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SB 490 .Providing gasoline excise tax exemption for certain county aging programs.

Passed March 11, 2006; in effect (June 9, 2006). Amends WV Code § 11-14C-9.

This bill included a county aging program as defined by the Older Americans Act and designated by the Bureau of Senior Services in the exemptions for a *Refundable exemption from flat rate component of tax on gasoline*. The agency shall first pay the tax levied by this article and then apply to the Tax Commissioner for a refund. According to the Governor's veto message, he vetoed the bill based on facts that senior programs are already reimbursed for actual transportation costs thru state and federal funds and that many use county-owned vehicles which are already exempt from state taxes on fuel.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB490%20SUB1%20enr.htm

Fiscal Impact of Counties: -0-

Vetoed by the Governor – April 5, 2006

SB 787 .Creating Transportation Coordinating Council

Passed March 11, 2006; in effect (June 9, 2006). Amends WV Code § 17-16C-4 and adding new sections 17-16D-1 thru 17-16D-4.

This bill relates to the coordination of transportation needs of the transportation disadvantaged. It creates a Transportation Coordinating Council within the Department of Transportation and establishes its membership, responsibilities and reporting requirements. According to the Governor's veto message he vetoed this bill because this council already exists by executive order No.5-04 and felt that codifying this order may be premature at this time.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb787%20enr.htm

Fiscal Impact of Counties: -0-

Vetoed by the Governor – April 4, 2006

HB 4256 .Removal authority for board appointments by county and city governments.

Passed March 9, 2006; in effect (June 7, 2006). Amends WV Code § 6-6-7 & 6-6-7a

This bill would allow local governments to remove any appointments that they currently have the authority to make. Any removals must be for "just cause" as set forth in the bill and a "due process" was established. The bill was amended in the House Judiciary Committee to require that a 20 day notice be given to someone being removed. (The original language allowed a 10 day notice). According to the Governor's veto message, he vetoed the bill because, in making the amendment from 10 days to 20 days, the provision appeared in two different places in the bill and only one place was changed! This amendment drafting error left the bill flawed and therefore unconstitutional!!!

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4256%20enr.htm

Fiscal Impact of Counties: -0- There is no fiscal impact; however, this is an authority bill that the CCAWV has endorsed for the past several years! Unfortunately, this bill slipped by 3 sets of attorneys with the flawed "20 day amendment" as it traveled thru the rest of the

legislative process on its way to the Governor! Another lesson learned – do your own proofing after each committee process!

Vetoed by the Governor – April 4, 2006

Index of Bills of County Interest Summarized & Signed by Governor

SB 11 Adding circuit court judge to twenty-third judicial circuit.

Passed March 11, 2006; in effect (July 1, 2006). Amends WV Code § 51-2-1 and adds a new 51-3-18.

This bill will allow for an additional circuit court judge to be appointed to the 23rd judicial circuit (this circuit includes Morgan, Berkeley, & Jefferson counties). This bill also requires the expeditious filling of judicial vacancies by limiting the time to 20 days during which a challenge to an appointment may be instituted.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB11%20SUB1%20enr.htm

Fiscal Impact of Counties: According to the fiscal note provided by the Supreme Court the total Cost to the state for the first year will be \$381,266 and the total cost thereafter will be \$370,616 annually. This estimate does not include the costs to accommodate these new employees at the county level. The County will need to provide office space, parking spaces, phones, and furnishings for each employee, and provide a suitable courtroom for the judge. Additionally, since this is a circuit-riding position, any of the three counties in the 23rd Circuit - Berkeley, Jefferson, and Morgan, could be named as the new judge's home county.

Signed by the Governor – April 3, 2006

SB 47 .Prohibiting local ordinances from discriminating against factory-built homes.

Passed March 9, 2006; in effect (September 1, 2006). Amends WV Code § 8A-11-1.

The bill requires that a governing body of a municipality or a county, when enacting residential design standards for the purposes of regulating the subdivision, development and use of land, shall uniformly apply such design standards and associated review and permitting procedures for factory-built and other single-family constructed homes. Factory-built homes, like other types of homes, shall be constructed and installed in conformity with the requirements of 44 C. F. R. §60.3(1976) and any applicable statute or rule relating to building in a flood zone. The bill also removes language from the current code that required a certificate from the state director of the federal housing administration of the department of housing and urban development, and instead requires, “Appropriate building code compliance documentation attached to a factory-built home” shall constitute prima facie evidence that the products or materials contained therein are acceptable.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb47%20sub1%20eng.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

SB 114 .Relating to teen court program fees.

Passed March 7, 2006; in effect 90 days from passage (June 5, 2006). Amends WV Code § 49-5-13d

This bill, relating to teen court programs, allows county commissions and city councils to assess fees of up to five dollars on persons convicted of felonies, misdemeanors or municipal ordinances, (excluding municipal parking tickets) to fund teen courts.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB114%20SUB1%20enr.htm

Fiscal Impact of Counties: ?

