

LEGISLATIVE LINEUP



YOUR LEGISLATIVE UPDATE FROM CCAWV

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Collective County Voices

April 12, 2016

Report from the 1st regular session of 2016 WV Legislature

BY: Vivian Parsons, Executive Director

Summary of County Legislation Passed and signed by the Governor 2016



The first Regular Legislative Session of 2016 is over. Two hundred and seventy-six bills completed legislative action. The Governor has signed 246 of these bills into law and vetoed 26. For the first time in my memory, 4 bills were passed while the Legislature was still in session, vetoed by the Governor, and then taken back up by both bodies for a veto over-ride! SB 1 Establishing WV Workplace Freedom Act; HB 4005 Eliminating the Prevailing Wage rates; SB 10 Creating Unborn Child Protection from Dismemberment Abortion Act; and HB 45 The Constitutional Carry bill. Below you will find a brief summary of 74 of these bills that have county implications or county interest.

So how did Counties fare???? **CCAWV had a very successful legislative year!** We are 4 for 4....**all four of our legislative priorities were passed and signed and several other bills that we were supporting!** We had a wonderfully successful coalition working with the WV Municipal League and the WV Convention & Visitors' Bureau/Tourism folks on two of our issues (SB 267 & HB 4377)! We were also successful in opposing/requesting vetoes of several bills that were not in the best interest of county government and those taxpayers we represent!

Many thanks to our CCAWV Legislative lobbying team! And to all of the members who made calls, sent emails/texts, and visited! If there are other bills you'd like to know more about, just give our office a call at 304-345-4639.....as always, if you are viewing this report on line, you can click on the bill number and review the complete language of the bill.

CCAWV's 4 major priorities (see full summary in the report)

- ▶ **SB 27** - Allowing the county to hire an attorney to collect delinquent property taxes, and deducted the expense from tax collections before distribution to the levying bodies. **PASSED**
 - ▶ **SB 267** - Raising threshold for number of signatures needed to require the commencement of removal process of local elected officials to 10% of the registered voters, voting in the most recent election of the person being removed or a maximum cap. **PASSED**
 - ▶ **HB 4377** - Elimination of the hotel/motel tax 30 day exemption. **PASSED**
 - ▶ **SB 634** - creates a provisional drivers' license bill that would require paying monthly amounts **on outstanding court costs** to maintain. **PASSED**
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Bill 	Title/Summary	Status 	Effective Date
SB 1	<u>Establishing WV Workplace Freedom Act</u> - This bill eliminates language allowing employment agreements to require membership in a labor organization as a condition of employment; prohibits any requirement that a person become or remain a member of a labor organization as condition of employment; prohibits any requirement that a person must pay dues or other fees to a labor organization as a condition of employment; prohibits any requirement that a person contribute to a charity in lieu of paying dues or other fees to a labor organization; provides that certain agreements or practices between labor organizations and employers are unlawful; provides for criminal penalties; provides for administrative remedies; provides for civil relief, including damages, attorney's fees and injunctive relief; and requires prosecuting attorneys and the Attorney General to investigate complaints.	House and Senate Over-rode Governor's Veto.	Passed February 4, 2016; in effect 90 days from passage (May 4, 2016)
SB 10	<u>Creating Unborn Child Protection from Dismemberment Abortion Act</u> – This bill creates a new article, designated §16-2O-1, prohibiting dismemberment abortions; deeming violations by physicians and other licensed medical practitioners to be a breach of the standard of care and outside the scope of practice that is permitted by law. The bill provides an exception to prevent death of mother; allows for discipline from the applicable licensure board for that conduct, including, but not limited to, loss of professional license to practice for violation and subject to criminal penalties; preserves existing legal remedies for violations; and clarifies that no penalty may be assessed against a patient.	House and Senate Over-rode Governor's Veto.	Passed February 29, 2016; in effect 90 days from passage (May 29, 2016)
SB 27	<u>Permitting county commissions hire outside attorneys for collection of taxes through courts</u> - This bill permits county commissions to hire outside attorneys to prosecute actions or defend the county's interest in any proceeding before any United States Bankruptcy Court; provides for outside attorney to be reimbursed for actual expenses directly incurred in the representation; provides that engagements of outside counsel be in writing; requires that hourly engagements with outside attorneys contain a cumulative cap of any hourly fees charged on a per-case basis; requires that contingency fee agreements with outside attorneys contain a percentage cap on money or things of value recovered; and, most importantly, requires attorney fees or costs be paid prior to distribution to taxing units.	Approved by Governor 3/9/16	Passed March 5, 2016; in effect 90 days from passage (June 3, 2016) CCAWV Priority Legislation
SB 32	<u>Relating to withdrawal of candidates for office and filling vacancies</u> - the bill requires the Secretary of State to create a notarized statement of withdrawal form and sets certain deadlines for filing the notarized form in order to withdraw as a candidate and to have one's name removed from ballot: (1) <i>For primary or special primary elections or nonpartisan elections held in conjunction with a primary election:</i> The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than the third Tuesday following the close of the candidate filing period. (2) <i>For general or special general elections or nonpartisan elections held in conjunction with a general election:</i> The notarized statement of withdrawal must be received by the same officer with whom the certificate of announcement was filed by the close of business of that officer not later than eighty-four days before the general	Approved by Governor 2/11/16	Effective from passage (February 6, 2016)

	<p>election.</p> <p>The bill requires the Secretary of State to certify names of general election candidates to counties by the seventy-first day next preceding the date of the general election including the names of candidates that are the nominee of the party following the filling of a vacancy. The bill further prohibiting certification of names of candidates who timely filed a notarized statement of withdrawal.</p> <p>The bill clarifies the process for determining if candidate is disqualified: A candidate may be determined disqualified if a written request is made by an individual with information to show a candidate’s ineligibility to the State Election Commission no later than eighty-four days before the general election explaining grounds why a candidate is not eligible to be placed on the general election ballot or not eligible to hold the office, if elected. The State Election Commission shall review the reasons for the request. If the commission finds the circumstances warrant the disqualification of the candidate, the commission shall authorize appointment by the executive committee to fill the vacancy. Upon receipt of the authorization a nominee may be appointed by the executive committee and certified to the proper filing officer no later than seventy-eight days before the general election.</p> <p>The bill designates that the proper filing officer is the original officer that a candidate filed with. It removes the State Election Commission from the process of voluntary withdrawal of candidates and authorizes the executive committee to replace a candidate who files a timely notarized statement of withdrawal. Certain other deadlines are adjusted.</p>		
<p><u>SB 39</u></p>	<p><u>Regulating off-road motorcycles within Hatfield-McCoy Recreation Area</u> - This bill relates to regulation of all-terrain vehicles and clarifies circumstances in which all-terrain vehicles may operate and travel: An all-terrain vehicle may be operated upon the shoulder, or as far to the right on the pavement as possible when there is not enough shoulder to safely operate, on any road, street or highway referred to in subdivision (2), subsection (a) of this section other than an interstate highway for a distance not to exceed ten miles to travel between a residence or lodging and off-road trails, fields and areas of operation, including stops for food, fuel, supplies and restrooms, if:</p> <p>(1) The vehicle is operated at speeds of twenty-five miles per hour or less; and</p> <p>(2) The vehicle is operated at any time from sunset to sunrise the all-terrain vehicle must be equipped with headlights and taillights which must be illuminated.</p> <p>The bill also defines motorcycles as all-terrain vehicles.</p>	<p>Approved by Governor 3/16/16</p>	<p>Passed March 8, 2016; in effect 90 days from passage (June 6, 2016)</p>
<p><u>SB 157</u></p>	<p><u>Authorizing Department of Revenue to promulgate legislative rules</u> - Among other rules this bill includes a legislative rule significantly changing the “Valuation of Timberland and Managed Timberland.” This came at the 11th hour of the session, without Tax Department verified numbers showing the results of such changes. Industry predicted some counties see additional taxes and some seeing decreased taxes from the change.</p> <p><u>Governor’s veto message</u> indicates this significant rule change is problematic for 2 reasons...the amendment occurred in the final days of session without permitting those affected (counties) to fully appreciate or address the impacts of such changes</p>	<p>Vetoed by Governor 4/1/2016</p>	<p>CCAWV supports this VETO.</p>

