

WVML Summary of Municipal Bills of Interest Passed

The 2015 West Virginia Legislature Regular Session

Includes Bills Failed or Vetoed by the Governor

Persons receiving this report are encouraged to share this information
with other municipal officials in their municipalities



**Ann Worley, Councilor, City of Beckley
WVML President**

WV MUNICIPAL LEAGUE

In WV call 1-800-344-7702/Telephone 304-342-5564/FAX 304-342-5586

2015 LEGISLATIVE REGULAR SESSION

1607 - Bills Introduced

622 - Municipal Bills Tracked

70 - Municipal Bills Passed

FOREWORD

The WV Municipal League's 2015 Report on Legislation of Municipal Interest provides the members a final snapshot of League activities during the 2015 Regular Session of West Virginia's 82nd Legislature. A draft electronic copy was delivered to member municipalities to apprise local officials of the legislation passed during the session that may have an effect on their operations and activities. Persons receiving this report are **encouraged to share this information with other municipal officials in their municipalities.**

There were 1,607 bills introduced in the Legislature this year. League staff reviewed all of these bills and their many amendments to determine their impact on local government. During the session, we sent weekly legislative updates to municipal officials to keep them informed about bills with potential municipal government impact. The League actively supported, supported with amendments, or opposed bills and closely tracked 622 bills of municipal interest. League efforts were directed by the decisions of the WV Municipal Legislative Committee and facilitated by the activities and support of local officials in our group.

This report reviews bills that were enacted. A complete listing of legislation tracked by the League during the session can be found at: www.wvml.org under the "**legislative**" tab. To view the actual legislation as signed into law and obtain citations, visit www.wvml.org. Choose the "**legislative**" tab and then "**State Legislature and Bill Status**" from the menu, enter the bill number in the box and click on "**submit**". When the bill page displays, click on the final enrolled version to see the actual bill text and the effective date of the bill.

We are pleased to present **this report** and provide a summary of significant statewide bills passed by the Legislature that will affect West Virginia's municipalities. Thank you for your efforts in answering our questions and calls of action during the 60 day span. You are the Municipal League and the foundation of "Strong Cities for a Stronger West Virginia."

Lisa Dooley

Executive Director

WEST VIRGINIA MUNICIPAL LEAGUE

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Senate Resolutions

- SCR 31** – Authorizing meeting of Joint Select Committee on Tax Reform
SCR 33 – Requesting Joint Committee on Government and Finance study undeveloped land preservation and conservation tax credit program
SCR 62 - Requesting Joint Committee on Government and Finance study racing and gaming industries
SR 39 - Recognizing Whitesville, a Turn This Town Around community
SR 40 - Celebrating 2014 Barboursville Intermediate Little League All-Stars
SR 41 - Recognizing Ripley, a Turn This Town Around community

Senate Bills

- **SB 12 – WV Code 21-5-1 – Separated Employees Wages – *Effective ninety days from passage – By Senators Carmichael; Boley, Ferns, Gaunch, D. Hall, M. Hall, Karnes, Mullins, Sypolt, Nohe, Trump, Blair, Cole (Mr. President).***
Relates to payment of wages by employers; defines terms; provides for how payments may be made; requires certain payments by the next regular payday; provides for payments pursuant to certain agreements; reduces amount of liquidated damages available for violation of this section; provides instance when liquidated damages are not available; clarifies that section does not address whether overtime pay is due; authorizes payment by mail if requested by employee; and establishes date paid if payment mailed pursuant to employee request.
- **SB 106 – WV Code 16-13-18 – Sanitary Boards – *Effective from passage - By Senator Carmichael.***
Relates to supervision of works by a sanitary board; and provides that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board.
- **SB 142 – WV Code 64-2-1 thru 3 – RULES BUNDLE – *Effective from passage - By Senator Snyder.***
Relates generally to promulgation of administrative rules by the Department of Administration (Purchasing Division, 148 CSR 1); Consolidated Public Retirement Board (refund, reinstatement, retroactive service, loan and employer error interest factors, 162 CSR 7) and (service credit for accrued and unused sick and annual leave, 162 CSR 8); Office of Technology (procedures for sanitization, retirement and disposition of information technology equipment, 163 CSR 1).
- **SB 170 – WV Code 64-10-1 thru 4 – RULES BUNDLE - *Effective from passage – By Senator Snyder.***
Relates generally to the promulgation of administrative rules by the Office of Miners' Health, Safety and Training (rules governing the safety of those employed in and around quarries in West Virginia, 56 CSR 20); Division of Natural Resources (hunting, trapping and fishing license and stamp fees, 58 CSR 71), (general hunting, 58 CSR 49), (lifetime hunting, trapping and fishing licenses, 58 CSR 67), (wildlife damage control agents, 58 CSR 41), (special boating, 58 CSR 26), (commercial whitewater outfitters, 58 CSR 12); Division of Labor (Amusement Rides and Amusement Attractions Safety Act, 42 CSR 17), (child labor, 42 CSR 9), (supervision of plumbing work, 42 CSR 32), (Verifying the Legal Employment Status of Workers, 42 CSR 31), (regulation of heating, venting and cooling work, 42 CSR 34), (weights and measures calibration fees, 42 CSR 26); Division of Forestry (ginseng, 22 CSR 1).
- **SB 175 – WV Code 64-5-1 – RULES BUNDLE – *Effective from passage - By Senator Snyder.***
Relates generally to the promulgation of administrative rules by the Department of Health and Human Resources (public water systems, 64 CSR 3), (chronic pain management clinic licensure, 69 CSR 8), (Fatality and Mortality Review Team, 64 CSR 29), (medication administration and performance of health maintenance tasks by approved medication assistive personnel, 64 CSR 60), (nurse aid abuse

and neglect registry, 69 CSR 6), (nursing home licensure, 64 CSR 13), (statewide trauma/emergency care system, 64 CSR 27).

▪ **SB 182 – WV Code 64-6-1 thru 3 – RULES BUNDLE – Effective from passage – By Senator Snyder.**

Relates generally to the promulgation of administrative rules by the State Police (regulations and procedures pertaining to the West Virginia DNA databank, 81 CSR 9); State Fire Commission (volunteer firefighters' training, equipment and operating standards, 87 CSR 8); State Fire Marshal (supervision of fire protection work, 103 CSR 3).

▪ **SB 187 – WV Code 64-7-1 thru 4 – RULES BUNDLE - Effective from passage - By Senator Snyder.**

Relates generally to the promulgation of administrative rules by the Racing Commission (thoroughbred racing, 178 CSR 1); State Tax Department (appointment of special assessors by the State Tax Commissioner, 110 CSR 1Q); Insurance Commissioner (recognizing annuity mortality tables for use in determining reserve liabilities for annuities, 114 CSR 45), (annuity disclosure, 114 CSR 11E); Alcohol Beverage Control Commission (nonintoxicating beer licensing and operations procedures, 176 CSR 1), (private club licensing, 175 CSR 2).

▪ **SB 192 – WV Code 64-8-1 & 2 - RULES BUNDLE - Effective from passage – Senator Snyder.**

Relates generally to the promulgation of administrative rules by the Division of Motor Vehicles (examination and issuance of driver's licenses, 91 CSR 4); Office of Administrative Hearings (appeal procedures, 105 CSR 1).