Signed by the Governor – March 14, 2006

SB 245 Creating the Consolidated Local Government Act. (A copy of this Act is enclosed) Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Repeals WV Code § 8-8-1 thru 8-8-18 and adds new Chapter 7A. Consolidated Local Government.

This bill allows for the creation of the Consolidated Local Government Act. It authorizes municipal, county, and metro consolidation, sets forth the powers of the consolidated governments, limits taxing authority in metro consolidations, addresses the jurisdiction and limitations of consolidated local governments, and sets up the process for implementing local government consolidations with approval required by the voters. A consolidation can be begun by a 25% petition of the qualified voters of each affected local government or a resolution by the governing body of each affected local government. Upon receipt, the county commission has 30 days to verify the petition or resolution and either oversee the establishment of a charter review committee or reject the petition or resolution for insufficiency. Once established, the charter review committee shall study consolidation and the feasibility of consolidation. A majority of committee members is a quorum for transaction of business and adopting the charter. Public hearings must be held within three months of the organizational meeting of the charter review committee and again at 6 months and at 11 months and the committee may hold any additional hearing they feel are necessary. The charter review committee shall complete its study and draft a proposed charter within one year from the date of its organizational meeting. The proposed charter must be approved by a majority vote of the charter review committee, and then submitted within 10 days to the governing bodies of the affected local governments to be voted upon by the electorate at the next primary or general election. The proposed charter must pass by at least 55% of the legal votes cast by the qualified voters of each of the affected local governments. If approved the consolidation becomes effective pursuant to the charter, if rejected the charter review committee may reconvene for up to one year to adopt a second proposed charter. When the 2nd proposed charter is adopted by the review committee, another vote is held at the next primary or general election. If the 2nd proposed charter is rejected, a new charter review committee cannot be established for at least 2 years after the second proposed charter is defeated. After 2 years, the process can began again.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB245%20SUB1%20enr.htm

Fiscal Impact of Counties: The fiscal impact to counties is unknown. The expenses associated with the study of consolidation are undetermined, but the counties and/or cities involved are required to fund the effort.

Signed by the Governor – April 4, 2006

SB 357 Authorizing Legislative Rules for the Department of Revenue.

Passed March 11, 2006; in effect from passage. Amends WV Code § 64-7

This bill authorizes rules for the Department of Tax and Revenue. Included in it are rules related to business registration certificate suspension for failure to pay personal property taxes. I have enclosed a copy of the rules as passed in this bill.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB357%20SUB1%20enr.htm

Fiscal Impact of Counties: This bill does not have a direct fiscal impact, but will set up the process for collecting delinquent property taxes which indirectly increases the collection of county revenue.

Signed by the Governor – April 4, 2006

SB 362 .Requiring Tax Commissioner disclose certain information to Consolidated Public Retirement Board.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Adds new WV Code § 11-10-5y.

This bill requires the Tax Commissioner to disclose available return information for purposes of assisting the Consolidated Public Retirement Board in its efforts to ascertain whether individuals receiving disability retirement benefits under any of the retirement systems which it administers continue to be eligible to receive their disability retirement benefits.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb362%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

SB 370 .Creating Personal Property Tax Exemption for Certain Property Used Exclusively in Agriculture

Passed first on March 6, 2006; vetoed by the Governor on March 15, 2006. Passed again on March 18, 2006; in effect (January 1, 2007). Amends WV Code § 11-3-9.

This bill exempts personal property employed exclusively in agriculture and owned by the producer from personal property taxation. The new exemption reads as follows: *"Personal property, including vehicles that qualify for a farm use exemption certificate pursuant to section two, article three, chapter seventeen-a of this code and livestock, employed exclusively in agriculture, as defined in article ten, section one of the West Virginia Constitution: Provided, That this exemption shall only apply in the case of such personal property used on a farm or farming operation that annually produces for sale agricultural products, as defined in rules of the Tax Commissioner "* The first version of SB 370 was vetoed by the Governor because the title required ownership of the exempted personal property, but the actual statutory change did not require ownership, therefore the title and actual amendments did not match. The legislature, in extended session, re-passed the bill changing the effective date from July 1, 2006 to January 1, 2007. The Governor signed the 2nd version of the bill. A special session on taxation issues is planned for later this year.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb370%20enr2.htm

Fiscal Impact of Counties: According to the fiscal note on this bill, assuming that the proposed exemption is limited to Class I property, this exemption would result in a revenue

loss of \$940,000 annually to all local levying bodies. This includes county, city, & school board shares. The total lost revenue to counties is approximately \$239,888.00

Signed by the Governor – April 4, 2006

SB 419 .Providing Public Service Commission jurisdiction for certain alternative sewer service methods.

Passed March 10, 2006; in effect 90 days from passage (June 8, 2006). Amends WV Code § 24-2-1 and 24-2-11

This bill provides that an innovative, alternative sewer service method provided by a public utility is subject to the jurisdiction of the Public Service Commission. It modifies the review by the Public Service Commission of public convenience and necessity applications where the project has been approved by Infrastructure and Jobs Development Council and provides that Infrastructure and Jobs Development Council-approved projects receiving a certificate of public convenience may not be compelled to reopen.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb419%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

SB 483 .Providing confidentiality of circuit court records involving guardianship of minors.