	and these amendments will have a disproportionate and significant negative impact on the counties located in southern West Virginia. Rule needs further review.		
<u>SB 254</u>	<p><u>Not allowing county park commissions to prohibit firearms in facilities</u> - This bill relates to prohibiting county parks and recreation commissions from promulgating or enforcing rules and regulations which prohibit possession of firearms; and providing magistrate courts with concurrent jurisdiction.</p> <p><u>Governor's veto message</u> indicates that counties are in a better position than the Legislature to evaluate local issues and determine whether firearm prohibitions in county parks and recreation areas are appropriate. The Governor vetoed this bill in deference to county judgment on matters of public safety.</p>	Vetoed by Governor 3/15/16	CCAWV supports this VETO
<u>SB 267</u>	<p><u>Modifying removal procedure for certain county, school district and municipal officers</u> - This bill modifies the procedure for removal of certain county, school district and municipal officers; modifying definitions; and provides political subdivisions be responsible for costs associated with removal proceedings when the outcome is in favor of a challenged officer acting in good faith.</p> <p>See attachment (<u>Chapter 6 – Article 6 – Removal of Officers</u>) for outline of the complete process and chart of estimated numbers attached at the end of this summary report.</p>	Approved by Governor 3/24/16	Passed March 12, 2016; in effect 90 days from passage (June 10, 2016) CCAWV Priority Legislation
<u>SB 298</u>	<p><u>Allowing restaurants, private clubs and wineries sell alcoholic beverages on Sundays</u> - This bill relates to regulation of alcoholic liquor, wine and non-intoxicating beer. It allows county commissions to conduct a county option election on the question of whether to allow restaurants, private clubs, Class A retailers, wineries and wine serving entities to sell alcoholic liquors, wine and non-intoxicating beer as their licenses allow, and distilleries and mini-distilleries to offer complimentary samples of alcohol beginning at 10:00 a.m. on Sundays for on-premises consumption only; and establishes publication requirements for providing notice of election.</p>	To Governor 3/28/16	Passed March 12, 2016; in effect 90 days from passage (June 10, 2016) CCAWV supported passage of this Legislation
<u>SB 306</u>	<p><u>Permitting sale of county or district property online</u> - This bill relating to sale of county or district property; permits property be sold either at an on-site public auction or by utilizing an internet-based public auction service; and requires notice of sale to include notice of the time, terms, manner and place of sale or the internet-based public auction service to be utilized. This bill was an initiative of the Berkeley County Commission and CCAWV supported this bill.</p>	Approved by Governor 3/24/16	Passed March 12, 2016; in effect 90 days from passage. (June 10, 2016) CCAWV supported passage.
<u>SB 309</u>	<p><u>Relating to child-care center licensing and exempting county parks and recreation from licensure</u> - This bill relating to child-care center licensing requirements, exempts county parks and recreation commissions, boards and municipalities from licensure. This bill was an initiative of the Berkeley County Commission and CCAWV supported this bill.</p>	Approved by Governor 3/1/16	Passed February 19, 2016; in effect 90 days from passage. (May 19, 2016) CCAWV supported passage.

<p><u>SB 339</u></p>	<p><u>Establishing Judicial Compensation Commission</u> - This bill establishes a judicial compensation commission. This commission will be an advisory commission to the Legislature and shall be comprised of the following five members:</p> <ul style="list-style-type: none"> (1) The Dean of the West Virginia University College of Law; (2) Two individuals appointed by the President of the Senate; and (3) Two individuals appointed by the Speaker of the House of Delegates. <p>These members will serve for four year terms.</p> <p>The bill also provides that members of commission are ineligible for appointment to the commission if a public employee, elected official or political party executive committee member and any serving member is ineligible for appointment to state judicial position while serving on commission. The bill gives the commission authority to make salary recommendations for elected judicial officers to the Legislature and requires meetings be conducted pursuant to open meetings laws. The legislation allows a bill enacting commission's salary recommendations to be introduced by the presiding officers of the Senate and House of Delegates in the legislative session following receipt of report. If the recommendations are not adopted the commission can continue to study and make recommendations. If the complete recommendations of the commission are adopted by the Legislature, then the commission must remain adjourned for 3 years.</p>	<p>Approved by Governor 3/30/16</p>	<p>Passed March 12, 2016; in effect 90 days from passage (June 10, 2016)</p>
<p><u>SB 379</u></p>	<p><u>Relating to candidate filing fees</u> - This bill directs candidates for circuit and family court judge to pay their filing fees to the election official with whom certificate of announcement is to be filed; provides for apportionment of certain candidate filing fees to counties (when more than one county is represented); and requires campaign finance statements for circuit and family court judges to be filed with Secretary of State.</p>	<p>Approved by Governor 3/10/16</p>	<p>Passed 3/4/16 Effective from passage</p>
<p><u>SB 415</u></p>	<p><u>Lengthening maximum term of negotiable certificates of deposit municipal funds can hold</u> - This bill increases the maximum permissible term of a negotiable certificate of deposit used for the investment of municipal funds from less than one year to no more than five years in order to permit municipalities using such investment vehicles to realize a greater rate of return.</p>	<p>Approved by Governor 3/15/16</p>	<p>Passed March 8, 2016; in effect 90 days from passage (June 6, 2016)</p>
<p><u>SB 454</u></p>	<p><u>Licensing and regulating medication-assisted treatment programs for substance use disorders</u> - This is a Governor's bill and does not directly impact counties. However, I thought there may be some County interest in knowing that a bill passed regulating "medication-assisted" treatment programs for substance disorders. For full details, click on the SB 454 to the left and go to complete bill language.</p>	<p>Approved by Governor 3/29/16</p>	<p>Passed March 12, 2016; in effect 90 days from passage (June 10, 2016)</p>
<p><u>SB 461</u></p>	<p><u>Updating WV Workforce Investment Act to the WV Workforce Innovation and Opportunity Act</u> - The purpose of this bill is to update the West Virginia Workforce Investment Act to the West Virginia Workforce Innovation and Opportunity Act, to comply with changes in federal law as the result of the passage of the federal Workforce Innovation and Opportunity Act. Compliance with the federal law is necessary to ensure continued federal funding of workforce development efforts. As part of these updates, this bill defines new terms. It also updates the composition of the West Virginia Workforce Investment Council and changes its name to the West Virginia Workforce Development Board. The bill also establishes qualifications for certain board members. The bill updates the duties of the board from those</p>	<p>Approved by Governor 3/24/16</p>	<p>Passed March 8, 2016; in effect 90 days from passage (June 6, 2016)</p>

	previously applicable to the West Virginia Workforce Investment Act. The bill updates reporting requirements to the Legislature and cleans up language to indicate the change of the name of from the West Virginia Workforce Investment Council to the West Virginia Workforce Development Board. The bill requires that the board's proceedings and information be open and available to the public.		
<u>SB 462</u>	<u>Reducing deposit of excess lottery proceeds into WV Infrastructure Fund</u> - This bill reduces the deposit of excess lottery proceeds into the West Virginia Infrastructure fund from \$40 million to \$30 million for fiscal year 2017 and increases the percentage of such funds in the Infrastructure Fund which may be used to make grants from twenty percent to fifty percent for fiscal year 2017.	Approved by Governor 3/2/16	Passed February 25, 2016; Effective from passage
<u>SB 484</u>	<u>Relating to reemployment rights of military personnel</u> - This bill extends reemployment rights protection to members of the organized militia in the active service of another state; and clarifies that the Uniformed Services Employment and Reemployment Rights Act of 1994 is considered applicable federal law.	Approved by Governor 3/23/16	Passed March 9, 2016; in effect 90 days from passage (June 7, 2016)
<u>SB 494</u>	<u>Creating Legislative Oversight Commission on Department of Transportation Accountability</u> - This Commission will meet during legislative session as well as during monthly interims as often as necessary. Made up of 71 Senators and 7 Delegates the Oversight Commission's powers, duties and responsibilities will include the following: (1) Make a continuing investigation, study and review of the practices, policies and procedures of the department; (2) Make a continuing investigation, study and review of all matters related to transportation policy in the state; (3) Review long-term plans by the various agencies of the Department of Transportation and how they impact the citizens of West Virginia; (4) Conduct studies on: (A) The amount of state, federal and other funds expended in infrastructure investment in the state and the plan for future funds; (B) The costs associated with failure to invest in the infrastructure of this state to citizens and businesses; (C) The extent to which the state is maximizing available federal programs and other moneys in providing transportation investment to the citizens of this state; (D) The operation of the Department of Transportation as a whole or its individual agencies; and (E) The roles of the public, private and private nonprofit sectors in collaborating for improved infrastructure investment; (5) Review and study the funding mechanisms for the State Road Fund and review any plans to adjust funding to ensure the necessary investment is made; (6) Review and study the feasibility and financial impact upon the state of the long-term transportation plans in place in the department and its agencies; and (7) Review and study the feasibility and financial impact upon the state of the establishment of alternative long-term transportation plans and alternative funding sources. (b) The commission shall make annual reports to the Legislature regarding the results of all investigations, studies and reviews pursuant to the provisions of section five of this article.	Approved by Governor 3/30/16	Passed March 10, 2016; in effect 90 days from passage (June 8, 2016)
<u>SB 517</u>	<u>PEIA plans that are exempt from regulation by Insurance Commissioner</u> - This bill clarifies that plans established and administered by Public Employees Insurance Agency are exempt from regulation by Insurance Commissioner unless specifically stated otherwise; and provides that Public Employees Insurance Agency is not an insurer or in the business of insurance.	Approved by Governor 3/23/16	Passed March 11, 2016; in effect 90 days from passage (June 9, 2016)

