

CCAWV Legislative Wrap Up

County Commissioners' Association of West Virginia

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A note from the President... Ron Watson, Harrison County

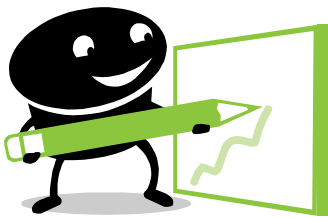
Hello everyone! Hope this finds you all well. The legislature has completed another 60 Day Session. This has been a very different session with all the changes in leadership and there could be more changes for next year's session. I would like to give a special thank you to the CCAWV Legislative Committee members for the time and effort they gave during the session. I'm going to miss those Friday conference calls!



The help from those members who called their legislators and helped with bills was greatly appreciated. Keep up the good work though. Don't let up. Now is the time to get geared up for next year. You guys have a great Association working for you at the capitol. Vivian, Paul and Jennifer work really hard to represent Commissioners. I want the Association to keep on succeeding in the future, but it is up to the membership to keep it growing.

Let us not forget that we are County Commissioners and as a TEAM (Together Everyone Achieves More) we have the strength and ability to meet the challenges of tomorrow.

Summing up the 2011 Session with Danny Greathouse, CCAWV Legislative Chair...



The session is finally over and it's time to look at the bills and see what passed. As your legislative chairman, I'd like to thank those of you who were able to participate in the weekly conference calls and those who were able to spend some time at the Capitol and on the phone promoting and/or defending our legislative positions. Thanks to Vivian, Paul and Jennifer for keeping everyone informed and in the loop!

There are several bills that passed that are good for our counties and we were able to kill some that weren't. Our main goal is to protect county revenues and it seems that we were able to do that again this year. I hope to see everyone at the Spring Board meeting to discuss the session and make plans for the future. Good job to CCAWV's legislative team!

Following is a summary of bills that passed during the 2011 Session. If you would like to review a bill you can look them up at the State of West Virginia Legislative Website: www.legis.state.wv.us

If you have any questions or need further information about a bill please call our office at 304-345-4639!

County Commissioners' Association of West Virginia

Summary of 2011 Bills

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Legislative Session 2011 - Summary of County Bills

--by Vivian Parsons

Thank you for your patience, while I gathered the info to assemble this brief summary of passed legislation that is of interest to county government. Many times, a successful legislative year is determined more by those things you have effectively defended against than just a list of bills passed. As predicted, this was one of those sessions. The County Commissioners' Association's legislative positions fared well, in spite of the many changes and election hubbub in the 2011 session.

Thanks to all those Commissioners and Staff who came to Charleston, testified to committees, sent emails, wrote letters and made phone calls to support the Association's positions! Special thanks to the CCAWV Board and Legislative Committee who participated in the weekly conference calls, charting our direction and giving their support. Also, much appreciation to our lobbyist, Paul Hardesty, and the rest of the CCAWV support staff, (Jennifer Webb, office manager, and Ermel Boyce, our part-time help) for all their support and assistance. Working together, we make a great team and are accomplishing good things for county government around the state.

In the following pages, I will report on bills of county interest that passed the legislative process and have been signed into law by the Governor, but first I'll tell you about a few that died, some to our pleasure and others to our chagrin...

Bills that did not pass...



Happy List....(bills we actively opposed that did not pass)



Sheriffs' Salary Conversion Bill HB 2855 / SB 432 -- The bill that would have converted the sheriff's commission pay to regular salary. **CCAWV opposed the bill and it died in both the House and the Senate Finance Committees.**



TIF Legislation HB 2852 / SB 272 - **The bill that would have given Class 3 & 4 municipalities the ability to do Tax Increment Financing independent of the county. CCAWV opposed passage of this legislation and it died in the House.**



HJR 37 Increasing Homestead Exemption - **This Resolution would not have been revenue neutral to county government. CCAWV opposed this resolution and it died in the House.**



SJR 11 Tangible Personal Property Tax Exemption and Rate Reduction Amendment - **This Resolution would allow the legislature to exempt or reduce any or all personal property taxes. It moved all the way to 3rd reading on the Senate Floor but was then "parked" in the Senate rules committee. CCAWV opposed this resolution.**



Sad List....(bills we actively supported but did not pass)...



