

Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 10, Issue 9

April 17, 2007

2007 Legislative Summary.....

Wrapping it up...

The regular session of the 2007 Legislature is over! All things considered, we had a good year! CCAWV supported passage, of several process bills that will help to contain the regional jail costs; hotel/motel tax legislation that will allow for an increase at the county level; a tax bill that will allow for cost-sharing among taxing entities in the collection of delinquent taxes; and a resolution to study the annexation process over the coming interim meetings. We accomplished goals in each of our 3 legislative priority categories and "that's success" in the legislative process. Sometimes what did NOT pass is equally important and we had a success or two in that area as well!



I must officially thank all of you out there that walked the capital halls, made phone calls, gave feedback, wrote letters, sent e-mails, "twisted arms," offered encouragement, and all other "untold activities" that helped facilitate CCAWV's legislative agenda this year! I appreciate your involvement! I extend "Special Thanks" to my faithful legislative conference callers and executive committee, who "chatted" with me each Friday afternoon! Thanks for putting in the time and effort to provide such great leadership for this association.

I would also like to share with CCAWV members my appreciation of some "partnerships" that were so important to achieving many of our goals this year:

- ▶ The Governor and his staff;
- ▶ RJA Executive Director, Wyetta Fredricks and the Regional Jail Cost Containment Committee ;
- ▶ Lobbyist Steve Haid, and the members of the WV Association of Convention & Visitors Bureaus;
- ▶ The Governor's Committee on Tax Modernization, Property Tax Sub-Committee; and
- ▶ The staff of the WV State Tax Department.

Each of these partnerships was extremely important and very much appreciated. If you have contact with these folks, please take a moment to say thank you. It's "solidarity" that counts in the legislative game and the ultimate winners are the ones that stay the course and "HONK TOGETHER!"

--Vivian Parsons, Executive Director

Remarks from the Legislative Chairman...

Fellow Commissioners: First of all let's hear it for our Executive Director.....didn't she do a great job again this session? Thank you Vivian for your hard work, continuing to be the leader of the pack, keeping us informed up to the minute, directing us where we needed to go, and truly going beyond the call to protect and preserve issues that affect County Commissions.

Second, I would like to thank the legislative committee who gave up their Friday afternoon's for our weekly telephone conference updates. And a BIG thanks to all of you who walked the halls of the Capitol with Vivian to safeguard and lobby for issues that were in the best interest of County Commissions.

How did we do this session? Maybe we did a little more than the status quo. A lot of Regional Jail Costs bills were introduced and passed that should have a positive impact on reducing county jail costs. Annexation matters were directed to a study group and counties now have the same opportunity as cities regarding assessment of hotel/motel taxes. Each County Commission should have received Vivian's March 11th distribution of the highlights regarding the aftermath of the 2007 Legislative Session. Herein is a more detailed look at those bills and we will further review them at our Spring Board meeting, May 20, 2007, in Charleston.

— Ron Watson, Legislative Chair

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Eighteen election bills are being summarized by the WV Secretary of State's Office and will be forwarded to you upon receipt for your review. Following are summaries of other House and Senate bills of County interest. Those that are priority items of the CCAWV Legislative agenda are marked with (♥) If you have questions or need further assistance, please call our office – 345-4639.

House Bills of Interest to County Government

HB 2130 Eliminating any reduction in the benefit of a deputy sheriff who is disabled on the job.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §7-14D-14 of the Code of West Virginia.

As interpreted by the retirement board, the bill eliminates the recalculation of disability benefits for full duty disability retirees at age 65 and continues the pre-65 benefit under the elected option for life. The increase impacts both current retirees and active members' future benefits. The Normal Cost for the plan increases by 0.27% of payroll, or \$86,000 for FY2007. The Unfunded Actuarial Accrued Liability increases by \$1,785,000. Under the current amortization schedule through FY2029, the FY2007 increased payment required is \$109,000.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb2130%20enr.htm

Fiscal Impact to Counties: Based on the fiscal note provided by the Retirement Board, the total cost increase for FY2007 is \$195,000, or 0.61% of FY2007 payroll. Current contributions are sufficient to cover the increased requirement and meet minimum funding targets for the Plan.

Signed by Governor – March 23, 2007

HB 2141 Raising excused jury duty age.

Passed February 9, 2007; in effect ninety days from passage (May 11). Amends and reenacts §52-1-8 of the Code of West Virginia.

This bill will raise the age at which a person may request to be excused from jury duty from sixty-five to seventy.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb2141%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – February 23, 2007

♥ HB 2422 Providing cost-saving measures in connection with providing medical care in regional jails.

Passed March 9, 2007; in effect ninety days from passage (June 7). Adds new sections §25-1-4 and §31-20-30 of the Code of West Virginia.

This bill will reduce the reimbursement provided by the Regional Jails and the Division of Corrections for medical cost, provided that the Department of Health and Human Services and the Regional Jail Authority and the Department of Corrections will effectuate an electronic payment system. Effective July 1, 2007, the authority, may not pay an amount to an outside provider of a medical service for a person residing in a regional jail greater than 73% of the billed charges: *except for* critical access hospitals which shall be reimbursed at 85% of the billed charges. Effective July 1, 2008, the authority, may not pay an amount to an outside provider of a medical service for a person residing in a regional jail greater than the reimbursement rate applicable to service providers established by legislative rule of the Bureau for Medical Service within the Department of Health and Human Resources, except for critical access hospitals which shall be reimbursed at 75% of the billed charges. This limitation applies to all medical care services, goods, prescription drugs and medications provided to a person who is in the custody of a regional jail and is provided these services outside of a regional jail.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB2422%20Enr%20SUB.htm

Fiscal Impact to Counties: During fiscal year 2006, the Regional Jail Authority incurred catastrophic medical expenditures in the amount of \$1,153,000.00. According to the fiscal note provided by RJA, if the Regional Jail Authority were granted the authority to reimburse outside providers of medical services at a rate consistent with Department of Health and Human Resources Medicaid Program, they estimate a 20-30% reduction or a cost savings this year of \$230,600.00 to \$345,900.00, respectively. At a recent RJA meeting, the executive director stated that cost savings could range from \$800,000 to \$1,000,000 in future years.

Signed by Governor – March 22, 2007

HB 2525 Extending the termination of the West Virginia statewide addressing and mapping board.
Passed March 10, 2007; in effect from passage. Amends and reenacts §24E-1-3 and §24E-1-11 of the Code of West Virginia.

