

Legislative Report

Bill Citing Requirements For Certain Property Annexation Passes Senate Gov Org; OPEB Liability Bill Laid Over By Committee

SB 258 clarifies local fiscal bodies cannot be held liable for certain deficits. This allows for the carrying of a casual deficit of the OPEB liability amount. The bill was laid over this week by Senate Government Organization. We are waiting to hear from GFOA members on this issue.

C.S. SB 256, provides additional requirements and conditions on annexation without an election or by minor boundary adjustment in counties that have adopted a county-wide zoning ordinance and have local impact fees adopted before January 1, 2009 and have designated urban growth boundaries around the municipalities within that county. It requires that property to be annexed outside the municipality's urban growth boundary must be contiguous. Property outside the urban growth boundary requires agreement for annexation. Property within the municipality's designated urban growth boundary does not require county commission approval for annexation and does not have to be contiguous. It also requires a public hearing and signage notice and review by the county commission for land being annexed outside the designated urban growth boundary. The power to establish and a definition for Urban Growth Boundary has been added to the WV Land Use Code.

The League worked with Senator Snyder for amendments to remove approval of County Commissions and require agreement. Our efforts are to prevent language that requires approval of county commissions, using agreement instead. We want to avoid the perception that counties may in some way be over cities which is not the case. His local Mayors and County Commission agreed to the bill and it only applies to Jefferson County. We will monitor for amendments and provide a summary on our website.

HB 2723 and HB 2767 both passed Political Sub Committee on Thursday. **HB 2723** authorizes municipalities to file liens for delinquent municipal fees. The bill was amended to make this lien authority only applicable to fire, police, and street fees, allows liens to be placed only on real property in the municipality for which the service is delivered and extends from 15 to 45 days after adoption of the ordinance for petitioners to mandate the issue be put on the ballot. The bill moves to Judiciary.

HB 2767 is one of our priorities and will put a local government representative on the PEIA Finance Board. It now moves to the full House for passage.

The Convention and Visitor's Bureau has pulled all their bills relating to accreditation and moratorium for CVB's. We will be working with their representatives after the legislative session to craft agreeable language.



WVML Members from New Martinsville stopped for a picture while visiting the Governor's Mansion, during Municipal Lobby Day

SB 302 passed Senate Judiciary and now goes to the full floor for passage. The bill allows parking authority personnel to issue parking violation tickets. This will alleviate the need for police resources to do a job that can be effectively done by parking authority personnel.

C.S. SB 418 relating to municipal fees requires municipalities to enact an ordinance and establish a specific purpose when they implement or increase a municipal fee. Most cities do not oppose the language of the bill because it is current practice and procedure, the only exception being that the bill requires establishment of a municipal special revenue account for the special fee. The bill passed Senate Government Organization this week. The second reference to Senate Finance was dispensed with, so the bill now moves to the Senate Floor for action.

SB 251 - The WV Lottery Revenue Bond Act allows municipalities and county commissions that receive lottery revenues to issue lottery revenue bonds for public projects, including capital costs, financing costs, real property acquisition costs, professional service costs, administrative costs, relocation costs, and organizational costs. The bill has been introduced in hopes of stimulating the economy. A "public project" is broadly defined to include any type of project on which a governmental body is legally permitted to expend public funds. As opposed to being secured by the entity's tax revenues, the bonds would be secured by the entity's lottery revenues.

"If Senate Bill 251 is enacted by the Legislature, government entities that receive lottery revenues will have another tool to finance the public projects that have long been on their radar," explained Senator Brooks McCabe, the lead sponsor of the bill. "As a result, this tool

will be a valuable resource to these government entities because they will not be required to hold a bond election as required with general obligation bonds that pledge the taxing power of a governmental body." The bill has passed the Senate and is now before House Political Subdivisions.

SB 388, provides for a full state tax deduction for the purchase of a new and used automobile in the tax year 2009; provides an exemption from the sales tax for the purchase of a new and used vehicle in the tax year 2009; and provides a sales tax holiday for fuel efficient vehicles every year after 2009. Since sales are down in the automobile industry, municipal business and occupation taxes will suffer as well. The League will be supporting this bill in hopes of offering some stimulus to B&O.

SB 342, updates requirements for new subdivision highway access. The bill expands lot size to 5 acres from 1 acre; reduces the number of lots to be subdivided from 5 lots to 2 lots. Developers report to the Department of Highways and shares in the cost. Senate Transportation Committee has sent the bill to a subcommittee.

C.S. SB 384, authorizing the Department of Transportation to take control of certain highway emergencies, was before Senate Transportation this week. The Committee Substitute proposes if a road within the State Highway System is closed for 2 hours or if public safety requests, the Department of Transportation takes charge.

C.S. SB 327, relates to municipalities' mini-trucks registration and operation. The bill was before Senate Transportation this week. The Committee Substitute provides if such is sold to anyone other than another political subdivision, modifications must be made to comply with the Clean Air Act. The bill is before Senate Government Organization.

SB 336, changes failure to wear a seatbelt to a primary offense. However, no court costs are to be accessed for violating. The bill passed Senate Transportation this week and now moves to Senate Judiciary.

C.S. SB 298, increases the Wireless Tower Assistance Fund allocation. The bill passed Senate Transportation and moves to Senate Finance. The bill increases the \$1 million allocation to \$2 million within the currently collected cell phone fee, with these dollars going to fund towers.

HB 2771, includes political subdivisions of WV in the WV Alcohol and Workplace Act. The bill was before House Political Subdivisions this week and was amended to read that bids over \$50,000 are subject to the Act. The bill now moves to House Judiciary.

(amendment1; amendment2)



WVML Members from the City of Bluefield were present for lunch at the Governor's Mansion during Municipal Lobby Day

WEEKLY LEGISLATIVE REPORT

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The Legislative Report is published weekly during the West Virginia legislative session to update members of the West Virginia Municipal League on legislative activities important to municipalities. The publication goes out to members at the end of each week during the session.

The most important thing local officials need to do during the 2009 West Virginia legislative session is keep well informed. As the session begins, WVML staff focus once again on lobbying efforts. However, our influence is the direct result of your efforts to make your voice heard by your legislators. That's why every city and town needs to plan an active, consistent and continuing role in WVML's legislative effort. Keep us informed by sending us a copy of your letters or e-mails to your legislators. If you receive a response from a legislator, let us know that also. WVML staff incorporate your arguments and circumstances into their testimony. We cite your letters when we talk with legislators. If you wish to receive any of our Legislative Alerts by e-mail please notify the League office so that we can include your address in our files.

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