▪ **SB 199 – WV Code 64-9-1 thru 12 - RULES BUNDLE – Effective from passage - By Senator Snyder.**

Relates generally to the promulgation of administrative rules by miscellaneous agencies and boards, specifically, the Board of Registration for Professional Engineers (examination, licensure and practice for professional engineers, 7 CSR 1); Governor's Committee on Crime, Delinquency and Correction (law-enforcement training and certification standards, 149 CSR 2); Real Estate Appraiser Licensing and Certification Board (requirements for registration and renewal of appraisal management companies, 190 CSR 5); Board of Medicine (licensure, disciplinary and complaint procedures, continuing education and physician assistants, 11 CSR 1B); Enterprise Resource Planning Board (enterprise resource planning system user fee, 213 CSR 1); Board of Physical Therapy (fees for physical therapists and physical therapist assistants, 16 CSR 4); Board of Osteopathic Medicine (fees for services rendered by the board, 24 CSR 5), (osteopathic physician assistants, 24 CSR 2); Board of Pharmacy (immunizations administered by pharmacists, 15 CSR 12), (registration of pharmacy technicians, 15 CSR 7), (controlled substances monitoring, 15 CSR 8), (licensure and the practice of pharmacy, 15 CSR 1); Board of Dental Examiners (formation and approval of professional limited liability companies, 5 CSR 2), (rule for the West Virginia Board of Dental Examiners, 5 CSR 1), (dental recovery networks, 5 CSR 15), (formation and approval of dental corporations; and dental practice ownership, 5 CSR 6); Commissioner of Agriculture (frozen desserts and imitation frozen desserts, 61 CSR 4B), (animal disease control, 61 CSR 1), (auctioneers, 61 CSR 11B), (fee structure for the Pesticide Control Act of 1990, 61 CSR 12), (West Virginia Plant Pest Act, 61 CSR 14), (inspection of meat and poultry, 61 CSR 16), (West Virginia Spay Neuter Assistance Program, 61 CSR 24), (livestock care standards, 61 CSR 31), (equine rescue facilities, 61 CSR 32), (Rural Rehabilitation Loan Program, 61 CSR 33), (aquaculture importation, 61 CSR 35), (industrial hemp, 61 CSR 29), (dangerous wild animals, 61 CSR 30); Secretary of State (procedures for recount of election results, 153 CSR 20), (standards and guidelines for electronic notarization), 153 CSR 45), (notaries public, 153 CSR 46), (schedule of fees for notaries public, 153 CSR 50); Family Protection Services Board (perpetrator intervention programs licensure, 191 CSR 3), (domestic violence program licensure standards, 191 CSR 2), (Monitored Parenting and Exchange Program Certification, 191 CSR 4), (Operation of the Family Protection Services Board, 191 CSR 1), (perpetrator intervention programs licensure for correctional institutions, 191 CSR 5).

- **SB 234 – WV Code 8-16-19; 8-19-4; 16-13A-1a; 16-13A-9; 16-13A-25; 24-1-1; 24-1-1b; 24-1-2; 24-2-1, 24-2-2, 24-2-3, 24-2-4a, 24-2-4b, 24-2-7, 24-2-11, 24-3-5 – PSC Utility Reform - *Effective ninety days from passage – By Senators Trump; M. Hall; Blair; Plymale.***

This bill removes any municipality with more than 4,500 customers and more than \$3 million in annual revenues completely from PSC rate making jurisdiction. All municipalities will enjoy the following benefits of the bill:

1. Sale of utility can now be authorized by a 60% vote of the governing body without an election.
2. Under protests claiming discrimination the inside/ outside claim and the one person claiming discrimination opportunities no longer apply to municipal water or sewer. The percentage is the same for any claim... at least 25% of the customers served must file claim.
3. All municipalities are now authorized to receive technical assistance from PSC on rates, etc. Prior to this bill, only Class III's and IV's could request.
4. This is the first step to getting all cities out of the rate making jurisdiction of PSC. This legislation will begin like a Pilot, beginning with the largest and then asking for removal of all cities in the future.
5. All utilities are now in statute allowed a cash working capital account of at least 1/8 of annual operations and maintenance expense to allow for timely and self-funded response to unplanned conditions

Commission regulation over political subdivision utilities is continued regarding the water and sewer rules, including customer service and measurement of service delivered (metering), utility accounting, reporting/public information, subpoena and hearings, and inter-utility disputes.

Elected and appointed leaders must be ready able to take full responsibility to inform the rate paying public of infrastructure management opportunities and challenges and to marshal local support for infrastructure funding and development.

Key Provisions:

24-1-1(j): Deregulates qualified utilities regarding rates, borrowing and capital projects.

24-1-1(k): Requires that all political subdivision utilities maintain a working capital reserve of no less than 1/8 actual annual O&M expense.

24-1-2: Defines governing body as a City Council or PSD board.

24-2-1(b)(1-7): Lists specific and limited PSC jurisdiction over qualified utilities.

24-2-3 and 4a: Removes PSC rate jurisdiction over qualified utilities.

24-2-4b: Requires rates to be non-discriminatory and based on measured cost of service; Requires that rates include a reasonable plant-in-service depreciation expense; Continues rate appeal provisions for non-qualified utilities; Requires PSC technical assistance upon written request of utility.

24-2-11: Removes PSC certificate requirements for projects performed by qualified utilities; Provides process for public notice and approval of projects supported by new rates.

16-13A-9: Provides rate enactment process for qualified PSDs; Requires County Commission approval of rates within 45 days of enactment by PSD Board.

16-13A-25: Allows all PSDs to borrow without PSC permission.

- **SB 249 –WV Code 3- 4A- 9; 3-4 A-27; 3-6-3; 3-6-6; 3-6-5; 3-6-2; 3- 4A-11a – Straight Party Voting – *Effective ninety days from passage – By Senators Trump, Blair, Ferns, M. Hall, Walters.***

Disallows voting a straight party ticket by one mark or punch in a general election.

- **SB 261 – WV Code 22-14-3 – *Dam Owner Defined - Effective ninety days from passage – By Senators D. Hall, Miller, Snyder, Beach, Facemire.***

Makes technical corrections to the definition of a dam owner versus the owner of the land. "Owner" means any person who:

- (1) Holds legal possession, ownership or partial ownership of an interest in a dam, its appurtenant works or the real property the dam is situated upon;

(2) Has a lease, easement or right-of-way to construct, operate or maintain a dam; or

(3) Is a sponsoring organization with existing or prior agreement with the Natural Resources Conservation Service for a dam or its appurtenant works constructed with assistance from Public Law 78-534, Section 13 of the Flood Control Act of 1944; Public Law 83-566, the Watershed Protection and Flood Prevention Act of 1954; the pilot watershed program authorized under the heading "Flood Prevention" of the Department of Agriculture Appropriation Act of 1954, Public Law 156, 67 Stat. 214; or Subtitle H of Title XV of the Agriculture and Flood Act of 1981, commonly known as the Resource Conservation and Development Program, 16 U. S. C. §3451: Provided, That the owner of the land upon which a dam is owned, maintained or operated by a sponsoring agency, such as a conservation district or other political subdivision of the state, is not responsible for or liable for repairs, maintenance or damage arising from the regular operation, maintenance, deficiencies or ownership of the dam. The owner of the land shall not be cited as a noncompliant dam owner for any deficiencies of the dam, so long as the owner of the land does not intentionally damage or interfere with the regular operation and maintenance of the dam.