SB 242 the coal severance tax bill that would have returned 5% of state's portion of the coal severance tax to coal producing counties over a 5 year phase in. The Senate passed a version to require oversight by the State Development Office to approve how counties could spend their allotted amount, while the House passed a version to give the money to the counties and require reporting back to the legislature on how they spent the money. The bill ended up in a conference committee on the final night of the session and neither side would agree to a

compromise. CCA has written a letter to Governor Tomblin , President Kessler, and Speaker Thompson requesting the bill be put on any special session agenda.



SB 266 the transfer tax bill that would have allowed the counties to keep all the transfer taxes collected in the county, rather than the current requirement to send 50% to the State, passed out of Senate Government Organization but died in Senate Finance. CCAWV has actively supported this legislation for a couple of years, but we've had no luck getting the State to give up their 50% percent which amount to about 9 million state-wide.



HJR 29 The Simple Majority Amendment - This resolution would have placed the question of allowing for passage of excess local levies by a simple majority on the ballot for voters to decide. CCAWV supported this resolution along with other county officials, municipalities, firemen, libraries, and others, but in the end it did not prevail. The House Republicans opposed the effort and it died on the House Calendar on the last day of the session.

Bills of County Interest that Passed and were signed by Governor...

(If you would like to review a bill in its' entirety, go to the State Legislative Website at : www.legis.state.wv.us Always choose the enrolled (final) version of a bill to review.)

SJR 10 Constitutional Amendment to Repeal The Two Consecutive Term Limitation for Sheriffs Amendment.

This amendment will be on the ballot in the general election of 2012 and if passed will eliminate term limits for Sheriffs. Amendments to the constitution require only a simple majority for passage by the voters.

SB 96 Relating generally to certain county officials.

Amends WV Code §7-7-2, §7-7-3, §7-7-4, §7-7-4a, §7-7- 6b, §7-7-6d, §7-7-7, §7-7-7a, §7-7-9, §7-7-11, §7-7-12, §7-7- 13, §7-7-14, §7-7-15, §7-7-16, §7-7-16a and §7-7-20

Effective July 1, 2011

This bill generally eliminates old, outmoded language in Chapter 7-7. It transfers some training program responsibilities and valuation classification of property responsibilities from the State Tax Commissioner to the State Auditor and authorizes the State Tax Commissioner and State Auditor to establish training programs for certain employees. These are changes already in other sections of the code and is the current practice. The bill eliminates language regarding the transition from part-time to full-time prosecutors that is inconsistent with other code provisions and removes the limitations on food, lodging, registration fees and mileage on authorized training to conform with current standards. All of the old, outdated property valuations and salary schedules used to determine the compensation of elected county officials have been eliminated from the code section. The bill allows a county sheriff to turn over an impounded dog to the local humane society instead of killing it (I guess "killing" was before the availability of local humane societies) and eliminates references to county positions that no longer exist. Finally it removes outdated language that limits the costs for the housing and feeding of prisoners in counties having a population of thirty thousand or less, referring to a time when counties still operated county jails.

Fiscal Impact: -0-

Signed by Governor 3/30/2011

SB 177 Authorizing Department of Revenue Rules.

Amends WV Code article 7, chapter 64

Effective passage (March 12, 2011)

This rules bill bundle includes the rule that will allow political subdivisions to create a pool for workers' compensation.

Fiscal Impact: -0-

Signed by Governor 4/4/2011

SB 193 Relating to Law-enforcement certification.