This bill relates to the statewide addressing and mapping board. It clarifies the board's composition; extends board members' terms through July 1, 2010; establishes powers and duties; provides for legal counsel as approved by the Secretary of the Department of Military Affairs and Public Safety and requires that the board shall pay any costs associated with legal counsel. It provides the division with rule-making and emergency rule-making authority; requires the board to share information; extends the termination of the board through July 1, 2010; and provides for the transfer of the powers and duties of the board to the division of homeland security and emergency management.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB2525%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 28, 2007

HB 2571 Clarifying the deadline for redeeming delinquent lands.
Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §11A-2-18 and §11A-3-2 of the Code of West Virginia.

The owner of any real estate returned delinquent, or any other person entitled to pay the taxes thereon, may redeem at any time before the close of business on the last business day prior to the sale provided in the following article by payment of the taxes, interest and charges due.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB2571%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 22, 2007

HB 2709 Specifications for Water Mains.
Passed March 10, 2007/ vetoed March 18, 2007/ Passed again March 18, 2007; in effect ninety days from passage (June 16). Amends and reenacts §8-19-21 of the Code of West Virginia.

This bill relates to municipal and county waterworks systems and specifications for water mains generally. It requires the installation of fire hydrants on certain water mains; establishes requirements and limitations; requires a study of the cost, effect and feasibility of an internal hydrant valve; and requires authorization from the Department of Health and Human Resources for certain installations.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb2709%20enr%202.pdf

Fiscal Impact to Counties: Unknown

Signed by Governor – April 4, 2007

HB 2717 Emergency Medical Services Retirement System.
Passed March 9, 2007; in effect ninety days from passage (June 7). Amends and reenacts §16-5V of the Code of West Virginia.

The purpose of this bill is to enact a retirement system for Emergency Medical Services Personnel. Any county commission or political subdivision employing emergency medical services officers may by a three-fifths vote of its governing body, or by a majority vote of its electors, elect to become a participating public employer and thereby include its emergency medical services officers in the membership of the plan. The clerk or secretary of each such county commission or political subdivision electing to become a participating public employer shall certify the determination of the county commission or political subdivision to the Consolidated Public Retirement Board within ten days from and after the vote of the governing body or the canvass of votes upon such action. Once a county commission or political subdivision elects to participate in the plan, the action is final and it may not, at a later date, elect to terminate its participation in the plan.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb2717%20Enr%20SUB.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 23, 2007

HB 2718 Table Games Bill.

Passed March 8, 2007; in effect ninety days from passage (June 6). Adds new WV Code §29-22C-1 thru §29-22C-34 and amends §29-22-18; §29-22A-10c and §29-25-1.

This bill relates to the authorization of West Virginia lottery table games at licensed horse and dog racetracks. It requires local option elections to approve licensure of West Virginia Lottery table games at racetrack facilities and sets up oversight, rules and procedures under the WV Lottery Commission. The legislation requires that a county commission place the question of table games on the ballot upon the receipt of a written notice from a licensed racetrack located within that county requesting that question be placed on the ballot. The commission must publish notice of the election as a Class II-0 legal ad following the guidelines of § 59-3. The date of the last publication of the notice shall fall on a date at least thirty days preceding the day of the election. A local option election shall be effective even though the date of the order of the county commission setting the election or the date of publication of notice of the election is prior to the effective date of this article if the election is otherwise held in accordance with the provisions of this section. The local option election shall be held in conjunction with the next primary or general election scheduled more than ninety days following receipt by the county commission of the notice required by this section or at a special election: *Provided*, That upon written request by the licensed racetrack that a special election be called, the county commission shall order a special election to be held on the question within ninety days after the receipt by the county commission of that request. The county commission may require the licensed racetrack to pay the entire cost incurred by the county to hold the special election. Approval shall be by a majority of the voters' casting votes at the election on the question of approval or disapproval of West Virginia Lottery table games at a licensed racetrack.

If the majority votes against allowing table games at a licensed racetrack, no election on the issue shall be held for a period of one hundred four weeks. A local option election may thereafter be held in the manner provided in this section. The process to hold another election on the question shall start anew, as if no prior request for an election on the question had been filed with county commission and as if there had been no prior election on the question.

If the majority votes for allowing West Virginia Lottery table games at a licensed racetrack facility in a county, another local option election on the issue shall not be held for a period of five years. A local option election may thereafter be held if a written petition of qualified voters residing within the county equal to at least five percent of the number of persons who were registered to vote in the next preceding general election is received by the county commission of the county in which the horse or dog racetrack is located.

Lottery proceeds to counties from table games will be distributed as follows:

- (1) Transfer one percent of the **adjusted gross receipts** from each licensed racetrack **to the county commissions of the counties where racetracks with West Virginia Lottery table games are located.** The one percent transferred under this subdivision shall be divided pro rata among the counties with a racetrack with West Virginia Lottery table games based on relative adjusted gross receipts from each county's racetrack: *Provided*, That the county board of education of a growth county, as that term is defined in section three, article twenty, chapter seven of this code, which has enacted the Local Powers Act, and in which county a racetrack is located that has participated in the West Virginia Thoroughbred Development Fund since on or before the first day of January, one thousand nine hundred ninety-one, shall receive one percent of adjusted gross receipts as provided in this subdivision for the purpose of capital improvements.
- (2) From the **net amounts in the Racetrack Table Games Fund**, the lottery commission shall:
Transfer ten percent, to be divided and paid in equal shares, to each county commission in the state that is not eligible to receive a distribution under (1) above: **(♥ new revenues for jail costs)** *Provided*, **That funds transferred to county commissions under this subdivision shall be used only to pay regional jail expenses and the costs of infrastructure improvements and other capital improvements.**

Also, under the bill each hotel has an obligation to have a hotel with at least 150 rooms and substantial amenities within three years of a successful local option election in the county. Mountaineer and Wheeling already qualify with their hotels. If the hotel is not operational in three years, the racetrack's annual license fee increases from \$2.5 million to \$5 million

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB2718%20Enr%20SUB.htm

Fiscal Impact to Counties: If all four "track counties" pass a local option for tables games, based upon conservative numbers, in FY 2009 counties with racetracks will receive: Hancock – \$340,000; Kanawha – \$229,000; Ohio – \$177,000; Jefferson - \$-0- (Jefferson's share goes to the school board @ \$717,000). The other 51 counties will receive approximately \$70,000 per county.

Signed by Governor – March 21, 2007

HB 2791 Penalties for Violating Peace Bonds.