▪ **SB 273 – WV Code 11-16-3, 11-16-6, 11-16-9; 11-16-12; 11-16-6a; 11-16-6b – Brewpubs – *Effective ninety days from passage – By Senators Cole (Mr. President), Kessler.***

Relates to brewer, resident brewer, brewpub, Class A retail dealer, Class B retail dealer, private club, Class A retail licensee and Class B retail licensee licensing and operations; clarifies, adds and revises definitions; provides legislative findings; authorizes licensed brewers and resident brewers to offer complimentary nonintoxicating beer and nonintoxicating craft beer samples; authorizes licensed brewers, resident brewers, brewpubs, Class A retail dealers, Class B retail dealers, private clubs, Class A retail licensees and Class B retail licensees to sell nonintoxicating beer and nonintoxicating craft beer in growlers subject to limitations; imposes operational, advertising, sanitation, sealing and labeling standards; authorizes and imposes penalties; authorizes promulgation of rules; clarifies and imposes license requirements and fees; removes authorization to propose rules; changes license fee schedule for certain brewers and resident brewers; decreases license fee for brewpubs; requires annual production report; provides for fee correction; authorizes penalty for failure to submit production report; removes brewpub bonding requirement; and provides clarifying and technical amendments.

▪ **SB 284 – WV Code 61-7-16 – Chief Law Enforcement Officer – *Effective ninety days from passage - By Senators Nohe, Plymale, Sypolt, Walters, Blair, Williams, Prezioso, D. Hall.***

Relates to dangerous weapons generally; requires certification of responsible persons seeking federal authorization to possess certain firearms by a chief law-enforcement officer when person is not legally proscribed therefrom; clarifies what criteria may be considered when certification is sought from law enforcement that applicant is not prohibited from securing or possessing firearms covered by the National Firearms Act; defining terms; and allows circuit court appeals or adverse decisions.

▪ **SB 298 – WV Code 5-10-28 – PERS – *Effective ninety days from passage – By Senators Gaunch, Trump.***

Relates to the Public Employees Retirement System; and clarifies that members deposit fund, employers accumulation fund, retirement reserve fund, income fund and expense fund all refer to the Public Employees Retirement Fund.

▪ **SB 302 – WV Code 5-10A-2 & 6 – State Retirement Plans – *Effective ninety days from passage – By Senators Gaunch, Trump.***

Relates to disqualification for public retirement plan benefits when a participant is determined to have rendered less than honorable service; adds the West Virginia Municipal Police Officers and Firefighters Retirement System to definition of "retirement plan"; and specifies that former participants of the West Virginia Teachers Defined Contribution Retirement System who elected to transfer to the West Virginia Teachers Retirement System and whose benefits have been terminated for less than honorable service shall not be refunded any transferred vested employer contributions.

- **SB 304 – WV Code 19-35-1 thru 4 – Farmers Markets – *Effective ninety days from passage* – *By Senators Miller, Williams, Beach, D. Hall, Nohe, Sypolt, Snyder, Stollings.***
Relates to farmers markets; states purpose and definitions; requires a uniform farmers market vendor permit; establishes annual permit fees; provides exemptions; allows inspection by local health departments; and requires rulemaking.
- **SB 310 – WV Code 11-13-3 – Public Utilities/B&O Tax – *Effective ninety days from passage* - *By Senators Sypolt, Williams, Nohe.***
Exempts nonprofit water and sewer companies governed by the Public Service Commission of West Virginia and organized and operated for the exclusive benefit of their members, from the business and occupation tax.
- **SB 312 – WV Code 3-8-7– General Election Nominees – *Effective ninety days from passage* – *By Senators Nohe, Boley, Leonhardt, Palumbo, D. Hall.***
Relates generally to disqualification of nominees for general election due to failure to file campaign finance statements; provides that candidates who fail to file campaign finance statements by the eighty-fourth day before the general election are disqualified; clarifies that a disqualification under this section would create a ballot vacancy and permit the replacement of a candidate on the ballot; permits the replacement of a candidate on the ballot; defines terms; and authorizes the Secretary of State to promulgate legislative rules concerning providing written notice to a candidate prior to his or her disqualification.
- **SB 318 – WV Code 21-5-3 – Payment of Wages by Employers – *Effective ninety days from passage* – *By Senators Trump, Karnes, Carmichael, Blair.***
This bill provides that every person, firm or corporation doing business in this state, except railroad companies, shall settle with its employees at least twice every month and with no more than nineteen days between settlements, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.
- **SB 322 – WV Code 3-4A-28 – Electronic Recount of Ballots – *Effective ninety days from passage* – *By Senators Nohe, Boley, Palumbo, Leonhardt, Trump* .**
This bill removes the unnecessary requirement of a mandatory electronic recount of ballots in recounts.
- **SB 323 – WV Code 8-1-5a – Municipal Home Rule – *Effective ninety days from passage* – *By Senator Blair.***
The bill as amended now contains language that supports an additional 14 cities into the Home Rule Pilot. 10 from Class I, II, III's and 4 from Class IV towns and villages.

The bill expands the Pilot to include 30 cities: 14 new municipalities- ten additional Class I, Class II and Class III municipalities and four Class IV municipalities. One of the most important changes is the codification and continuing ordinances should the Pilot be terminated. It removes the requirements that the municipal home rule board must approve each municipal ordinance prior to the enactment of the ordinance. The Board will still approve or reject any amendments to the written plans submitted. It removes provisions prohibiting a municipality from enacting an ordinance after the Pilot program terminates. It creates a new prohibition that will not allow municipalities to seek refunds of moneys collected from taxpayers or monies distributed to municipalities by the tax division under the pilot program. Cities participating are encouraged to adopt agreements with other participating cities that address procedures for mistakes in over/under collection of sales taxes. In other words, if a business reports sales tax in one jurisdiction that actually belongs to another, the remedy in the agreement would be in place to address errors in collection and/or distribution. For uniformity, the League suggests cities adopt these agreements to allow for corrected collections and distributions on a going forward basis once the error is found.