Amends WV Code §30-29-1, §30-29-2, §30-29-3 and §30-29-5, and adds a new section, designated §30-29-11

Effective Ninety Days from passage (June 10, 2011)

This legislation expands the responsibilities of the law-enforcement training subcommittee and renames it the law-enforcement professional standards subcommittee. It clarifies the committee's authority to de-certify law-enforcement officers; and establishes a database of law-enforcement officers disciplined for certain types of misconduct. The bill requests the proposal of legislative rules to set standards for law-enforcement agencies to report certain types of misconduct by officers to the database; and requires that law-enforcement agencies check the database prior to hiring any officer. Finally, the West Virginia Troopers Association was added to the subcommittee membership.

Fiscal Impact: According to the fiscal note, this Bill adds additional duties upon the Governors Committee on Crime, Delinquency and Correction at an estimated cost of \$65,000 annually to the Division of Justice and Community Services (DJCS). DJCS provided the fiscal note and stated that the agency does not have the resources in its current budget to conduct these activities, however no new funding was identified in the legislation.

Signed by Governor 3/31/2011

SB 235 Revising County Economic Opportunity Development District Act.

Amends WV Code §7-22-3, §7-22-4, §7-22-5, §7-22-7, §7-22-10, §7-22-12, §7-22-14, §7-22-15, §7-22-17 and §7-22-20

Effective 90 days from passage (June 8, 2011)

The purpose of this bill is to revise the County Economic Opportunity Development District Act. The bill defines remediation and includes remediation of landfills, former coal mining sites, solid waste facilities or hazardous waste sites as permissible development expenditures for approved projects. The bill changes the standard by which the maximum amounts of reserves that may be established in the financing of a project are measured. The bill provides that the development office cannot approve a project involving remediation unless all development expenditures proposed within a certain time frame result in more than \$25 million in capital investment in the district. The bill also changes the term ordinance to order and corrects other language by changing municipality to county (mistakes in the original legislation which was patterned after the municipal law). The bill provides that the development office may not approve a project involving remediation unless the county commission submits clear and convincing information that the proposed remediation expenditures to be financed with bonds or notes, do not constitute more than twenty-five percent of a project's total development expenditures. The bill also allows for minor modifications of districts without public hearing or approval by the Development Office or the Legislature under certain circumstances and provides technical and clerical cleanup.

Fiscal Impact: According to the Fiscal note, The General Revenue Fund would retain sales tax proceeds from base year activity. Remaining incremental sales tax collections would be available for the development projects. Therefore, any potential revenue impact on the State General Revenue Fund from current sales tax should be minimal.

Signed by Governor 3/18/2011

SB 391 Relating to community voting locations.

Amends WV Code §3-3-2a

Effective from passage (March 12, 2011)

This bill authorizes the county commission, with the approval of the county clerk, to establish community voting locations. Community voting locations must be open a minimum of five days, and can be on a rotating basis. If more than one community voting location is designated, each location must be utilized an equal number of days and for the same number of hours. The bill removes the requirement that chairpersons of executive committees approve community voting locations, but allows them to nominate locations for the county to consider. The bill requires the county commission to publish a notice of its intent to designate community voting location at least thirty days prior to the designation. Once locations are designated, the county clerk is required to publish notices of the dates, times and places of community voting locations no later than 30 days prior to the election. The bill establishes criteria for community voting locations and authorizes the Secretary of State to establish rules which shall include criteria to assure neutrality and security in the selection of community voting locations. CCAWV supported this legislation.

Fiscal Impact: This legislation is permissive authority.

Signed by Governor 4/4/2011

SB 428 Increasing fees charged by clerk of circuit court.

Amends WV Code §59-1-4, §59-1-11 and §59-1-13

Effective Ninety Days from passage (June 16, 2011)

This bill was passed by the legislature, but because of a title error, was vetoed by the Governor, taken back to legislature to fix the title flaw and re-passed, then signed by the Governor. **It increases the fees charged by the clerk of a circuit court for medical professional liability actions from \$260 to \$280, the \$20 increase going to county general revenue fund.** The bill was amended along the way to include a \$10 fee increase on certain circuit court filings and a \$200 newly established fee collected by clerks of Supreme Court of Appeals, both to be used to enhance funding for civil legal services for victims of domestic violence and low income citizens in the state.