<p><u>SB 520</u></p>	<p><u>Allowing PEIA ability to recover benefits or claims obtained through fraud</u> – This bill provides the Public Employees Insurance Agency the ability to recover, through administrative proceedings, benefits or claims obtained through willful misrepresentation or fraud; it provides for civil liability for improperly received benefits, overpayments or other sums; and provides a criminal penalty for such fraud. Further it authorizes the agency to issue administrative subpoenas to aid in the recovery.</p>	<p>Approved by Governor 3/23/16</p>	<p>Passed March 10, 2016; in effect 90 days from passage (June 8, 2016)</p>
<p><u>SB 563</u></p>	<p><u>Increasing retirement benefit multiplier for WV Emergency Medical Services Retirement System members</u> - The purpose of this bill is to modify the definition of “accrued benefit” by increasing the retirement benefit multiplier for EMSRS members with more than 25 years of credited service. <i>“Accrued benefit” means on behalf of any member two and six-tenths percent per year of the member’s final average salary for the first twenty years of credited service. Additionally, two percent per year for twenty-one through twenty-five years and one and one-half percent per year for each year over twenty-five years will be credited with a maximum benefit of sixty-seven percent.</i></p>	<p>Approved by Governor 4/1/16</p>	<p>Passed March 11, 2016; in effect 90 days from passage (June 9, 2016)</p>
<p><u>SB 591</u></p>	<p><u>Relating to voter registration list maintenance and combined voter registration and driver licensing fund</u> – This bill relates to creation and maintenance of state-wide voter registration lists. The bill creates additional duties for Secretary of State relating to voter registration. Upon written notice to the clerk of the county commission of a county of the need for voter registration record maintenance and the failure of that clerk to complete such maintenance within ninety days of the notice, the Secretary of State may make changes in the voter registration data necessary to comply with list maintenance requirements of sections four-a, twenty-three, twenty-five, twenty-six and twenty-seven of this article: <i>Provided, That the secretary shall send the notice by certified mail, return receipt requested.</i> The bill further clarifies the duty of Secretary of State to perform certain ongoing voter registration database maintenance; directs Secretary of State to enter into agreement with Division of Motor Vehicles for Division of Motor Vehicles to provide certain information regarding persons eligible to vote; sets forth information to be provided by Division of Motor Vehicles; permits Secretary of State to use information for voter registration list maintenance comparison through interstate data-sharing agreement as designated by Secretary of State; identifies additional permissible uses of funds in Combined Voter Registration and Driver Licensing Fund; provides for periodic transfer of funds from that fund to General Revenue Fund under certain circumstances; authorizes cancellation of registration of deceased or ineligible voters; and grants certain rule-making authority to Secretary of State.</p>	<p>Approved by Governor 3/21/16</p>	<p>Effective from passage (March 11, 2016)</p>
<p><u>SB 595</u></p>	<p><u>Relating to retirement credit for members of WV National Guard</u> – This bill establishes a procedure for purchase of military service credit by members of Public Employees Retirement System with current or prior service in the West Virginia National Guard, of up to sixty months under certain conditions.</p>	<p>Approved by Governor 4/1/16</p>	<p>Passed March 10, 2016; in effect 90 days from passage (June 8, 2016)</p>
<p><u>SB 601</u></p>	<p><u>Relating to exception from jurisdiction of PSC for materials recovery facilities or mixed waste processing facilities</u> - The purpose of this bill is to simplify the procedure for issuing permits for solid waste facilities which accept only waste resulting from the exploration, development, production, storage and recovery of oil</p>	<p>Approved by Governor 4/1/16</p>	<p>Repassed March 15, 2016; in effect from passage]</p>

	<p>and gas. The bill makes the West Virginia Department of Environmental Protection the principal regulatory agency for such facilities, and clarifies that the Public Service Commission has no jurisdiction or authority with respect to such facilities, except to retain limited jurisdiction over facilities meeting certain requirements which received a certificate of need prior to July 1, 2016.</p> <p><i>The jurisdiction of the PSC does not extend to materials recovery facilities or mixed waste processing facilities as defined by chapter twenty-two, article fifteen, section two of this code, except within a thirty-five mile radius of a facility sited in a county that is, in whole or in part, within a karst region as determined by the West Virginia Geologic and Economic Survey that has been permitted and classified by the WVDEP as a mixed waste processing resource recovery facility and has received a certificate of need by July 1, 2016: Provided, That nothing in this section shall affect the requirements of section five, article two and section three, article three, chapter twenty-four-a of this code.</i></p>		
<p>SB 634</p>	<p><u>Creating William R. Laird IV Second Chance Driver's License Act</u> – This bill establishes the Second Chance Driver's License Act, program; directs the Director of the Division of Justice and Community Services to administer the program; sets eligibility requirements to become program participant; directs the director to coordinate with courts and Commissioner of the Division of Motor Vehicles to verify total amount of unpaid court costs and sets deadlines for providing information to director; requires courts to provide an accounting that separately identifies the portion of court costs that constitute fine, forfeiture or penalty; prohibits separate collection of unreported unpaid court costs while applicant is participant of program; directs the director to develop consolidated repayment schedule for participant; sets certain requirements for consolidated repayment schedule; permits modification of consolidated repayment schedule; permits hardship waiver; clarifies that participant is under no obligation to make separate or additional payments directly to court if those costs are included in consolidated repayment schedule; establishes moratorium on collection of unpaid court fees by a court or its designee while participant is in good standing with program; requires monthly remittance of payments to director; creating Second Chance Driver's License Program Account; provides for administration of the account; directs deposit of funds into the account; authorizes expenditure of funds from account for certain purposes; provides legislative and emergency rule-making authority for Division of Justice and Community Services; and provides legislative and emergency rule-making authority for Division of Motor Vehicles.</p>	<p>Approved by Governor 3/29/16</p>	<p>Passed March 12, 2016; in effect 90 days from passage</p> <p>(June 10, 2016) Governor's bill CCAWV Legislative Priority</p>
<p>SB 648</p>	<p><u>Allowing local authorities permit flashing traffic signals during low traffic times</u> - The purpose of this bill is to allow local authorities to permit flashing signals between the hours of eleven o'clock p.m. and six o'clock a.m. when traffic flow is usually low</p>	<p>Approved by Governor 3/16/16 I</p>	<p>Passed March 8, 2016; in effect 90 days from passage (June 6, 2016)</p>
<p>SB 656</p>	<p><u>Creating Upper Kanawha Valley Resiliency and Revitalization Program</u> - The purpose of this bill is to create the Upper Kanawha Valley Resiliency and Revitalization program to identify and prioritize existing resources that can be directed to support economic development efforts in the communities of Pratt, Smithers, Montgomery, and Gauley Bridge; establish a revitalization council to manage these activities (including representatives from the Kanawha and Fayette</p>	<p>Approved by Governor 3/16/16</p>	<p>Passed March 8, 2016; in effect 90 days from passage (June 6, 2016)</p>