- **SB 342 – WV Code 5-10-44; 7-14D-7a; 8-22A-8; 8-22A-8a; 15-2-54; 15-2A-23; 16-5V-8a; 18-7A-14c; 18-7B-21; 51-9-18 – CPRB Error Corrections - *Effective ninety days from passage* – *By Senators Gaunch, Trump, Plymale.***
Relates to correction of errors under the West Virginia Public Employees Retirement System, West Virginia Deputy Sheriff Retirement System, West Virginia Municipal Police Officers and Firefighters Retirement System, West Virginia Emergency Medical Services Retirement System, the State Teachers Retirement System, Teachers' Defined Contribution Retirement System, the West Virginia State Police Death, Disability and Retirement System, West Virginia State Police Retirement System and the Judges' Retirement System; and clarifying scope, application and requirements for error correction by Consolidated Public Retirement Board.
- **SB 344 – WV Code 55-7E-1 thru 3 – Employment Claims – *Effective ninety days from passage* – *By Senators Trump, Carmichael, Blair.***
This bill relates to setting adequate and reasonable amounts of compensatory damages available to an employee in statutory and common law wrongful or retaliatory discharge causes of action and other employment law claims; sets forth definitions; sets forth legislative findings and declaration of public policy; places duty to mitigate damages on plaintiffs in employment-related lawsuits and causes of action; and requires a judge to make a finding on the appropriateness of remedy versus reinstatement before front pay damages are to be considered by a jury.
- **SB 352 – WV Code 19-4-1, 19-4-2, 19-4-3, 19-4-4, 19-4-5, 19-4-13, 19-4-16; 19-4-22; 24A-1-3 – Cooperative Associations – *Effective ninety days from passage* – *By Senator Walters.***
Relates to cooperative associations; clarifies definitions; expands scope of cooperative associations to goods and services, includes recycling; limits scope of recycling cooperatives; expands membership of cooperative associations; and revises exemptions for motor carriers to allow nonprofit recycling cooperatives.
- **SB 361 – WV Code 21-5A-1, 21-5A-2, 21-5A-3, 21-5A-5, 21-5A-6, 21-5A-8, 21-5A-10; 21-5A-11, 21-5A-12 – Prevailing Hourly Wage – *Effective April 13, 2015* – *By Senator Blair.***
Relates to the fair minimum rate of wages; eliminates, modifies and defines terms; provides for determination and methodology of determining fair minimum rate of wages by Workforce West Virginia; applies fair minimum rate of wages based on monetary threshold; establishes prevailing wages at specific intervals and exception; provides for review of determinations and methodology; addressing data used in determining prevailing wage rates; provides limitation on use of confidential, individual proprietor-level data and excludes from definition of public record under section three, article one, chapter twenty-nine-b of WV Code; requires contract provisions and exceptions; keeps wage records; requires Workforce West Virginia to propose emergency and legislative rules; and provides provisions of article are severable.
- **SB 373 – WV Code 17D-2A-4 – Proof of Motor Vehicle Insurance – *Effective ninety days from passage* – *By Senator Trump.***
Allows image displayed on a wireless communication device to serve as proof of insurance on a motor vehicle.
- **SB 390– WV Code 24-2-1k – Natural Gas Utilities – *Effective ninety days from passage* – *By Senator Beach.***
Relates to additional duties of the Public Service Commission; authorizes commission to approve expedited cost recovery of natural gas utility infrastructure projects deemed just and reasonable and in the public interest; makes findings; establishes application and hearing process; and provides for rulemaking.
- **SB 409 – WV Code 5-22-3 – Fair and Open Competition in Governmental Construction Act – *Effective ninety days from passage* – *By Senators Carmichael, Blair, Boso, Gaunch, M. Hall, Walters, Williams.***
Establishes the Fair and Open Competition in Governmental Construction Act; providing legislative findings; defines terms; prohibits project labor agreements from being part of the competitive bid process on governmental construction projects; prohibits project labor agreements from being a

condition for receiving a grant, tax abatement or tax credit for construction projects; provides exclusions; and establishes a process for an exemption.

- **SB 411 – WV Code 55-7E-1, 55-7E-2, 55-7E-3, 55-7E-4, 55-7E-5, 55-7E-6, 55-7E-7, 55-7E-8, 55-7E-9, 55-7E-10, 55-7E-11, 55-7F-1, 55-7F-2, 55-7F-3, 55-7F-4, 55-7F-5, 55-7F-6, 55-7F-7, 55-7F-8, 55-7F-9, 55-7F-10 – Asbestos/Silica Claims Priorities Act – Effective ninety days from passage – By Senators Takubo, Carmichael, Ferns, Gaunch, Mullins.**
Relates to procedures for determining liability for exposures to asbestos or silica; sets forth findings and purposes; sets forth definitions; requires disclosures of existing and potential asbestos bankruptcy trust claims; establishes legal standards and procedures for the handling of certain asbestos and silica claims; provides for sanctions; establishes procedures for set offs and credits; establishes medical criteria procedures for certain asbestos and silica claims; provides for statute of limitations standards and other limitations on liability; and provides for applicability future asbestos and silica claims.
- **SB 423 – WV Code 22-31-3, 22-31-4, 22-31-5, 22-31-6, 22-31-7, 22-31-8, 22-31-9, 22-31-10, 22-31-11, 22-31-12, 16-1-9f, 22-30-2, 22-30-3, 22-30-4, 22-30-5, 22-30-6, 22-30-7, 22-30-8, 22-30-9, 22-30-10, 22-30-11, 22-30-12, 22-30-13, 22-30-14, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19, 22-30-21, 22-30-22, 22-30-24, 22-30-25, 22-30-26, 22-31-2 – Above Ground Storage Tank Act – Effective ninety days from passage – By Senators M. Hall, Blair, Carmichael, Facemire, D. Hall, Kirkendoll, Mullins, Plymale, Romano, Trump, Woelfel, Williams, Stollings .**
Relates to protection of water resources and public health generally; amends the Aboveground Storage Tank Act; defines terms; requires secretary to compile inventory of aboveground storage tanks in the state; requires registration; authorizes certain fees; authorizes the Secretary of the Department of Environmental Protection to propose emergency and legislative rules; creates alternative regulatory program to allow permitted and otherwise regulated entities to compel permits and plans to accomplish tank and secondary containment standards under existing programs; requires secretary to develop regulatory program for tanks; creates a zone of peripheral concern for some; creates certain exemptions to regulation; provides factors to be considered in a program; requires inspection and certification of tanks; requires evidence of financial responsibility; requires corrective action and plans; requires spill prevention response plans; requires notice of type and quantity of fluids stored in tanks to local water utilities and governments; requires posting of signs at or near tanks; creates an administrative fund; creates Protect Our Water Fund; authorizes public access to certain information; authorizes inspections, monitoring and testing by secretary; authorizes secretary to issue administrative orders and seek injunctive relief; providing for civil and criminal penalties; allows appeals to Environmental Quality Board; prohibits duplicative enforcement; requires interagency coordination; establishes duties of secretary upon imminent and substantial danger; provides additional duties and powers of secretary generally; provides for waiver of certain requirements; authorizes secretary to require individual NPDES permits; authorizes Secretary of Department of Health and Human Resources to inventory potential sources of significant contamination; membership of study commission; scope of study; and establishes reporting requirements.
- **SB 469 – Federal Funds to DEP – Effective from passage – By Senators Cole (Mr. President), Kessler.**
Makes a supplementary appropriation of federal funds out of the treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2015, to the Department of Environmental Protection, Division of Environmental Protection, fund 8708, fiscal year 2015, organization 0313, by supplementing and amending the appropriations for the fiscal year ending June 30, 2015.
- **SB 481 – WV Code 8-22-22, 8-22-22a – Municipal Police/Firemen’s Pension and Relief Funds – Effective ninety days from passage – By Senators Gaunch, D. Hall, Karnes, Maynard, Plymale, Sypolt, Woelfel.**
Diversification of Assets, requiring no less than 25% in equities and no more than 75% in equities; also requiring no less than 25% in fixed income securities and no more than 75% in fixed income securities.

- **SB 483 – WV Code 8-22-18 – Trustees of Municipal Police/Firemen’s Pension and Relief Funds – *Effective ninety days from passage – By Senators Gaunch, D. Hall, Karnes, Maynard, Plymale, Sybolt, Woelfel.***
Clarifying continuing election of municipal policemen’s and firemen’s pension trustees including retirees in certain circumstances.

- **SB 488 – WV Code 31-15C-10, 31-15C-11, 31-15C-14, 31-15C-2, 31-15C-3, 31-15C-4, 31-15C-5, 31-15C-7, 31-15C-9– Broadband Enhancement Council – *Effective ninety days from passage – By Senators Williams, Prezioso, Stollings.***
Creates of Broadband Enhancement Council; modifies definitions; establishes membership; outlines powers and duties; establishes Broadband Enhancement Fund; requires Secretary of the Department of Commerce to administer and control the Broadband Enhancement Fund; transfers funds from Broadband Deployment Fund to Department of Commerce; modifies requirements for retention of outside expert consultant; and grants legislative rule-making authority. League has membership appointment.