Fiscal Impact: Will provide an additional \$20 per filing to county general revenue.

Signed by Governor 3/31/2011

SB 465 Creating Marcellus Gas and Manufacturing Development Act

Amends WV Code by creating a new article, §5B-2H-1 and §5B-2H- 2; adding a new section, §11-1C-11c; amending §11-6D-1, §11-6D- 2, §11-6D-3, §11-6D-4, §11-6D-5, §11-6D-6, §11-6D-7 and §11- 6D-8 adding a new section, §11-6D-9; amending §11-6F-2 and §11-6F-3; §11-13Q-20; §11-13R-3; §11-13S-3; §11-13S-4; §11-15-8d; and §24-2F-3

Effective July 1, 2011

This bill creates the Marcellus Gas and Manufacturing Development Act of 2011. The stated purpose of this bill is to enact the Marcellus Gas and Manufacturing Development Act of 2011 which encourages and facilitates the development of oil and gas wells and the downstream uses of natural gas in this state and economic development in this state associated with production and various downstream uses. **Here is a list of bullet points that the bill addresses with additional info on the two that affect county property taxes:**

► It provides guideline for **valuation of drilling rigs for property tax purposes** and authorizes the Tax Commissioner to promulgate rules. *(The State Tax Commissioner shall annually compile a schedule of oil and natural gas drilling rig values based on the values shown in a nationally recognized guide that includes the assessment date, using the appropriate depth rating assigned to the drawworks by its manufacturer and the actual condition of the drilling rig. The State Tax Commissioner shall furnish the schedule to each assessor and it shall be used by him or her as a guide in placing the assessed values on all oil and natural gas drilling rigs in his or her county. This section applies to assessment years beginning on and after July 1, 2011.)*

► It amends and reinstates alternative fuel motor vehicle tax credit; provides credit for alternative fuel refueling facilities; allows credit for purchase of alternative fuel motor vehicles, conversion of vehicles to alternative fuel motor vehicles and for commercial and residential alternative fuel refueling facilities and provides for expiration of credits; while requiring the Tax Commissioner to promulgate rules and design forms; providing for carry-over of unused credits and for recapture of credits.

► The bill amends the definition of "manufacturing" for purposes of **special method for appraising qualified capital additions to manufacturing facilities for property tax purposes**; provides new rules for treatment of certified capital addition property; and adds additional requirements for reports to Governor and Legislature regarding the impact of all the tax credits and other economic incentives provided in this Act, upon economic development in this state. *(A "Qualified capital addition to a manufacturing facility" means all real property and personal property, the combined original cost of all of the property which exceeds \$50 million to be constructed, located or installed at or within two miles of a manufacturing facility owned or operated by the person making the capital addition that has a total original cost before the capital addition of at least \$100 million. Beginning July 1, 2011, when the new capital addition is a facility that is or will be classified under the North American Industry Classification System with a six digit code number 211112 (natural gas liquid extraction & by-products), or is a manufacturing facility that uses product produced at a facility with code number 211112 then the required additional investment is reduced from \$50 million (with original investment of \$100 million) to \$10 million (with original investment of \$20 million), and to exclude the value of land from the value of the capital addition. The value of qualified/certified capital addition property, for purposes of ad valorem property taxation, is its salvage value, which is five percent of the certified capital addition property's original cost.)*

► It amends definition of "research and development" for purposes of strategic research and development tax credit;

► It amends definition of "manufacturing" for purposes of manufacturing investment tax credit and requires certain business activities comply with certain hiring requirements in order to be eligible for the manufacturing investment tax credit and sales tax exemption;

► Finally, it provides additional exception to limitation on right to assert sales and use tax exemptions; and Clarifies meaning of "natural gas" for purposes of Alternative and Renewable Energy Portfolio Standard Act.

