



WRAP-UP

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Committee Studies Essential to Legislative Process

As the 60-day 2004 Regular Legislative Session enters its 3rd week, the amount of legislation introduced and the docket of proposals laid before members of the Legislature increases. These bills address an infinite variety of subjects, from economic development, the criminal justice system and state finances to state government's organization, natural resources and military affairs.

To help facilitate the legislative process and ensure that each measure introduced obtains detailed study and effective review, the West Virginia Legislature relies on its committee system. The committee system provides a basic structure for legislators to consider, discuss, debate and, in certain cases, originate effective legislation for the development of positive public policies.

Both the House of Delegates and the State Senate divide their membership into smaller, more focused groups, or committees, to handle specific topics relevant to their charges and within their jurisdictions. For example, members of the Senate Standing Committee on the Judiciary look over legislation relating to civil and criminal proceedings, while the House Standing Committee on Finance addresses bills generally relating to taxes, revenue and budgetary statutes. All House and Senate committees become a depot for the extensive research and discussion on each piece of legislation under their consideration.

Along with the basic consideration and development of legislation, committees also act as forums of ideas and streams for public comment. During the legislative session, committee leadership invite various experts, stakeholders and distinguished guests to address the committee members and discuss issues in depth. This component of the committee process offers legislators the ability to hear statistics, expert explanations and personal testimony, as well as gauge how those most affected feel about certain legislation.

For example, during a Joint Committee Meeting of the Senate Standing Committee on Economic Development and the House Standing Committee on Industry and Labor, Small Business and Economic Development, representatives from a partnership program between the West Virginia Development Office and the United States Department of Energy, addressed committee members to discuss their ideas on the status and future of industry in the Mountain State. Individuals spoke regarding their concerns for the future of West Virginia manufacturing businesses and offered several legislative initiatives to address the concerns. Both the House



The committee process provides the opportunity for legislators to participate in an interactive forum, allowing lawmakers to gain a more in depth understanding of issues and proposed legislation.
photo: Martin Valent

and Senate economic development committee members will be discussing all measures introduced which are designed to help improve the economic landscape of the state, and this joint meeting was established to assist lawmakers in their charge.

Many times, especially if drafted legislation receives vast media attention or has become a hot topic to the public, committees will hold public hearings, offering an opportunity for interested individuals to voice their concerns, questions, support and/or opposition. Public hearings are an effective way for committee members to gain much needed public input.

As legislation moves through the committee and legislative processes, the House and Senate may find themselves unable to reach an agreement on every provision considered in a piece of legislation. When this happens, and neither body will recede or retract its provisions to a bill, the legislation is referred to a conference committee. A conference committee is comprised of members from both bodies, with an equal number from each, and are formed to resolve the differences between the House and Senate versions of a bill. If a compromise is reached, each body will either pass or reject the conference committee bill.

Earlier this week, members of the Legislature referred Senate Bill 166, a provision which would reduce the allowable blood alcohol content (BAC) from 0.10 to 0.08 for driving under the influence (DUI), to a conference committee. It is the Legislature's hope that this committee will iron out the differences between the two legislative bodies and recommend its passage.

Other than executive sessions, which are designated closed meetings, all committee meetings and hearings are open to the public. For more information on attending and/or participating in committee meetings and public hearings, contact your local



In the Senate

Bills Passed Both Bodies:

Senate Bill 190 will place a cap on the dollar amount set for the filing fee for presidential and vice presidential candidates in West Virginia to \$2,500. Current law places a one percent fee for all offices, state or federal. This bill places West Virginia into compliance with federal filing laws.

House Bill 4111 will allow the State Board of Education to dispose of County Board real property included in a federal flood control project. This bill was quickly passed by both bodies in an effort to claim money offered to the McDowell County School Board to rebuild schools that are currently located in a flood plain.

As of 4:00 PM Wednesday, January 28, 2004, the 15th day of the 2004 Regular Legislative Session, 308 bills have been introduced in the Senate. Of those, seven measures were passed and will go on to the House for its consideration.

Senate Bill 10 would extend the time frame for the study of the state system of orphan

roads and bridges to January 30, 2005. At that time the Commissioner of the Division of Highways would be required to submit proposed legislation for the formulation of an Orphan Roads and Bridges Policy. The bill would extend the Orphan Roads and Bridges Acquisition and Maintenance Program to December 31, 2006.

Committee Substitute for Senate Bill 50 would provide a limitation of liability for remediation costs for property owners who are not responsible for the accumulation of waste tires on their properties. It would also allow the Division of Highways to recover remediation costs from the previous owners and require a notice of the existence of waste tires to be on file at the county clerk's office.

Senate Bill 100 would prohibit state and political subdivisions from contracting with vendors owing debts greater than \$1,000 to the state or its political subdivisions.