Passed February 23, 2007; in effect ninety days from passage (May 24). Amends and reenacts §62-6-2 of the Code of West Virginia.

The purpose of this bill is to eliminate the jail penalty for violating a peace bond and to provide a monetary penalty for such violation.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB2791%20ENR.htm

Fiscal Impact to Counties: Jail cost containment.

Signed by Governor – March 6, 2007

HB 2801 Death Benefit to the Families of Firefighters and EMS.

Passed March 10, 2007; in effect from passage. Adds a new Chapter §5H-1-1-3 of the Code of West Virginia.

This bill provides a fifty thousand dollar death benefit to the families of firefighters and EMS personnel who are killed in the line of duty, effective January 1, 2007. The benefit shall be paid from the State General Fund.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB2801%20Enr%20Sub.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 27, 2007

HB 2831 Relating to transfer of development rights; eliminating the five year ordinance waiting period.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §7-1-3mm of the Code of West Virginia.

The purpose of this bill is to allow the transfer of development rights in growth counties without requiring that a zoning ordinance be in effect for five years and providing that the transfer of development rights may be renewable.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb2831%20Enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 3, 2007

HB 2875 Providing procedure to fill vacancy on county commission.

Passed March 8, 2007; in effect ninety days from passage (June 6). Amends and reenacts §3-10-7 of the Code of West Virginia.

When there is a vacancy on a county commission and the remaining county commissioners cannot agree upon a replacement within 30 days, then the vacating county commissioner's political party's county executive committee will fill the vacancy.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB2875%20EnrSUB.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 20, 2007

♥ HB 3072 Cost-sharing of the expense of collection of delinquent taxes.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §8-13-5; §11-1A-23; §11-10-5d; and §11A-2-2 of the Code of West Virginia.

This bill relates to local taxation; defining "charitable exemptions" for purposes of the municipal business and occupation tax; authorizing disclosure of property tax data by the assessor to the sheriff and municipal finance officers; authorizing the Division of Taxation to share with local tax collection authorities federal employer identification numbers; **and authorizing the costs incurred to collect delinquent taxes to be shared by all levying bodies. In the recovery of delinquent taxes; the fees and costs shall be paid prior to payment to the various taxing units of the balance of the recovered taxes: And the payment to the various taxing units shall be prorated on the basis of the total amount of taxes due them.**

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb3072%20enr.htm

Fiscal Impact to Counties: Allows counties to share the cost of recovery of delinquent taxes, pro-rata with the other taxing units.

Signed by Governor – April 2, 2007

HB 3094 Pecuniary interest in certain contracts.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §61-10-15 of the Code of West Virginia.

This bill relates to prohibiting county and district officers, teachers and school officials from having a pecuniary interest in certain contracts. The provisions of this section do not apply to any person who has a pecuniary interest in a public utility which is subject to regulation by the public service commission of this state. Further, where the provisions of this section would result in the loss of a quorum in a public body or agency, in excessive cost, undue hardship, or other substantial interference with the operation of a governmental body or agency, the affected governmental body or agency may make written application to the West Virginia Ethics Commission for an exemption from this section.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/HB3094%20Enr%20SUB.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 3, 2007

HB 3141 Proof of payment of property taxes.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §11-3-5 of the Code of West Virginia.

The purpose of this bill is to expand, to firms and corporations, the entities to whom assessors may issue proofs of payment of personal property taxes.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb3141%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 2, 2007

HB 3228 Providing that home confinement officers are subject to criminal prohibition of engaging in sexual intercourse with person incarcerated.

Passed March 9, 2007; in effect ninety days from passage (June 7). Amends and reenacts §61-8B-10 of the Code of West Virginia.

The purpose of this bill is to provide that home confinement officers are subject to the criminal prohibition of engaging in sexual intercourse with persons who are incarcerated. The bill also defines the phrase "incarcerated in this state" to include home confinement subject to the Home Incarceration Act.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb3228%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 2, 2007

HB 3270 Relating to the compensation and expenses of fiduciaries.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §44-4-12a of the Code of West Virginia.

This bill provides a schedule for compensation of the personal representative. Previously the amount was customarily 5%. There is now a declining scale based on the size of the estate for personal representatives of decedent's estates in West Virginia. The amount set forth in the bill may be denied or reduced by the county commission upon a determination that the personal representative has not faithfully discharged the personal representative's duties or increased by the county commission upon a determination that the personal representative has performed extraordinary services in discharging the personal representative's duties. Where the personal representative of an estate is a lawyer who renders professional services, compensation for such professional services in addition to a commission shall not be allowed. However a testator may deviate from the commissions allowed in the statute by express language in the testator's last will and testament.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hb3270%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 3, 2007

Senate Bills of Interest to County Government

SB 66 Relating to WV Community Corrections Fund.

Passed March 5, 2007; in effect ninety days from passage (June 3). Amends and reenacts §62-11C-4 of the Code of West Virginia.

This bill establishes a **mandatory \$2.50 per day fee** to be collected from each person placed on local home electronic confinement **in addition to the local fees. The fee is to be collected beginning July 1, 2007.** Previously, this fee was discretionary by the sentencing judge from \$0 to \$5 per day, based on ability to pay. **This \$2.50 is to be collected in addition to your local fee and should not reduce your local collections.** The circuit clerk, magistrate clerk or municipal court clerks shall collect all fees imposed under this subsection and deposit them in a separate account. Within 10 calendar days following the beginning of the calendar month, the circuit clerk or municipal court clerk shall forward the amount deposited, to the State Treasurer to be credited to the WV Community Corrections fund. According to the fiscal note provided by Criminal Justice Services, by inserting the specific amount to be collected the legislature is trying to clarify that it intends that persons on local home electronic confinement should be paying into the state community corrections fund as well as the local home incarceration fund. Though no statistics are kept on the number of persons on home incarceration daily in the state, Criminal Justice Services (CJS) estimate that approximately 1200 persons are involved daily. At \$2.50 per day per offender, that's \$1.1 Million per year. Assuming that judges waive one half of that population based on ability to pay, CJS believes it to be a conservative estimate that the bill will produce **\$547,500 in revenue to support community corrections upon full implementation.**

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB66%20SUB1%20enr.htm

Fiscal Impact to Counties: It is hoped that there will be no negative fiscal impact and that increased collections to the Community Corrections Fund will provide more grant money to counties for their community corrections programs.

Signed by Governor – March 26, 2007

SB 82 Creating Eyewitness Identification Act.

