

2016-2017 ANNUAL REPORTS
TO JOINT COMMITTEE ON GOVERNMENT AND FINANCE

1. Joint Standing Committee on Government Organization-Interim
2. Select Committee on Infrastructure-Interim
3. Select Committee on PEIA, Seniors & Long-Term Care- Interim
4. Select Committee on Veterans' Affairs- Interim

1. Joint Standing Committee on Government Organization-Interim



WEST VIRGINIA LEGISLATURE
JOINT COMMITTEE ON GOVERNMENT ORGANIZATION
STATE CAPITOL
CHARLESTON, WEST VIRGINIA 25305

Joint Committee on Government Organization

Interim Report to the Joint Committee on Government and Finance

January 11, 2017

Dear Mr. President and Mr. Speaker,

Your Joint Committee on Government Organization was assigned the following study topics during the 2016-2017 interim period:

Study of the restructuring of professional and occupational licensing boards based upon the ruling of the NC Dental Board v. FTC case decided by the U.S. Supreme Court last year;

Study of best practices for technology procurement to discover duplication of efforts between multiple state agencies and with private contractors;

Study of state agency website management, website development, and website maintenance related to best practices and procurement; and

Study of the WV Flood Plan

The committee met throughout the interim period and heard presentations on each study topic assigned to it. All handouts and information contained in the minutes for the meetings are on file in the offices of the House and Senate Government Organization Committees.

The committee recommends the following attached legislation be introduced and recommended for passage during the 2017 Regular Session for the following topics:

Establishing a centralized state vehicle inventory system;

Requiring State Agency websites;

Requiring county and municipal websites; and

Updating the online state phone directory.

For the study topics with no recommended legislation the committee will continue to follow the issues throughout the Regular Session.

Respectfully Submitted,



Senator Craig Blair, Co-Chair



Delegate Gary G. Howell, Co-Chair

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill Number

INTERIM FLEET MANAGEMENT DRAFT

[January 11, 2017]

1 A BILL to repeal §5A-3-49 of the Code of West Virginia, 1931, as amended; to amend and reenact
2 §5A-1-2 of said code; to amend and reenact §5A-3-52 of said code; to amend said code
3 by adding thereto a new article, designated §5A-12-1, §5A-12-2, §5A-12-3, §5A-12-4,
4 §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10 and §5A-12-11; to amend
5 and reenact §17A-3-23 of said code; to amend said code by adding thereto three new
6 sections, designated §17A-3-25, §17A-3-26 and §17A-3-27; to amend said code by
7 adding thereto a new section, designated §29-12-15; and to amend and reenact §29B-1-
8 4 of said code, all relating to creating and maintaining a centralized state vehicle inventory
9 system; establishing a Fleet Management Office within the Department of Administration;
10 providing for the state vehicle title, registration and relicensing project of 2017; requiring
11 certain reporting by spending units utilizing state vehicles; defining terms; establishing
12 powers and duties for the Fleet Management Office; continuing the Fleet Management
13 Office Fund; providing the Fleet Management Office coordinate with other agencies;
14 providing the Secretary of Administration rule-making and emergency rule-making
15 authority; providing the Commissioner of Motor Vehicles rule-making and emergency rule-
16 making authority; providing for annual reports of vehicle use by spending units; providing
17 for annual reports to the Governor and the Joint Committee on Government and Finance;
18 providing for legislative compliance audits; providing for the expiration of state vehicle
19 license plates; providing for notice to spending units regarding the expiration of title,
20 registrations and license plates; requiring annual renewal of the state vehicle registrations;
21 providing exemptions from reporting for certain undercover vehicles; and requiring
22 insurance cards in state vehicles.

Be it enacted by the Legislature of West Virginia:

1 That §5A-3-49 of the Code of West Virginia, 1931, as amended, be repealed; that §5A-1-
2 2 of said code be amended and reenacted; that §5A-3-52 of said code be amended and
3 reenacted; that said code be amended by adding thereto a new article, designated §5A-12-1,

4 §5A-12-2, §5A-12-3, §5A-12-4, §5A-12-5, §5A-12-6, §5A-12-7, §5A-12-8, §5A-12-9, §5A-12-10
 5 and §5A-12-11; that §17A-3-23 of said code be amended and reenacted; that said code be
 6 amended by adding thereto three new sections, designated §17A-3-25, §17A-3-26 and §17A-3-
 7 27; that said code be amended by adding thereto a new section, designated §29-12-15; and that
 8 §29B-1-4 of said code be amended and reenacted, all to read as follows:

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-2. Department of Administration and Office of Secretary; secretary; divisions; directors.

1 (a) The Department of Administration and the Office of Secretary of Administration are
 2 continued in the executive branch of state government. The secretary is the Chief Executive
 3 Officer of the department and shall be appointed by the Governor, by and with the advice and
 4 consent of the Senate, for a term not exceeding the term of the Governor.

5 (b) The Department of Administration may receive federal funds.

6 (c) The secretary serves at the will and pleasure of the Governor. The annual
 7 compensation of the secretary shall be as specified in section two-a, article seven, chapter six of
 8 this code.

9 (d) There shall be in the Department of Administration a Finance Division, a General
 10 Services Division, an Information Services and Communications Division, Division of Personnel
 11 and a Purchasing Division. Each division shall be headed by a director who may also head any
 12 and all sections within that division and who shall be appointed by the secretary.

13 (e) There shall also be in the Department of Administration those agencies, boards,
 14 commissions and councils specified in section one, article two, chapter five-f of this code.

15 ~~(f) The secretary may establish a Fleet Management Office within the Department of~~
 16 ~~Administration to:~~

17 ~~(1) Manage all motor vehicles and aircraft owned or possessed by the State of West~~
 18 ~~Virginia or any of its departments, divisions, agencies, bureaus, boards, commissions, offices or~~
 19 ~~authorities: *Provided*, That, such vehicles and aircraft shall not be used for personal purposes,~~
 20 ~~other than for de minimis personal use;~~

21 ~~(2) Administer the rules, including emergency rules, promulgated under the provisions of~~
 22 ~~sections forty-eight and forty-nine, article three of this chapter; and~~

23 ~~(3) Perform any duties relating to motor vehicles and aircraft owned or possessed by the~~
 24 ~~State of West Virginia assigned by the secretary, which duties may include those set out in~~
 25 ~~sections fifty through fifty-three, article three of this chapter.~~

ARTICLE 3. PURCHASING DIVISION

§5A-3-52. Special funds for travel management created Aviation fund.

1 ~~(a) The travel management special fund is terminated. All deposits currently in this special~~
 2 ~~fund from aviation fees shall be transferred into the Aviation Fund created in subsection c of this~~
 3 ~~section. All funds in this special fund from the monthly fee for vehicles shall be transferred into~~
 4 ~~the Fleet Management Office Fund created in subsection (b) of this section.~~

5 ~~(b) There is created in the State Treasury a special revenue account, to be known as the~~
 6 ~~Fleet Management Office Fund. Expenditures are authorized from collections, but are to be made~~
 7 ~~only in accordance with appropriation by the Legislature and in accordance with the provisions of~~
 8 ~~article three, chapter twelve of this code and upon fulfillment of the provisions of article two,~~
 9 ~~chapter eleven-b of this code. Any balance remaining in the special revenue account at the end~~
 10 ~~of any state fiscal year does not revert to the General Revenue Fund but remains in the special~~
 11 ~~revenue account and shall be used solely in a manner consistent with this article. All costs and~~
 12 ~~expenses incurred pursuant to this section, including administrative, shall be paid from those~~
 13 ~~funds. Charges for operating, repairing and servicing motor vehicles made against any institution,~~
 14 ~~agency or department shall be paid into the Fleet Management Office Fund by that institution,~~
 15 ~~department or agency.~~

16 ~~(c) There is created in the State Treasury a~~ The special revenue account, to be known as
17 the Aviation Fund, is hereby continued and shall be administered by the Secretary. Expenditures
18 from this fund are authorized from collections but are to be made only in accordance with
19 appropriation by the Legislature and in accordance with the provisions of article three, chapter
20 twelve of this code and upon fulfillment of the provisions of article two, chapter eleven-b of this
21 code. Any balance remaining in the special revenue account at the end of any state fiscal year
22 does not revert to the General Revenue Fund but remains in the special revenue account and
23 shall be used solely in a manner consistent with this article. All costs and expenses incurred
24 pursuant to this section, including administrative, shall be paid from those funds. Charges for
25 operating, repairing and servicing aircraft made against any institution, agency or department
26 shall be paid into the Aviation Fund by that institution, department or agency.