Senate Bill 196 would allow activities on school instructional support and enhancement days, including activities for students, faculty senate meetings and other professional activities, to occur in any order.

Senate Bill 224 would correct references to an article concerning the adoption of an abandoned child.

Senate Bill 268 would continue the Division of Motor Vehicles until July 1, 2006. (Sunset Legislation)

Senate Bill 269 would continue the Division of Purchasing within the Department of Administration until July 1, 2008. (Sunset Legislation)

Sampling of bills introduced this week:

Action Suits

Senate Bill 295 would provide limited immunity from civil liability to a person who is defending himself, others and/or his property. The person claiming immunity must prove that his or her actions were reasonable given the crime being committed.

Communications

Senate Bill 259 would require all state boards of examination and registration provided in State Code to have websites available to the public. It would require the Information Services and Communication (IS&C) Division

within the Department of Administration to assist the boards in developing the websites and require the Governor ensure that links to each of the boards' websites are accessible through the state's website.

Domestic Relations

Senate Bill 258 would establish a procedure for enforcement of out-of-state domestic violence protection orders in West Virginia similar to the procedures approved by other states adopting the Uniform Act.

Senate Bill 276 would establish a discount for marriage license applicants who complete approved premarital counseling. Those who complete the counseling would receive a 20 percent discount off of the license.

Elections

Senate Bill 270 would create the Public Campaign Finance Act. The Act would create a public fund from which candidates who agree to limit contributions and spending receive campaign financing.

Senate Bill 280 would create a Consolidated Fund Investment Act. The Act includes provisions to transfer the Consolidated Fund from the Investment Management Board to the State Treasurer and transfer the responsibility for the West Virginia check card from the Auditor to the Treasurer.

Federal Retirees

Senate Bill 257 would provide a state income tax exemption to retired federal law enforcement officers and firefighters comparable to their counterparts in state, county and municipal service. The exemption would be for retirement income received in the form of pensions and annuities to the extent it is included in federal income tax purposes.

Insurance

Senate Bill 287 would require insurance claimants to rebuild damaged property within one year from the date of the insured loss. The purpose of the bill is to eliminate incentives for policyholders to destroy their own property and to reduce the possibility of insurance fraud.

Motor Vehicles

Senate Bill 294 would impose sale or use tax on certain recreational vehicles such as all-terrain vehicles (ATVs) and snowmobiles. This bill would also clarify that the sales tax on

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In the House

As of 4:00 PM, Wednesday, January 28, 2004, the 15th day of the 2004 Regular Legislative Session, 781 bills have been introduced in the House of Delegates. Of those, 21 have been passed by the House and are under consideration in the Senate. Among those were:

House Bill 2088 would increase the penalty for persons manufacturing or distributing a controlled substance, counterfeit substance or marijuana in or within 1,000 feet of a park, playground or other recreation area. Violators of this law would be guilty of a felony offense and, upon conviction, would be subject to incarceration for up to 10 years and/or a maximum fine of \$20,000 for a first offense; and, upon a second or subsequent conviction, would be subject to imprisonment for 5 - 20 years, and/or a maximum fine of \$40,000.

House Bill 2268 would provide priority in the selection for Underwood-Smith scholarships to qualified applicants with the highest academic abilities who intend to pursue careers in areas of critical need and shortage. This bill also would provide separate eligibility requirements and modified scholarship agreements.

House Bill 4004 would establish an insurance fraud unit within the Insurance Commissioner's Office. Among its duties, the insurance fraud unit would be authorized to initiate investigations, review insurance fraud allegations and serve subpoenas. This bill also would provide that no person may commit a false insurance act and any person with information regarding such an act must provide this information to the Insurance Commissioner. In addition, insurance companies would be required to place fraud warnings on claim forms and applications.

House Bill 4021 would prevent the disclosure of personal information of state employees and officers, and their dependants. This information would be prohibited unless necessary to an essential function of a state agency, entity, law-enforcement agency, or required by law.

House Bill 4022 would create "The All-Terrain

Vehicle Safety Regulation Act." If passed, this bill would, among other provisions, prohibit the use of ATVs from sunset to sunrise without an illuminated headlight or taillights; operation on interstate highways except by public safety personnel responding to emergencies; and, the use of ATVs on roads with a center line or with more than two lanes except for the purpose of crossing the road. At the time of this bill's passage in the House, it required operators under 18 to wear helmets on public land; however, Senate amendments are pending.

House Bill 4043 would establish, as the priority for early childhood education, intensive instruction in the basic skills of reading, mathematics and English language arts, along with early detection and intervention strategies to correct student deficiencies.

House Bill 4045 would require the submission of evidence to the State Superintendent that a county superintendent has given required bond and good security. The county superintendent also would be required to meet certain health related conditions of employment.

House Bill 4072 would provide for a unified approach to the long-term planning and implementation of technology in the public schools. This would be a continuing plan that covers a period three to five years and is updated on or before July 1st of each year.