Fiscal Impact: Based on the fiscal note prepared by the State Tax Department, *"the proposal to revise the special method for appraising qualified capital additions to reduce the required additional investment to qualify will have little or no direct effect on Property Tax revenue. While there will be some Property Tax revenue foregone due to the reduced valuation for purposes of the Property Tax, the special method of appraisal would not reduce any tax derived from current sources. Based upon a simulation of recent capital additions at manufacturing facilities that would likely qualify for the special method of appraisal, the tax foregone was estimated to be less than \$500,000. There will likely be other direct or indirect increases in tax revenue attributable to the new or expanded facility that may offset the tax revenue foregone."*

Signed by Governor 4/4/2011

SB 495 Relating generally to use of electronic voting systems.

Amends WV Code §3-4A-2, §3-4A-3, §3-4A-4, §3-4A-6, §3-4A-9, §3-4A-9a, §3-4A-9b, §3-4A-10, §3-4A-10a, §3-4A-13, §3-4A-17, §3-4A-19, §3-4A-20 and §3-4A-27

Effective from passage (March 11, 2011)

This bill, all relating generally to the use of electronic voting systems, sets forth the requirements of electronic voting systems. It requires public meetings held on adopting electronic voting be held at least six months prior to the next election and requires that if an electronic voting system is terminated, it must be replaced by an electronic voting system that complies with federal law. The bill deletes the requirement that the purchase or lease of vote-recording devices must be paid in cash and deletes outmoded terms and voting systems no longer being used. Further the bill requires at least two vote-recording devices be provided at each precinct in a primary election (current law requires one device per party) and provides that independent voters may vote in primaries as otherwise provided in code.

Fiscal Impact: According to the fiscal note provided by Secretary of State, *" This action has no fiscal impact on the agency or state."*

Signed by Governor 3/31/2011

SB 581 Changing beginning date of early voting.

Amends WV Code § 3-3-3

Effective from passage (March 12, 2011)

This bill will change the beginning time for early voting from the twentieth day prior to the election to the thirteenth day prior to the election. This will result in a loss of five early voting days. The voting period for early in-person voting is to be conducted during regular business hours beginning on the thirteenth day before the election and continuing through the third day before the election. Additionally, early in-person voting is to be available from 9:00 a.m. to 5:00 p.m. on Saturdays during the early voting period for all elections.

Fiscal Impact: No fiscal note is available, however by shortening the early voting period by 5 days there should be some cost savings to the county.

Signed by Governor 4/4/2011

HB 2013 Requiring the West Virginia Enhanced 911 Council to propose Emergency Medical Dispatch procedures.

Amends WV Code §24 - 6 - 5

Effective Ninety Days from passage (June 9, 2011)

The purpose of this bill relates to requirements for enhanced emergency telephone systems and county emergency dispatch centers. The bill requires emergency dispatch centers to develop policies and procedures to establish a protocol for dispatching emergency medical calls.

Fiscal Impact: According to the fiscal note, The costs associated with the EMD program will be incurred by the 911 Centers in each county. At least 21 counties are currently providing EMD, 20 are planning to implement EMD, 7 do not have plans to implement and 2 it will not affect. THIS BILL WAS SUPPORTED AND ENDORSED BY THE WV ENHANCED 9-1-1 COUNCIL.

Signed by Governor 3/18/2011

HB 2464 Adding additional requirements to the Ethics Act.

Amends WV Code §6B-2-6, §6B-2-7 and §6B-3-2

Effective July 1, 2012

This bill requires public servants (state, county and municipal) and spouses to disclose additional information on financial disclosure statements including, with limited exceptions, certain spousal information and defines a spouse as any individual who is legally married to and cohabits with the person filing the statement. The bill directs the ethics commission to publish and make available to the public, either on the internet or by printed document made available to the public, notice of delinquent filing of financial statements; provides that the ethics commission publish financial statement in certain circumstances and clarifies existing requirements. Also included, the bill prohibits certain public employees and public servants from registering as a lobbyist during and for a year following state government employment.