Passed March 10, 2007; in effect from passage. Amends by adding new §62-1E-1 thru 62-1E-3 of the Code of West Virginia.

This bill adopts procedures recommended by the National Institute of Justice, an agency of the US Department of Justice, to improve the reliability of eyewitness identification in criminal matters. The bill also creates a task force to study and identify best practices for eyewitness identification. A representative from the Sheriff's Association and a representative from the Prosecuting Attorney's Institute are among the participating agencies.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb82%20sub1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 3, 2007

SB 105 Imposing surcharge on certain fees due Deputy Sheriff Retirement Fund.

Passed March 4, 2007; in effect ninety days from passage (June 2). Amends and reenacts § 7-14E-2 of the Code of West Virginia.

If a payment due to the Deputy Sheriff Retirement Fund is not paid by the county commission by the 15th of the month, then a charge equal to the "actuarial rate of interest lost on the total amount owed" will be imposed on the delinquency. According to the Retirement Board's fiscal note, the late fee structure insures that fee deposits to DSRS are made on a timely basis. It also provides a framework within which CPRB may monitor and potentially audit required fee deposit amounts. Since this is a multiple local employer plan, it is important for all employers to be making the required fee deposits on a fair and timely basis.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB105%20SUB1%20enr.htm

Fiscal Impact to Counties: There will be no impact if payment due to the Deputy Sheriff's Retirement fund is paid on time. According to Retirement Board's fiscal note, late fees are expected to replace lost interest earnings and will prevent increased contributions due to such losses in future years and late fees are estimated at \$500 to \$1,000 annually. The estimate is based on limited data.

Signed by Governor – March 16, 2007

SB 140 Relating to Magistrate Court Funds.

Passed February 2, 2007; in effect ninety days from passage (May 3). Amends and reenacts § 50-3-4 of the Code of West Virginia.

This bill clarifies that \$10 dollars of fines and fees collected in civil and criminal cases in magistrate court must be deposited into the magistrate court fund.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb140%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – February 20, 2007

♥ **SB 178 Hotel/Motel Tax Increase authority for Counties.**

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §7-18-2 and §7-18-14 of the Code of West Virginia.

By the authority of this legislation, on and after July 1, 2007, a county may by ordinance increase the rate of hotel/motel tax to not more than six percent of the consideration paid for the use or occupancy of a hotel room. At least ten days prior to the final vote of a county commission on an ordinance proposed by a county commission to increase the rate of tax, the county commission shall conduct a properly noticed public hearing on the issue. **The bill also adds to the list of County Commission "permissible expenditures from their share of hotel/motel tax collections:"**

- (1) Passenger air service incentives and subsidies directly related to increasing passenger air service availability to tourism destinations in this state
- (2) Medical care and emergency services, in an amount not exceeding ~~one~~ two hundred thousand dollars, in any county where:
 - (A) There is an urgent necessity to preserve the delivery of acute medical care and emergency services;
 - (B) There is an increase in need for acute medical care and emergency services directly related to tourism;
 - (C) Recurrent flooding in the county significantly disrupts, on a periodic basis, the delivery of acute medical care and emergency services;
 - (D) There is an inadequate economic base within the county from any source other than tourism to preserve the delivery of acute medical care and emergency services;
 - (E) There is an inadequate economic base directly related to low population in the county, specifically, a population of less than ten thousand persons according to the census of the year one thousand nine hundred ninety; ~~and~~
 - (F) There is one and only one hospital within the county; and
 - (G) The county commission makes specific findings, by resolution, that all of the foregoing conditions within the county exist.
- (3) In those counties that participate in the Hatfield McCoy Authority may use this money to further the objectives of this authority.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb178%20sub1%20enr.htm

Fiscal Impact to Counties: Allows counties to increase hotel/motel tax up to 6% and if by ordinance the county commission chooses to do so, will double the projected hotel/motel tax collections. According to the attached fiscal note, the total amount of Hotel/Motel tax budgeted for FY-2007 for all county governments is \$5,692,277 which is at the three percent level. By permitting the tax to be increased to six percent could double the revenue to a total of \$11,384,554

Signed by Governor – April 4, 2007

SB 196 Relating to Juvenile Custody.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts § 49-5-8 of the Code of West Virginia.

This bill clarifies that the arresting agency is responsible for transporting juveniles to Division of Juvenile Services' facilities. Also, a juvenile detention center can refuse to accept a juvenile if the juvenile appears to be "in need of medical attention of a degree necessitating treatment by a physician." A juvenile detention center does not have to accept the juvenile until there is written clearance from a licensed physician.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb196%20sub1%20enr.htm

Fiscal Impact to Counties: Unknown.

Signed by Governor – March 27, 2007

SB 204 Relating to assessing costs of petit juries in magistrate court.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §52-1-17 of the Code of West Virginia.

According to the fiscal note provided for this bill by the WV Supreme Court, the purpose of this bill is to permit magistrates to assess the total cost of jury service, rather than just a portion of it. The current laws, enacted in 1986, provides for a maximum jury cost assessment of only \$200. This amount, while probably appropriate in 1986, is no longer sufficient to reimburse the court for jury costs in light of the fact that the current cost per day to magistrate court for utilizing a jury is approximately \$560.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb204%20enr.htm

Fiscal Impact to Counties: Unknown.

Signed by Governor – April 4, 2007

♥ SB 206 Relating to assessing court costs for pretrial diversion programs.

Passed March 2, 2007; in effect ninety days from passage (May 31). Amends and reenacts §62-11C-9 of the Code of West Virginia.

This bill requires that any person whose case is disposed of by entering into a pretrial diversion agreement, shall be liable for any applicable court costs. Payment of the court costs shall be made a condition of the pretrial diversion agreement.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb206%20enr.htm

Fiscal Impact to Counties: This bill should add to the court costs collected and submitted to help offset jail costs in counties.

Signed by Governor – March 16, 2007

SB 276 Administrative Rules including Regional Jail Authority.

Passed March 5, 2007; in effect from passage. Amends and reenacts §64-6-4 of the Code of West Virginia.

This bill creates legislative rules for the Regional Jail and Correctional Facility Authority establishing criteria and procedures for determination of projected cost per day for inmates incarcerated in regional jails operated by the Authority. This rule also provides that an operational reserve fund for the Authority may not exceed the amount of three months of anticipated operational expenditures.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb206%20enr.htm

Fiscal Impact to Counties: The rules provide that the total costs of operations be applied to the total number of prisoners actually incarcerated in the entire regional system (rather than prisoner capacity).