Passed March 11, 2006; in effect from passage. Amends WV Code § 44-10-3.

This bill requires records of a guardian proceeding involving a minor be confidential and shall not be disclosed to anyone who is not a party to the proceeding, counsel of record for the proceeding or presiding over the proceeding, absent a court order permitting examination of such records.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb483%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

SB 484 .Utilizing community corrections programs in pretrial supervision.

Passed March 9, 2006; in effect from passage. Amends WV Code § 62-11C-5.

This bill authorizes the use of community corrections programs in pretrial supervision. Any county or combination of counties or a county or counties and a Class I or II municipality may establish and operate community corrections programs, as provided for in this section, to be used both prior to trial as a condition of bond in circuit and magistrate court, as well as an alternative sentencing option for those offenders sentenced within the jurisdiction of the county or counties which establish and operate the program: *Provided*, That the chief judge must certify that the community corrections facility is available for use in connection with the imposition of pretrial bond conditions.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb484%20enr.htm

Fiscal Impact of Counties: Pretrial process would work the same as post trial – the participant would be required to pay a per day charge. If participant is indigent, could cost counties to provide required service.

Signed by the Governor – April 4, 2006

SB 489 .Authorizing Treasurer provide remittance processing and e-government services to political subdivisions.

Passed March 8, 2006; in effect 90 days from passage (June 6, 2006). Amends WV Code § 12-3A-6.

This bill allows, upon written request from a political subdivision, the State Treasurer to provide services of his or her office to a political subdivision and charge for the service.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB489%20SUB1%20enr.htm

Fiscal Impact of Counties: -0- unless a political subdivision chooses to use the service.

Signed by the Governor – March 23, 2006

SB 497 Repealing requirement nonresidents post security for court costs.

Passed March 9, 2006; in effect from passage. Amends WV Code § 59-2-2.

This bill repeals the code section relating to requiring nonresidents to post security for court costs.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb497%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 5, 2006

SB 551 Relating to involuntary commitment process for addicted persons.

Passed March 9, 2006; in effect 90 days from passage (June 7, 2006). Amends WV Code § 27-1-12, 27-5-2, 27-5-3, and 27-5-4.

The purpose of this bill is to restrict involuntary commitment for addicted persons to those who, as a result of their addiction, are likely to cause serious harm to themselves or others. The bill also modifies the process for the involuntary commitment of these persons to guarantee due process of the law and access to the least restrictive available treatment needed to prevent serious harm to self or others.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb551%20enr.htm

Fiscal Impact of Counties: This bill will not increase county cost and in fact it is hoped that restricting involuntary commitment of addicted persons to only those that pose a danger to themselves or others will result in fewer involuntary commitments.

Signed by the Governor – March 23, 2006

SB 578 Allowing Public Service Commission to order takeover of certain utilities.

Passed March 11, 2006; in effect (June 9, 2006). Adds new WV Code § 24-2-11d.

This bill increases the power of the Public Service Commission with respect to transfer or takeover of troubled utilities; authorizing the revocation of certificates of public convenience and necessity for the effective abandonment or inability or unwillingness of gas and electric utilities to adequately serve its customers. It establishes criteria which would need to be met to support a contemplated revocation of certificate authority and authorizes the Public Service Commission to concurrently require another public utility to acquire and serve the customers, facilities and service territory of a revoked utility.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb578%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 5, 2006

SB 603 .Renaming day after Thanksgiving Day as Lincoln's Day.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 2-2-1.

In the special session, legislation was passed to make the day after Thanksgiving a legal holiday and to combine Lincoln's birthday & Washington's birthdays (which were separate legal holidays) into one holiday called President's Day. This bill simply renames the day after Thanksgiving Day as Lincoln's Day; it does not change the number of legal given holidays.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB603%20SUB1%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 5, 2006

SB 605 .Relating to personal property tax receipt as prerequisite proof for vehicle registration.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 17A-3-3a & 20-7-12a

Because current law requires that any previously owed property taxes must be paid before current year's taxes can be paid, this bill eliminates the requirement that a registrant who renews vehicle registration for two years furnishes two previous calendar year receipts and allows that the current year's tax receipt may substitute for previous calendar year's tax receipts. The bill also allows for alternative electronic methods of verification of tax payment.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb605%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – March 31, 2006

SB 627 .Allowing Facsimile signatures on tax liens.

Passed March 6, 2006; in effect 90 days from passage (June 4, 2006). Amends WV Code § 38-10C-2.

This bill allows facsimile signatures while eliminating the requirement for notarization of notices of tax liens and releases of tax liens when facsimile signatures are used. The bill also makes technical changes to the requirements of recordation and release of tax liens.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb627%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – March 14, 2006

SB 636 .Relating to Court Security Fund's administrative costs.

