

LEGISLATIVE LINEUP



YOUR LEGISLATIVE UPDATE FROM CCAWV

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Collective County Voices

Wednesday January 30, 2019
Week 3 of the 2019 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! One bill came up this week, HB 2663 exempting agriculture buildings from County building codes. We will be working on sponsors for all 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
- **HB 2663 - Exempting Agriculture Buildings from County Building Code**

Severance Exemption for Low Producing Wells

The House Energy Committee passed HB 2673 this week. It will exempt low volume oil and gas wells from severance tax and then charge 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 is to be used by DEP to plug orphaned oil and gas wells, where there is no known responsible operator. There wasn't a fiscal note attached, but Mark Muchow, Dept of Revenue said that the wells that fall into this category accounts for about 7 ½% of produced gas and about 15% of the oil. The total loss of severance dollars is about 15 million and the county portion is about 1.5 million (about 1.2 mill of that is lost to the gas & oil producing counties.) Several Delegates asked about the loss to counties, others commented that counties would more than

make it up in property taxes. Very frustrating when we know that counties need every penny they have, to keep up with the responsibilities of things like our jail bill. The bill has a 2nd reference to the House Finance Committee.

Website Mandates to Counties and Cities

HB 2410 was taken up in House Political Subdivision on Tuesday. It mandates that counties and cities create and maintain a website and spells out what information must be posted to the websites. Fortunately, the bill died in committee from lack of support. No fiscal note was attached to the bill.

Fire Marshal Reporting Requirements Eliminated







The House Committee on Fire Departments and Emergency Medical Services passed HB 2658. The bill eliminates the State Fire Marshall's comprehensive report regarding the transfer of authority and responsibility of fire services to the counties, that is due to be submitted by July 1, 2019. The bill has a second reference to House Government Organization

Senate introduces SJR 11

The Governor's "Just Cut Taxes and Win," constitutional amendment proposal for phasing out business equipment and inventory taxes, was introduced this week by the Senate in SJR 11. It would, beginning in 2021, gradually phase-out the tax over 7 years and would promise in constitution, a phased-in permanent appropriation of replacement revenues for proportional distribution to levying bodies. \$20 million in 2022, \$40 million in 2023, \$60 million in 2024, \$80 million in 2025, \$100 million in 2026, \$120 million in 2027, and \$140 million thereafter.

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!

2019wk3 - 2019 Regular Session					
Bill	Title	SA/SI	Last Action	Committee Reference	Notes
SJR 11 (None) 	Just Cut Taxes and Win Amendment		01/30/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance	Exempting new tangible industrial machinery and equipment personal property from ad valorem property taxation; providing phased-in(2021-2027) reduction of taxation of certain tangible industrial machinery, equipment, and inventory personal property until fully exempted; providing phased-in increases of appropriations (2022 - 2028) and permanent appropriation of replacement revenues for proportional distribution to levying bodies. \$20 mill first year, \$40 mill, \$60 mill, \$80 mill, \$100 mill, \$120 mill, to \$140 mill in 7th year and thereafter. Gov's proposal Edit Delete
SB 411 (None) 	Relating to disposition of vacated school buildings or other state-owned buildings		01/24/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization Senate Ref. 2 - Finance	The purpose of this bill is to provide for the disposition of vacated school buildings or other state-owned buildings by the Public Land Corporation and Real Estate Division within the Department of Administration. Edit Delete
SB 420 (None) 	Allowing county commissions impose amusement tax		01/24/19 - To Senate Finance	Senate Ref. 1 - Finance	Every county commission may levy and collect an admission or amusement tax upon any public amusement or entertainment conducted within the limits of the county for private profit or gain. The tax shall be levied upon the purchaser and added to and collected by the seller with the price of admission, or other charge for the amusement or entertainment. The tax may not exceed two percent of the admission price or charge, but a tax of 1 cent may be levied and collected in any case. Edit Delete
SB 429 (None) 	Allowing voters who register in person to vote during early voting		01/25/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	relating to allowing voters who register in person at the office of the county clerk to register and vote during early in-person voting. Edit Delete
SB 436 (None) 	Exempting certain real properties owned by nonprofit corporation from property tax		01/25/19 - To Senate Finance	Senate Ref. 1 - Finance	relating to exempting from property tax certain real properties in this state owned by a nonprofit corporation with the purpose of organizing, supporting, and maintaining a contemporary agricultural and industrial fair and exposition. Edit Delete
SB 449 (None) 	Providing for nonpartisan elections of county prosecutors		01/28/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary	providing for the nonpartisan elections of county prosecuting attorneys; requiring that nonpartisan elections of prosecuting attorneys commence in 2020; and providing that after said date, appointments to fill