Signed by Governor – March 19, 2007

SB 314 Administrative Rules including Library Commission.

Passed March 5, 2007; in effect from passage. Amends and reenacts §64-4-1 of the Code of West Virginia.

This bill creates legislative rules for Library Commission dealing with funding to local libraries. The administrative rule, 173 CSR 1 sets out the requirements for a public library to receive a grant from the library commission including requiring a 50% match of local revenue. Also included is a proviso that the rule may be waived if the Library Commission determines that due to exceptional or uncontrollable circumstances, one or more of the requirements for receiving grants would impose an undue hardship on the public library. Exceptional or uncontrollable circumstances may include, but are not limited to, a natural or man-made disaster or a governing authority's lack of financial resources to provide adequate local funding to support a public library's operations.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB314%20SUB1%20enr.htm

Fiscal Impact to Counties: Local libraries are likely to be seeking an increase in funding from local government to meet the 50% match requirement.

Signed by Governor – March 19, 2007

SB 335 Providing Funding for WV Affordable Housing Trust Fund.

Passed March 7, 2007; in effect ninety days from passage (June 5). Amends and reenacts §11-22-2 and adds a new §11-15-4c; of the Code of West Virginia.

This bill requires the county clerk to collect an additional \$20 on each deed recorded, which will be paid to the West Virginia Affordable Housing Trust Fund. This is a pass through and the county does not receive any additional funding.

The bill also imposes an additional \$20.00 on the sale of factory-built homes by licensed dealers to be submitted to the WV Affordable Housing Trust Fund. Up to 10% of these new funds may be used for administrative and operating costs and expenses of the WV Affordable Housing Trust Fund. According to the Tax Department's fiscal note, passage of this bill will provide roughly \$1.1 million per year in additional revenue to the West Virginia Affordable Housing Trust Fund beginning in Fiscal Year 2007-2008. Most of the additional revenue would be attributable to the fee upon real property transfers.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb335%20enr.htm

Fiscal Impact to Counties: Could require additional accounting and programming in the county clerks office. Although signing this bill, the Governor recognized the lack of financial consideration to counties for this collecting service and pledged his commitment to working on this issue with us in the future.

Signed by Governor – April 4, 2007

SB 360 Relating to time a local levying body must meet.

Passed February 14, 2007; in effect from passage. Amends and reenacts §11-8-9 of the West Virginia Code.

When a levy is placed on the ballot for consideration during a primary election, each local levying body may extend its time to meet as a levying body until the first day of June of that year. The passage of this bill eliminates the need for a special local bill to be passed each time this situation occurs.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb360%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – February 28, 2007

♥ SB 361 Relating to authorizing the establishment of work program by RJA.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends by adding a new section §31-20-30 to the West Virginia Code.

This bill authorizes the Executive Director of the WV Regional Jail and Correctional Facility Authority to establish a work program for qualified inmates in regional jail facilities and to administer the earnings of the inmates to permit reimbursement to the authority for the costs of incarceration. A qualified inmate does not include an inmate convicted of a sexual offense or a violent felony. **An inmate who works in work programs established under this section shall make reimbursement to the authority toward the cost of his or her incarceration to be credited to the agency billed for that incarceration, in a percentage amount to be determined by the executive director following the guidelines and considerations laid out in the bill including:** (1) The inmate's ability to pay; (2) The nature and extent of the inmate's responsibilities to his or her dependents, if any; (3) The length of probable incarceration under the court's sentence; and (4) The effect, if any, that reimbursement might have on the inmate's rehabilitation.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb361%20sub1%20enr.htm

Fiscal Impact to Counties: Any money collected under this program will offset county regional jail costs.

Signed by Governor – April 4, 2007

SB 403 Increasing sealed bids' limitation ambulance service authorities.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts § 7-15-16 of the Code of West Virginia.

This bill increases the limitation requiring sealed bids for all purchases of supplies, equipment and materials and all construction contracts entered into by emergency ambulance service authorities from \$2,500 to \$10,000.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb403%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 4, 2007

SB 406 Including qualified continuing care retirement communities under Tax Limitations Amendment.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §11-4-3 of the Code of West Virginia.

This bill includes qualified continuing care retirement communities under the provisions of the Tax Limitations Amendment. The bill also defines "qualified continuing care retirement community" and "qualified resident". Qualified continuing care retirement community" means a continuing care retirement community: (A) Owned by a corporation or other organization exempt from federal income taxes under the Internal Revenue Code; (B) used in a manner consistent with the purpose of providing housing and health care for residents; and (C) which receives no Medicaid

funding under the provisions of article four-b, chapter nine of this code. For purposes of this section, a continuing care retirement community is a licensed facility under the provisions of §16-5c & §16-5d of this code at which independent living, assisted living and nursing care, if necessary, are provided to qualified residents. "Qualified resident" means a person who contracts with a qualified continuing care retirement community to reside therein, in exchange for the payment of an entrance fee or deposit, or payment of periodic charges, or both.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb406%20enr.htm

Fiscal Impact to Counties: Under the tax limitation amendment property taxes are reduced on continuing care retirement communities that meet these provisions. As passed this legislation will affect 2 properties that I am currently aware of: one in Cabell County (county will loose over \$300,000 in property taxes) and one in Mercer County.

Signed by Governor – April 3, 2007

SB 414 Establishing flat fee for certain services by circuit clerks.

Passed March 18, 2007; in effect ninety days from passage (June 16). Amends and reenacts §38-5B-4 & §59-1-11 of the Code of West Virginia.

This bill establishes a flat fee for certain services rendered by circuit clerks, eliminates other miscellaneous fees charged by circuit clerks; clarifies that the clerk will send a copy of suggestee execution by certified mail; and authorizes the circuit clerk to assess a fee for creating and administering certain special funds. Fees collected would be deposited in to general county funds.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB414%20SUB1%20enr2.htm

Fiscal Impact to Counties: All fees collected will go to the county general fund.

Signed by Governor – April 3, 2007

SB 435 Clarifying Consolidated Local Government Act.

Passed March 7, 2007; in effect ninety days from passage (June 5). Amends and reenacts § 7A-4-1 and §7A-7-6 of the Code of West Virginia.

The bill increases the time limit for the Charter Review Committee to study the issue to 2 years and clarifies that municipalities other than the principal city are not automatically consolidated into a metro government.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb435%20enr.htm

Fiscal Impact to Counties: Could double the expenses of the study committee, going from a 1-year study up to 2 years.