Passed March 11, 2006; in effect (July 1, 2006). Amends WV Code § 51-3-14.

This bill authorizes a fee of 3% from the Court Security Fund, not to exceed 30,000.00 to the Department of Military Affairs and Public Safety for administering the Court Security Fund.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb636%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 5, 2006

SB 673 Authorizing county service fees for infrastructure projects; bonding authority.
Passed March 8, 2006; in effect 90 days from passage (June 6, 2006). Amends WV Code by adding new sections § 7-20-11 thru 7-20-24.

This bill relates to the Local Powers Act; giving counties plenary power and authority to impose, administer, collect and enforce payment of voter-approved service fees to pay for or finance cost of special infrastructure projects within their counties. It gives county commissions the authority to issue revenue bonds to finance special infrastructure projects and includes authority to issue refunding bonds, and other actions to finance and complete such projects as the county commission deems prudent or necessary. The legislation does not allow funding to cover the costs of the operation, repair, maintenance, or full replacement of capital improvements. It does, however, include the development of water treatment and distribution facilities, wastewater treatment and disposal facilities, sanitary sewers, storm water, drainage and flood control facilities and public roads. Upon commencing with an infrastructure project, the bill requires that the county obtain written confirmation of acceptance from the local utility that will provide the service. Per letter received from the Commissioner of Highways, if the infrastructure is a new roadway, confirmation must be received from the WV Department of Transportation that their agency will take the roadway into the State's Highway System and that any such road must conform to their standards with that agency having plan and specification approval. A copy of this letter and a complete copy of this bill are enclosed for your review.

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

http://www.legis.state.wv.us/Bill_Test_HTML/2006_SESSIONS/RS/BILLS/sb673%20enr.htm

Fiscal Impact of Counties: This is permissive authority for County Commissions that further require voter approval. It will only have financial impact if the county commission chooses to pursue it.

Signed by the Governor – March 23, 2006

SB 709 Relating to planning commission membership.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 6B-2-5, 8A-2-3, 8A-2-4, and 8A-2-5.

This bill will permit those who have business interests before a planning commission to serve on a planning commission, and such service will not be a conflict of interest so long as the person recuses himself or herself where a potential conflict may arise in a vote, decision, participation or other activity before the commission.

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

http://www.legis.state.wv.us/Bill_Test_HTML/2006_SESSIONS/RS/BILLS/sb709%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 5, 2006

SB 728 Requiring background checks on certain emergency dispatch center employees; wireless enhanced 911 fee money distributions.

Passed March 11, 2006; in effect (July 1, 2006). Amends WV Code § 7-1-3cc, 24-6-2, 24-6-5, and 24-6-6b

This bill makes the following changes to current law:

- As a condition of employment, any person employed to act as the director of an emergency dispatch center who dispatches emergency calls or supervises the dispatching of emergency call takers shall be subject to an investigation of their character and background. This investigation shall include, at a minimum, a criminal background check conducted by the State Police at its

expense. A felony conviction shall preclude such person from holding any of these positions. This requirement applies prospectively. The requirement takes effect on the first day of July, two thousand six.

- Effective on the first day of July, two thousand six, all county enhanced emergency telephone system fees that are in effect as of the first day of July, two thousand six, and as such may later be modified by action of a county commission, shall be imposed upon in-state subscribers to voice over internet protocol (VoIP) service, as VoIP service is defined by the Federal Communications Commission of the United States. A nonbusiness VoIP service subscriber shall be considered in-state if the primary residence of the subscriber is located within West Virginia. A business subscriber shall be considered in-state if the site at which the service is primarily used is located within West Virginia. The Public Service Commission may, as it deems appropriate and in accordance with the requirements of due process, issue and enforce orders, as well as adopt and enforce rules, dealing with matters concerning the imposition of county enhanced emergency telephone system fees upon VoIP service subscribers.

- For the fiscal year beginning on the first day of July, two thousand six, and for every fiscal year thereafter, five percent of the wireless enhanced 911 fee money received by the Public Service Commission shall be deposited in a special fund established by the Division of Homeland Security and Emergency Management to be used solely for the construction, maintenance and upgrades of the West Virginia Interoperable Radio Project and any other costs associated with establishing and maintaining the infrastructure of the system. Any funds remaining in this fund at the end of the fiscal year shall automatically be reappropriated for the following year.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB728%20SUB1%20enr.htm

Fiscal Impact of Counties: This bill adds additional wireless fees by applying law to VoIP services and then takes 5% for the Interoperable Radio Project – it is expected to be a "wash."

Signed by the Governor – April 5, 2006

SB 781 Relating to long-term leases for wireless communication towers on public lands.
Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 5A-3-42 and adds new section 5A-3-40a.

This bill relates to long-term leases for wireless communication towers on public lands. It authorizes the Secretary of the Department of Administration to negotiate and enter into long-term lease agreements not to exceed 30 years. These leases must be recorded with the clerk of the county commission in the county where the public land is located.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb781%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 5, 2006

SB 788 Relating to elections.

