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Homestead exemption increase proposed

By TOM MILLER

Under the Dome

A proposed constitutional amendment to increase the homestead exemption on county property taxes could be on the general election ballot for West Virginia voters to consider if a proposal that was endorsed by a legislative committee here recently is approved by the House of Delegates and State Senate before the 2011 legislative session concludes March 12.

Delegate Barbara Fleischauer, D-Monongalia, who chairs the House Constitutional Revision Committee, said there are two parts to the proposed constitutional change. The first would allow any of the 55 county governments to propose an increase in the homestead exemption on county property taxes only in their county.

The second part of the proposed change would provide for a statewide change to enable the surviving spouse to continue to enjoy a homestead exemption after the death of the husband or wife who had qualified for the exemption by being 65 years of age or older or being paralyzed.

"It was brought to our attention that when the marriage partner who was eligible for the homestead exemption dies and the surviving spouse is not yet 65, the exemption is lost," said Fleischauer.

She said for any individual county to be able to allow a higher homestead exemption generally the county commission would have to convince the Legislature that it had provided a way to make up the lost property tax revenue since a large share of these taxes go to schools.

The proposed constitutional amendment still must be endorsed by the House Finance Committee before it comes to the floor for a vote by the entire 100 members of the House and then must also clear the Senate in the final four weeks of the 60-day legislative session if it is to be on the ballot in 2012.

Also, the House of Delegates passed HB2693 that requires insurance coverage for autism spectrum disorders and sent it to the Senate where similar legislation has been under consideration there.

House Finance Chairman Harry K. White said the final House version calls for \$30,000 a year coverage during the first three years of treatment and then a maximum of \$1,000 per month for treatment until the child is 18 years of age.

Acting Gov. Earl Ray Tomblin signed the bill that provides for a special primary election on May 14 of this year followed by a special general election Oct. 4 to elect a new governor to fill the remainder of the term former Gov. Joe Manchin was elected to in 2008. Manchin resigned Nov. 15, 2010 after winning a special election to succeed the late U. S. Sen. Robert C. Byrd.

The special elections were approved after the State Supreme Court ruled last month that a new governor must be elected and sworn into office no later than Nov. 15, 2011--exactly one year from the date Manchin resigned to move to his new position as a United States Senator in Washington.

Candidates for the May primary election had until midnight Saturday, February 12, to file for the office of governor. The list of early candidates included House Speaker Richard Thompson, D-Wayne; Secretary of State Natalie Tennant and Tomblin on the Democrat ticket and former Secretary of State Betty Ireland, Delegate Patrick Lane, R-Kanawha; and state Sen. Clark Barnes, R-Randolph, on the Republican Ticket.

Secretary Randy Huffman of the Department of Environmental Protection told the House Finance Committee last week that DEP is at least \$1 million short of the funds needed to regulate the drilling in the booming Marcellus Shale natural gas industry. He said his agency has recommended the permit fee for drilling a Marcellus Shale well be raised from \$650 to \$10,000.

A legislative interim committee study has recommended the new fee be \$15,000 and lawmakers are now conducting a series of public hearings to solicit information on the entire industry including the permit fees.

Meanwhile, Kanawha County Commissioner Kent Carper ask the Senate Government Organization Committee last week to favorably consider a bill (SB277) that would cap increases in property tax assessments at 15 percent a year. He said more than 20,000 property owners in Kanawha County received notices last month their property tax rates would be going up 10 percent or more this year.

"I think everyone would agree there should be a cap on how much a property owner 's tax bill can go up in one year," Carper told the committee.

Coming up this week in the Legislature will be public hearings on two controversial topics that don't figure to make it through either side again this year--a doubling of the state's current cigarette tax and proposals to pass a law to re-instate the death penalty in certain violent homicide cases.

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