ARTICLE 12. FLEET MANAGEMENT OFFICE.

§5A-12-1. Fleet Management Office; purpose; and Fleet Management Office Fund.

1 (a) Beginning July 1, 2017, the Fleet Management Office, as authorized by prior
2 enactment of section two, article one of this chapter, is hereby created in the Department of
3 Administration for the purpose of maintaining a centralized state vehicle inventory system.

4 (b) In coordination with the Commissioner of the Division of Motor Vehicles, the Fleet
5 Management Office shall participate in the State Vehicle Title, Registration and Relicensing
6 Project of 2017, as provided for in section twenty-five, article three, chapter seventeen-a of this
7 code.

8 (c) The Fleet Management Office shall develop and maintain a centralized state vehicle
9 inventory system, which includes the capability of monitoring the utilization of state vehicles for
10 best practices for vehicle use, and to track the costs of purchasing, leasing, operating,
11 maintaining, transferring, and decommissioning state vehicles.

12 (d) The special revenue account, known as the Fleet Management Office Fund, previously
13 created by prior enactment of section fifty-two, article three of this chapter, is hereby continued

14 and shall be administered by the Secretary. Expenditures are authorized from collections, but are
15 to be made only in accordance with appropriation by the Legislature and in accordance with the
16 provisions of article three, chapter twelve of this code and upon fulfillment of the provisions of
17 article two, chapter eleven-b of this code. Any balance remaining in the special revenue account
18 at the end of any state fiscal year does not revert to the General Revenue Fund but remains in
19 the special revenue account and shall be used solely in a manner consistent with this article. All
20 costs and expenses incurred pursuant to this article, including administrative, shall be paid from
21 those funds. Charges for operating, repairing and servicing state vehicles made against any
22 spending unit shall be paid into the Fleet Management Office Fund by that spending unit.

§5A-12-2. Scope of article; exemption.

1 (a) The provisions of this article shall apply to all spending units of state government
2 relating to the purchase, lease or use of any vehicle utilized with the expenditure of public funds,
3 except as otherwise provided by this code.

4 (1) Spending units shall report annually to the Fleet Management Office such records,
5 information and data as required by this article, to facilitate the development, operation and
6 maintenance of an accurate and updated centralized state vehicle inventory system; and

7 (2) Each spending unit of the state that owns, leases, purchases or uses vehicles for any
8 purpose, shall comply with the reporting provisions of this article when any public money is
9 expended to own, lease, purchase or use a state vehicle, regardless of the source of the funds:
10 Provided, That the provisions of this article do not apply to the reporting of information related to
11 undercover vehicles as provided in section twenty-three, article three, chapter seventeen–a of
12 this code: Provided, however, That the Fleet Management Office may require aggregate vehicle
13 data regarding undercover vehicle use that does not identify any specific undercover vehicle,
14 location or any other undercover vehicle information exempt from disclosure under the provisions
15 of chapter twenty-nine–b of this code.

§5A-12-3. Definitions.

1 As used in this article,

2 (1) "Central Motor Pool" means, under the direction and control of the Secretary of
3 Administration, the group of state vehicles to be shared among spending units;

4 (2) "Centralized state vehicle inventory system" means the database to be maintained by
5 the Fleet Management Office and shall include, but not be limited to, the physical devices,
6 hardware, software, inventory records, agency reports, and other data sources necessary to
7 identify every state vehicle, by vehicle type, make, model, year, the location, agency assigned to
8 own, lease, or otherwise use any vehicle by each spending unit in this state for a public purpose
9 for which public funds have been expended;

10 (3) "Director" means the Director of the Fleet Management Office;

11 (4) "Fleet Coordinator" means the head of a spending unit, or his or her designee, who
12 shall be responsible for the duties as required by this article;

13 (5) "Office" means the Fleet Management Office, under the Department of Administration,
14 as established pursuant to this article;

15 (6) "Secretary" means the Secretary of the Department of Administration;

16 (7) "State vehicle" means a vehicle or trailer owned, purchased, leased, or used by any
17 state spending unit, on which a vehicle or trailer license plate is required, where the use of such
18 vehicle or trailer is paid for with public funds regardless of the source of such funding;

19 (8) "State vehicle fleet" means all state vehicles;

20 (9) "State vehicle license plate" means a license plate authorized to be issued by the
21 Division of Motor Vehicles, which identifies the vehicle or trailer as owned or leased by the state
22 or a spending unit;

23 (10) "State Vehicle Title, Registration and Relicensing Project of 2017" means the
24 requirement for all spending units owning or leasing state vehicles, to report to the Division of
25 Motor Vehicles and obtain new titles, new registration cards and new state vehicle license plates
26 by December 31, 2017, pursuant to the provisions of sections twenty-three and twenty-five, article

27 three, chapter seventeen-a of this code, to standardize the naming conventions on titles and
28 registration cards of state vehicles in order to facilitate the creation and maintenance of a
29 centralized state vehicle inventory system;

30 (11) "Undercover vehicle" means any motor vehicle that is registered as a Class A motor
31 vehicle and that is owned or leased by, or assigned to, an agency authorized by the provisions of
32 section twenty-three, article three, chapter seventeen-a of this code to use motor vehicles for
33 undercover activity; and

34 (12) "Vehicle log" means the record of state vehicle use to track the type of travel, time of
35 travel, starting and ending destinations, mileage, and other information as required to be compiled
36 and maintained pursuant to this article.

§5A-12-4. Director; office; powers, duties and responsibilities.

1 (a) The Secretary shall appoint a Director of the Office who shall have the following
2 powers:

3 (1) Employ such staff as needed, with the approval of the Secretary, to operate and
4 maintain a centralized state vehicle inventory system;

5 (2) Maintain adequate office space, with the approval of the Secretary, for staff and
6 equipment as needed to effectuate the provision of this article;

7 (3) Review the reporting of spending units for compliance with the requirements of this
8 article, and provide guidance to spending units on keeping an accurate and current inventory of
9 state vehicles and aircraft within their supervision;

10 (4) Report annually to the Governor and to the Joint Committee on Government and
11 Finance; and

12 (5) Recommend legislative rules to the Secretary.

13 (b) The Office has the following duties and responsibilities:

14 (1) Maintain a centralized state vehicle inventory system for all state vehicles and aircraft
15 owned, leased, or used by the State of West Virginia or any of its spending units;

16 (2) Under the direction of the Secretary, establish a central motor pool, which shall be
17 maintained and administered by the Department of Administration, subject to such rules as the
18 Secretary may promulgate: *Provided*, That the Department of Administration is responsible for
19 the storage, maintenance, and repairs of all vehicles and aircraft assigned to the central motor
20 pool; and

21 (3) Coordinate with the Division of Motor Vehicles, the Enterprise Resource Planning
22 Board, the Board of Risk and Insurance Management, the Travel Management Office, the State
23 Agency for Surplus Property, and such other agencies as may be necessary to develop consistent
24 and efficient policies and systems for identifying state vehicles and aircraft, the spending units to
25 which they are assigned, their location, condition, cost of operation, maintenance and retirement
26 from use.

§5A-12-5. Rule-making authority; emergency rules.