Signed by Governor – April 3, 2007

SB 436 Selecting executive secretary for county commission on crime, delinquency and corrections.

Passed March 2, 2007; in effect ninety days from passage (May 31). Amends and reenacts §7-1-3r of the Code of West Virginia.

This bill allows the county commission on crime, delinquency and correction to select one of its members as secretary rather than require the circuit clerk to act as secretary.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb436%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 16, 2007

SB 438 Relating to Investment Management Board.

Passed revised March 18, 2007; in effect ninety days from passage (June 16). Amends and reenacts §12-6-2, §12-6-4, §12-6-5, §12-6-9c, §12-6-12 and §12-6-14 and by adding a new section, designated §12-6-18 to the Code of West Virginia.

The purpose of this bill is to permit the West Virginia Investment Management Board to invest in a more diverse universe of investments, thereby enhancing the safety of the assets under management while enabling the board to better achieve its return objectives as markets evolve from time to time. **The bill specifies that all the investments are to be invested in accordance with the "prudent investor rule"** and lowers some of the other statutory restrictions and limitations on investments managed by the board.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb438%20enr2.htm

Fiscal Impact to Counties: no impact on the county – deals with investment of retirement funds.

Signed by Governor – April 3, 2007

SB 441 Relating to wind power projects tax treatment.

Passed March 9, 2007; in effect ninety days from passage (June 7). Amends and reenacts § 11-6A-5a; §11-13-2o and by adding a new section, designated §11-13-2p of the Code of West Virginia.

This bill relates generally to tax treatment of wind power projects. According to the State Tax Department fiscal note, this bill will establish for wind power projects that the total value of the facility assigned salvage value will be no greater than 79% of the total value of the facility and the bill provides that personal property at a wind power project, other than a wind turbine and tower, will not be accorded salvage valuation and will not be considered to be personal property that is a pollution control facility. Also, the bill will increase the taxable generating capacity, for purposes of the Business and Occupation Tax, on a generating unit utilizing a turbine powered primarily by wind from 5% of official capability to 12% of official capability for taxable periods beginning on or after January 1, 2008. Additionally, the bill will establish a tax credit for application against the Business and Occupation Tax on the taxable generating capacity of wind power projects. The credit will be equal to the amount of community contributions other than taxes or fees paid to local governments, including county school boards, in the county in which the wind power project is located. According to our interpretation, passage of this bill will result in an increase in local government revenue of roughly \$50,000 per year due to the change in limitation on the salvage value of wind power projects. Meanwhile, the increase in revenue attributable to the change in the taxable generating capacity will be largely offset by the proposed tax credit. Thus, the change in the General Revenue Fund of the State attributable to this bill would be minimal.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb441%20enr.htm

Fiscal Impact to Counties: According to State Tax Dept. interpretation, passage of this bill will result in an increase in local government revenue of roughly \$50,000 per year due to the change in limitation on the salvage value of wind power projects.

Signed by the Governor – April 3, 2007

SB 475 Appeals to Board of Zoning Appeals.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §8A-8-11 and §8A-8-12 of the Code of West Virginia.

This bill clarifies time period for written decision by board is 30 days; automatic dismissal if time period not met; clarifying that when an appeal has been filed with the Board of Zoning Appeals, all proceedings and work on the premises in question shall be stayed, except as provided by the following stay exemptions: A stay may not be had:

- (1) If the official or board from where the appeal was taken certifies in writing to the Board of Zoning Appeals that a stay would cause imminent peril to life or property;
- (2) Upon further administrative proceedings, including, but not limited to, submissions to and reviews by the staff or any administrative body; or
- (3) Upon engineering or architectural work that does not disturb the real estate beyond what is necessary to complete engineering, survey work or other tests.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB475%20SUB1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – April 4, 2007

SB 524 Requiring proof of lawful disposal of solid waste.

Passed March 10, 2007; in effect from passage. Amends and reenacts §22C-4-10 of the Code of West Virginia.

This bill provides a misdemeanor penalty of not less than \$50 or more than \$1000 or sentenced to perform not less than 10 or more than 40 hours of community service or both, for failure to provide proof that solid waste is picked up at least once a month. The Department of Environmental Protection has oversight.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb524%20sub1%20enr.htm

Fiscal Impact to Counties: -0-

Signed by Governor – March 28, 2007

SB 539 Deputy Sheriff Retirement System.

Passed March 7, 2007; in effect ninety days from passage (June 5). Amends and reenacts §7-14D-2, §7-14D-9 and §7-14D-11 of the Code of West Virginia.

This bill amends the definition of "annuity start date" to be the first day of the first calendar month following receipt of the retirement application by the board: *Provided*, That the member has ceased covered employment and reached

early or normal retirement age. The bill also requires a member's application for retirement and provides the basis for determining a member's retirement benefit in the Deputy Sheriff Retirement System (DSRS).

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB539%20SUB1%20enr.htm

Fiscal Impact to Counties: -0- According to the fiscal note provided by the Retirement Board, the bill provides a clarification of the retirement amount and benefit commencement provisions consistent with CPRB administrative interpretations of DSRS. As a result there is no change in any benefit otherwise payable. The bill has no impact on the Normal Cost nor Actuarial accrued Liabilities of the plan.

Signed by Governor – April 3, 2007

SB 541 Relating to Public School Financing.

Passed March 10, 2007; in effect July 1, 2007. Amends and reenacts §11-8-6f, §18-9A-2, §18-9A-11, §18-9A-15 and adding new sections §11-1C-5b and §11-21-23 to the Code of West Virginia.

This is a fairly complicated bill that changed several times during the legislative process and in fact ended up in conference on the final night of the legislative session. Following is a very brief overview of the purposes of the bill relating to public school financing.