Passed March 10, 2006; in effect from passage. Amends WV Code § 3-1-46; 3-2-5, 3-2-10, 3-3-8, 3-5-23, and 3-8-10.

This bill makes several changes to election law...

- Every county clerk shall attend a training, to be conducted by the Secretary of State every two years, for the purpose of reviewing the election official training and receiving updates on election law matters
- Clarifies requirements for voter registration drives and provides penalties for voter registration violations including -- On and after the first day of July, two thousand six, any person who agrees to mail or to deliver a signed voter registration application to the Secretary of State or the clerk of the county commission and who intentionally interferes with the applicant's effort to register either by destroying the application or by failing to mail or to deliver the application in a timely manner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars, or confined in a jail for not more than one year, or both. For purposes of this subsection, the mailing or delivery of an application is timely if it is mailed or delivered within fifteen days after the applicant signs the application or in accordance with the provisions of article two, chapter three of this code for processing before the closing of the registration records for the pending election, whichever comes first. On or after the first day of July, two thousand six, any person who intentionally solicits multiple registrations from any one person or who intentionally falsifies a registration application is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars, or confined in jail for not more than one year, or both.
- Makes amendments to conform to requirements of the Help America Vote Act.
- Clarifying use of excess campaign contribution funds.... amounts received by a candidate as contributions that are in excess of any amount necessary to defray his or her expenditures may be:
 - (1) Used by the candidate to defray any usual and customary expenses incurred in connection with his or her duties as a holder of public office; and
 - (2) Contributed by the candidate, after the general election, to:
 - (A) Any charitable organization or subsequent campaign by the same candidate, without limitation;
 - (B) Any national committee in accordance with federal requirements;
 - (C) Any state party executive committee or state party legislative caucus committee, in an amount not to exceed fifteen thousand dollars in a calendar year; or
 - (D) Any local committee of any political party or any other candidate for public office, in accordance with the existing limitations on contributions
- Clarifying processing of absentee ballots...In counties using direct recording elections systems, the absentee ballots shall be counted as follows:
 - 1) On election day, the ballot boxes containing the paper absentee ballots shall be delivered to the central counting center and opened in the presence of the clerk of the county commission and two representatives of opposite political parties; and
 - 2) Each absentee ballot shall be recorded on a direct recording voting terminal designated by the clerk of the county commission as the terminal for absentee tabulations, after being read aloud by a separate team of two representatives of opposite political parties; and
 - 3) The ballot shall be verified by both teams as being accurately printed on the paper receipt before the ballot is tabulated; and
 - 4) The appropriate election officials shall follow the procedures set out in subsections (a), (b), (d) and (e), section twenty-seven, article four-a of this chapter and subdivisions (3), (4), (5) and (6), subsection (c) of said section.

The provisional ballots shall be deposited in a provisional ballot envelope and delivered to the board of canvassers.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb788%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – March 31, 2006

HB 2016 .Increasing the maximum number of magistrate court deputy clerks that may be appointed from sixty-two to seventy-two.

Passed March 10, 2006; in effect 90 days from passage (June 8, 2006). Amends WV Code § 50-1-9a.

This bill relates to the administration of magistrate courts generally; increasing the maximum number of magistrate court deputy clerks that may be appointed from sixty-two to seventy-two; and providing that magistrate court deputy clerks be paid on an annual basis.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb2016%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 2136 .Requiring the clerk of the county commission to execute, record and post a disclaimer relating to certain unlawful covenants.

Passed March 9, 2006; in effect (June 7, 2006). Amends WV Code § 36-4-18.

This bill requires the clerk of the county commission to execute, record and post in a prominent place in the county record room a document that disclaims the validity and enforceability of certain restrictions and covenants in deeds. The document shall contain a disclaimer in substantially the following form:

"Except as provided in section eight, article eleven-a, chapter five of the code of West Virginia, it is the law of this state that certain covenants or restrictions that are based on race, color, religion, ancestry, sex, familial status, blindness, handicap or national origin are invalid and unenforceable. If an invalid covenant or restriction is contained in a document that is recorded in this county, the invalid covenant or restriction is void notwithstanding its recordation."

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb2136%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 2328 .Giving precedential application to written advisory opinions issued by the ethics commission's committee on open governmental meetings.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 6-9A-11.

This bill relates to advisory opinions of the West Virginia Ethics Commission Committee. A governing body or member thereof that acts in good faith reliance on a written advisory opinion has an absolute defense to any civil suit or criminal prosecution for any action taken in good faith reliance on a written opinion of the West Virginia Ethics Commission Committee, as long as underlying facts and circumstances surrounding the action were the same or substantially the same as those being addressed by the written opinion.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb2328%20Enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 2947 .Payments for delinquent real estate taxes.

Passed March 9, 2006; in effect 90 days from passage (June 7, 2006). Amends WV Code § 11A-3-2 and 11A-3-4.

