



WRAP-UP

The Newsletter of the West Virginia Legislature

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76th Legislature to Address Budget Crunch

On Jan. 8th, 2003, West Virginia lawmakers were sworn-in to office, officially convening the state's 76th Legislature.

Having been presented with the total FY 2004 Budget of \$3.034 billion by the governor, lawmakers will be grappling with a \$200 million to \$250 million shortfall leaving little time to spare during the 60-day session. According to the State Constitution, West Virginia must balance its budget. While a tough job to accomplish, the management of state dollars has allowed West Virginia to be one of seven states to show a surplus last year. However, the national economy has resulted in growing budget shortfalls for almost every state and the Mountain State has not been immune.

Acting in an expeditious manner, areas which strain the state's economy are being given immediate attention.

To date, lawmakers are pouncing on solutions to resolve issues surrounding medical malpractice insurance, workers' compensation, restructuring of state government and higher education, to name a few.

Comparing the state's budget to the budget crisis of the late 1980s and early 1990s, lawmakers have stressed the need to tighten spending with the zeal and commitment provided in those past years.



President Earl Ray Tomblin and Speaker Bob Kiss urge cooperation and commitment in resolving the state's budget concerns

To remind their colleagues of the possibilities of resolving today's fiscal situation, Legislative Leadership noted that in the past 10 years: \$1.1 billion has been put toward water and sewer projects throughout the state; over a billion dollars was directed toward new school construction; West Virginia is 12th in the nation in the ratio of computers to students; 21,000 children who a decade ago did not have health insurance, do so now; and, the most expansive road and bridge construction projects have been made over those years if compared with a basis of current dollars calculated for inflation.

In their opening remarks to their respective chambers, the President of the Senate and the Speaker of the House encouraged all lawmakers to focus on the state's immediate concerns in a cooperative and productive manner to ensure West Virginia can rebound from the state's present fiscal situation. As such, during the next 52 days, lawmakers will be addressing the most pressing issues West Virginia has seen in a decade.

As of 4:00 pm, Wednesday, January 15, 2003, the seventh day of the 2003 Regular Legislative Session, 160 bills have been introduced in the State Senate.

A sampling of bills introduced this week:

Alcohol

Senate Bill 15 would prohibit open containers of nonintoxicating beer and alcoholic beverages in the passenger areas of motor vehicles on the public roads of the state. The bill is intended to conform the state's laws applying to the use and possession of beer and alcoholic beverages in motor vehicles with federal law.

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Civil Service

Senate Bill 119 would dissolve the Division of Personnel and the State Civil Service System. The bill provides that the various agencies of government would assume responsibility for their own hiring and firing.

Communications

Senate Bill 115 would provide for a state do-not-call list by which individuals may indicate that they do not wish to receive unsolicited telephonic sales calls. The bill would also make calling a number on the do-not-call list an abusive telemarketing act or practice.

Education

Senate Bill 24 would change the name of West Virginia State College to West Virginia State University. All things related to the function, conduct and control of the institution shall remain the same.

Food and Food Services

Senate Bill 152 would authorize the commercial sale of venison in restaurants. The bill states that any game birds or game bird meats sold by licensed retailers or venison sold by a licensed commercial retailer and raised for that purpose may be served at any hotel, restaurant or other licensed eating place in this state.

Health

Senate Bill 78 would restrict mandatory overtime in certain health care facilities. The bill would establish a maximum workday and workweek for certain hourly wage health care facility employees, beyond which the employees cannot be required to perform overtime work, in order to safeguard their health, efficiency and general well-being as well as the health and general well-being of the persons to whom these employees provide services.

Senate Bill 149 would create the Prescription Drug Price Assistance Project. The bill would provide for eligibility criteria, fees and a co-payment schedule, create the "prescription drug price reduction fund", set forth sources for the fund, provide that the Secretary of Health and Human Resources may transfer moneys from the fund to elderly low-cost drug programs established or maintained in this state, and authorize the department to coordinate with other programs.

Military Affairs

Senate Bill 143 would provide high school diplomas to veterans who left elementary, middle or high school prior to high school graduation due to service in the military.

Motor Vehicles

Senate Bill 70 would establish a minimum speed limit of 55 miles per hour for driving in the left hand or passing lane on interstate highways. It provides a fine of \$50 plus court costs for violations.

Taxation

Senate Bill 23 would allow for corporate and personal income tax for employers who provide or pay for child day care services for their employees' dependent children.

Senate Bill 49 would exempt farming equipment and livestock from the personal property tax. This would include all implements, equipment, machinery, vehicles, supplies, crops and livestock used to engage in commercial farming.

Senate Bill 107 would create a "sales tax holiday" for purchase of back-to-school clothing and school supplies during a three-day period in the beginning of August of this year.

As of 4:00 pm, Wednesday, January 15, 2003, the seventh day of the 2003 Regular Legislative Session, 290 bills have been introduced in the House of Delegates.