- ▶ **requires local share to be calculated assuming properties are being assessed at sixty percent of market value, within 10%, effective July 1, 2013;**
- ▶ increases the limit on revenue generated by the regular school board levy (from 101% of previous year to 102% of previous year's state-wide aggregate property tax revenue);
- ▶ amends "growth county" definition and clarifies what new property values to include for the purposes of the Growth County School Facilities Act;
- ▶ increases state aid to counties by reducing the percentage used to calculate levies for general current expense purposes subject to exception;
- ▶ provides for a refundable property tax credit for any homeowner living in his or her homestead, for real property taxes paid in excess of a four percent of income effective July 1, 2008. If the refund is greater than the amount of income taxes paid, the State Department of Revenue shall refund that amount to the homeowner where the refundable amount is greater than ten dollars, but not more than \$1000;
- ▶ requires that a library funding obligation created by special act be paid from certain funds;
- ▶ limits a library funding obligation;
- ▶ allows, under certain conditions, a transfer of the library funding obligation so that the obligation is paid from excess levy revenues;
- ▶ voids the library funding obligation under certain conditions;
- ▶ and provides extraordinary sustained increased enrollment impact supplement

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB541%20SUB2%20enr.htm

Fiscal Impact to Counties:

Signed by Governor – April 4, 2007

SB 588 Taxation of Synthetic Fuel.

Passed March 8, 2007; in effect from passage. Amends and reenacts §11-13-2f of the Code of West Virginia.

This bill removes the expiration date of the tax on manufacturing or production of synthetic fuel from coal which is scheduled to expire on the thirtieth day of June, two thousand seven. It also amends the definition of synthetic fuel-producing county by removing the requirement that a synthetic fuel manufacturing plant be active for at least 180 days a year.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb588%20enr.htm

Fiscal Impact to Counties: According to the fiscal note provided by the State Tax Department: While the bill would delete the current termination date and essentially extend the tax into perpetuity, other factors will likely limit the length of time that nonzero tax amounts will be collected. The current manufacturing or production of synthetic fuel from coal is primarily attributable to the federal tax credit available to qualifying taxpayers. However, the federal tax credit is only available for coal-based synthetic fuels sold before January 1, 2008. Additionally, the federal credit is linked to the price of oil. When oil prices are in excess of \$53.20 per barrel, the amount of credit declines and when the price of oil is in excess of \$68 per barrel the federal credit available is zero. According to the Tax Department interpretation, the removal of the current termination date may result in some additional revenue for the Mining and Reclamation Operations Fund and local government funds in Fiscal Year 2008.

Signed by Governor – April 4, 2007

SB 595 Relating to the transition to a private workers' compensation insurance system.

Passed March 10, 2007; in effect from passage. Amends and reenacts §23-1-1, §23-1-1f, §23-2-9, §23-2C-3, §23-2C-8, §23-2C-15, §23-2C-18, §23-2C-19 and §23-5-9 and by adding a new section, designated §23-2C-18a; of the Code of West Virginia.

SYNOPSIS: Offices of Insurance Commissioner's Workers' Compensation Legislation – Provided by Brickstreet

1. Allows the OIC to have 20 exempt positions as well as allows the OIC to be exempt from purchasing rules for professional services.
2. Removes reference to catastrophic risk.
3. Adds the Industrial Council wherever there is a reference to the Board of Managers in sections related to privatization.
4. Removes obsolete references to the self-insured employer premium taxes and other technical clean-up.
5. Requires applicants for self-insured status to provide certain information as be financially solvent:
 - a) Authorizes the OIC to require self-insured employers to post a bond or security or obtain and maintain an excess insurance policy as well as revises the bond language for self-insured employers.
 - b) Clarifies that the voluntary buy out scheme for reducing self-insured claims to present value with payment going into the workers' compensation system fund no longer exists.
 - c) Clarifies that self-insured employers that withdraw from self-insured status remain liable for all claims filed prior to the withdrawal
6. Clarifies that objections to claim decisions by a third party administrator or Commissioner go to the Office of Judges as well as the OOJ shall consider evidence submitted as opposed to claim file. Now it is up to both parties to submit evidence to be considered by the OOJ.
7. Provides notification of changes to a policy, i.e. cancellation, new application, etc. to be made by carriers to the OIC within 3 days and renewals within 10 days.
8. Replaced language for penalties to employers owing debt to the State.
9. Allows carriers the ability to issue a policy without having to do due diligence to see if monies were owed to the state. This language protects the Uninsured Fund's exposure.
10. Clarifies rate-making process that an insurer may file its rates by filing a LCM or multipliers to the prospective loss-costs as well as carrier specific rating plans.
11. On the rating organization the insurer shall record and reports its workers' compensation experience to NCCI as well as adhere to uniform classification plan and uniform experience rating plan developed by NCCI. It allows for the OIC to implement rules for this section.
12. Allows a carrier to file a motion with the ALJ or Board of Review for a Stay Order as it relates to benefits. However, medical and rehabilitation are not subject to a Stay.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb595%20sub1%20enr.htm

Fiscal Impact to Counties: Unknown

Signed by Governor – March 28, 2007

SB 672 Relating to the special method for appraising dealer vehicle inventory generally.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts §11-6C-1, §11-6C-2, §11-6C-3, §11-6C-4 and §11-6C-5 of the Code of West Virginia.

This bill includes dealer boat inventory and daily passenger rental car inventory in the special method for appraising dealer vehicle inventory; provides the method for determining the market value of passenger rental cars held in inventory of daily passenger car rental businesses; provides the method for determining the market value of dealer motorboat inventory held by a recreational vehicle dealer; and provides the method for determining the market value of house trailers and factory-built homes. According to the bill, this article is adopted to address the lack of uniformity, audit difficulties and business management issues arising in this state with respect to the assessment of the personal property held as new and used dealer vehicle inventory, daily passenger rental car inventory, dealer motorboat inventory or house trailer and factory-built homes inventory. The bill says that adoption of this article will provide a more reliable and uniform method of determining market value of dealer vehicle inventory, daily passenger rental car inventory, dealer motorboat inventory or house trailer and factory-built homes inventory; minimize audit problems associated with such property; provide a predictable revenue stream for levying bodies; maximize the owner's ability to manage inventory; and provide clear guidance to local authorities by superseding the wide variety of otherwise lawful appraisal methods now in use in this state. The Tax Commissioner shall have the power to promulgate such rules as may be necessary to implement the provisions of this article.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/

Fiscal Impact to Counties: According to their fiscal note, the State Tax Department does not have sufficient data to estimate the revenue loss to the State and local governments due to passage of this bill

Signed by Governor – April 4, 2007

SB 697 Creating Appalachian Region Interstate Compact.

Passed March 10, 2007; in effect ninety days from passage (June 8). Amends and reenacts § of the Code of West Virginia.

The purpose of this bill is to create the "Appalachian Region Interstate Compact " which allows revenue sharing agreements between county development authorities and similar authorities outside the state. The Act will become effective upon adoption of at least one other state.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/SB697%20SUB1%20enr.htm

Fiscal Impact to Counties: Unknown at this point.

