree Health Benefit Trust Funds. The bill establishes the Rainy Day Fee as a dedicated source of funding for PEIA; provides for those funds to be deposited in a new special revenue account created in the State Treasury to be known as the PEIA Rainy Day Fund; and authorizes the Legislature to permit the Secretary of Revenue to assess and collect Rainy Day Fees in subsequent fiscal years of the state. Edit Delete
HB 2586 (None) 	Providing programs to train firefighters and emergency medical technicians		01/22/19 - To House Fire Departments and Emergency Medical Services	House Ref. 1 - Fire Departments and Emergency Medical Services House Ref. 2 - Education	The purpose of this bill is to require certain community and technical college or career and technical education centers to offer training for students to become firefighters or emergency medical technicians. Edit Delete
HB 2590 (None) 	Relating to payment of taxes by co owner or others		01/22/19 - To House Judiciary	House Ref. 1 - Judiciary	Add a note.
HB 2598 (None) 	Relating to submitting a certifying statement attesting to status as a charitable or public service organization	SI SB368	01/22/19 - To House Government Organization	House Ref. 1 - Government Organization	Add a note.
HB 2600 (None) 	Relating to publication of sample ballots	SI HB2499	01/24/19 - To House On 1st reading, Special Calendar 1st Reading, Special Calendar	House Ref. 1 - Judiciary	The purpose of this bill is to provide for an alternative method to publish sample ballots for electronic voting machines using facsimiles. Edit Delete
HB 2605 (None) 	Relating to the regular election of officers on state general election day		01/22/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary	The purpose of this bill is to place on the ballot of voters in every municipality of this state that does not hold municipal elections on the state general election day the question of whether the municipality shall hold its future municipal elections on a state general election day. Edit Delete