Fiscal Impact: -0-

Signed by Governor 4/4/2011

HB 2766 Relating to contribution rate for the Deputy Sheriff Retirement System.

Amends WV Code §7-14D-7

Effective from passage (March 8, 2011)

This was a compromise bill. The Retirement Board wanted to remove the current cap on employer contribution for deputy sheriffs' entirely and leave the amount to be decided each year by the Board. We opposed that, but agreed to allow an increase in the current cap from 10 1/2% up to no more than 13% which is the amount the actuary has said it would take to make the deputy sheriffs' fund adequately funded (*the DSRS was only 66.4% funded as of 7/1/10*). We wanted a cap left in place. As passed, the board cannot raise the employer contribution higher than 13% without another change in the law. It was the position of CCAWV that a known increase is better than an unknown amount. As you are already aware, the Consolidated Public Retirement System for all other county employees has no cap and the board decides on the needed amount each year and counties are at the mercy of whatever the actuary says is needed, based on the state of the market returns. (For FY 2012 the amount is raised to 14.5%)

Fiscal Impact: The amount paid by the county into the deputy sheriffs' retirement system could increase by as much as 2 1/2%. Any increase will require an act of the CPRB Board. According to the fiscal note provided by the CPRB, 1% of payroll currently represents about \$411,000 in annual employer contributions in counties state-wide.

Signed by Governor 3/17/2011

HB 2935 Repealing an outdated article of election code relating to voting systems.

Repeals §3-4-1, §3-4-2, §3-4-3, §3-4-4, §3-4-5, §3-4-6, §3-4-7, §3-4-8, §3-4-9, §3-4-10, §3-4-11, §3-4-12, §3-4-12a, §3-4-13, §3-4-14, §3-4-15, §3-4-16, §3-4-17, §3-4-18, §3-4-19, §3-4-20, §3-4-21, §3-4-22, §3-4-23, §3-4-24, §3-4-25, §3-4-26, §3-4-27, §3-4-28, §3-4-29, §3-4-30, §3-4-31 and §3-4-32 of the Code of West Virginia

Effective Ninety Days from passage (June 6, 2011)

The purpose of this bill is to repeal outdated and obsolete sections of the WV Code concerning voting machines in general no longer approved for use in elections.

Fiscal Impact: -0-

Signed by Governor 3/18/2011

HB 2936 Changing the date of the canvassing of votes in a primary election.

Amends WV Code §3-5-17

Effective Ninety Days from passage (June 9, 2011)

This bill changes the date of the canvassing of votes in a primary election from the Friday following a primary election to the fifth day following a primary election that is not a Saturday, Sunday or legal holiday, making it the same as in general elections.

Fiscal Impact: -0-

Signed by Governor 3/24/2011

HB 2939 Clarifying the definition of compensation for purposes of calculating required contributions to the public employees retirement system.

Amends WV Code §5-10-2, §5-10-18, §5-10-21, §5-10-24, §5-10-25, §5-10-44 and §5-10-48

Effective Ninety Days from passage (June 6, 2011)

This bill relates to the Public Employees Retirement System; clarifying the definition of compensation for purposes of calculating required contributions to the system (includes reoccurring salary, i.e. sheriffs' and assessors' supplemental pay); changing definition of final average salary (from average of the highest 3 consecutive years in last 10 to the average of the highest 3 consecutive years in last 15); clarifying when membership in the system terminates and how membership may be reinstated; providing that individuals first hired after July 1, 2011 must have at least five years of contributory service to retire under the "rule of eighty"; requiring retirants changing annuity options to certify that no final divorce decree or other court order prohibits the same; clarifying that correction of errors provision applies to both employer errors and errors of the system's administrative body; providing that the correction of an error with respect to a retirant may be prospective only; and providing for reimbursement of mistaken contributions that ensures the plan's continued qualified status.