Four bills have been passed by the House and will now go to the Senate for its consideration. These are:

Committee Substitute for House Bill 2001 would restrict public access to military discharge forms recorded in the county clerks office. This bill would require the clerk to record the form free of charge, in a secure area away from the general public and the record would be open for inspection and copying by the veteran and other individuals outlined in this bill. In addition, the clerk would be permitted access to these records of deceased persons for authentic genealogical or other research purposes.

Committee Substitute for House Bill 2051 would expand the eligibility of part-time students for higher education adult part-time student grants. This bill removes the restrictions that a part-time student enrolled for only 3 credit hours is only offered the grant for two semesters and that independent students who have completed secondary education at least two years previous are not eligible for the grant. This bill also establishes a 10% set aside of the annual

appropriation for grants to state community and technical colleges for non-credit and customized training programs. The bill further adds a requirement that adult part-time student grants must be available throughout the year for authorized distance education courses.

Committee Substitute for House Bill 2077 would remove the requirement for the Joint Committee on Government and Finance to be given reports on the Colin Anderson Center (a state mental health hospital and facility) closure and the relocation of patients.

Committee Substitute for House Bill 2082 would expand the membership of the Higher Education Policy Commission (HEPC) to include the CEO of the Business Roundtable and an additional member of the Roundtable selected by its membership. The bill would also reduce the Chancellor's salary to an amount equal to the compensation of the State Superintendent of Schools. It would require that the salaries of the HEPC's direct staff must be proportional with the salaries of the State Department of Education staff.

(note: a committee substitute is an amended version of a bill recommended by a committee. Committee substitutes are generally offered when amendments to a bill are numerous or confusing and the ideas will be made clear by rewriting the bill.)

A sample of bills introduced in the House:

Alcohol

House Bill 2123 relates to driving under the influence of alcohol, controlled substances or drugs. This bill would reduce the allowable blood alcohol content for DUI from ten hundredths (.10) to eight hundredths (.08) of one percent of body weight.

Crimes – Felonies

House Bill 2148 would make armed assault or conspiracy to commit armed assault upon school property, personnel or students who are on school property a felony offense. This would be punishable by 25 years imprisonment and a \$10,000 fine. The bill also defines "armed assault" as an aggressive attack upon school property, school personnel or students who are on school property by using weapons of deadly force including, but not limited to, guns, bombs or other explosive devices, and knives, spears or arrows. This bill also defines "conspire" as two or more persons making an agreement to plot or contrive an armed assault upon school property, school personnel or students on school property, and who have acquired or made positive steps to gain weapons of deadly force to carry out such an assault.

Education – Retirement

House Bill 2064 would provide teacher retirement eligibility, with full pension rights, when a member's age plus years of service equals or exceeds 80. This is provided that 10 years of the member's total years of service may be out-of-state service or prior service or any combination of these not exceeding a total of 10 years.

Locating Bill Status

The Legislature's website is preparing to implement full bill content and bill status. To track legislation electronically, use www.legis.state.wv.us and click on bill status.

For those of you who may know someone who would like to receive a copy of legislation in braille, the Legislature can now accommodate this request. Use the toll-free line to request a copy of a bill at 1-877-56-LEGIS (1-877-565-3447)

Tobacco and Tobacco Products

Senate Bill 88 would create the Tobacco Free School Act. The bill would prohibit possession and use of tobacco products in all school buildings and grounds, as well as eliminate the exemption from tobacco restrictions areas not used for instructional purposes. This legislation would also increase the penalties for violations of this act and authorize the State Board of Education to further restrict tobacco use. It would also permit law-enforcement officers to issue warnings in lieu of citations for violations.

Senate Bill 129 would increase the penalties for use or possession of tobacco or tobacco products by a person under eighteen years of age. The bill would also increase fines and community service requirements, and upon a second offense, provides for revocation of the person's junior or graduated driver's license until 18 years of age, or if the person does

not yet have a junior or graduated driver's license, the person is ineligible to apply for any type of driver's license until 18 years of age.

Governmental Agencies

House Bill 2175 would reorganize the executive branch of government, which includes consolidating the Department of Administration and the Department of Tax and Revenue into a new department of Finance and Administration. This bill further establishes five divisions in this new department and assigns the functions of current divisions, boards and offices to one of these new divisions. The new portions of this department would include a Division of Tourism, Natural Resources and Parks and an Office of Banking and Insurance, which would consist of the Divisions of Insurance and Banking. In 2004,

the Board of Risk and Insurance Management (BRIM) would also be transferred to this new office.

Accessing your Legislature

Legislative bill tracking, committee announcements, public hearing announcements, floor calendars, and daily and weekly floor actions are accessible through the internet:

<http://www.legis.state.wv.us>

Call toll free:

**1-877-56-LEGIS
(1-877-565-3447)**

Write:

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