					vacancies in office shall be nonpartisan. Edit Delete
SB 465	(None) 	Exempting nonpaid volunteers at VFD or emergency services organization from Workers Compensation benefits		01/29/19 - To Senate Banking and Insurance	Senate Ref. 1 - Banking and Insurance relating to exempting nonpaid volunteers at a volunteer fire department or emergency medical services organization who volunteer for the purpose of fundraising, or other administrative capacity, from workers' compensation benefits. Be it enacted by the Legislature of West Virginia: Edit Delete
SB 467	(None) 	Clarifying PSC jurisdiction over water and sewer utilities		01/29/19 - To Senate Government Organization	Senate Ref. 1 - Government Organization effective July 1, 2019, water and sewer utilities that are political subdivisions of the state providing separate or combined services and having annual gross revenues of \$1 million or more from either water or sewer services or from a combination of both water and sewer services; and, effective July 1, 2021, water and sewer utilities that are political subdivisions of the state providing separate or combined services and having annual gross revenues of \$200,000 or more from either water or sewer services or from a combination of both water and sewer services; and, effective July 1, 2023, all water and sewer utilities that are political subdivisions of the state are most fairly and effectively regulated by the local governing body with respect to rates, borrowing and capital projects. Edit Delete
SB 473	(None) 	Creating Taxation with Representation Act	SI HB2342	01/30/19 - To Senate Judiciary	Senate Ref. 1 - Judiciary providing for nonresidents of a municipality who work in that municipality and who pay user fees pursuant to a municipal ordinance may vote in municipal elections Edit Delete
HB 2623	(None) 	Requiring the assessor of each county to, within three months of a deed filing in the county clerk's office of each county, prepare a new property tax ticket		01/24/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Finance Add a note.
HB 2625	(None) 	Establishing reimbursement rates for congregate and in-home meals		01/24/19 - To House Senior, Children, and Family Issues	House Ref. 1 - Senior, Children, and Family Issues House Ref. 2 - Finance Home- delivered meals are to be delivered to eligible individuals, in accordance with guidelines and standards established by the bureau and the federal administration on aging. Beginning June 1, 2019, meals shall be reimbursed at the rate of \$8.00 per congregate meal and \$8.25 per in-home meal. Edit Delete
HB 2626	(None) 	Relating to emergency medical services		01/24/19 - To House Health and Human Resources	House Ref. 1 - Health and Human Resources House Ref. 2 - Government Organization continuing the Office of Emergency Medical Services as an independent office within the Department of Military Affairs and Public Safety; updating definitions; creating the positions of Executive Director, Medical Director and Administrative Director for the office; establishing and clarifying the powers and duties of the directors; reconstituting the Emergency Medical Service Advisory Council with nine members; and requirements for the state medical protocols. Edit Delete