1 (a) The Director may recommend legislative rules to the Secretary, and the Secretary shall
2 propose legislative rules as may be necessary to implement the provisions of this article, in
3 accordance with article three, chapter twenty-nine-a of this code, including but not limited to
4 prescribe:

5 (1) The minimum requirements governing the use of state vehicles or any other vehicle
6 use for which public funds have been expended;

7 (2) A policy governing commuting in and taking home state vehicles, including
8 requirements for emergency use of take-home vehicles, and restrictions on the use of take-home
9 vehicles solely for commuting;

10 (3) A policy governing volunteer and non-employee drivers of state vehicles;

11 (4) The reporting requirements and responsibilities for fleet coordinators, regarding state
12 vehicle use, to track and maintain records regarding the direct and itemized indirect costs of state
13 vehicle use, and any maintenance, leasing and decommissioning costs and activities;

14 (5) The requirements and responsibilities for each driver or operator of a state vehicle or

15 vehicle operated for a public purpose for which public funds have been expended;

16 (6) The minimum criteria to be collected and maintained in state vehicle log sheets for
17 each vehicle, including what information is to be recorded by the vehicle operator, the vehicle log
18 information to be maintained by each fleet coordinator, and the vehicle log information to be
19 reported to the Office by the spending unit and the frequency thereof;

20 (7) The form for each spending unit to report the justification of purchasing or leasing a
21 state vehicle, which shall require at a minimum the frequency of anticipated use, the type of
22 vehicle needed, the purpose for vehicle use, and other contributing factors;

23 (8) The form for each spending unit to affirm that the spending unit has notified the Division
24 of Motor Vehicles, the Board of Risk and Insurance Management, pursuant to the provisions of
25 section six, article twelve, chapter twenty-nine of this code, and the Office, that the vehicle had
26 been purchased, transferred or decommissioned, and the manner thereof;

27 (9) The information that each fleet coordinator shall annually report to the Office, including
28 the manner of reporting direct and itemized indirect costs associated with state vehicle use, which
29 shall include at a minimum the following:

30 (A) The name of the spending unit titled to own or lease each state vehicle;

31 (B) Each state vehicle owned or leased by the spending unit;

32 (C) The frequency of use of each state vehicle;

33 (D) The vehicle identification number;

34 (E) The class of vehicle or vehicle type;

35 (F) The manufacturer, make, model, and year;

36 (G) The license plate number of each vehicle as issued by the Division of Motor Vehicles;

37 (H) The license renewal date;

38 (I) The date of acquisition;

39 (J) The funding source for the purchase or lease of each state vehicle

40 (K) The assigned user or users of the vehicle if known

41 (L) Periodic odometer readings;

42 (M) Fuel use and fuel expenditures for each vehicle;

43 (N) The maintenance expenditures, including corresponding maintenance and service
44 records for each state vehicle;

45 (O) State vehicle inspection records, including the date of the inspection and the vendor
46 who performed the state inspection;

47 (P) The location of where each state vehicle is housed, including any monthly parking or
48 storage costs as applicable;

49 (Q) The costs associated with vehicle rental expenses; and

50 (R) Monthly reimbursements for personal vehicle use.

51 (10) The form for affirming, at a minimum, that the person in charge of the spending unit
52 has verified the accuracy of the spending unit annual reports to the Office, and that the spending
53 unit has reconciled the report against the spending unit actual inventory of state vehicles, and as
54 compared to the applicable databases, including the Division of Motor Vehicles, the recording of
55 fleet assets in the State's central financial system maintained by the Enterprise Resource
56 Planning Board, and the Board of Risk and Insurance Management, within the scope and
57 capabilities of each database; and

58 (11) The procedures by which the Director shall annually report irregularities and errors
59 among the databases and state systems, and for reconciling errors and omissions thereof.

60 (b) The Secretary may promulgate emergency and legislative rules under the provisions
61 of article three, chapter twenty-nine-a of this code, in coordination with the Commissioner of Motor
62 Vehicles, the Enterprise Resource Planning Board, the Board of Risk and Insurance
63 Management, and such other agencies as may be necessary to develop a standardized naming
64 convention for universal use by state spending units for the registration, titling, and licensing of
65 state vehicles in the centralized state vehicle inventory system; and for the development of
66 reporting criteria that is consistent, standardized, and the least burdensome for the agencies as

67 practicable; *Provided*, That the Commissioner of the Division of Motor Vehicles, with the advice
68 of the Enterprise Resource Planning Board, shall have the authority to promulgate rules
69 describing the standard naming conventions for the registration, titling, and licensing of state
70 vehicles as provided in sections twenty-three and twenty-five, article three, chapter seventeen-a
71 of this code.

72 (c) The Secretary may amend or modify existing legislative rules and propose new rules
73 governing the use of state vehicles pursuant to the provisions of this article: *Provided*, That the
74 Fleet Management Office legislative rules in effect upon the effective date of this article shall be
75 and remain in effect unless modified, repealed, or replaced by act of the Legislature.

**§5A-12-6. Statewide inventory of motor vehicles; annual report to Governor and Joint
Committee on Government and Finance.**

1 (a) The Fleet Management Office shall maintain sufficient records for an accurate
2 centralized state vehicle inventory system that identifies, at a minimum, each state vehicle, the
3 spending unit titled to own or lease each state vehicle, the frequency of use of each state vehicle,
4 the vehicle identification number of each state vehicle, class of vehicle or vehicle type,
5 manufacturer, make, model, year, state issued license plate number, the license renewal date,
6 the date of acquisition, the funding source for the purchase or lease of each state vehicle, the
7 assigned user or users of the vehicle if known, periodic odometer readings, fuel use and fuel
8 expenditures for each vehicle, maintenance expenditures, maintenance and service records,
9 vehicle inspection records, the location of where each state vehicle is housed, monthly parking or
10 storage costs for each vehicle where applicable.

11 (b) Beginning December 31, 2017 and by each December 31 thereafter, the Office shall
12 report to the Governor and the Joint Committee on Government and Finance, describing the total
13 cost of maintaining the state vehicle fleet, the direct and itemized indirect costs associated with
14 the state vehicle fleet operation and maintenance, the total number of vehicles operated in the
15 state vehicle fleet, and a breakdown of state vehicles by spending units. The annual report shall

16 include a cost benefit analysis of fleet activity, including comparing leasing, vehicle rental costs
17 and reimbursement for personal vehicle use, as compared to state ownership of certain vehicles,
18 and make recommendations for the proper allocation of spending unit use, ownership or leasing
19 of state vehicles.

20 (c) An annual report produced in an electronic format shall be considered in compliance
21 with the reporting requirements of this article.

§5A-12-7. Spending unit duties; annual report.

1 (a) Each spending unit shall designate a Fleet Coordinator, who shall be responsible for
2 reviewing spending unit state vehicle information, including that previously submitted to the Office,
3 and as maintained in other applicable state databases, including the Division of Motor Vehicles,
4 the State's central financial system maintained by the Enterprise Resource Planning Board, and
5 the Board of Risk and Insurance Management, to verify the accuracy of such information against
6 the actual inventory of vehicles used by the spending unit: *Provided*, That the head of each
7 spending unit is responsible for affirming the accuracy of all reports submitted to the Office,
8 including such reports submitted by the Fleet Coordinator.

9 (b) Each spending unit that uses a state vehicle, whether a state vehicle or not, for any
10 purpose where public funds are expended, shall annually report to the Office beginning on or
11 before October 31, 2017 and on or before October 31 each year thereafter, in the manner required
12 by this article.

13 (c) Each spending unit shall track its vehicle use and report to the Office all information,
14 as required by this article and legislative rules, related to the ownership, purchase, lease and use
15 of any vehicle where public funds have been expended.

16 (d) Each spending unit that purchases or leases a state vehicle, or rents or reimburses an
17 employee for personal vehicle use, shall periodically compile and maintain the record of each
18 vehicle log, or records of rental and private vehicle use expenditures, for not less than two years.

§5A-12-8. Vehicle operator regulations; and training.

1 (a) Each operator of a state vehicle shall maintain the vehicle logs to the level of detail
2 described in this article, as required by the Office through legislative rules, and as may be required
3 by the spending unit.

4 (b) Each operator of a state vehicle shall comply with the laws, rules and policies governing
5 state vehicle use, including spending unit rules and policies.