Fiscal Impact: According to the fiscal note, there is no change in the Normal Cost nor Actuarial Accrued Liabilities due to these changes.

Signed by Governor 3/18/2011

HB 2953 Relating to dedication of coalbed methane severance tax proceeds.

Amends WV Code §11-13A-20a and §31-15A-16

Effective from passage (March 12, 2011)

This bill, all relating to dedication of coalbed methane severance tax proceeds, redirects coalbed methane severance tax revenues from the Infrastructure Fund to county economic development authorities or county commissions and it requires moneys deposited in the Infrastructure Fund prior to July 1, 2011, be distributed to county economic development authorities or county commissions.

The bill sets up a calculation method and specifies a minimum share of coalbed methane severance tax revenue be distributed to producing counties in an amount at least equal to the share received by nonproducing counties. If the county is a producing county, but their share of coalbed methane severance tax revenue is less than that of a "non-producing county", the county is redesignated as non-producing and gets a share accordingly. A seventy-five (75%) percent portion of the total fund shall be provisionally allocated to each coalbed methane "producing county" in direct proportion to the amount of tax revenues derived from coalbed methane production in the county and a twenty-five percent (25%) portion of the total fund shall be provisionally allocated to each coalbed methane "nonproducing" county equally.

The bill sets forth the purposes for receiving and conditions of expending such funds by county economic development authorities and county commissions and **requires approval of respective county commissions** and the Development Office prior to expending the funds. If the amount for a county is more than ten thousand dollars, the Tax Commissioner shall distribute the amount to the economic development authority of that county for the purposes of encouraging economic development in the county. The funds may be used for the cost of preparation of land sites for any public or private facility; or the cost of design or construction of water, sewer and stormwater infrastructure. If the determined amount is less than ten thousand dollars, the Tax Commissioner will distribute the amount to the **county commission** and it may be used to offset its **regional jail costs, costs of any community corrections programs in which it participates, expenses of a volunteer fire department that provides service within its county or expenses of any library that provides services within its county.** The bill prohibits the use of these funds for the purposes of paying wages to any employee of the county or any employee of a county economic development authority. The Development Office is required to promulgate legislative and emergency rules.

Fiscal Impact: According to the fiscal note provided by the State Tax Department, there may be some minor changes in the allocation of revenue among counties, but passage of the bill will not result in any change in total designated revenue.

Signed by Governor 4/5/2011

HB 3119 Increasing the expenditure limit on PSD construction and purchase contracts.

Amends WV Code § 16-13A-7

Effective Ninety Days from passage (June 9, 2011)

This bill increases the expenditure limit from \$15,000 to \$25,000 on public service district construction and purchase contracts before competitive bids are required.

Fiscal Impact: -0-

Signed by Governor 3/31/2011

HB 3185 Allowing County Commissions to waive or reduce impact fees.

Adds new section WV Code § §7-20-7a; and §24-2-1k

Effective Ninety Days from passage (June 10, 2011)

This bill, relating to preservation of affordable housing in counties with county impact fees, requires counties to have an affordable housing component in the county's impact fees ordinance, on or before July 1, 2012, with a discount impact fees schedule, based upon the new homes value compared to the most recent annual single dwelling residential housing index created in 11-1-2b of the Code. The impact fees schedule shall be updated annually to reflect the changes to the single dwelling residential housing index, and approved by a majority vote of the county commission.

The affordable housing component shall:

- (1) Take into account all the different types of housing, including single family detached, single family attached, duplex, town house, apartment, condominium and manufactured home ; and
- (2) Include a discount for mobile homes, as defined in section one, article one, chapter seventeen-a of this code, based upon the value set out in the National Automobile Dealers Association book.

Fiscal Impact: No fiscal note is available for this bill, but I believe, that currently, only Jefferson County has met the growth requirements for adopting impact fees.