	County Commissions); and provide technical assistance support, services and resources to support community revitalization of the Upper Kanawha Valley.		
<u>SB 686</u>	<u>Authorizing local governing authorities hold sanctioned motor vehicle races on roads, streets or airports under their jurisdiction</u> - The purpose of this bill is to allow races on county or municipal roads or at airports when the race is sanctioned by the local governing authority and the road is closed to other traffic. The bill requires local authority to issue permits and allows charging reasonable permit fees. Further the bill requires local governing authorities to provide at least sixty days' written notice to the West Virginia Department of Transportation – Traffic Engineering Division of any racing permit issued.	Approved by Governor 3/30/16	Passed March 12, 2016; in effect 90 days from passage (June 10, 2016)
<u>SB 691</u>	<u>Modifying certain air pollution standards</u> in a state plan relating to carbon dioxide emissions from existing fossil fuel-fired electric generating units. This bill changes certain mandatory requirements to permissive ones; and changes a meter-based standard to a mass-based standard.	Approved by Governor 3/23/16	Effective from passage March 11, 2016
<u>SB 702</u>	<u>Allowing title of real estate to pass to individuals entitled to sale proceeds if executor fails to do so within 5 years of closing estate</u> - In instances where real estate, or an interest therein, is devised to be sold and the proceeds distributed, title to the real estate passes to those individuals entitled to receive the proceeds of sale if the personal representative of the estate does not do so upon the closing of the estate or if the estate is not closed five years after the death of the testator.	Approved by Governor 3/29/16	Passed March 12, 2016; in effect 90 days from passage (June 10, 2016)
<u>HB 2110</u>	<u>Relating generally to the tax treatment of manufacturing entities</u> – This bill amends the formula for calculating credit to ad valorem property taxes allowed for manufacturing investment to include small arms and ammunition manufacturers. It decreases the investment threshold for receiving special property tax treatment from \$50 million to \$1 million, and increases the percentage of tax credit available from 5% to 50% of the qualified manufacturing investment. This bill would erode county property taxes. <u>Governor' veto message</u> found increasing this tax credit to such levels, fiscally imprudent to provide to a single industry.	VETOED by the Governor April 1, 2016	CCAWV supports this VETO
<u>HB 2122</u>	<u>Making it illegal for first responders to photograph a corpse; Jonathan's Law</u> - A first responder who is or present at a motor vehicle accident or other emergency situation for the purpose of providing public safety services or medical care or assistance shall not photograph, film, videotape, record or otherwise reproduce in any manner the image of a human corpse or a person being provided medical care or assistance, except for a legitimate law-enforcement purpose, public safety purpose, health care purpose, insurance purpose, legal investigation or legal proceeding involving an injured or deceased person or pursuant to a court order. Doing so is a misdemeanor and, upon conviction a fine of not less than \$50 nor more than \$500. Increased penalties and fines for subsequent violations.	Approved by Governor 3/16/16	Passed March 7, 2016; in effect ninety days from passage. (June 5, 2016)
<u>HB 2588</u>	<u>Relating to the filing of financial statements with the Secretary of State</u> - after January 1, 2018, unless a committee has been granted an exemption in case of hardship, all such statements required to be filed with the Secretary of State, on or behalf of a candidate for any elective office, shall be filed electronically by means of	Approved by Governor 3/21/16	Passed March 10, 2016; in effect ninety days from passage. (June 8, 2016)

	<p>the internet program that has been established by the Secretary of State. If through or by no fault of the candidate, the candidate is unable to file the campaign financial statement, the candidate shall then file said statement in person, via facsimile or other electronic means of transmission, or by certified mail postmarked at the first reasonable opportunity.</p>		
<p>HB 2665</p>	<p><u>Relating to participation in Motor Vehicle Alcohol Test and Lock Program</u> – This bill relates to deferral of further proceedings for certain first offenses of driving under the influence; makes ineligible for the deferral program, persons who refused the secondary chemical test.</p>	<p>To Governor 3/23/16 Approved by Governor 3/30/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)</p>
<p>HB 2800</p>	<p><u>Adding law-enforcement officers' contact information and names of family members to the list of exemptions from public records requests (FOIA)</u> – This bill requires the following information to be exempt from FOIA: Personal information of law-enforcement officers maintained by the public body in the ordinary course of the employer-employee relationship. As used in this paragraph, “personal information” means a law-enforcement officer’s social security number, health information, home address, personal address, personal telephone numbers and personal email addresses and those of his or her spouse, parents and children as well as the names of the law-enforcement officer’s spouse, parents and children.</p>	<p>Approved by Governor 3/9/16</p>	<p>Passed March 3, 2016; in effect ninety days from passage (June 1, 2016)</p>
<p>HB 2801</p>	<p><u>Permitting county commissions and municipalities to designate areas of special interest which will not affect the use of property in those areas</u> – This bill creates permissive authority for county commission to designate areas of special or unique interest, with sites, buildings and structures within those areas, which are of local, regional, statewide or national significance. An area that has been so designated does not limit the use of nor require any alteration of any privately owned property in the area for any purpose. The commission may also publish a register setting forth information concerning those areas; place markers on private property only with the consent of the property owners; place markers on public property and along highways or streets designating those areas; seek and accept gifts, bequests, endowments and funds to accomplish the purpose of this section; sell, lease or alter property it owns in or near the designated areas; seek the advice and assistance of individuals, groups and departments and governmental agencies; and seek co-designation of areas with a municipality where an area is to be designated in each jurisdiction.</p>	<p>Approved by Governor 3/16/16</p>	<p>Passed March 8, 2016; in effect ninety days from passage (June 6, 2016)</p>
<p>HB 2897</p>	<p><u>Young Entrepreneur Reinvestment Act</u> - The purpose of this bill is to waive filing fees for individuals under thirty who file the required documentation with the Secretary of State to begin a domestic for or nonprofit corporation, domestic limited liability company or domestic limited partnership. The waiver is effective for two years beginning July 1, 2016.</p>	<p>Approved by Governor 3/24/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage (June 10, 2016)</p>
<p>HB 2904</p>	<p><u>Requiring the clerk of a county commission to maintain a county ordinance book</u> – This bill makes changes all relating to accessible county records. It requires counties to report certain county official information to the Secretary of State annually and requires the Secretary of State to annually update a website of county information. It allows that county commissions <u>may</u> maintain a website and sets</p>	<p>Approved by Governor 3/24/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage (June 10, 2016)</p>

	<p>forth basic information that must be on the site. Beginning on July 1, 2017, the county commission shall, within sixty days of adoption, through the clerk of the commission, enter into a separate book the complete record of all ordinances adopted by the county commission. The clerk shall list, along with each ordinance in the book, the provision of the West Virginia Code authorizing each ordinance. The clerk shall maintain the book in his or her office and shall make available a copy to the county sheriff. <i>Compiling all such ordinances adopted by the county commission and publishing the same on a publically available internet website shall constitute full compliance with the provisions of this section.</i></p>		
<p>HB 3019</p>	<p><u>Requiring official business and records of the state and its political subdivisions be conducted in English</u> - This bill requires all official business of this state be conducted in the English language. All official records, documents, rules, orders, and publications shall be printed in English and all official programs, meetings, transactions, and actions conducted by or on behalf of the state and all its political subdivisions shall be in English.</p> <p>Other languages may be used by government officials, and in official documents, whenever necessary to:</p> <ol style="list-style-type: none"> (1) Protect public health and safety; (2) Teach or study other languages; (3) Protect the rights of criminal defendants or victims of crime; (4) Promote trade, tourism or commerce; (5) Facilitate activities pertaining to the compilation of any census; (6) Comply with the federal Individuals with Disabilities Education Act, PL 101-476; (7) Use proper names, terms of art, legal terms or phrases from languages other than English; or (8) Comply with the Constitution and laws of the United States of America or the Constitution of West Virginia. Except in exigent circumstances, when an official government document is translated into any language other than English under this section, an English translation shall also be provided in the same document, appearing in such a manner as to afford the reader the opportunity to observe the English translation of all phrases used. The term "official" is defined in the bill. 	<p>Approved by Governor 3/4/16</p>	<p>Passed February 25, 2016; in effect ninety days from passage. (May 25, 2016)</p> <p>CCAWV has long supported the issue of requiring all official business & records conducted and printed in English</p>
<p>HB 4005</p>	<p><u>Repealing prevailing hourly rate of wages requirements</u> – Passage of this bill is AN ACT to repeal §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9, §21-5A-10, §21-5A-11 and §21-5A-12 of the Code of West Virginia, 1931, as amended, all relating to repealing prevailing hourly rate of wages requirements by or on behalf of public authorities engaged in construction of public improvements.</p>	<p>House and Senate Over-rode Governor's veto.</p>	<p>Passed February 4, 2016; in effect ninety days from passage (May 4, 2016)</p>
<p>HB 4009</p>	<p><u>Letting Our Counties Act Locally Act</u> – --The purpose of this bill is to give each county commission authority to submit road and bridge construction projects to the Commissioner of Highways. Any entity or individual can bring a road and bridge project to the county commission for consideration. The county commission will determine whether any municipality or adjoining counties would need to be included in the planning process, i.e. the projects can cross county lines. (Municipalities must agree, when proposed projects are within municipal borders.)</p>	<p>Approved by Governor 4/1/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)</p> <p>This bill was an imitative of Monongalia and CCAWV supported</p>