6 (c) Each time a state vehicle is refueled, it shall be refilled as full as practical and shall be
7 recorded on the vehicle log, including the fuel amount, and a description of the circumstances
8 where the state vehicle is not fully refueled.

9 (d) In order to operate a state vehicle, the operator shall be required to take such training
10 courses as may be required by the Board of Risk and Insurance Management, the Travel
11 Management Office, the Fleet Management Office, and the spending unit.

§5A-12-9. Enforcement of regulations.

1 If any public employee or public official fails to comply with any rule or regulation for state
2 vehicle use, the spending unit may require that the individual attend training, be restricted from
3 using state vehicles, or prohibited from using state vehicles: *Provided*, That nothing in this section
4 authorizes the Office to restrict the use of state vehicles except for employees under its control.

§5A-12-10. Notice to spending units.

1 The Office, in coordination with the Commissioner of the Division of Motor Vehicles, shall
2 provide notice to each spending unit, and advertise as deemed appropriate, to inform the Fleet
3 Coordinators that certain state vehicle license plates expire December 31, 2017, and the
4 procedure for being issued new titles, registration and license plates pursuant to the provisions of
5 sections twenty-three and twenty-five, article three, chapter seventeen-a. The head of each
6 spending unit with state vehicles shall cooperate and comply with the requirements of the State
7 Vehicle Title, Registration and Relicensing Project of 2017 and the centralized state vehicle
8 inventory system.

§5A-12-11. Compliance audit.

1 On or before December 31, 2020, the Legislative Auditor, in accordance with the
2 provisions of article ten, chapter four of this code, shall audit the Office for state spending unit
3 compliance with the reporting requirements and applicable provisions of this article, including
4 evaluating the data collected by the Office to determine if the data being provided in the spending
5 unit annual reports is sufficient to evaluate the state costs of owning, maintaining and leasing
6 state vehicles and for evaluating vehicle use and expenditure trends among the spending units.
7 The Legislative Auditor may make recommendations for future compliance monitoring of any
8 spending unit found not in compliance with the reporting requirements of this article, and may
9 make such recommendations for administrative penalties for noncompliance with the provisions
10 of this article.

CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-23. Registration plates to state, county, municipal and other governmental vehicles; use for undercover activities.

1 (a) Any motor vehicle designed to carry passengers, owned or leased by the state of West
2 Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by
3 the Governor, Treasurer, three vehicles per elected office of the Board of Public Works, vehicles
4 operated by the State Police, not to exceed five vehicles operated by the Office of the Secretary
5 of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of
6 Homeland Security and Emergency Management, vehicles operated by natural resources police
7 officers of the Division of Natural Resources, not to exceed ten vehicles operated by the arson
8 investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by the
9 Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the Office

10 of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia Wing of
11 the Civil Air Patrol and vehicles operated by probation officers employed under the Supreme Court
12 of Appeals may not be operated or driven by any person unless it has displayed and attached to
13 the front thereof, in the same manner as regular motor vehicle registration plates are attached, a
14 plate of the same size as the regular registration plate, with ~~white~~ black lettering on a ~~green~~ orange
15 background bearing the words "West Virginia" in one line and the words "State Car" in another
16 line and the lettering for the words "State Car" shall be of sufficient size to be plainly readable
17 from a distance of one hundred feet during daylight.

18 The vehicle shall also have attached to the rear a plate bearing a number and any other
19 words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall
20 also be ~~green~~ orange with the number in ~~white~~ black. The commissioner may also designate
21 additional insignia or stencils to be displayed on the front and rear plates for the purpose of
22 identifying motor vehicles within the higher education system, public service districts, or
23 designated non-governmental organizations: *Provided*, That where the institutions of higher
24 education opt to have their logo displayed on the state license plate, such institution shall bear
25 any additional costs of those added features.

26 (b) Registration plates issued to vehicles owned by counties shall be white on red with the
27 word "County" on top of the plate and the words "West Virginia" on the bottom.

28 (c) Registration plates issued to a city or municipality shall be white on blue with the word
29 "City" on top and the words "West Virginia" on the bottom.

30 (d) Registration plates issued to a city or municipality law-enforcement department shall
31 include blue lettering on a white background with the words "West Virginia" on top of the plate
32 and shall be further designed by the commissioner to include a law-enforcement shield together
33 with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-
34 enforcement department motor vehicle. The colors may not be reversed and shall be of
35 reflectorized material. The registration plates issued to counties, municipalities and other

36 governmental agencies authorized to receive colored plates hereunder shall be affixed to both
37 the front and rear of the vehicles.

38 (e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed
39 by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of
40 the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield
41 representing the sheriff's star and a number assigned to that plate by the commissioner. Every
42 county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless
43 otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

44 (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil
45 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and
46 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner
47 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,
48 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

49 (f) The commissioner is authorized to designate the colors and design of any other
50 registration plates that are issued without charge to any other agency in accordance with the
51 motor vehicle laws.

52 (g) Upon application, the commissioner is authorized to issue a maximum of five Class A
53 license plates per applicant to be used by county sheriffs and municipalities on law-enforcement
54 vehicles while engaged in undercover investigations.

55 (h) The commissioner is authorized to issue a maximum of five Class A license plates to
56 be used on vehicles assigned to the Division of Motor Vehicles investigators for commercial driver
57 examination fraud investigation and driver's license issuance fraud detection and fraud
58 prevention.

59 (i) The commissioner is authorized to issue an unlimited number of license plates per
60 applicant to authorized drug and violent crime task forces in the state of West Virginia when the
61 chairperson of the control group of a drug and violent crime task force signs a written affidavit

62 stating that the vehicle or vehicles for which the plates are being requested will be used only for
63 official undercover work conducted by a drug and violent crime task force.

64 (j) The commissioner is authorized to issue twenty Class A license plates to the Criminal
65 Investigation Division of the Department of Revenue for use by its investigators.

66 (k) The commissioner may issue a maximum of ten Class A license plates to the Division
67 of Natural Resources for use by natural resources police officers. The commissioner shall
68 designate the color and design of the registration plates to be displayed on the front and the rear
69 of all other state-owned vehicles owned by the Division of Natural Resources and operated by
70 natural resources police officers.

71 (l) The commissioner is authorized to issue an unlimited number of Class A license plates
72 to the Commission on Special Investigations for state-owned vehicles used for official undercover
73 work conducted by the Commission on Special Investigations.

74 (m) The commissioner is authorized to issue a maximum of two Class A plates to the
75 Division of Protective Services for state-owned vehicles used by the Division of Protective
76 Services in fulfilling its mission.

77 (n) The commissioner is authorized to issue Class A registration plates for vehicles used
78 by the Medicaid Fraud Control Unit created by section seven, article seven, chapter nine of this
79 code.

80 (o) The commissioner is authorized to issue Class A registration plates for vehicles used
81 by the West Virginia Insurance Fraud Unit created by section eight, article forty-one, chapter thirty-
82 three of this code.

83 (p) No other registration plate may be issued for, or attached to, any state-owned vehicle.

84 (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and
85 rear plates produced to attach to all state-owned or leased vehicles cars. ~~The numbered~~
86 ~~registration plates for the vehicles shall start with the number five hundred and the commissioner~~
87 ~~shall issue consecutive numbers for all state-owned cars. The commissioner shall, in cooperation~~

88 with the Fleet Management Office, established pursuant to article twelve, chapter five-a of this
89 code, and the Enterprise Resource Planning Board, established pursuant to article six-d, chapter
90 twelve of this code, develop a standardized naming convention for the title, registration and
91 licensing of state vehicles, pursuant to the provisions of this article.

92 (r) It is the duty of each office, department, bureau, commission or institution furnished
93 any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle
94 by any official or employee.