Signed by Governor 4/4/2011

HB 3205 Reducing jail sentence for successful completion of education and rehabilitation programs.

Amends WV Code §31-20-5d

Effective from passage (March 9, 2011)

This bill provides persons convicted of a criminal offense and sentenced to confinement in a regional jail, a reduction in sentence for successful completion of education and rehabilitation programs. It increases the time permitted by a sentence reduction from one day to five days per program; adds an alcohol abuse program to the programs offered; increases the total time permitted by sentence reduction to thirty days; and establishes an enrollment fee of \$25.00 for each program.

Fiscal Impact: According to the fiscal note, passage of this bill, using fiscal year 2009-10 numbers, if the 531 inmates that took advantage of House Bill 2419 would have paid \$25.00 per class and took all six classes, this would have generated \$79,650 for the agency.

Also, by doing this, inmates would have gotten 30 days off their sentence, for a total of 15,930 billable days that would, in turn, save the counties a projected total of \$777,384 state-wide.

Signed by Governor 3/18/2011

HB 3271 Relating to distribution of state funds to volunteer fire departments.

Amends WV Code, adding a new section §12-4-14a

Effective Ninety Days from passage (June 10, 2011)

This bill creates the "Volunteer Fire Department Workers' Compensation Subsidy Program." The program will be administered by the State Auditor from moneys that are appropriated and designated for the program by the Legislature to help defray workers' compensation insurance premium increases for volunteer fire departments. The bill requires Volunteer fire departments to request supplemental funds by submitting to the Auditor the following information:

- (1) The previous fiscal year's workers' compensation premium invoices with paid receipts;
- (2) The current fiscal year's workers' compensation premium invoices showing the amount due and due date and any applicable paid receipts; and
- (3) Any other information the Auditor deems necessary for administering the subsidy on forms and schedules as the Auditor directs.

-- The volunteer fire department must be in good standing with the State Fire Marshal.

-- The volunteer fire department must be registered with the Auditor's Office in the manner prescribed by the Auditor no fewer than thirty days prior to the due date of the workers' compensation premium.

-- The volunteer fire department must agree that the subsidy for its workers' compensation insurance premium increase will be paid directly to its insurance carrier by the Auditor and that it will timely pay the balance of the premium due. Should a volunteer fire department fail to pay the balance of its workers' compensation insurance premium and that insurance policy is subsequently cancelled, the VFD must repay to the Auditor the amount of the premium subsidy. If the Auditor does not receive a reimbursement for a cancelled policy, he shall seek reimbursement for the subsidy portion from the State Treasurer when the treasurer makes the next quarterly payment to the volunteer fire department.

Beginning with the fiscal year that starts **July 1, 2011**, and continuing in each fiscal year thereafter, the subsidy will be calculated as follows:

- (1) Dividing the total amount of premium subsidy allocated by the Legislature to the Volunteer Fire Department Workers' Compensation Subsidy Program by the total premium minus the total base year premium, which calculation produces the "total shortfall multiplier"; and
- (2) Multiplying the total shortfall multiplier by the individual premium less the individual base year premium.

(3) In no event shall a volunteer fire department receive a workers' compensation premium subsidy greater than one hundred percent of its premium increase.

The volunteer fire departments' workers' compensation premium subsidy program shall undergo a review to assess its effectiveness after three years of operation. The Auditor shall submit a report to the Joint Committee on Government and Finance not later than February 1, 2015, and provide details of the program operation including funds distributed and departments taking advantage of the subsidy.

Fiscal Impact: \$2.5 million was appropriated for this purpose in the FY 2012 State Budget (HB 2012) and an additional \$2.5 million was appropriated in a supplement bill (SB 620) for a total of \$5 million. The money in SB 620 is available right away (FY 2011) and the money in HB 2012, the budget bill will be available next FY 2012. All money must be used as outlined in HB 3271 above.

Signed by Governor 4/4/2011