	<p>-- The county commission(s) will work with WVDOH, the WV Development office and federal agencies to determine what available funding sources could be tapped for the project. The county commission(s), working with others, will put together a funding package and determine what level of local contribution would be needed.</p> <p>--The bill authorizes county commissions (with voter approval of the project) to impose a county transportation sales and service tax and a county use tax, at a rate not to exceed one percent, to finance the construction, in whole or in part, thereby accelerating the time for completion of those projects. The bill states that the taxes would be collected by the Tax Commissioner, at the same time and in the same manner as the state consumers sales and service tax and use taxes are collected. The bill permits the net county transportation sales and use taxes would be deposited in the County Road Improvement Account, a new account that would be created in the State Road Fund, to the credit of the county's subaccount in that account. The bill states that the funds in the subaccounts could be used to fund road and bridge construction projects on a cash basis and the WV Economic Development Authority would be authorized to issue special revenue bonds to finance construction secured by the county's subaccount.</p> <p>-- The county commission(s) will hold public hearings on the road or bridge projects and the funding proposal. The final project plan will be submitted to the Commissioner of Highways for final approval.</p> <p>-- The approved project plan must then be submitted to the voter's at the next primary or general election and requires a simple majority of the voters to approve the plan.</p> <p>--It should be noted that this mechanism is for economic development or protection, not for regular maintenance, and shall not result in the loss of normal DOH funding of roads in the county.</p> <p>--The sales tax or any portion of the 1% is tied to the specific project and ends automatically when the bonds on the project are paid off.</p> <p>Note of caution: Given the restrictions in the Bill, a county commission would be wise in selecting the projects that would actually generate sales tax and would never use all of the 1% on a single project, because other road project opportunities would be foreclosed.</p>		<p>it's passage.</p>
<p>HB 4013</p>	<p><u>Requiring a person desiring to vote to present documentation identifying the voter</u> - With passage of this bill, beginning with elections occurring on <u>or after January 1, 2018</u>, the person desiring to vote must present to the poll clerks a valid identifying document, and the poll clerk must inspect and confirm that the name on the document conforms to the name in the individual's voter registration record.</p> <p>(1) A document shall be deemed to be a valid identifying document if it:</p> <p>(A) Has been issued either by the State of West Virginia, or one of its subsidiaries, or by the United States Government; and</p> <p>(B) Contains the name of the person desiring to vote.</p>	<p>Approved by Governor 4/1/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage (June 10, 2016)</p>

- (2) Notwithstanding the provisions above, the following documents, if they contain the voter's name, shall be considered valid identifying documents, and a person desiring to vote may produce any of the following:
- (A) A valid West Virginia driver's license or valid West Virginia identification card issued by the West Virginia Division of Motor Vehicles;
 - (B) A valid driver's license issued by a state other than the State of West Virginia;
 - (C) A valid United States passport or passport card;
 - (D) A valid employee identification card with a photograph of the eligible voter issued by any branch, department, agency, or entity of the United States Government or of the State of West Virginia, or by any county, municipality, board, authority, or other political subdivision of West Virginia;
 - (E) A valid student identification card with a photograph of the eligible voter issued by an institution of higher education in West Virginia, or a valid high school identification card issued by a West Virginia high school;
 - (F) A valid military identification card issued by the United States with a photograph of the person desiring to vote;
 - (G) A valid concealed carry (pistol/revolver) permit issued by the sheriff of the county with a photograph of the person desiring to vote;
 - (H) A valid Medicare card or Social Security card;
 - (I) A valid birth certificate;
 - (J) A valid voter registration card issued by a county clerk in the State of West Virginia;
 - (K) A valid hunting or fishing license issued by the State of West Virginia;
 - (L) A valid identification card issued to the voter by the West Virginia Supplemental Nutrition Assistance (SNAP) program;
 - (M) A valid identification card issued to the voter by the West Virginia Temporary Assistance for Needy Families (TANF) program;
 - (N) A valid identification card issued to the voter by West Virginia Medicaid;
 - (O) A valid bank card or valid debit card;
 - (P) A valid utility bill issued within six months of the date of the election;
 - (Q) A valid bank statement issued within six months of the date of the election; or
 - (R) A valid health insurance card issued to the voter.

(3) In lieu of providing a valid identifying document, as required by this section, a registered voter may be accompanied at the polling place by an adult known to the registered voter for at least six months. That adult may sign an affidavit on a form provided to clerks and poll workers by the Secretary of State, which states under oath or affirmation that the adult has known the registered voter for at least six months, and that in fact the registered voter is the same person who is present for the purpose of voting. For the affidavit to be considered valid, the adult shall present a valid identifying document with his or her name, address, and photograph.

(4) A poll worker may allow a voter, whom the poll worker has known for at least six months, to vote without presenting a valid identifying document.

(5) If the person desiring to vote is unable to furnish a valid identifying document, or if the poll clerk determines that the proof of identification presented by the voter does not qualify as a valid identifying document, the person desiring to vote shall be

	<p>permitted to cast a provisional ballot after executing an affidavit affirming his or her. The provisional ballot is entitled to be counted once the election authority verifies the identity of the individual by comparing that individual's signature to the current signature on file with the election authority and determines that the individual was otherwise eligible to cast a ballot at the polling place where the ballot was cast.</p>		
<p>HB 4145</p>	<p>Relating to carry or use of a handgun or deadly weapon - This bill establishes that criminal penalties for carrying a concealed deadly weapon without state license or other lawful authorization apply only to persons under twenty-one years of age and prohibited persons.</p> <p>The bill requires an applicant for a concealed weapon permit be</p> <ul style="list-style-type: none"> --a United States citizen or legal resident thereof, --a resident of this state and of the county in which application is made; --requires training courses in handling and firing a handgun to include the actual live firing of ammunition; --requires certificates of completion of a training course which are submitted with license applications include the instructor's name, signature and NRA or state instructor identification number. --Further, on or after January 1, 2017, this bill requires all duplicate license cards issued by county sheriffs be uniform across all fifty-five counties and feature a photograph of the licensee. --The bill requires State Police, in cooperation with the Sheriffs' Bureau of Professional Standards, prepare uniform applications for licenses and license cards. --The bill entitles a person who pays fees for training or application after the effective date of this legislation, to a tax credit equal to the amount actually paid for training not to exceed \$50, unless such training was provided for free or for less than \$50. In such case then the tax credit may be applied to the fees associated with the initial application. --The bill establishes a provisional license to carry concealed deadly weapons for persons between eighteen and twenty-one years of age; --It establishes provisional license application requirements and procedures and establishes some exceptions; --It allows for any United States citizen or legal resident who is 21 and not otherwise prohibited from possessing a firearm may carry a concealed deadly weapon without a license; --The bill creates a felony offenses for any persons prohibited from possessing firearms who carry concealed firearms and providing for criminal penalties; --It allows that it shall not be unlawful to possess a firearm in or on a private primary or secondary education building, structure or facility when such institution has adopted written policies allowing for possession of firearms; --The bill exempts probation officers from the prohibition against possessing firearms on premises of educational facilities; --And requires a school principal to report certain violations to the State Police; --Finally it creates a felony offense for persons using or presenting a firearm while engaged in the commission of a felony and provides for criminal penalties. 	<p>House and Senate over-rode Governor's veto.</p>	<p>Passed February 24, 2016; in effect ninety days from passage (May 24, 2016)</p>
<p>HB 4161</p>	<p>Relating to levies on classifications of property by the Board of Public Works - The purpose of this bill, which eliminates antiquated language requiring the Board of Public Works to levy property tax rates, is to meet requirements for interest and sinking funds on state road bonds issued prior to November 8, 1932, as such bonds</p>	<p>Approved by Governor 2/25/16l</p>	<p>Passed February 22, 2016; in effect ninety days from passage (May 22, 2016)</p>