95 (s) The commissioner may issue special registration plates for motor vehicles titled in the
96 name of the Division of Public Transit or in the name of a public transit authority as defined in this
97 subsection and operated by a public transit authority or a public transit provider to transport
98 persons in the public interest. For purposes of this subsection, "public transit authority" means an
99 urban mass transportation authority created pursuant to the provisions of article twenty-seven,
100 chapter eight of this code or a nonprofit entity exempt from federal and state income taxes under
101 the Internal Revenue Code and whose purpose is to provide mass transportation to the public at
102 large. The special registration plate shall be designed by the commissioner and shall display the
103 words "public transit" or words or letters of similar effect to indicate the public purpose of the use
104 of the vehicle. The special registration plate shall be issued without charge.

105 (t) Each green registration plate with white letters, and each corresponding title and
106 registration certificate for all state vehicles, other than those vehicles with Class A registration
107 plates as provided in this section, shall terminate at midnight on December 31, 2017, pursuant to
108 the provisions of section twenty-five of this code. The owner or lessee of every vehicle required
109 to display a state vehicle license plate and registration shall obtain a new title, a new registration
110 card, and a new state vehicle license plate prior to the termination dates specified in this article.
111 When new registrations are issued pursuant to this article and for subsequent, non-Class A
112 registrations of state owned or leased vehicles, the state vehicle registration plate and certificate
113 shall be valid for a period of not more than twelve months and shall be renewed annually.

114 (u) The commissioner is authorized to prepare and promulgate emergency rules, pursuant
115 to the provisions of article three, chapter twenty-nine-a, of this code in order to implement
116 amendments to this section.

117 (v) Any person who violates the provisions of this section is guilty of a misdemeanor and,
118 upon conviction thereof, shall be fined not less than \$50 nor more than \$100.

119 Magistrates have concurrent jurisdiction with circuit courts for the enforcement of this
120 section.

§17A-3-25. State vehicle title, registration and relicensing project of 2017; emergency rules.

1 (a) Beginning on or before July 1, 2017, the Commissioner shall coordinate with the Fleet
2 Management Office, established pursuant to article twelve, chapter five-a of this code, the
3 Enterprise Resource Planning Board, established pursuant to article six-d, chapter twelve of this
4 code, the Board of Risk and Insurance Management, established pursuant to article twelve,
5 chapter twenty-nine of this code, and other applicable agencies, to develop a standardized titling
6 and registration system for state vehicles. To the extent practical, the standardization of vehicle
7 title, registration and state vehicle license plates shall conform to the State's central financial
8 system maintained by the Enterprise Resource Planning Board. The standardization of state
9 vehicle titles, registrations and license plates, as described in this section, shall be known as the
10 "State Vehicle Title, Registration and Relicensing Project of 2017."

11 (b) The Commissioner shall propose legislative and emergency rules establishing the
12 standard naming conventions for the registration, titling, and licensing of every state vehicle, and
13 assign by rule, a list of the standardized naming conventions for each spending unit for the
14 purpose of issuing new title, registration and license plates to each state vehicle by December
15 31, 2017. The Commissioner, in coordination with the Fleet Management Office, shall develop a
16 standard system for identifying and recording the names of agencies, offices or spending units to
17 which each state vehicle is assigned or registered, and such standard naming conventions shall
18 be developed to align with the State's central financial system, and the centralized state vehicle

19 inventory system.

20 (c) As soon as the Commissioner has promulgated legislative and emergency rules as
21 authorized pursuant to this section, and not later than September 1, 2017, the Division shall begin
22 to issue the standardized title, registration and state vehicle license plates for all state vehicles.

23 (d) The Commissioner is authorized, by legislative and emergency rule, to establish a
24 procedure whereby the Commissioner shall reject the application for a state vehicle title,
25 registration and state vehicle license plate that does not conform to the standard naming
26 convention requirements. The Commissioner shall provide by such rule for the reasonable
27 remedy, correcting of errors, or to compel compliance with the standard naming conventions.

28 (e) At midnight on December 31, 2017 all green state vehicle license plates with white
29 lettering shall expire. The Commissioner, in coordination with the Fleet Management Office, shall
30 provide notice to each spending unit, and advertise as deemed appropriate, to inform the Fleet
31 Coordinators, as defined in article twelve, chapter five –a, that such license plates expire and the
32 procedure for being issued new titles, registrations and license plates pursuant to the provisions
33 of this article. The head of each spending unit with state vehicles shall cooperate and comply with
34 the requirements of the State Vehicle Title, Registration and Relicensing Project of 2017 and the
35 centralized state vehicle inventory system.

§17A-3-26. Enforcement; ands report.

1 (a) Beginning January 1, 2018, any state vehicle in this state with an expired green state
2 license plate with white lettering is in violation of this article. After January 1, 2018, any law-
3 enforcement officer who discovers a state vehicle with an expired state vehicle license plate, shall
4 issue a citation with the penalty of \$100 per violation. The penalty shall be paid by the spending
5 unit that owns or leases the vehicle. Upon payment of such penalty, notwithstanding court costs,
6 the clerk of the court shall remit the amount of the penalty to the law-enforcement agency having
7 brought the charge before the court.

8 (b) Any spending unit issued a citation pursuant to this section shall file a report with the

9 Fleet Management Office within 30 days of the citation, and describe the state vehicle by the
10 vehicle identification number, the make, model and year of the vehicle, the state vehicle license
11 plate, and the date on which the license plate was renewed.

§17A-3-27. Compliance Audit.

1 On or before December 31, 2018, the Legislative Auditor, in accordance with the
2 provisions of article ten, chapter four of this code, shall audit the Division of Motor Vehicles, the
3 Fleet Management Office, and the spending units of this state for compliance with the State
4 Vehicle Title, Registration and Relicensing Project of 2017. The Legislative Auditor may make
5 recommendations for future compliance monitoring of any spending unit found not in compliance
6 with the project and make such recommendations for administrative penalties for noncompliance
7 with the project.

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 12. STATE INSURANCE.

§29-12-15. State Vehicle Insurance cards required.

1 Beginning January 1, 2018, and upon completion of the State Vehicle Title, Registration
2 and Relicensing Project of 2017, the Board shall issue a vehicle specific insurance card to each
3 state vehicle insured by the state. Insurance cards shall include at a minimum, the vehicle
4 identification number, the year, make and model, the date the insurance card was issued, and
5 the name and address of the spending unit.

6 The Division of Motor Vehicles shall cooperate with the Board and provide such state
7 vehicle title, registration and license plate number information as the board may require to carry
8 out the provisions of this section.

CHAPTER 29B. FREEDOM OF INFORMATION.

ARTICLE 1. PUBLIC RECORDS

§29B-1-4. Exemptions.

1 (a) There is a presumption of public accessibility to all public records, subject only to the
2 following categories of information which are specifically exempt from disclosure under the
3 provisions of this article:

4 (1) Trade secrets, as used in this section, which may include, but are not limited to, any
5 formula, plan pattern, process, tool, mechanism, compound, procedure, production data or
6 compilation of information which is not patented which is known only to certain individuals within
7 a commercial concern who are using it to fabricate, produce or compound an article or trade or a
8 service or to locate minerals or other substances, having commercial value, and which gives its
9 users an opportunity to obtain business advantage over competitors;

10 (2) Information of a personal nature such as that kept in a personal, medical or similar file,
11 if the public disclosure of the information would constitute an unreasonable invasion of privacy,
12 unless the public interest by clear and convincing evidence requires disclosure in this particular
13 instance: *Provided*, That this article does not preclude an individual from inspecting or copying
14 his or her own personal, medical or similar file;

15 (3) Test questions, scoring keys and other examination data used to administer a licensing
16 examination, examination for employment or academic examination;

17 (4) (A) Records of law-enforcement agencies that deal with the detection and investigation
18 of crime and the internal records and notations of such law-enforcement agencies which are
19 maintained for internal use in matters relating to law enforcement;

20 (B) Records identifying motor vehicles used, and the agencies using them, for undercover
21 investigation activities conducted by state law-enforcement agencies or other agencies that are
22 authorized by this code to use undercover or unmarked vehicles;

23 (5) Information specifically exempted from disclosure by statute;