This bill requires payments for delinquent real estate taxes submitted fourteen days prior to the date of the sheriff's sale, be made by cashiers check, money order, certified check or United States currency.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB2947%20ENR.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 3295 .Increasing certain fees charged to collect delinquent taxes.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 11A-2-13, 11A-3-2, and 11A-3-13.

This bill increases certain fees charged to collect delinquent property taxes. It increases the fee charged for preparing & publishing the first notice of delinquent tax lists from \$10.00 to \$20.00. It increases the fee charged for preparing and publishing the second delinquent list from \$12.50 to \$25.00 and it increases the fee for the cost of preparing and mailing notice to the landowner from \$5.00 to \$10.00. The fee charged for publication of the sales list is increased from \$7.50 to \$15.00.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb3295%20ENR.htm

Fiscal Impact of Counties: Depending on current collections, fees were doubled.

Signed by the Governor – April 4, 2006

HB 4008 .Relating to authorizing city and county housing authorities to merge to form a regional housing authority.

Passed March 10, 2006; in effect (June 8, 2006). Amends WV Code § 16-15-1 and 16-15-3a and adds new section 16-15-3b.

The purpose of this bill is to allow existing counties, cities and housing authorities to merge to form regional housing authorities. This bill authorizes housing authorities to initiate merger by joint resolution; providing that contents of joint resolution include transfer of assets and liabilities, membership of authority and adoption of a plan of merger; and conferring on the regional housing authority the powers and duties of authorities it succeeds.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4008%20ENR.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4018 .Relating to the community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction.

Passed March 10, 2006; in effect from passage. Amends WV Code § 62-11C-2 and 62-11C-4. The purpose of this bill is to provide for quarterly meetings of the community corrections subcommittee of the Governor's Committee on Crime, Delinquency and Correction and to increase revenue to the West Virginia Community Corrections Fund by increasing the fee assessed to persons on probation by \$5.00, from \$30.00 fee to \$35.00 and by adding an additional \$7.00 to the fee assessed on court costs (currently assessed at \$3.00 – increased to \$10.00).

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4018%20enr.htm

Fiscal Impact of Counties: Increased revenue for community corrections grants

Signed by the Governor – April 4, 2006

HB 4023 Increasing state minimum and training wage.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 21-5C-2.

This bill will increase the state minimum and training wage over 3 years. As of July 1, 2006 the rate will be \$5.85 per hour, July 1, 2007 it will be \$6.55 per hour, and July 1, 2008 it will be \$7.25. The rate hike will only affect approximately 2000 West Virginians because of overriding federal law which covers most workers engaged in interstate commerce. Otherwise the state law applies to six or more workers in the same workplace, but exempts folks working for immediate relatives, students working part-time and workers in other categories. The bill makes all departments and agencies of the State of West Virginia subject to the minimum wage established in this section regardless of federal law. However, Political Subdivisions (counties & cities) were not included in this provision, therefore, as established by prior case law, counties would be exempt from this new state minimum wage change, and would continue to be governed by federal law. The bill links the state minimum and training wage to the federal minimum and training wage and states that at such time that the federal rate increases beyond \$7.25 the state rate will raise also.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4023%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4032 Relating to authorizing the CPRB to recover the payment and fee for failure to pay timely.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 5-10D-1.

This bill authorizes the Consolidated Public Retirement Board to recover from a participating employer that fails to pay contributions due in a timely manner, amounts not to exceed interest or other earnings lost as a result of the untimely payment, or a reasonable minimum fee, whichever is greater, as provided by legislative rule. It requires that any amounts recovered shall be administered in the same manner in which the contributions are required to be administered.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4032%20enr.htm

Fiscal Impact of Counties: Counties that failed to pay contributions in a timely manner would be subject to this penalty.

Signed by the Governor – April 4, 2006

HB 4037 .Correcting definitions applicable to the assessment of real property.

Passed February 1, 2006; in effect from passage. Amends WV Code § 11-4-3.

This bill corrects the definitions applicable to the assessment of real property. The word "primary" was removed from the following definition... "Used and occupied by the owner thereof exclusively for residential purpose" means actual habitation by the owner or the owner's spouse of all or a portion of a parcel of real property as a ~~primary~~ place of abode to the exclusion of any commercial use. The legislation makes amendments effective retroactively to and including July 1, 2005, for tax year 2006 and thereafter.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4037%20enr.htm

Fiscal Impact of Counties: The change in definition was enacted 2 years ago, and for those counties that had put the change into play, there were costs to undo the assessments. Counties with many 2nd homes, camps, etc. lost a substantial amount of potential new revenue.

Signed by the Governor – February 7, 2006

HB 4047 .Relating to part-time prosecuting attorneys.

Passed March 2, 2006; in effect 90 days from passage (May 31, 2006). Amends WV Code §

The purpose of this bill is to provide that the prosecuting attorney of a class VI county which becomes reclassified as a Class V county, before July 1, 2010, may maintain a part-time prosecuting attorney with the approval of the prosecuting attorney and the county commission. If the prosecuting attorney remains part-time, the attorney shall be paid at the class VI county level. This provision was repeated in HB 4100 the salary increase bill.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4047%20enr.htm

Fiscal Impact of Counties: Would only affect specific counties in the particular situation.