	no longer exist.		
<u>HB 4163</u>	This bill <u>Provides the authority and procedure for municipalities to give notice to, and publish the names of, entities delinquent in paying business and occupation taxes</u> - and allows for a reasonable charge to be added to the amount owed by a delinquent taxpayer to cover the costs of preparing, publishing and posting a delinquent list.	Approved by Governor 3/8/16	Passed March 2, 2016; in effect ninety days from passage. (May 31, 2016)
<u>HB 4176</u>	<u>Permitting the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program</u> - The purpose of this bill is to allow the Regional Jail and Correctional Facility Authority to participate in the addiction treatment pilot program. The bill establishes criteria for participants authorizing inmates to receive good time credit for successful completion of the program and it also includes the Director of the Regional Jail and Correctional Facility Authority and The Secretary of the Department of Military Affairs and Public Safety in the list of recipients of the report required from the Department of Health and Human Resources.	To Governor 3/24/16	Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)
<u>HB 4186</u>	<u>Relating to additional duties of the Public Service Commission</u> - The purpose of this bill is to establish additional duties for the Public Service Commission related to developing a process to review towing operator charges for fairness . The bill requires the Public Service Commission promulgate rules related to rates charged by a carrier for the recovery, towing, hauling, carrying or storing of a wrecked or disabled vehicle; establishing a complaint review process; develop a process for aggrieved parties to recover charges; makes the burden of proof be on the carrier; establishes factors for Public Service Commission to consider in determining whether rates are fair, effective and reasonable; requires carriers to list rates on invoices; provides for promulgated rules to sunset; and requires a review of rules by the Legislative Auditor.	Approved by Governor 3/25/16	Effective from passage
<u>HB 4225</u>	<u>Relating to patriotic displays at public buildings.</u> The purpose of this bill is to encourage public officials to display the national motto on public property. This bill allows for the national motto, "In God We Trust", to be displayed on public buildings; allows for the display of the POW-MIA flag at public buildings; authorizes costs associated with display of national motto or POW-MIA flag may be paid with any private donation, gifts, grants and bequests received by the governing authority; and requires the Department of Administration to develop guidelines for appropriate display of the motto and POW-MIA flag.	Approved by Governor 3/16/16	Passed March 8, 2016; in effect ninety days from passage. (June 6, 2016)
<u>HB 4235</u>	<u>Relating to the publication requirements of the administration of estates</u> - The purpose of this bill is to make the time period for claims against the estate uniform in all counties. During the 2015 legislative session, House Bill 2266 changed the claims period from ninety to sixty days in all counties that use a fiduciary commissioner system. This bill will make identical change in the counties that have elected to use the fiduciary supervisor system.	Approved by Governor 3/9/16	Passed March 5, 2016; in effect ninety days from passage. (June 3, 2016)
<u>HB 4246</u>	<u>Changing the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library.</u>	Vetoed by Governor 4/1/2016	

	<p><u>Governor's veto message</u> indicates that the Mayor of Martinsburg opposes this bill's intrusion into city affairs. To the extent that change is needed, it should be negotiated between the interested local parties, rather than dictated by law.</p> <p>Governor vetoed because this bill infringes on local decision-making.</p>		
<p><u>HB 4307</u></p>	<p><u>Clarifying that a firearm may be carried for self-defense in state parks, state forests and state recreational areas.</u></p> <p><u>Governor's veto message</u> indicates a flawed title, specifically it fails to provide notice of how the bill impacts wildlife management areas and rail trails.</p>	<p>Vetoed by Governor 4/1/2016</p>	
<p><u>HB 4315</u></p>	<p><u>Relating to air-ambulance fees for emergency treatment or air transportation-</u></p> <p>The purpose of this bill is to set the maximum amount for air-ambulance services which may be collected by air-ambulance providers pursuant to the plans of the West Virginia Public Employees Insurance Agency. The bill allows providers of air ambulance services not under contract with the Public Employees Insurance Agency to collect an amount up to the equivalent paid for federal reimbursement for services rendered to covered employees or dependents; and requires providers of air ambulance services that enter into a subscription service agreement with employees or dependents covered by Public Employee Insurance Agency plans to accept the subscription fee as payment in full for services rendered.</p>	<p>Approved by Governor 3/25/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)</p>
<p><u>HB 4323</u></p>	<p><u>Relating to the reporting of emergency incidents by well operators and pipeline operators</u> - The purpose of this bill is to require well operators and pipeline operators to report certain emergency incidents to the Division of Homeland Security and Emergency Management <u>within fifteen minutes</u>, unless exceptions apply. The bill defines terms and requires that all pipeline operators and well operators shall report incidents to the Division of Homeland Security and Emergency Management at the Mine and Industrial Accident Call Center at 1-866-987-2338, or other such number as may be identified by the Director within fifteen minutes of ascertaining the occurrence of an incident at a well, well pad or pipeline facility. Pipeline operators and well operators may satisfy this requirement by contacting the local emergency telephone system and orally reporting the information required by this section.</p> <p>Contents of report:</p> <p>(1) The initial report shall include the following minimum information:</p> <p>(A) The name, title, and business affiliation of the individual making the report;</p> <p>(B) The identification and location of the well, well pad or pipeline facility; and</p> <p>(C) Notification that an incident has occurred.</p> <p>(2) If the caller has ready access to the following information, he or she shall also provide:</p> <p>(A) Then-available information concerning the nature and extent of the incident, including any information that concerns the existence or nonexistence of potential threats to the public health;</p> <p>(B) In the event of an unplanned fire that cannot be contained within fifteen minutes, explosion or release, preliminary information regarding the type of substance involved and, if a release, the estimated amount released, if known; and</p> <p>(C) The name, title, business affiliation, and contact information of the individual designated to serve as a contact person on behalf of the pipeline operator or well operator.</p>	<p>Approved by Governor 3/30/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)</p>

	<p>(3) Any local emergency telephone system receiving an initial notification shall immediately forward all information received to the Division of Homeland Security and Emergency Management at the Mine and Industrial Accident Call Center at 1-866-987-2338, or other such number as may be identified by the Director. The Director shall impose a civil administrative penalty of not less than \$2,500, but not to exceed \$50,000 on the pipeline operator or well operator if it is determined that the pipeline operator or well operator failed to give timely notice as required by this section, exceptions are granted.</p>		
<p><u>HB 4324</u></p>	<p><u>Authorizing information sharing by Workforce West Virginia</u> - The purpose of this bill is to update provisions authorizing information sharing by Workforce West Virginia with the state agencies responsible for vocational rehabilitation, employment and training to reflect the passage of the Workforce Innovation and Opportunity Act ("WIOA"), which replaced the Workforce Investment Act. The change is required to comply with WIOA in order to continue receiving federal funding from the U.S. Department of Labor. The purpose of WIOA is to better align the workforce system with education and economic development in an effort to create a collective response to economic and labor market challenges on the national, state and local levels.</p>	<p>Approved by Governor 3/10/16</p>	<p>Passed March 7, 2016; in effect ninety days from passage. (June 5, 2016)</p>
<p><u>HB 4365</u></p>	<p><u>Relating to the certificate of need process</u> - The purpose of this bill is to create a new simplified and expedited certificate of need process in the offering or development of all health services. This bill declares that all health services shall be accomplished in a manner which is orderly, economical and consistent with the effective development of necessary and adequate means of providing for the health services of the people of this state and to avoid unnecessary duplication of health services, and to contain or reduce increases in the cost of delivering health services.</p>	<p>Approved by Governor 3/25/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)</p>
<p><u>HB 4377</u></p>	<p><u>Eliminating exemption from hotel occupancy taxes on rental of hotel and motel rooms for thirty or more consecutive days</u> – This bill eliminates the 30 day stay exemption from paying Hotel/Motel taxes and 2 additional exceptions from definition of hotel room (what is NOT a hotel room for taxing purposes): (1) Sleeping accommodations rented on a month-to-month basis or other rental arrangement for thirty days or longer at the inception at a boarding house, condominium, cabin, tourist home, apartment or home. (2) Sleeping accommodations rented by a hotel operator to those persons directly employed by the hotel operator for the purposes of performing duties in support of the operation of the hotel or related operations.</p>	<p>Approved by Governor 3/16/16</p>	<p>Passed March 8, 2016; in effect ninety days from passage. (June 6, 2016)</p> <p>CCAWV Legislative Priority</p>
<p><u>HB 4433</u></p>	<p><u>Allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees which pension system has ended</u> – The adjustment was set to expire on January 1, 2015. This bill reinstates the allowable and extends it for 5 years beginning January 1, 2016.</p> <p><u>Governor's Veto</u> message finds this bill has a flawed title.</p>	<p>Vetoed by Governor 3/21/16</p>	
<p><u>HB 4435</u></p>	<p><u>Authorizing the Public Service Commission to approve expedited cost recovery of electric utility coal-fired boiler modernization and improvement projects</u> – This bill adds a new section to the Code, designated §24-2-11, relating to modernization and improvement of coal-fired boilers at electric power plants; providing procedure for expedited cost recovery of electric utility coal-fired boiler</p>	<p>Approved by Governor 3/24/16</p>	<p>Passed on March 11, 2016; in effect ninety days from passage. (June 9, 2016)</p>