House Bill 4068 would allow the hunting of coyotes by use of amber-colored artificial light which would make it possible to hunt at night. The restrictions for this practice would be the same as those currently in place for hunting raccoons, opossums and skunks with artificial lights.

House Bill 4084 would establish the West Virginia Pharmaceutical Availability and Affordability Act. Under this legislation, the costs of pharmaceuticals for all state health insurance programs would be in conformity with the Federal Supply Schedule (FSS) rate. Medicaid and the Children's Health Insurance Program (CHIP) would be exempt from this requirement if federal approval is given. In

addition, marketing and advertising costs for pharmaceuticals would be reported to the Insurance Commission. Failure to report these expenses would result in penalties.

Sampling of bills introduced this week:

Banks and Banking

House Bill 4153 would require minimal additional pay for certain classified employees who agree to work on weekends and remove provisions that incremental salary increases for classified employees be paid from existing funds.

Boards and Commissions

House Bill 4140 would require the Ethics Commission to establish a code of conduct for state administrative law judges, including civil penalties and sanctions for violations.

Environmental Protection

House Bill 4147 would provide for the use of returnable beverage containers. If passed, this bill would require beverage sellers to provide convenient means for returning bottles within 100 yards of the sale location. Regional or county centers that permit container returns could be established as substitutes for these return areas. Beverage container is defined as any that contain one gallon or less of a beverage and are composed of airtight metal, glass, paper, plastic or any combination of these.

Fire Fighting and Prevention

House Bill 4127 would allow paid and volunteer fire departments to place automated external defibrillators on fire trucks and on other fire equipment. In addition, this bill would provide that in emergency situations, trained firefighters would be permitted to use these defibrillators when no licensed emergency medical personnel are available.

Health – Personnel

House Bill 4143 would establish a West Virginia center for nursing to organize a statewide strategic plan to address the nursing shortage in the state. If created, this center would promote the recruitment and retention of nurses. Also under this legislation, licensed registered and practical nurses would pay an annual supplemental licensure renewal fee of \$10. This money would be used to subsidize the center, provide loan repayment and fund scholarship programs.

Law Enforcement – State Police

House Bill 4156 would provide the West

Locating Bill Status

The Legislature's website has implemented 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)

motorized vehicles not designed for state road use, such as riding lawn mowers and farm tractors, be deposited in the General Revenue Fund, not in the State Road Fund.

Payday Lending

Senate Bill 291 would prevent the taking of checks or share drafts to guarantee loans or cash advances. The bill would not allow anyone engaging in the business of payday advances or payday lending to hold checks, share drafts, or debit accounts of consumers as security for advances or loans.

Public Employees

Senate Bill 267 would provide a law that addresses violence against public employees. The bill would provide that anyone who commits "assault" against a public employee while the employee is acting within the scope of his or her duties would be fined \$50 to \$100 and serve 24 hours to six months in jail. Anyone committing "battery" against a public employee will be fined \$100 to \$500 and serve one day up to one year in jail.

Recycling

Senate Bill 293 would create a Beverage Container Deposit Act. This would require the use of returnable containers for soft drinks, soda water, carbonated, natural or mineral water, other nonalcoholic carbonated drinks

and for beer, ale or other malt drinks of any alcoholic content and for certain other beverage containers. It would also provide for the use of unredeemed bottle deposits; prescribes the powers and duties of certain state agencies and officials; and, prescribes penalties and remedies.

Retirement

Senate Bill 283 would remove the provision of the law that reduces a disabled retiree's straight life annuity by 20 percent when he or she reaches the age of 65.

State Police

Senate Bill 272 would create a State Police Review Board to hear complaints against State Police personnel.

Senate Bill 271 would require racial profiling data collection by law-enforcement officers and agencies each time a motorist is stopped for an alleged violation of the law. The bill would require the Superintendent of the State Police to conduct an analysis of traffic stops and provide an annual report to the Legislature.

Sunset Law

Senate Bill 296 would continue the Center for Professional Development Board until July 1, 2010. (Sunset Legislation)

Virginia State Police with the ability to define and draw DNA samples from convicted felons. For the exclusive purpose of criminal identification, State Police would be authorized to use this information to maintain a DNA database. In addition, this bill would provide a right to DNA testing for imprisoned felons and would require certain physical evidence to be preserved.

State Police

House Bill 4103 would eliminate any reduction in the benefit of a state police officer who is disabled on the job when the officer attains the age of 55. This would include any physically or mentally permanently disabled by injury, illness, or disease resulting from occupational risk or hazard.

Taxation

House Bill 4119 would allow the phase-in of the transfer of the hotel taxing authority when a municipality annexes a hotel to allow the retirement of any debt incurred by the county or to otherwise phase in the transfer of the taxing authority to the municipality.

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