- **SB 508 – WV Code 20-14-6 and 20-14-7, 15-10-3, 15-10-4, 20-7-1, 20-14-1, 20-14-2, 20-14-3, 20-14-4, 20-14-5, 20-14-8, 20-14-9, 20-14-4a, 20-14-10, 20-14-11, 20-14-12, 20-15-2, 20-15-5, 30-29-1, 61-7-6 – Hatfield-McCoy Regional Recreation Authority – *Effective ninety days from passage – By Senators Cole (Mr. President), Kessler.***
Relates to reorganization of Hatfield-McCoy Regional Recreation Authority; removes rangers as law-enforcement officers; provides for law-enforcement services to be provided by natural resources police officers under reimbursement by authority; converts authority to a joint development entity of counties; alters composition of authority’s board; removes authorization to issue revenue bonds and create security interests; provides for financial review and oversight of public funds; defines prohibited uses and conduct in recreation area; establishes requirements for bidding and purchasing; prohibits conflicts of interest; creates criminal penalties and civil remedies; and declares responsibilities of participants to landowners and lessors in the recreation area.

- **SB 514 – WV Code 33-3-13d – Investments of Local Police/Firemen’s Pension and Relief Funds - *Effective ninety days from passage – By Senators Gaunch, Plymale.***
Authorizes MPOB to require local pension boards to invest with the Investment Management Board under certain circumstances. If no compliance, then the state aid for that board would be forfeited to all other pension plans for that allocation year.

- **SB 515 – WV Code 8-22-18a & 8-22-18b – Municipal Pensions Oversight Board Fund Investments – *Effective ninety days from passage – By Senators Gaunch, Plymale.***
Allows the MPOB to invest funds with the Investment Management Board or the Board of Treasury Investments, and clarifies the retention of funds.

- **SB 518 – WV Code 7-12-7 – County and Municipal Economic Development Authorities - *Effective ninety days from passage – By Senators Blair, Carmichael, Snyder, Trump, Unger.***
Grants county and municipal economic development authorities the authority to invest funds received from the sale, lease or other disposition of real or personal property owned by such authority in a manner determined by the authority’s board of directors to be in the best interest of the authority under an investment policy adopted and maintained by the board that is consistent with the standards of the Uniform Prudent Investor Act; requires that for short-term investments the board of directors shall consult with the State Treasurer prior to investing funds; and requires that for long-term investments, the board shall consult with the Investment Management Board and compare the rate of return on investment for the previous three years and compare the expense loads for the past three years, and if the comparison for the Investment Management Board is more favorable, the board must invest the funds with the Investment Management Board.

- **SB 529 – WV Code 5-10-2, 5-10-14, 5-10-15, 5-10-15a, 5-10-20, 5-10-21, 5-10-29, 5-10-21a, 5-13-2, 5-16-13, 15-2A-21, 18-7A-17, 18-7A-23, 18-7A-25, 18-7A-17a, 18-7A-25b, 18-7D-6 – PERS, SPRS & TRS Benefits and Costs - *Effective from passage – By Senators Gaunch, Carmichael.***
 Relates generally to benefits and costs for certain members of the West Virginia Public Employees Retirement System, State Police Retirement System and Teachers Retirement System; calculates final average salary and service credit for certain public employees; authorizes purchase of military service for certain members of the West Virginia Public Employees Retirement System and Teachers Retirement System; provides military service credit for certain members of the West Virginia Public Employees Retirement System; increases contribution rate and years of contributing service required for certain public employees to qualify for certain annuities; provides for determination of years of service; provides that accrued annual and sick leave of certain employees participating in the West Virginia Public Employees Retirement System, the State Police Retirement System and the Teachers Retirement System may not be applied for retirement service credit; for a limited time permitting certain members of the Teachers Retirement System who transferred from the Teachers' Defined Contribution System to buy, with interest, their full service credit in the Teachers Retirement System; and revises the reciprocal retirement provisions for certain members of the teachers and the public employees system.

- **SB 574 – WV Code 60-3A-17, 60-4-3a, 60-3-4b – Liquor Sales by Distilleries/Mini Distilleries - *Effective ninety days from passage – By Senators Trump, Miller, Woelfel, Snyder, Beach, Gaunch, Karnes, D. Hall, Kirkendoll, Williams.***
 Relates to sales of liquor by distilleries and mini-distilleries generally; setting fees; reducing buyback price; sets fees to be paid to the Alcohol Beverage Control Commissioner on sales of liquor to customers from a distillery or a mini-distillery for off-premises consumption; provides that no liquor sold by a distillery or mini-distillery shall be priced less than the price set by the commissioner; sets a maximum for market zone payments; and raises the production level allowable for mini-distilleries.

- **SB 578 – WV Code 23-4-8d – Occupational Disease Claims – *Effective from passage – By Senators Trump, Carmichael, Ferns, Gaunch, D. Hall, Karnes, Leonhardt, Maynard, Nohe, Williams.***
 Relates to authorization of compromise and settlement of occupational disease claims; permits final settlement of medical benefits for nonorthopedic occupational disease claims; and requires claimant be represented by legal counsel in these claims.

House Resolutions

HR 11 – Lottery Commission to implement creative methods for selling Veterans' Lottery tickets to help fund the West Virginia Veterans Home

HCR 149 – Requesting the Joint Committee on Government and Finance to study potential improvements to pensions for retired teachers and public employees who have been retired for ten or more years

House Bills

- **HB 2002 – WV Code 55-7-13, 55-7-24, 12, 55-7-13a, 55-7-13b, 13, 55-7-13c, 55-7-13d – Comparative Fault - *Effective ninety days from passage* – *By Delegates Wagner, Overington, Evans, A., Anderson, Waxman, Shott, Kelly, Nelson, E., Folk, Espinosa, Mr. Speaker (Mr. Armstead).***
Relates to predicated actions for damages upon principles of comparative fault; establishes the comparative fault standard; abolishes joint liability and implements several liability; establishes how to consider the fault of parties and nonparties to a civil action; establishes how to consider the fault of, and the amounts paid by, settling parties; establishes how to reallocate any portion of a judgment a plaintiff is unable to collect; provides for the use of special interrogatories; establishes certain exceptions to several liability; clarifies fault may be imputed to another person who was acting as an agent or servant of another; establishes limits on liability where a plaintiff is involved in a felony criminal act; provides for the burden of proof and limitations; and defines terms.

- **HB 2004 - WV Code 22-5-20 – Clean Air Act – *Effective from passage* – *By Delegates J. Nelson, Howell, Statler, Walters, Foster, Zatezalo, White, B., Moffatt, Stansbury, Gearheart, Butler.***
Relates to the development of a state plan under Section 111(d) of the Clean Air Act; sets forth legislative findings; prohibits submission of a state plan without authority; requires the Department of Environmental Protection to study the feasibility of a state plan; requires the Department of Environmental Protection to submit a report to the Legislature determining whether a state plan is feasible; allows for the development of a proposed state plan; requires the state plan to be on a unit-specific basis; allows for the plan to be on either a rate-based or meter-based standard; allows for legislative review and consideration prior to submission of a state plan to the Environmental Protection Agency; and creates exceptions to the legal effect of the state plan.