	modernization and improvement projects deemed just and reasonable and in the public interest; and providing rulemaking authority to the PSC.		
HB 4487	<u>Relating to state retirement systems</u> - The purpose of this bill is to correct items inadvertently changed in SB529 enacted during the 2015 Regular Session. The bill defines compensation and employee for the Public Employees Retirement System; requires payment of reinstatement interest in the Public Employees Retirement System in certain circumstances; authorizes purchase of retroactive service credit under certain circumstances and with certain restrictions; and provides that failure of employee to pay the Teachers Retirement System according to a contract to purchase military service credit is to be treated as an overpayment or excess contribution pursuant to the article.	Approved by Governor 3/21/16	Passed March 10, 2016; in effect ninety days from passage. (June 8, 2016)
HB 4507	<u>Providing an employer may grant preference in hiring to a veteran or disabled veteran</u> - The purpose of this bill is to provide that an employer may grant preference in hiring to a veteran or disabled veteran who has been honorably discharged from the United States Armed Services, <i>provided</i> , that the veteran or disabled veteran meets all of the knowledge, skills, and eligibility requirements of the job. The bill further provides that, granting the preference does not violate any state equal employment opportunity law. For purposes of this section, the term “veteran” means any person who has received an honorable discharge and: (a) Has provided more than one hundred eighty consecutive days of full-time, active-duty service in the United States Armed Services or Reserve components thereof, including the National Guard; or (b) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.	Approved by Governor 3/24/16	Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)
HB 4520	<u>Clarifying that certain hospitals have only one governing body whose meetings shall be open to the public</u> - The purpose of this bill is to clarify that hospitals owned or operated by nonprofit corporations, nonprofit associations or local governmental units have only one governing body whose meetings shall be open to the public; to establish certain matters that may be acted upon in executive session by the governing body of a hospital; and to clarify and expand the authorization for the holding of executive sessions.	Approved by Governor 3/23/16	Passed March 8, 2016; in effect ninety days from passage. (June 6, 2016)
HB 4540	<u>Removing prohibition of disposal of certain electronics in landfills</u> - The purpose of this bill is to repeal the prohibition of the disposal of certain electronic devices such as computers, monitors, and television sets in landfills, but to also permit county or regional solid waste authorities to prohibit disposal of covered electronics in landfills where they have determined that a cost effective recycling alternative for handling covered electronic devices exists.	Approved by Governor 3/10/16	Passed March 7, 2016; in effect ninety days from passage. (June 5, 2016)
HB 4554	<u>Allowing an increase of gross weight limitations on certain roads in Greenbrier County</u> – This is a local ACT to authorize the Commissioner of the Division of Highways to allow an increase of gross weight limitations and dimensional restrictions on certain roads in Greenbrier County. It specifies the roadway location; and provides for permit application, restrictions, requirements, fees (\$500) and limitations.	Approved by Governor 3/29/16	Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)
HB	<u>Relating to violations associated with absent voters’ ballots</u> - The purpose of	Approved	Passed March 10, 2016;

<p>4587</p>	<p>this bill is to provide cleanup language in statute dealing with violations associated with absent voters' ballots. The bill changes the reference of circuit clerk to clerk of county commission, changes gender references and makes other technical language changes in the misdemeanor provisions of this section.</p>	<p>by Governor 3/21/16</p>	<p>in effect ninety days from passage. (June 8, 2016)</p>
<p>HB 4604</p>	<p><u>Relating to violations of the Ethics Act</u> - This bill establishes an eighteen month deadline for the Ethics Commission to investigate and make a probable cause determination on a complaint. It allows for an extension past one year if consented by both respondent and complainant or unless Ethics Commission finds good cause. The bill changes the burden of proof needed to show a violation of the Ethics Act to a clear and convincing evidence standard. Finally the bill extends the statute of limitations for filing complaints alleging violations of the Ethics Act from two years to five years.</p>	<p>Approved by Governor 3/25/16</p>	<p>Passed March 12, 2016; in effect ninety days from passage (June 10, 2016)</p>
<p>HB 4612</p>	<p><u>Relating generally to tax increment financing and economic opportunity development districts</u> - The purpose of this bill is to authorize sales tax increment financing for use in funding road projects in West Virginia. It permits agreements between the Division of Highways and counties or municipalities regarding development districts; permits financing of certain projects by proceeds of tax increment financing obligations; and permits road construction projects be done jointly by counties and municipalities under certain circumstances. The bill establishes procedures and requirements for applications and the management of projects and districts; provides that projects are public improvements and subject to certain requirements; and permits the Division of Highways to propose certain projects. The bill establishes procedures for the West Virginia Development Office and the Tax Commissioner regarding applications and their review.</p> <p>So long as bonds are outstanding, this bill requires the Tax Commissioner to allow a designated representative of the county commission/municipality that established the economic opportunity development district for which the bonds were issued to audit the returns filed by the taxpayers in the economic opportunity development district no less often than once each quarter of the fiscal year. The Tax Commissioner may require the audit to be conducted at the Tax Commissioner's Office, may prohibit copying of any returns, and may require the representatives to enter into a written confidentiality agreement. The Tax Commissioner shall promptly investigate any questions raised by an audit, shall promptly take all actions required to correct any errors, and shall report to the applicable county commission/municipality the results of its investigation and actions.</p> <p>The bill establishes a procedure for adding or removing property from an economic opportunity development districts; and requires procedures relating to taxpayers. Further, the bill provides for confidentiality; provides that roads will be part of the state road system; requires legislative rulemaking; and permits a fee of one percent to be taken by the Tax Department as a commission to compensate his or her office for the discharge of their duties.</p>	<p>Approved by Governor 3/24/16</p>	<p>Passed March 11, 2016; in effect ninety days from passage. (June 9, 2016)</p>
<p>HB 4618</p>	<p><u>Relating to limitations on use of a public official's name or likeness</u> - The purpose of this bill is to rewrite and codify prohibitions relating to use of public likeness or name. The bill</p>	<p>Approved by Governor</p>	<p>Passed March 12, 2016; in effect ninety days from passage.</p>

	<p>--repeals current code provisions;</p> <p>--it defines several terms;</p> <p>--it prohibits public officials, their agents and public employees:</p> <ul style="list-style-type: none"> --from placing the public official's name or likeness on trinkets; --from using public funds, public employees, or public resources to distribute, disseminate, publish, or display the public official's name or likeness for the purpose of advertising to the public; --from placing the public official's name or likeness on publicly-owned vehicles; <p>--The bill prohibits a public official's name or likeness from being placed on any educational material that is paid for with public funds;</p> <p>--and places restrictions on a public official's name or likeness on a public agency's website and social media.</p> <p><u>The bill provides some exceptions:</u></p> <p>--A public official may use his or her name or likeness on any official record or report, letterhead, document or certificate or instructional material issued in the course of his or her duties as a public official</p> <p>--other official documents used in the normal course of the agency, including, but not limited to, facsimile cover sheets, press release headers, office signage and envelopes may include the public official's name; <i>Provided, however</i>, If the official documents are reproduced for distribution or dissemination to the public as educational material, the items are subject to the prohibitions</p> <p>-- When appropriate and reasonable, the West Virginia Division of Tourism may use a public official's name and likeness on material used for tourism promotion.</p> <p>--The prohibitions contained in this article do not apply to any person who is employed as a member of the faculty, staff, administration, or president of a public institution of higher education and who is engaged in teaching, research, consulting, coaching, and recruiting or publication activities.</p> <p>--The prohibitions do not apply to a public official's campaign-related expenditures or materials.</p> <p>--The prohibitions do not apply to items paid for with the public official's personal money.</p> <p>--The prohibitions do not apply to items or materials required by law to contain the public official's name or likeness.</p> <p>--Further, the bill provides for alternative uses for prohibited material after the effective date; and provides an opportunity to obtain an exemption from the Ethics Commission for undue hardship or significant financial impact upon the public agency to bring existing material, vehicles or items into compliance with this article.</p>	3/2916	(June 10, 2016)
<p><u>HB 4644</u></p>	<p><u>Relating to jury fees</u> - The purpose of this bill is to delete a subsection in the code which provides the sheriff to pay into the State Treasury all jury costs received from the court clerks and that the sheriff shall be held to account in the sheriff's annual settlement for all the moneys. This is a clean-up proposal due to the fact that subsection (e) is no longer needed because circuit clerks have been mailing the jury fees to the State Treasury since 2003.</p>	<p>Approved by Governor 3/15/16</p>	<p>Passed March 7, 2016; in effect ninety days from passage. (June 5, 2016)</p>
<p><u>HB 4659</u></p>	<p><u>Authorizing local health departments to bill health insurance plans for services</u></p> <p>- The purpose of this bill is to permit local public health departments to bill for health</p>	<p>Approved by</p>	<p>Passed on March 12, 2016; in effect ninety</p>