24 (6) Records, archives, documents or manuscripts describing the location of undeveloped
25 historic, prehistoric, archaeological, paleontological and battlefield sites or constituting gifts to any
26 public body upon which the donor has attached restrictions on usage or the handling of which

27 could irreparably damage the record, archive, document or manuscript;

28 (7) Information contained in or related to examination, operating or condition reports
29 prepared by, or on behalf of, or for the use of any agency responsible for the regulation or
30 supervision of financial institutions, except those reports which are by law required to be published
31 in newspapers;

32 (8) Internal memoranda or letters received or prepared by any public body;

33 (9) Records assembled, prepared or maintained to prevent, mitigate or respond to terrorist
34 acts or the threat of terrorist acts, the public disclosure of which threaten the public safety or the
35 public health;

36 (10) Those portions of records containing specific or unique vulnerability assessments or
37 specific or unique response plans, data, databases and inventories of goods or materials collected
38 or assembled to respond to terrorist acts; and communication codes or deployment plans of
39 law-enforcement or emergency response personnel;

40 (11) Specific intelligence information and specific investigative records dealing with
41 terrorist acts or the threat of a terrorist act shared by and between federal and international
42 law-enforcement agencies, state and local law-enforcement and other agencies within the
43 Department of Military Affairs and Public Safety;

44 (12) National security records classified under federal executive order and not subject to
45 public disclosure under federal law that are shared by federal agencies and other records related
46 to national security briefings to assist state and local government with domestic preparedness for
47 acts of terrorism;

48 (13) Computing, telecommunications and network security records, passwords, security
49 codes or programs used to respond to or plan against acts of terrorism which may be the subject
50 of a terrorist act;

51 (14) Security or disaster recovery plans, risk assessments, tests or the results of those
52 tests;

53 (15) Architectural or infrastructure designs, maps or other records that show the location
54 or layout of the facilities where computing, telecommunications or network infrastructure used to
55 plan against or respond to terrorism are located or planned to be located;

56 (16) Codes for facility security systems; or codes for secure applications for facilities
57 referred to in subdivision (15) of this subsection;

58 (17) Specific engineering plans and descriptions of existing public utility plants and
59 equipment;

60 (18) Customer proprietary network information of other telecommunications carriers,
61 equipment manufacturers and individual customers, consistent with 47 U.S.C. §222;

62 (19) Records of the Division of Corrections, Regional Jail and Correctional Facility
63 Authority and the Division of Juvenile Services relating to design of corrections, jail and detention
64 facilities owned or operated by the agency, and the policy directives and operational procedures
65 of personnel relating to the safe and secure management of inmates or residents, that if released,
66 could be used by an inmate or resident to escape a facility, or to cause injury to another inmate,
67 resident or to facility personnel ;

68 (20) Information related to applications under section four, article seven, chapter sixty-one
69 of this code, including applications, supporting documents, permits, renewals, or any other
70 information that would identify an applicant for or holder of a concealed weapon permit: *Provided:*
71 That information in the aggregate that does not identify any permit holder other than by county or
72 municipality is not exempted: *Provided, however,* That information or other records exempted
73 under this subdivision may be disclosed to a law enforcement agency or officer: (i) to determine
74 the validity of a permit, (ii) to assist in a criminal investigation or prosecution, or (iii) for other lawful
75 law-enforcement purposes; and

76 (21) Personal information of law-enforcement officers maintained by the public body in the
77 ordinary course of the employer-employee relationship. As used in this paragraph, "personal
78 information" means a law-enforcement officer's social security number, health information, home

79 address, personal address, personal telephone numbers and personal email addresses and those
80 of his or her spouse, parents and children as well as the names of the law-enforcement officer's
81 spouse, parents and children.

82 (b) As used in subdivisions (9) through (16), inclusive, subsection (a) of this section, the
83 term "terrorist act" means an act that is likely to result in serious bodily injury or damage to property
84 or the environment and is intended to:

85 (1) Intimidate or coerce the civilian population;

86 (2) Influence the policy of a branch or level of government by intimidation or coercion;

87 (3) Affect the conduct of a branch or level of government by intimidation or coercion; or

88 (4) Retaliate against a branch or level of government for a policy or conduct of the
89 government.

90 (c) The provisions of subdivisions (9) through (16), inclusive, subsection (a) of this section
91 do not make subject to the provisions of this chapter any evidence of an immediate threat to public
92 health or safety unrelated to a terrorist act or the threat of a terrorist act which comes to the
93 attention of a public entity in the course of conducting a vulnerability assessment response or
94 similar activity.

NOTE: The purpose of this bill is to establish the Fleet Management Office under the Department of Administration. The bill provides for a centralized state vehicle inventory system. The bill provides for the State Vehicle Title, Registration and relicensing Project of 2017. The bill requires spending unit annual reporting to the Fleet Management Office. The bill requires the Fleet Management Office to report annually to the Governor and the Joint Committee on Government and Finance. The bill requires spending units be noticed about the relicensing project. The bill additionally requires the Board of Risk and Insurance Management to provide insurance cards to each state vehicle.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill Number

BY SPONSOR

[Interim Draft;

Joint Committee on Government Organization]

INTRODUCED H.B.

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new
2 section, designated §5F-1-5, relating to the requirement that all executive branch
3 agencies maintain a website with contains specific information.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §5F-1-5, to read as follows:

ARTICLE 1. GENERAL PROVISIONS

§5F-1-5. Website content and required information.

1 Beginning December 31, 2017, each agency shall maintain a website that provides the
2 following information:

3 (1) The office contact information, including office location and mailing address, telephone
4 number, facsimile number, office hours and electronic mail address;

5 (2) The contact information of each staff member, including office location and mailing
6 address, office telephone number, facsimile number and electronic mail address;

7 (3) Organizational chart;

8 (4) Administrative agency officials;

9 (5) A list of governing statutes and legislative and procedural rules;

10 (6) Meeting minutes;

11 (7) Annual reports;

12 (8) All agency forms, including application forms, complaint forms and instructions; and

13 (9) Frequently asked questions and descriptive answers.

NOTE: This purpose of this bill is to require executive branch agencies to maintain a website that contains certain information.

NOTE: This bill is recommended by the by the Joint Standing Committee on Government Organization for introduction and passage during the 2017 Regular Session.

This section is new, therefore it has been completely underscored.

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill Number

BY SPONSOR

[Interim Draft;

Joint Committee on Government Organization]

1 A BILL to amend and reenact §7-1-3rr of the Code of West Virginia, 1931, as amended;
2 and to amend said code by adding thereto a new article, designated §8-39-1,
3 relating to requiring county commissions to maintain websites with specific
4 information; requiring county commissions to provide website information to the
5 Secretary of State; requiring Class I and Class II municipalities to maintain
6 websites with specific information; and to allow Class III and IV municipalities to
7 maintain websites provided they contain specific information.

Be it enacted by the Legislature of West Virginia:

1 That §7-1-3rr of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; and that said code be amended by adding thereto a new article, designated §8-39-1,
3 all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3rr. Accessible county records; required information.

- 1 (a) Beginning July 1, 2017, each county commission ~~may~~ shall maintain a website that
2 provides the following information without charge:
- 3 (1) The title and name of each elected county office holder;
 - 4 (2) The contact information of each elected county office holder, including office telephone
5 number, facsimile number, office location and mailing address;
 - 6 (3) The government electronic mail address of each elected county office holder.
 - 7 (4) A copy of each county ordinance as adopted;
 - 8 (5) A copy of the approved meeting minutes; and
 - 9 (6) A schedule of regular meeting days for each calendar year.
- 10 (b) Beginning on or before December 31, 2017, and each year thereafter, each county
11 commission shall provide to the Secretary of State ~~shall obtain~~ the following information:

- 12 (1) A list of each elected county official by title, with the name of the elected official;
- 13 (2) The office contact information for each county office holder; and
- 14 (3) The website address of the county commission website, ~~where available.~~

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 39. MUNICIPAL WEBSITES.

§8-39-1. Accessible municipal records; required information.