- **HB 2011 - WV Code 23-4-2 – Workers Compensation – *Effective ninety days from passage* - *By Delegates Hanshaw, Shott, Nelson, E., Rohrbach, Sobonya, Weld, Espinosa, Statler, Miller***
Relates generally to a workplace employee injury caused by the deliberate intention of the employer required for the employer to lose immunity from a lawsuit; defines actual knowledge; eliminates obsolete language referring to the West Virginia Workers Compensation Fund and board of managers; establishes standards related to blood tests administered after accident; provides that intoxication shown by a positive blood test for alcohol or drugs that meet certain thresholds is the proximate cause of any injury; clarifies provisions outlining who may assert claims on behalf of an employee under this section; requires that a claim for worker's compensation benefits be filed prior to bringing a cause of action under this section unless good cause is shown; provides that actual knowledge must be specifically proven by the employee or other person seeking to recover under this section and shall not be deemed or presumed; provides an employee may prove actual knowledge by evidence of an employer's intentional or deliberate failure to conduct a legally required inspection, audit or assessment; establishes actual knowledge is not established by what an employee's immediate supervisor or management personnel should have known had they exercised reasonable care or been more diligent; establishes that proof of actual knowledge of prior accidents, near misses, safety complaints or citations must be proven by documentary or other credible evidence; defines a commonly accepted and well-known safety standard within the industry or business of the employer; exempts certain codes or standards from applying to volunteer fire departments, municipal fire departments and emergency medical response personnel if those entities have followed rules promulgated by the Fire Commission; requires that if the unsafe working condition relates to a

violation of a state or federal safety provision that safety provision must address the specific work, working conditions and hazards involved; establishes that the applicability of state or federal safety provisions is a matter for judicial determination; defines generally serious compensable injury; establishes four categories of serious compensable injury including an injury rated at a whole person impairment of at least thirteen percent (13%) and other threshold requirements, an injury or condition likely to result in death within eighteen (18) months from the date of the filing of the complaint, an injury not capable of whole person impairment if it causes permanent serious disfigurement, causes permanent loss or significant impairment of function of any bodily organ or system, or results in objectively verifiable bilateral or multi-level dermatomal radiculopathy and is not a physical injury that has no objective medical evidence to support a diagnosis, or if an employee suffers from complicated pneumoconiosis or pulmonary massive fibrosis and that condition has resulted in an impairment rating of at least fifteen percent (15%); establishes certification requirements for the categories of serious compensable injury; requires that a verified statement submitted from a person with knowledge and expertise of the workplace safety, statutes, rules, regulations and consensus industry standards specifically applicable to the industry and workplace involved in an injury be served with any complaint asserting certain causes of action brought under this section; provides for the minimum contents of the required verified statement; limiting the use of the required verified statement during litigation; provides for consideration of bifurcation of discovery in certain circumstances; establishes the venue in which claims under this section may be brought; provides that actions accruing prior to the effective date are not affected; and establishes the effective date of July 1, 2015, for the amendments to this section.

- **HB 2016 – BUDGET BILL – *Effective from passage - By Delegates Armstead (Mr. Speaker), Miley.***
Makes appropriations of public money out of the treasury in accordance with section fifty-one, article six of the WV Constitution.
- **HB 2025 – WV Code 61-8-29, 62-12-26– Sex Offenders - *Effective ninety days from passage - By Delegates Howell, Shott, Hamrick, Romine, Sobonya, Espinosa, Miller, Weld, Statler, Kurcaba, Canterbury.***
Creates the offense of criminal loitering by persons on supervised release; prohibits loitering by such persons within one thousand feet of a victim's home, schools and facilities providing care and entertainment for children; defines terms; establishes penalties; and prohibits certain sex offenders on supervised release from loitering within one thousand feet of a school, child care facility, or victim.
- **HB 2099 – WV Code 11-8-9 – Local Levying Bodies - *Effective ninety days from passage - By Delegates Howell, Householder, Nelson, J., Statler, Walters, Arvon, Border, Folk, Hamilton, Evans, A., McGeehan.***
Extends the time of meetings of local levying bodies when meetings are delayed due to circumstances beyond the control of a local levying body; provides the State Auditor is authorized to extend the time of meetings of local levying bodies; authorizes the State Auditor to propose rules to implement this section; requires that the meeting be held in compliance with chapter six, article nine-a; and authorizes the State Auditor to set the meeting time.
- **HB 2148 – WV Code 17C-5D-1, 17C-5D-2, 17C-5D-3, 17C-5D-4, 60-6-9 – Motor Vehicle Laws of State - *Effective ninety days from passage - By Delegates Gearheart, Hamrick, Smith, R., Nelson, E., Howell, Arvon, Butler, Azinger, Espinosa, Frich, Kessinger.***
Creates a misdemeanor offense for open containers of alcoholic beverages in certain areas of vehicles; provides comity with federal law governing open containers of alcoholic beverages in vehicles; provides penalties; defines terms; provides exceptions; and specifies procedure upon arrest.
- **HB 2157 – WV Code 3-9-19 – Absentee Ballot Fraud - *Effective ninety days from passage - By Delegate Lane.***
Establishes that fraud associated with absent voters' ballots is a felony; and establishes the penalties for fraud associated with absent voters' ballots.

- **HB 2201 - WV Code 24-2F-8 – Net Metering and Interconnection Rules – *Effective from passage - By Delegates Ireland, Folk, Manchin, Lynch, Rowe, Fleischauer, Skinner, Fast, Fluharty, Byrd, Summers.***
 Relates to net metering; defines net metering; defines customer-generator; defines cross-subsidization; requires the Public Service Commission to prohibit cross-subsidization; requires the Public Service Commission adopt certain net metering and interconnection rules and standards; strikes deadlines for rulemaking by the Public Service Commission; and capping the amount of generating capacity subject to net metering.
- **HB 2212 – WV Code 31-15A-16– WV Infrastructure General Obligation Debt Service Fund - *Effective from passage – By Delegates Armstead (Mr. Speaker, Miley.***
 Relates to dedication of severance tax proceeds to the West Virginia Infrastructure General Obligation Debt Service Fund; specifies reduction of the amount of severance tax proceeds dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund.
- **HB 2213 – WV Code 29-22-18d – WV Infrastructure Fund – *Effective from passage - By Delegates Armstead (Mr. Speaker), Miley.***
 Relates to the West Virginia Infrastructure Fund; reduces the distributions to the West Virginia Infrastructure Fund from the State Excess Lottery Revenue Fund to \$30 million for fiscal year 2016; and increases the percentage of funds available annually for grants from the West Virginia Infrastructure Fund.
- **HB 2274 - WV Code 25-1-5a – Mutual Aid Agreements – *Effective ninety days from passage - By Delegate Hanshaw, Hamilton, Evans, A., Azinger .***
 Authorizes the Commissioner of Corrections to enter into mutual aid agreements with political subdivisions of this state, other states and the federal government for numerous salutary purposes.
- **HB 2283 - WV Code 64-3-1 – RULE BUNDLE – *Effective from passage - By Delegate Sobonya.***
 Relates generally to the promulgation of administrative rules by the Department of Environmental Protection (permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality, 45 CSR 14), (standards of performance for new stationary sources, 45 CSR 16), (control of air pollution from hazardous waste treatment, storage or disposal facilities, 45 CSR 25), (requirements for operating permits, 45 CSR 30), (emission standards for hazardous air pollutants, 45 CSR 34), (awarding of WV Stream Partners Program Grants, 60 CSR 4), (hazardous waste management system, 33 CSR 20), (requirements governing water quality standards, 47 CSR 2), (WV/NPDES rule for coal mining facilities, 47 CSR 30), (waste management, 33 CSR 1).
- **HB 2457 - WV Code 6B-2-5c – Elected/Appointed Officials – *Effective ninety days from passage – By Delegates Sobonya, Miller, Frich, Foster, Overington, Nelson, J., Ellington, Rohrbach, Walters.***
 Prohibits the use of the name or likeness of a public official on publicly-owned vehicles; prohibits a public official from placing his or her name or likeness on trinkets paid for with public funds; prohibits a public official from using public funds to distribute certain advertising materials bearing his or her name or likeness; prohibits a public official from using public funds or public employees for entertainment purposes within forty-five days of a primary, general, or special election in which the public official is a candidate; defines terms; makes exceptions; and permits the Ethics Commission to promulgate rules.
- **HB 2493 - WV Code §33-15-4l, 33-16-3x, 33-24-7m, 33-25-8j, 33-25A-8l – Anti-Cancer Medications – *Effective ninety days from passage - By Delegates McCuskey, Westfall, Ashley, Bates, Ellington, Frich, Householder, Perdue, Sobonya, Walters, Rohrbach.***
 Relates to anti-cancer medications; provides accident and sickness insurance cover anti-cancer medications; provides direct health care services that cover anti-cancer medications; prohibits certain copayments, deductibles or coinsurance for orally administered anti-cancer medications; prohibits certain acts to comply with the requirements; defines terms; provides an effective date; and allows cost containment measures.