	care service fees without having to obtain the approval of the Commissioner of the Bureau for Public Health, and allowing billing to be at a payor's maximum allowable rate.	Governor 3/24/16	days from passage (June 10, 2016)
<u>HB 4662</u>	<u>Permitting the Superintendent of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers</u> - This bill permits the Superintendent of the State Police to collect \$3 from the sale of motor vehicle inspection stickers to purchase, equip and maintain vehicles; and increases the allowable fee from \$12 to \$14 for vehicle inspection and any necessary headlight adjustment.	Approved by Governor 3/25/16	Effective July 1, 2016
<u>HB 4668</u>	<u>Raising the allowable threshold of the coal severance tax revenue fund budgeted for personal services</u> – This bill would increase the threshold of 25% on personal services to 50%. Governor's veto message indicated that it was originally intended for coal severance funds to be used to build infrastructure and public facilities to benefit local citizens. Especially, now that coal severance tax revenues are more volatile and less certain, increasing the % that may be used for personal services will only exacerbate this volatility.	Vetoed by Governor 4/1/2016	Struggling with some difficult budgeting issues, this bill was an effort of Kanawha County Commission and CCAWW supported the bill.
<u>HB 4725</u>	<u>Relating to providing the procedures for the filling of vacancies in the offices of justices of the Supreme Court of Appeals, circuit judge, family court judge or magistrate</u> - making certain clarifications concerning procedures to be followed when an unexpired term is for a period of more than two years. If the unexpired term is for a period of 2 years or more the appointee must run in a subsequent election to fill the remainder of the term.	Approved by Governor 3/24/16	Passed March 12, 2016; in effect ninety days from passage. (June 10, 2016)
<u>HB 4740</u>	<u>Permitting that current members of the National Guard or Reserves may be excused from jury duty</u> - This bill deals with permitted excuses from jury service and adds current members of the National Guard or reserves may be excused from jury duty.	Approved by Governor 3/24/16	Passed on March 12, 2016; in effect ninety days from passage (June 10, 2016)

SB 267

Chapter 6 – Article 6 – Removal of Officers

Applicable to county, school district/board, municipal officers, magistrates

When term and tenure are fixed by law, elected or appointed

Grounds for Removal:

1. Official Misconduct –conviction of a felony during the officer’s present term of office or any willful unlawful behavior by a public officer in the course of his or her performance of the duties of the public office
2. Neglect of Duty –knowing refusal or willful failure of a public officer to perform an essential act or duty of the office required by law
3. Incompetence may include the following acts or adjudications committed or arising during the challenged officer’s term of office:
 - A. Repeated wasting/misappropriation of funds (when known or should have known)
 - B. Conviction of misdemeanor involving dishonesty or gross immorality
 - C. Determination of incapacity under chapter 16-30-7
 - D. Or other conduct affecting the officer’s ability to perform the essential official duties of his or her office including but not limited to habitual drunkenness or addiction to the use of narcotic drugs.

Charges may be proffered

County Officers:

1. By resolution of the **County Commission**
2. By the **prosecuting attorney** of the county
3. By **petition** of a number of **qualified petitioners** (*persons who were registered to vote in the election in which the officer was chosen which next preceded the filing of the petition*), which number shall be:
 - (a) In a county with a population in excess **of 50,000; the lesser of 2,000 or 10%** of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition;
 - (b) In a county with a population in excess of **10,000 but not in excess of 50,000, the lesser of 500 or 10%** of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition; and
 - (c) In a county with a population not in excess of **10,000, the lesser of 100 or 10%** of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition.
4. When officer is entrusted by law with collection, custody, and expenditure of public money, **by the chief inspector and supervisor of public offices of the state** (for intentional or unlawful misapplication, misappropriation, or embezzlement of public money).

Municipal Officers:

1. By resolution of the **municipality's governing body**
2. By the **prosecuting attorney** of the county wherein such municipality, or the greater portion thereof, is located;
3. By **petition** of a number of **qualified petitioners** (*persons who were registered to vote in the election in which the officer was chosen which next preceded the filing of the petition*), which number shall be:
 - (a) In a **Class I** city, **the lesser of 2000 or 10%** of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition;
 - (b) In a **Class II** city, **the lesser of 500 or 10%** of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition;
 - (c) In a **Class III** city, **the lesser of 100 or 10%** of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition; and
 - (d) In a **Class IV** town or village, **the lesser of 50 or 10%** of the number of registered voters who participated in the particular election in which the challenged officer was chosen which next preceded the filing of the petition.
4. When officer is entrusted by law with collection, custody, and expenditure of public money, **by the chief inspector and supervisor of public offices of the state** (for intentional or unlawful misapplication, misappropriation, or embezzlement of public money)

Requirements of a Resolution:

1. the name and office of the challenged officer,
2. the alleged wrongful acts,
3. the dates the alleged acts occurred, and
4. the grounds for removal.

Requirements of a Petition (all signature pages must contain):

1. the name and office of the challenged officer,
2. the alleged wrongful acts,
3. the grounds for removal, and
4. an informed and knowing acknowledgement of, and agreement with, the charges.

Process:

Filing:

By Resolution: Within 5 days of adoption, clerk of the commission or municipal governing body serves a certified copy of the resolution on the circuit court. The commission or governing body is responsible for prosecution of the resolution.

By Petition: One or more of the qualified petitioners serves the petition on the circuit court. One or more of the qualified petitioners is responsible for the prosecution of the petition.

By Prosecutor: The charges shall be reduced to writing and the charges shall be served upon the circuit court in whose jurisdiction the officer serves, and the prosecuting attorney shall be responsible for the prosecution of the removal action.

By Chief Inspector: The county prosecuting attorney files the charges against the officer in the circuit court, and is responsible for the prosecution of the charges.

Circuit Court Processing:

After service on the court, the court receives and enters the resolution/petition of record and issues a summons, together with a copy of the resolution or petition, to the officer. The summons sets a preliminary hearing. The court has 5 business days from receipt of the resolution/petition to serve the summons.

At, or prior to the hearing, the judge may consider objections and motions filed by the officer, and in the case of a petition, may require the clerk provide an affidavit verifying the number of qualified petitioners signatures and the applicable number of registered voters.

After the preliminary hearing, the judge will issue a finding. If the court finds that the resolution/petition is procedurally defective, or the allegations do not meet the standards for removal, the resolution/petition will be dismissed. If the court finds that the resolution/petition meets the procedural requirements and the allegations, if true, sufficiently meet the standards for removal to warrant a hearing before a three judge panel, the court forwards a copy of the resolution/petition to the WV Supreme Court.

Standards:

The court is to consider the allegations made in light of the applicable case law, the required strict construction of the grounds asserted, and whether or not the allegations asserted would be sufficient, if proven by clear and convincing evidence, to warrant removal.

The Supreme Court:

Upon receipt, the chief justice will empanel a three judge court (which may include the circuit judge who made the initial determination, and two other from different circuits), and within 20 days, designate a time and place for the three judge court to hear the resolution/petition including any motions or objections filed by either party. The three judge court issues a final order. The final order may be appealed to the Supreme Court.

Costs:

If the proceeding is dismissed, or resolved in favor of the officer, the political subdivision for which the officer serves shall pay court costs and reasonable attorney fees for the officer.