Signed by the Governor – April 4, 2006

HB 4048 .Placing limitations on use of eminent domain.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 16-18-3, 16-18-6, 16-18-8, 54-1-2 and adding new sections 16-18-6a and 54-1-2a

This bill places limitations on the use of eminent domain.

- ▶ It prohibits the use of eminent domain for economic development and provides for limited exceptions.
- ▶ It establishes a procedure for municipal urban renewal authorities to use eminent domain for properties only in blighted areas;
- ▶ Requires notice of public hearing and rights of property owners related to proposed condemnation of property;
- ▶ Requires municipal urban renewal authority to consider other alternatives to condemnation;
- ▶ Requires municipal urban renewal authority to show property is blighted or necessary for the redevelopment plan;
- ▶ Requires municipal urban renewal authority meets additional requirements before proceeding with condemnation of nonblighted property.
- ▶ It creates right for property owner to appeal the condemnation
- ▶ Requires municipal authority to prove all statutory criteria have been met.

- ▶ It protects property owners' right to relocation assistance.
- ▶ It prohibits use of eminent domain for economic development that would result in private economic gain and
- ▶ Requires a good faith offer prior to condemnation.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4048%20enr.htm

Fiscal Impact of Counties: -0- Still allows use of eminent domain for public purpose.

Signed by the Governor – April 4, 2006

HB 4075 .Relating to the dedication of moneys to the Regional Jail Partial Reimbursement Fund.

Passed March 9, 2006; in effect from passage. Amends WV Code § 59-1-28a.

This bill was a technical clean-up bill to clarify process. It does not change anything with respect to collections or distributions.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4075%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4100 .Providing a salary increase for elected county officials.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 7-7-1 and 7-7-4.

This bill provides a 20% pay raise for all elected county official with the exception that Prosecuting Attorneys are capped at \$13,000. The Auditor's office must determine that the county has sufficient revenues to cover the increase and each elected official must choose to receive the raise by signing an affidavit of acceptance. This bill also contains the language of HB 4047 that allows a Class VI Prosecuting Attorney which subsequently becomes a class V county to remain a Class VI by agreement of the Prosecuting Attorney and the County Commission.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4100%20ENROLLED.htm

Fiscal Impact of Counties: Twenty percent increase in all elected officials salary plus payroll expenses.

Signed by the Governor – April 4, 2006

HB 4112 .Local Mineral County Bill.

Passed March 11, 2006; in effect from passage. Acts of the Legislature.

This bill is AN ACT to extend the time for the County Commission of Mineral County to meet as a levying body for the purpose of presenting to the voters of the county an election for continuing excess levies to provide funding for volunteer fire departments and the ambulance authority from between the seventh and twenty- eighth days of March and the third Tuesday in April until the third Tuesday in May, two thousand six

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4112%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4119 .Creating ATV Responsibility Act.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code §

This bill creates the ATV responsibility act specifically referring to the Hatfield-McCoy Trail; providing the duties of authorized outfitters and licensees; providing the duties and the responsibilities of participants; providing indemnification and liabilities of authorized outfitters, licensees and participants; and requiring authorized outfitters; and licensees to carry insurance.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4119%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4120 . Authorizing termination of water service provided by Homeowners’ Association.

Passed March 9, 2006; in effect 90 days from passage (June 7, 2006). Amends WV Code by adding a new section § 24-3-10.

This bill provides for the termination of water service for delinquent sewer bills where sewer service is provided by a public utility that is owned and operated by a homeowners' association; and provides for the termination of water service for delinquent sewer bills where sewer service is provided by a privately owned public utility.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4120%20ENR.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4296 .Providing Employers with qualified immunity from liability.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code by adding a new section § 55-7-18a.

The purpose of this bill is to provide employer immunity from civil liability for disclosing job-related information concerning an employee or former employee to a prospective employer.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4296%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4431 .Allowing the clerk of the county commission to set reasonable fees charged for electronic documents.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 59-1-10.

This bill allows the clerk of the county commission to set reasonable fees charged for electronic or other medium versions of documents received or duplicated.

- For any of the documents admitted to record, if the clerk of the county commission has the technology available to receive these documents in electronic form or other media, the clerk shall set a reasonable fee to record these writings not to exceed the cost for filing paper documents.
- For copies of any record in electronic form or a medium other than paper, a reasonable fee set by the clerk of the county commission not to exceed the costs associated with document search and duplication

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4431%20ENR.htm

Fiscal Impact of Counties: An increase in fees collected by county clerk's office based on whatever "reasonable" fee is applied.

Signed by the Governor – April 4, 2006

HB 4481 .Establishing a permissive provision for using ballot-scanning devices for election night tabulations.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code §

This bill establishes a permissive provision for using ballot-scanning devices on election night.