HB 2628	(None) 	Including volunteer firefighters within the Public Employees Insurance Act		01/24/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Finance	all relating to including volunteer firefighters within the Public Employees Insurance Act and requiring the county commissions to pay either three-fourths or the full amount of premiums. Edit Delete
HB 2663	(None) 	Exempting buildings or structures utilized exclusively for agricultural purposes from the provisions of the State Building Code		01/25/19 - To House Agriculture and Natural Resources	House Ref. 1 - Agriculture and Natural Resources House Ref. 2 - Government Organization	CCAWV Priority Edit Delete
HB 2678	(None) 	Eliminating the personal property tax on new vehicles		01/25/19 - To House Finance	House Ref. 1 - Finance	That any new motor vehicle purchased in this state by a resident of this state is not subject to personal property taxes so long as the resident continues to register the vehicle in his or her name or his or her spouse's name and continues to reside in this state: Provided, however, That exemptions from the personal property tax do not apply to a vehicle that is on resale or is a used vehicle; Edit Delete
HB 2692	(None) 	Relating to primary elections and procedures		01/28/19 - To House Government Organization	House Ref. 1 - Government Organization	all relating to primary elections and procedures; and providing that the filing date for nomination certificates may be the same for independent and third party candidates as for recognized political parties. Edit Delete
HB 2698	(None) 	Authorizing the Division of Corrections and Rehabilitation to release to county prosecutors of this state certain information	SI SB356	01/28/19 - To House Veterans' Affairs and Homeland Security	House Ref. 1 - Veterans' Affairs and Homeland Security House Ref. 2 - Judiciary	Add a note.
HB 2699	(None) 	Relating to municipal annexation by minor boundary adjustment		01/28/19 - To House Government Organization	House Ref. 1 - Government Organization House Ref. 2 - Judiciary	providing that 50 percent or more of the land area annexed by minor boundary adjustment shall include land that is occupied residential. Edit Delete
HB 2702	(None) 	Relating to the wireless enhanced 911 fee	SI SB289	01/28/19 - To House Finance	House Ref. 1 - Finance	This is the House version of SB 289. Governor's office has indicated that they are pulling support at this time. Edit Delete
HB 2705	(None) 	Redistricting of the Senate into 16 two-member senatorial districts and redistricting the House into 96 single member districts		01/28/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary	Add a note.
HB 2708	(None) 	Local Government Labor and Consumer Marketing Regulatory Limitation Act		01/28/19 - To House Government Organization	House Ref. 1 - Government Organization House Ref. 2 - Judiciary	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

HB 2728	(None) 	Establishing the Municipal Home Rule Pilot Program as a permanent program identified as the Municipal Home Rule Program		01/29/19 - To House Government Organization	House Ref. 1 - Government Organization	Add a note.
HB 2734	(None) 	Relating to reduced rates for low-income residential customers of privately owned sewer and combined water and sewer utilities		01/30/19 - To House Finance	House Ref. 1 - Finance	Add a note.
HB 2739	(None) 	Relating to contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board		01/30/19 - To House Pensions and Retirement	House Ref. 1 - Pensions and Retirement House Ref. 2 - Finance	relating to failure of employers to make contributions on behalf of employees to a retirement plan administered by the Consolidated Public Retirement Board; authorizing 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; authorizing withheld moneys to be applied to the retirement system the delinquent payments would have been made to; providing for interest on delinquencies; requiring the Consolidated Public Retirement Board to provide notice to a participating employer 30 days prior to certifying a delinquency under this section; making it a criminal offense 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; and providing criminal penalties. Edit Delete
HB 2746	(None) 	Relating to administration of estates		01/30/19 - To House Judiciary	House Ref. 1 - Judiciary	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. Edit Delete
HB 2749	(None) 	Relating to quarterly payment of real and personal property taxes		01/30/19 - To House Finance	House Ref. 1 - Finance	relating to quarterly payment of real and personal property taxes; and requiring new tax tickets to be mailed after property is transferred. Edit Delete
HB 2751	(None) 	Abolishing mandatory prison sentences		01/30/19 - To House Judiciary	House Ref. 1 - Judiciary	Any mandatory or prescribed sentences referred to in this code shall be hereinafter be read as being the maximum sentence allowed by law and the courts. Edit Delete
HB	(None)	Reducing the severance tax on thermal or steam		01/30/19 - To House Energy	House Ref. 1 - Energy	relating to reducing the severance tax on thermal or steam coal to two percent,

2767   	coal			House Ref. 2 - Finance	effective March 31, 2019. Edit Delete
HB 2771    (None)	Relating to deputy sheriff retirement system act		01/30/19 - To House Pensions and Retirement	House Ref. 1 - Pensions and Retirement House Ref. 2 - Finance	to clarify the permission for any elected Sheriff who was a qualified member of the DSRS to resume participation in the DSRS if the Deputy Sheriff had a break in service to run for election to the Office of Sheriff. Edit Delete
HB 2773    (None)	Granting the State Auditor the authority to audit the books and records of local economic development authorities		01/30/19 - To House Political Subdivisions	House Ref. 1 - Political Subdivisions House Ref. 2 - Government Organization	grant the State Auditor the authority to audit the books and records of local economic development authorities. The bill permits, in the alternative, the authority to be audited by an independent certified public accountant with copies forwarded to the county commission and the auditor. Edit Delete