- 1 (a) Beginning December 31, 2017, each Class I and Class II municipality shall maintain a
- 2 website that provides the following information without charge:
 - 3 (1) The title and name of each elected office holder;
 - 4 (2) The contact information of each elected office holder, including office telephone
 - 5 number, facsimile number, office location, office hours and mailing address;
 - 6 (3) The government electronic mail address of each elected office holder.
 - 7 (4) A copy of each municipal ordinance as adopted;
 - 8 (5) A copy of the approved meeting minutes; and
 - 9 (6) A schedule of regular meeting days for each calendar year.
- 10 (b) Beginning December 31, 2017, each Class III and Class IV municipality may maintain
- 11 a website, provided that it contains the information required in subsection (a) of this section
- 12 without charge.

NOTE: This purpose of this bill is to requiring county commissions to maintain websites with specific information and to provide website information to the Secretary of State, to require Class I and Class II municipalities to maintain websites with specific information, and to allow Class III and IV municipalities to maintain websites provided they contain specific information.

NOTE: This bill is recommended by the by the Joint Standing Committee on Government Organization for introduction and passage during the 2017 Regular Session.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added. §8-39-1 is new, therefore it has been completely underscored.

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill Number

BY SPONSOR

[Interim Draft;

Joint Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new
2 section, designated §5F-1-6, relating to requiring agencies listed in the Online
3 State Phone Directory to update certain employee information by July 1, 2017 or
4 provide that information to the Office of Technology; requiring agencies to update
5 directory information within 30 days of a personnel action or event, or provide that
6 information to the Office of Technology; and requiring the Office of Technology to
7 update directory information within 30 days of receipt of information from an
8 agency.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §5F-1-6, to read as follows:

ARTICLE 1. GENERAL PROVISIONS.

§5F-1-6. Online State Phone Directory.

1 (a) Beginning July 1, 2017, each agency listed in the Online State Phone Directory shall
2 update the employee information in the directory, as required in this subsection, or provide to the
3 Office of Technology the following information for each agency employee:

- 4 (1) Employee name;
5 (2) Office location and mailing address, including name of city and zip code;
6 (3) Office telephone number, including extension; and
7 (4) Electronic mail address;

8 (b) Each agency listed in the Online State Phone Directory shall update the Online State
9 Phone Directory information within 30 days after personnel action or event that would require the
10 agency to add, modify, or delete information from the directory, or the agency shall provide that
11 information to the Office of Technology.

12 (c) The Office of Technology shall, within 30 days of receipt of updated employee

- 13 information from an agency, make the requested changes to the Online State Phone Directory.

NOTE: This purpose of this bill is to require agencies provide updated employee information for the Online State Phone Directory, and require that agencies update the information within 30 days of a change, or provide that information to the Office of Technology which shall update the online phone directory information within 30 days of receipt of information from an agency.

NOTE: This bill is recommended by the by the Joint Standing Committee on Government Organization for introduction and passage during the 2017 Regular Session.

This section is new, therefore it has been completely underscored.

2. Select Committee on Infrastructure-Interim

West Virginia Legislature
Legislative Select Committee on Infrastructure

Senate Members

Senator Chris Walters Co-Chair
Senator Kent Leonhardt
Senator Robert Beach
Senator Craig Blair
Senator Mitch Carmichael
Senator Art Kirkendoll
Senator Jeff Mullins
Senator Robert Plymale
Senator Mike Woelfel

House Members

Delegate Marty Gearheart, Co-Chair
Delegate Jim Butler
Delegate Anna Border-Sheppard
Delegate Scott Cadle
Delegate Tom Fast
Delegate Michael Ihle
Delegate Tim Manchin
Delegate Stephen Skinner

The undersigned Delegate Marty Gearheart, Co-Chair of the West Virginia Legislative Select Committee on Infrastructure, respectfully submit the following report of actions of the committee during the 2016-2017 Legislative Interim period in lieu of a committee report considered and adopted by the committee:

The West Virginia Legislature's Select Committee on Infrastructure, having been appointed by the Joint Committee on Government and Finance, met on several occasions during the 2016-2017 Legislative Interim period to receive testimony and information to accomplish the duties and responsibilities as established by the Joint Committee on Government and Finance.

The Legislative Select Committee on Infrastructure invited the following individuals to appear before the committee to offer their expertise and testimony:

Mr. Rob Pennington, Deputy State Highway Engineer, West Virginia Division of Highways
Mr. Ryland Musick, Director of Programming, West Virginia Division of Highways

Mr. Pennington and Mr. Musick presented information to the committee regarding current projects and maintenance plans in the Division of Highways, the six-year Statewide Transportation Improvement Program, and to provide a demonstration of how to use the Division of Highways' website to find all available information on these projects.

Director Greg Barr, West Virginia Parkways Authority

Director Barr presented information to the committee regarding current projects and maintenance issues of the West Virginia Turnpike and the logistics for transfer of the West Virginia Turnpike to the Division of Highways in 2019 upon fulfillment of the bond debts.

Ms. Jill Dunn, Chief Counsel, West Virginia Division of Motor Vehicles

Ms. Dunn presented information to the committee regarding current services and improvements within the Division of Motor Vehicles.

Director Chris Jarrett, West Virginia Water Development Authority

Director Jarrett presented information to the committee including an overview of the West Virginia Water Development Authority operations and projects.

Cabinet Secretary Paul Mattox, West Virginia Department of Transportation

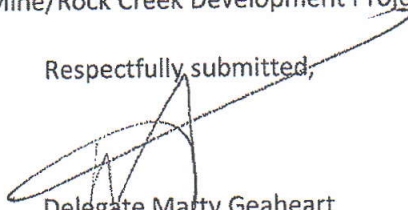
Director Michael Folio, DOH Legal Division

Secretary Mattox and Director Folio issues relating to DOT/DOH Retention of private counsel in the WV Paving antitrust lawsuit.

Director Michael Clowser, Contractors Association of West Virginia

Director Clowser presented information to the committee regarding the West Virginia Contractors Association's views on the proposed Hobet Mine/Rock Creek Development Project.

Respectfully submitted,



Delegate Marty Geaheart
Co-Chairman



3. Select Committee on PEIA, Seniors & Long-Term Care- Interim

West Virginia Legislature
SELECT COMMITTEE ON PEIA, SENIORS AND LONG TERM CARE

FINAL REPORT
to
Joint Committee on Government and Finance
2016 - 2017 Interims

Members

Senate

Senator Ed Gaunch, Co-Chair
Senator Donna Boley
Senator Gregory Boso
Senator Jeffrey Kessler
Senator Jeff Mullins
Senator Mike Romano
Senator Mike Woelfel

House

Delegate Ruth Rowan, Co-Chair
Delegate Denise Campbell
Delegate Tom Fast
Delegate John Kelly
Delegate Ricky Moye
Delegate Chris Stansbury

The the Select Committee on PEIA, Seniors and Long Term Care, respectfully submit the following report of actions of the committee during the 2016-2017 Legislative Interim period. Your Select Committee on PEIA, Seniors and Long Term Care was assigned the interim study of the following topics during the 2016-2017 legislative interim period:

Review current law, procedure and public services intended to protect against senior citizens' financial abuse.

Issues, needs and challenges facing senior citizens.

Feasibility of home modification tax credit to make homes more accessible for older adults and disabled.

Review impact of minimum wage reforms on home meal delivery and methods to improve funding sources for such programs.

The Select Committee on PEIA, Seniors and Long Term Care met four times during the 2016-2017 period beginning in August 2016 to discuss the needs and challenges facing senior citizens in West Virginia. In addition, the Select Committee heard testimony and discussed issues relating the PEIA.