- **HB 2505 – WV Code 7-14D-5, 8-22A-6, 15-2A-3, 16-5V-6, 18-7A-13 – Concurrent Employment/Retirement System – *Effective ninety days from passage – By Delegates Canterbury, Pethtel, Folk, Walters, Hamilton, Marcum, Kurcaba, Hicks.***
 Relates to retirement system participation; clarifies that police officers and firefighters hired after a certain date are members of the West Virginia Municipal Police and Firefighters Retirement System; clarifies that members first employed in covered employment in the West Virginia Deputy Sheriffs Retirement System, West Virginia Municipal Police Officers and Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement System shall participate in only one retirement system administered by the Consolidated Public Retirement Board in which the member has the earliest date of hire; and specifies that members of the Public Employees Retirement System, the State Police Retirement System and the Teachers' Retirement System who are employed in an additional job that requires membership in the West Virginia Deputy Sheriff Retirement System, the West Virginia Municipal Police Officers and Firefighters Retirement System or the West Virginia Emergency Medical Services Retirement System shall abide by the concurrent employment provisions of said system and participate in only one system administered by the Consolidated Public Retirement Board.
- **HB 2507 – WV Code 8-22A-2 & 8-22A-6 - Municipal Police/Firefighters Retirement System - *Effective ninety days from passage – By Delegates Canterbury, Pethtel, Folk, Kurcaba, Walters, Hamilton, Marcum, Hicks.***
 Relates to membership provisions in the West Virginia Municipal Police and Firefighters Retirement System.
- **HB 2562 – WV Code 7-22-7a– Sales Tax Increment Financing - *Effective from passage – By Delegates Armstead (Mr. Speaker), Miley.***
 Relates to sales tax increment financing; authorizes recalculation of the base tax revenue amount, subject to specified limitations; specifies that, upon written request of the county commission, filed not later than April 30, 2015, with the Development Office, base tax revenue amounts greater than \$1 million for a given district may be recalculated; specifies limitations on changes to the base tax revenue amount; specifies that the recalculated base tax revenue amount shall be used to determine the net annual district tax revenue amount for the district beginning on July 1, 2015; specifies that decrease to base tax revenue amount upon recalculation is limited to \$1 million dollars; specifying that no adjustment, refund, payment or repayment of special district excise tax, or consumers sales and service tax and use tax, or net annual district tax revenue amount, or accrual thereof, attributable to periods prior to July 1, 2015, shall change the base tax revenue amount as recalculated; provides for the sharing of certain information respecting the district; defines terms; specifies that, if tax revenues in a sales tax increment financing district are deficient, such that the amount withheld in any month is insufficient to fully recover the base tax revenue amount attributable to that month, that such deficit shall be carried forward to subsequent months until the base tax revenue amount deficit is paid; and specifies that any unpaid deficit carried forward shall be discharged and set at zero on the first day of each fiscal year.
- **HB 2606 – WV Code 61-6-1b – Disorderly Conduct - *Effective ninety days from passage – By Delegates Sponaugle, Shott.***
 Clarifies the potential sentence for disorderly conduct by removing language that a person may be "committed to the custody of the Division of Corrections" rather than "confined in jail" which is inserted.
- **HB 2607 – WV Code 61-5-17 – Emergency Services Communications - *Effective ninety days from passage – By Delegates Sponaugle, Shott.***
 Clarifies penalties for violations of interfering with emergency services communications.

- **HB 2608 – WV Code 48-27-903 – Protective Orders - *Effective ninety days from passage* – *By Delegates Sponaugle, Shott.***
 This bill cleans up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.
- **HB 2626 – WV Code 22-2-4 – Abandoned Land Reclamation Fund - *Effective ninety days from passage* – *By Delegates Ashley, Ireland, Frich.***
 Removes the 30% cap placed on the Department of Environmental Protection's Office of Abandoned Mine Lands and Reclamation's (AML's) waterline funding and to increase from 10% to 30% the amount of the annual AML grant that can be retained in the AMD Set-Aside Fund, all amendments to bring West Virginia's Abandoned Mine Lands and Reclamation Act into conformance with the 2006 amendments to the federal Surface Mining Control and Reclamation Act.
- **HB 2636 – WV Code 29B-1-2, 29B-1-3, 29B-1-3a, 29B-1-4, 61-7-4 – FOIA & Concealed Weapon Permit Application – *Effective ninety days from passage* – *By Delegates Folk, Phillips, R., Faircloth, McGeehan, Nelson, J., Householder, Butler, Marcum, Frich, White, H., Shott* .**
 Municipal ordinances and policies dealing with FOIA must be amended to reflect changes due to the passage of this bill. This bill redefines the term "public record"; defines and exempts certain fees and costs for reproduction of records; directs the Secretary of State to establish a database of Freedom of Information requests and publication on the Secretary of State's website; directs public bodies to report Freedom of Information request information to the Secretary of State; authorizes emergency and legislative rulemaking authority to the Secretary of State; establishes a presumption of public accessibility to public records; exempts information contained in a concealed weapon permit application from the Freedom of Information Act; authorizes disclosure of exempt information to law enforcement agency; protects the confidentiality of information collected in an application for a concealed weapon permit; and provides criminal penalties.
- **HB 2664 – WV Code 17C-5-2 & 17C-5A-2 – Driving Under the Influence - *Effective ninety days from passage* – *By Delegates Sobonya, Butler, McCuskey, Stansbury, Nelson, E., Ihle, Householder, Ellington, Westfall, Marcum, Byrd.***
 Relates to offenses of driving under the influence of alcohol, controlled substances or drugs; defines terms; restates the elements of certain offenses of driving under the influence of alcohol, controlled substances or drugs; requires that a person's impaired state proximately cause the injury or death in certain offenses; increases the penalty for driving under the influence of alcohol, controlled substances or drugs causing death; requires death to have occurred within one year of an offense of driving under the influence of alcohol, controlled substances or drugs causing death; eliminates the misdemeanor offense of driving under the influence of alcohol, controlled substances or drugs causing death; creates felony offense and penalties for driving under the influence of alcohol, controlled substances or drugs causing serious bodily injury; increases the penalty for certain subsequent offenses of driving under the influence of alcohol, controlled substances or drugs; and provides that the West Virginia Rules of Evidence apply to administrative proceedings concerning license revocation for driving under the influence.
- **HB 2778 – WV Code 17-17B-1, 17-17B-2, 17-17B-3, 17-17B-4, 17-17B-5 – State Infrastructure Fund Program - *Effective ninety days from passage* – *By Delegates Gearheart, McCuskey, Storch, Hamrick, Espinosa, Nelson, E., Westfall, Mr. Speaker (Mr. Armstead), O'Neal, Pethel, Ferro.***
 Relates to transportation funding; authorizes West Virginia Division of Highways to enter into cooperative agreements with United States Secretary of Transportation to establish infrastructure revolving funds; creates the State Transportation Infrastructure Fund Program; creates State Transportation Infrastructure Fund; and permits Commissioner of the Division of Highways to propose rules for legislative approval.