The precinct ballot-scanning device may be used for tabulating election results only under the following conditions:

- (1) The county has at least one precinct ballot-scanning device in each precinct;
- (2) No print out or tabulation of results is done at the precinct;
- (3) The "tabulation memory device" may be removed from the ballot-scanning device only after the polls close and the votes may only be counted at the central counting center on the night of the election; and
- (4) All voters at the precinct are required to use the ballot scanning device as a condition of completing their vote.

If the optical scan ballots from each of the precincts are counted at the central counting center on election night in accordance with section twenty-seven of this article, and the results from that count are the results finally published on election night, then any county meeting each of the requirements in paragraphs (1) through (4) of subsection (e), may turn off the over vote switch on the central counting device since every ballot will have been evaluated for over votes by the precinct scanning device.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4481%20Enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4484 .Local Marion County Bill.

Passed March 11, 2006; in effect from passage. Acts of the Legislature

This bill is an ACT to extend the time for the County Commission of Marion County to meet as a levying body for the purpose of presenting to the voters of the county an election for continuing an excess levy to provide funding for vital public services from between the seventh and twenty-eighth days of March and the third Tuesday in April until the first Thursday in June, two thousand six.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4484%20Enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4489 .Testing of electronic voting machines used for early voting in order to allow their use on election day.

Passed March 10, 2006; in effect 90 days from passage (June 8, 2006). Amends WV Code § 3-4A-13 and 3-4A-26.

This bill provides for the testing of electronic voting machines used for early voting prior to allow for their use on election day, including replacement of Personal Electronic Ballot (PEB), the Programable Memory Chip and the printed paper trail used during the early voting period.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4489%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4569 .Local Harrison County Bill.

Passed March 10, 2006; in effect from passage. Acts of the Legislature

This bill is an ACT extending the time for the county commission of Harrison County, West Virginia, to meet as a levying body for the purpose of presenting to the voters of the county an election on the question of continuing the excess levy for bus services in Harrison County from between the seventh and twenty-eighth days of March until the first Thursday in June, two thousand six.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4569%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4601 .Increase in funds from public utility tax to fund public utility litigation expenses.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 11-6-26.

This bill increases the portion of public utility taxes that may be used to reimburse the state tax division for its operating costs in carrying out its duties related to legally defending the property tax assessment of public utilities. This bill is compromise language. The original language took the additional reimbursement off the top of the current total public utility taxes collected going to local governments. In this compromise language, the increase in reimbursement comes from the current 1% of public utility tax collected in the tax loss restoration fund created a couple of years ago. There is no additional loss of revenue to counties. Thanks to House Finance Chairman Harold Michael for his help in getting this change accomplished!

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4601%20ENR.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4721 .Relating to the authorization of special messengers appointed by the County Clerk to deliver the ballot box to the central county center.

Passed March 10, 2006; in effect from passage. Amends WV Code § 3-4A-19.

This bill authorizes the use of special messengers appointed by the county clerk to deliver the ballot box to the central county center. Two election commissioners of different registered party affiliations or two special messengers of different registered party affiliations appointed by the clerk of the county commission, shall forthwith deliver the ballot box or container to the clerk of the county commission at the central counting center.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4721%20enr.htm

Fiscal Impact of Counties: The cost of 2 additional poll workers.

Signed by the Governor – April 4, 2006

HB 4751 .Local Grant County Bill.

Passed March 11, 2006; in effect from passage. Acts of the Legislature

This bill is an ACT to extend the time for the Board of Education of Grant County to meet as a levying body for the purpose of presenting to the voters of the county an election for an additional excess levy to provide funding for the operation, maintenance and repair of schools and to pay school personnel from between the seventh and twenty-eighth days of March and the third Tuesday in April until the third Tuesday in May, two thousand six.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4751%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006

HB 4846 .Providing one-time supplements to certain annuitants.

Passed March 11, 2006; in effect 90 days from passage (June 9, 2006). Amends WV Code § 5E-1-8, and adding new sections 5-10-22i; 11-24-43; 18-7A-26t.

This bill provides one-time supplements to certain annuitants; dedicating corporate net income tax proceeds to pay for supplement; and supplying fiscal support for such supplements by increasing available general revenue through the expiration of certain tax credits. The one-time supplement to retirement benefits of three percent shall be provided to all retirees that are age seventy or older and have been annuitants for at least five consecutive years as of the effective date of this section and beneficiaries of deceased members who would have been at least seventy years of age or older and have been annuitants for at least five consecutive years as of the effective date of this section. The one-time supplement provided for in this section applies only to members who have retired at least five years prior to the effective date of this section or, if applicable, to beneficiaries of deceased members who have been receiving benefits under the retirement system at least five years prior to the effective date of this section: *Provided*, That the supplement provided herein is subject to any applicable limitations thereon under Section 415 of the Internal Revenue Code of 1986, as amended.

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

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4846%20enr.htm

Fiscal Impact of Counties: -0-

Signed by the Governor – April 4, 2006