AUGUST 2016

The Select Committee on PEIA, Seniors and Long Term Care met on Sunday, August 21, 2016 at 2:00 p.m. The first order of business was a presentation on the feasibility of a home modification tax credit to make homes more accessible for older adults and the disabled. Angela Vance, Associate State Director, AARP, discussed the desire for seniors to remain in their residences rather than moving into, often times, very costly nursing homes. She said the passage of a home modification tax credit would make it more financially feasible for seniors and the disabled to modify their homes in order to accommodate a disability. Steve Fowler, Esquire, spoke about the great importance of the home modification tax credit for people with MS (Multiple Sclerosis). He said often times there are a number of issues with MS patients living in homes without any modifications and this credit would be a tremendous help for these people. Ashley Chapman Kenneth, MS Society, also addressed the committee regarding the cost of nursing home care versus the cost of remaining in one's home. The cost of living in a nursing home, on average, is approximately \$8,500 per month so it is worthwhile to remain in home even if modifications need to be done. Ms. Kenneth also discussed the Virginia home modification tax credit enacted in 2007 that has been tremendously helpful to its senior citizen and disabled populations. Also, Maine enacted a similar tax credit recently in 2016 that is capped at an annual cost of \$1 million. Finally, Duane Ruggier, Esquire, spoke very briefly to the committee about some of his personal experiences as an individual with a disability requiring home modifications. Mr. Ruggier stressed the importance for individuals with disabilities to be able to live a normal life by going to work, to school, etc. Without that feeling of normalcy, often times, disabled individuals feel less worthy and isolated from the world. This tax credit could be incredibly helpful for those disabled individuals.

The next presentation was Beth Lovell, Senate Judiciary, Marshall University School Psychology Candidate, to discuss intergenerational learning centers. An intergenerational program is a term referring to programs that share a common objective of encouraging meaningful contact among generations that mutually benefit both young children and older adults. These learning centers help establish relationships and encourage development in the interrelated domains of social-emotional, cognitive and physical development that are critical for later academic success. There are economic benefits of these programs also; shared learning centers often operate at a cost of the same amount or less per participant than their counterparts without high intergenerational interaction, especially in space and personnel costs due to the ability to share resources. Both children and the elderly can benefit from intergenerational learning centers. Studies have shown that children have reduced fears of disabilities and aging in general. Also, elderly stereotypes among the youth are debunked early in life and social-emotional development is improved. On the other side, the elderly have an opportunity to act as a role model, it gives them a new sense of self-worth and contribution. In addition, the improved socialization has shown to reduce rates of depression that the elderly often times feel later in life. Following the presentation, Ms. Lovell responded to questions and comments from the committee.

SEPTEMBER 2016

The Select Committee on PEIA, Seniors and Long Term Care met on Monday September 19, 2016 at 3:00 p.m. The first order of business was a presentation focused on an overview of financial exploitation in West Virginia and some additional ideas and measures to prevent senior financial abuse. First, Suzanne Messenger, a State Long-Term Care Ombudsman and Acting Chair of the West Virginia Financial Exploitation Task Force gave a brief overview of financial exploitation in West Virginia regarding prevalence and trends in recent years. Following her presentation, Ms. Messenger responded to questions from the committee.

Next, Jennifer Taylor, also one of the state's long-term ombudsmen, spoke about a number of initiatives the legislature took up during the 82nd legislature. For example, S.B. 361 which prevents persons convicted of offenses relating to elder abuse from serving in positions or community service activities in nursing homes. Also, H.B. 4309 increased criminal penalties for financial exploitation and also created a new cause of action for financial exploitation cases. There was discussion on H.B. 4308 which would bar someone from inheriting estates if they have convicted of financial abuse against that person. This legislation was not enacted into law but Ms. Taylor was hopeful the committee would do some additional work on the matter in the upcoming session. Additionally, Ms. Taylor also suggested a few other initiatives she believed could make a difference in combating financial exploitation. First, allow law enforcement to be able to obtain protective orders to stop bank access to relatives suspected of financial abuse. Also, clarify that financial abuse is abuse and neglect under the DHHR statute. Following her presentation, Ms. Taylor responded to questions from the committee.

DECEMBER 2016

The Select Committee on PEIA, Seniors and Long Term Care met on Tuesday, December 6, 2016 at 1:10 p.m. The first order of business was a presentation from Mr. Ted Cheatham, Director, Public Employees Insurance Agency to give an overview and status of the public employee's insurance agency. Mr. Cheatham went through a few of the cost saving measures the Board has approved in order to prevent benefit cuts to public employees. For example, both active state and non-state employees will see a 6% premium increase, increased deductibles, and out of pocket maximums. Also, the Board has approved and will begin to implement a 90 day prescription fill for all maintenance medications. Finally, Mr. Cheatham also discussed the five year plan for PEIA going forward which will require approximately an additional \$50 million annually to avoid benefit cuts to public employees and retirees. Following his presentation, Mr. Cheatham responded to questions and comments from the committee.

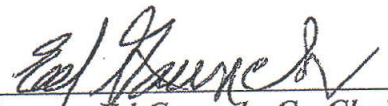
The next presentation was from John Reed, House Counsel, to present a potential piece of legislation for the interim committee to consider for introduction in the upcoming 2017 legislative session. Mr. Reed outlined a piece of legislation that passed the House of Delegates during the 2016 session but stalled in the Senate. The intent of the legislation is to bar persons who are convicted of certain criminal offenses from acquiring property from their victims

through joint tenancy or inheritance. The bill details which specific criminal offenses would be included such as abuse or neglect, a felony offense of financial exploitation, or an offense causing the death of an incapacitated person. Following the presentation, Mr. Reed responded to questions and comments from the committee.

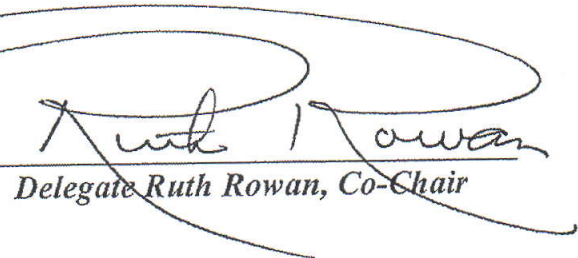
JANUARY 2017

The Select Committee on PEIA, Seniors and Long Term Care met on Monday, January 9, 2017 at 2:00 p.m. The first order of business was a presentation from John Reed, Counsel for the committee, addressed the committee and explained a potential piece of legislation relating to protection orders for victims of financial exploitation. This legislation was suggested by Jennifer Taylor during the September interim meeting. Questions and comments from the committee followed. Jennifer Taylor, State Long-Term Care Ombudsman, addressed the committee and gave a presentation on recommendations for legislation relating to the protection of seniors and other related issues. Following her presentation, Ms. Taylor responded to questions and comments from the committee. Finally, the committee reviewed the Final Report to Joint Committee on Government and Finance.

Respectfully Submitted,



Senator Ed Gaunch, Co-Chair



Delegate Ruth Rowan, Co-Chair

4. Select Committee on Veterans' Affairs- Interim

West Virginia Legislature
Legislative Select Committee on Veterans' Affairs

Senate Members

Senator Kent Leonhardt, Co-Chair
Senator Donna Boley
Senator Bob Ashley
Senator Doug Facemire
Senator Dave Sypolt
Senator Jack Yost

House Members

Delegate Josh Nelson, Co-Chair
Delegate Roy Cooper
Delegate David Evans
Delegate Barbara Fleischauer
Delegate Linda Longstreth
Delegate Ruth Rowan
Delegate Ryan Weld

The West Virginia Legislature's Select Committee on Veterans' Affairs, having been appointed by the Joint Committee on Government and Finance, met on several occasions during the 2016-2017 Legislative Interim period to receive testimony and information to accomplish the duties and responsibilities as established by the Joint Committee on Government and Finance.

The Legislative Select Committee on Veterans' Affairs invited the following individuals to appear before the committee to offer their expertise and testimony:

GEN James Hoyer, Adjutant General, West Virginia National Guard

GEN Hoyer presented information to the committee regarding the current status and programs within the West Virginia National Guard.

Deputy Secretary Billy Wayne Bailey, Deputy Cabinet Secretary, West Virginia Department of Veterans' Assistance

Deputy Secretary Bailey presented information to the committee regarding various projects within the Department of Veterans' Assistance.

Respectfully submitted,


Senator Kent Leonhardt, Co-Chairman