- **HB 2790 – WV Code 17D-4-2, §17D-4-7, 17D-4-12, 33-6-31, 31-6-31d, 33-6-31h – Limits of Car Insurance - *Effective ninety days from passage – By Delegates Westfall, Waxman, Shott, Frich.***
Relates to proof of financial responsibility limits for motor vehicles; increases the minimum amounts of proof required; provides that insurers are not required to offer new or increased uninsured or underinsured motor vehicle coverage when coverage is increased to meet the increased requirements of proof of financial responsibility; provides that insurers who issue policies with named driver exclusions are not required to provide any coverage upon an insured vehicle covering the excluded driver, notwithstanding the requirements of proof of financial responsibility.

- **HB 2810 – WV Code 31-18-28 – WV Property Rescue Initiative – *Effective ninety days from passage - By Delegates Guthrie, Pushkin, Byrd, Rowe, McCuskey, White, B., Stansbury, Walters.***
Relates to implementing the West Virginia Property Rescue Initiative; provides legislative findings relating to the need of such program; requires the West Virginia Housing Development Fund to facilitate the West Virginia Property Rescue Initiative; provides that the West Virginia Housing Development Fund provide technical assistance to counties and municipalities for identification, purchase, removal and rehabilitation of dilapidated properties; requires that the West Virginia Housing Development Fund establish and fund a revolving loan fund; directs the West Virginia Housing Development Fund to deposit monies into the revolving loan fund over a five year period; provides that no obligation of the state shall be created by the West Virginia Property Rescue Initiative; and requires annual reports over five years; and requires a final report on the effectiveness of the West Virginia Property Rescue Initiative.

- **HB 2878 – WV Code 31D-1-131 – Electronic Business Portal - *Effective ninety days from passage - By Delegates Miller, Manchin, Espinosa, Skinner, Hornbuckle, Lane, Hill, Stansbury, Rowe, Williams, Upson.***
Creates a web-based electronic business portal in West Virginia; requires the Secretary of State to create a web-based business portal to facilitate interaction between government and businesses in West Virginia; requires Secretary of State to establish a call center to assist businesses obtain information regarding compliance with state law; requires the Secretary of State to develop requirements for the web-based business portal; and requires the Secretary of State to propose rules for legislative approval to implement the provisions of the bill.

- **HB 2914 – WV Code 7-25-6, 7-25-11, 7-25-15, 7-25-7a, 7-25-27 – Resort Area Districts - *Effective ninety days from passage - By Delegates Hartman, Sponaugle, Campbell, Perry.***
Relates generally to resort area districts; provides for voluntary dissolution of a resort area district; establishes a procedure for a dissolution; permits nominations for resort area board members be made by mail or electronic means; permits property owners to make nominations; provides for election of board members by plurality vote instead of by a majority vote; limits the amount of assessments that may be levied against a parcel of real property; establishes a procedure for assessments proposed by a board on its own initiative; and provides for the effect of 2015 amendments.

- **HB 2968 – WV Code 11-3-9 – Property Tax and Non-Profit Youth Organizations - *Effective ninety days from passage - By Delegates Armstead (Mr. Speaker), Ashley, Bates, Perry, Kessinger, Hicks, Cooper, Shott, McCuskey, Arvon.***
Relates to exempting from property tax certain real properties in this state owned by nonprofit youth organizations and built at a cost of at least \$100 million; specifies restrictions affecting the property; specifies permitted activities; requires property owner to pay one and one quarter percent of gross revenues from specified uses, operations and activities; specifies how one and one quarter percent fee is administered, specifies how monies derived from one and one quarter percent fee are distributed; requires reports; and defines terms.

Sample of Bills Failed or Vetoed

- ***Vetoed***– **SB 347 – Firearms**- Would have created the Firearms Act of 2015.
- ***Failed*** – **SB 416 – Hotel Occupancy Tax** – Would have allowed county commissions and municipalities to impose their hotel occupancy taxes on hotel and motel rooms regardless of the length of time for which the hotel or motel room is rented; would have provided that the tax is not imposed on rooms rented to federal or state officials on official business; and would have clarified that tax is not imposed on complimentary hotel rooms.
- ***Vetoed*** - **SB 445 – Fund Investments** – Would have allowed for the investment of Regional Jail and Correctional Facility Authority funds.
- ***Vetoed***– **HB 2576 – Executive Departments** - Would have created new code sections which separated the executive departments of the State.
- ***Failed*** – **SB 484 – Municipal Officers** – Related to a procedure for removal of certain county, school district and municipal officers.
- ***Failed*** – **SB 512 – Complimentary Hotel Rooms** – Would have exempted complimentary hotel rooms from the hotel occupancy tax.
- ***Failed*** – **SB 550 – Demolishing of Dwellings or Buildings** – Would have authorized county commissions and municipalities to cooperate and enter into agreements for removal or demolition of dwellings or buildings unfit for human habitation.
- ***Failed*** – **HB 2029 – Sales Tax**– Would have allowed counties and municipalities to levy a sales tax on food and beverages sold at restaurants.
- ***Failed*** – **HB 2070 – Municipal Fire Departments** – Would have provided meetings and conference rights for members of municipal fire departments.
- ***Vetoed*** - **HB 2187 – National Motto** – Would have encouraged public officials to display the national motto on all public property and public buildings.
- ***Vetoed***– **HB 2240 – Domestic Violence** – Would have provided that an act of domestic violence or sexual offense by strangling was an aggravated felony offense.
- ***Vetoed***– **HB 2571 – Pothole Repair** - Would have created a fund for pothole repair contributed to by private businesses or entities.
- ***Vetoed*** – **HB 2627 – Property Crimes** – Would have provided protection against property crimes committed against coal mines, utilities and other industrial facilities.
- ***Failed***– **HB 2583 – Publication of Financial Statements** – Would have provided that after June 30, 2015, every city, town or village would publish a notice that the financial statements are available to the public, free of charge, at the municipality's primary office and on a website maintained by the municipality. Each notice would contain the office address and the website address where financial statements are available. Each municipality would publish the notice annually as a Class I legal advertisement; would have provided each city to publish the notice within ninety days after the beginning of its fiscal year.
- ***Failed*** – **HB 2881 – West Virginia Intrastate Commerce Improvement Act** – Would have created the West Virginia Intrastate Commerce Improvement Act; a very misleading title that preempts all local government ordinances adopted by cities to prohibit discrimination against age or sexual orientation. Any local law, ordinance, resolution, rule or policy adopted before the operative date of this bill that violates the Act shall be null and void.

- *Failed* – HB 2913 – Home Rule Board – Would have terminated the Municipal Home Rule Pilot Program and Municipal Home Rule Board.

WV MUNICIPAL LEAGUE

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2015 LEGISLATIVE SUMMARY