Signed by Governor – April 4, 2007

♥ SB 707 Increasing jail processing fee amount.

Passed March 10, 2007; in effect from passage. Repeals §7-8-13 of the Code of West Virginia and adds a new §31-20-30.

This bill changes §7-8-13 to §31-20-30 and increases the processing fee paid by a person committed to jail by order of magistrate, circuit judge or by temporary commitment order. The current fee of \$20 is increased to \$30. The bill also provides language to enhance collection and refunding procedures.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb707%20enr.htm

Fiscal Impact to Counties: The processing fees are used to offset operational costs of the regional jails.

Additional funds will help to maintain per diem costs.

Signed by Governor – March 28, 2007

SB 747 The Municipal Home Rule Pilot Program.

Passed March 10, 2007; in effect July 1, 2007. Amends and reenacts §8-1-7 and a new §8-1-5a of the Code of West Virginia.

Effective the first day of July, two thousand seven, there is created a pilot program to be known as the Municipal Home Rule Pilot Program authorizing five selected Class I, Class II and/or Class III municipalities and/or metro governments the authority to enact any ordinances, acts, resolutions, rules and regulations not contrary to the constitutions of the United States or West Virginia, federal law or chapters sixty-a, sixty-one and sixty-two of this code. To be eligible to participate in the Municipal Home Rule Pilot Program the applicant shall:

(1) Be a Class I, Class II and/or Class III municipality and/or a metro government: *Provided*, That a municipality considering consolidation or establishing a metro government shall have no more than two years from the date it is selected for the pilot program to complete its consolidation or metro government process or its participation in the pilot program will terminate at the end of the two-year period; and

(2) Have a written plan stating in detail the following:

(A) The specific laws, policies, rules or regulations which prevent the municipality from carrying out its duties in the most cost-efficient, effective and timely manner;

(B) The problems created by the laws, policies, rules or regulations; and

(C) The proposed solutions to the problems, including all proposed changes to ordinances, acts, resolutions, rules and regulations.

The bill creates a Municipal Home Rule Board consisting of the following seven members: (This board will select the five participating municipalities)

(1) The Governor, or a designee, who shall serve as chair;

(2) The Executive Director of the West Virginia Development Office or a designee;

(3) The chair of the Senate Committee on Government Organization or a designee;

(4) The chair of the House of Delegates Committee on Government Organization or a designee;

(5) One member shall be a representative of the business and Industry Council;

(6) One member shall be a representative of the largest labor organization in the state; and

(7) One member shall be a representative of the West Virginia Chapter of American Institute of Certified Planners

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb747%20enr.htm

Fiscal Impact to Counties: Unknown at this time.

Signed by Governor – April 4, 2007

Passed Resolutions of Interest to County Government:

HCR 48 - (By Delegates Amores, Guthrie, Hatfield, Palumbo, Spencer, Staggers, Webster and Wells)
The Committee on Government & Finance is hereby requested to study potential funding mechanisms and sustainable sources of revenue to protect and conserve West Virginia's most important unique, natural, and rural lands to ensure the quality of life and economic well-being of present and future West Virginians. You can review the "passed version" of this resolution at: http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/rs/BILLS/hcr48%20intr.htm

♥ HCR 82 - By Delegates Manchin, Moye, Doyle, Tabb and Wysong - Requesting that the Joint Committee on Government and Finance conduct a study of municipal annexation under article six, chapter eight of the West Virginia Code to facilitate a more effective and responsive annexation process. You can review the "passed version" of this resolution at: http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/hcr82%20intr.htm

SCR 83 - By Senators Edgell, Love, Sypolt, Guills, Barnes, Unger and Facemyer - Requesting Joint Committee on Government and Finance study permitting public recreational use of certified managed timberland. You can review the "passed version" of this resolution at: http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/scr83%20org.htm

Bills of Interest to County Government Vetoed by the Governor

SB 400 Increasing the number of circuit court judges. - VETOED

Passed March 10, 2007; in effect ninety days from passage. Amends and reenacts §51-2-1 of the West Virginia Code.

Effective **January 1, 2009**, the following counties shall get an additional circuit court judge:

1) Mercer; 2) Kanawha; 3) Monongalia; 4) 22nd circuit including Hampshire, Hardy & Pendleton; 5) 23rd circuit including Jefferson, Berkeley, & Morgan; 6) Wayne; and 7) Mingo. Any additional judicial positions which have been added to individual circuits, effective the first day of January, two thousand nine, shall be placed on ballot for the primary and general elections conducted in the year two thousand eight.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb400%20sub2%20enr.htm

Fiscal Impact to Counties: Will cost the state general revenue approximately \$387,000 per judge. County fiscal impact is dependent upon conditions in each circuit (i.e. courtroom availability, additional staff requirements, etc.)

VETOED by Governor – April 5, 2007 – because the legislature gave no consideration to realigning circuits, only adding more judges.

SB 748 Creating the Electronic Telecommunication Open Infrastructure Act (ETOPIA). - VETOED

Passed March 10, 2007; in effect ninety days from passage. Creates a new article, designated §5B-4-1, §5B-4-2, §5B-4-3, §5B-4-4, §5B-4-5, §5B-4-6, §5B-4-7, §5B-4-8, §5B-4-9, §5B-4-10, §5B-4-11, §5B-4-12, §5B-4-13, §5B-4-14 and §5B-4-15 to the Code of West Virginia.

The purpose of this bill is to authorize the Department of Administration to conduct an inventory of the technology infrastructure in the state and to authorize the Department of Commerce to facilitate a public-private partnership or partnerships to expand the broadband infrastructure system and related services to businesses and the public in areas of the state not currently being served.

In an effort to accomplish this goal, the Department of Administration will create legislative rules to facilitate the infrastructure resources survey, including a policy to encourage businesses and to require state and local government agencies to report to the Chief Technology Officer on donations of information technology to educational facilities, nonprofit organizations and members of the public, including without limitation, a description of each item donated and identification of the recipient. Further, every public body shall complete an infrastructure resources survey no later than the first day of October, two thousand seven, and a survey each year thereafter as provided in rules promulgated pursuant to this section.

You can review the "passed version" of this bill at the following web site:

http://www.legis.state.wv.us/Bill_Text_HTML/2007_SESSIONS/RS/BILLS/sb748%20enr.htm

Fiscal Impact to Counties: Unknown

VETOED by Governor – April 5, 2007 – because of fear of hurting current on-going efforts to address some of these issues.