



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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Volume XXII, Final Edition

April 27, 2011

During the 2011 Regular Session, a total of 1,894 bills were introduced (621 Senate bills and 1,273 House bills) and of those, 191 were passed by the Legislature. The Governor vetoed three bills.

This Final Issue of Wrap-Up contains summaries of all bills passed during the 2011 Regular and Extended Budget Sessions.

West Virginia Budget Bill Fiscal Year 2012

Committee Substitute for House Bill 2012

Overall Highlights

The \$11.4 billion state spending plan for FY 2012 recently approved by lawmakers and begins July 1 and ends June 30, 2012. The budget details state expenses and includes public employee pay raises, retiree bonuses and additional money for mine inspectors.

The state revenues have been flexible enough that there have been no cuts to government programs or employee layoffs while providing increases to services for the state's neediest citizens and also provides for pay increases for working teachers and state employees.

Teachers will receive \$1,488 base pay increase while school service personnel will receive a 2 percent bump in salary. Additionally, other public employees, such as university staff, will also receive a 2 percent spike. State police will get a \$970 raise, whereas the Division of Natural Resource officers will experience an increase



MARTIN VALENT WEST VIRGINIA LEGISLATURE

Spring tulips bloom on the State Capitol's South lawn.

of \$835. The budget calls for a \$1,200 cap on public employee pay raises.

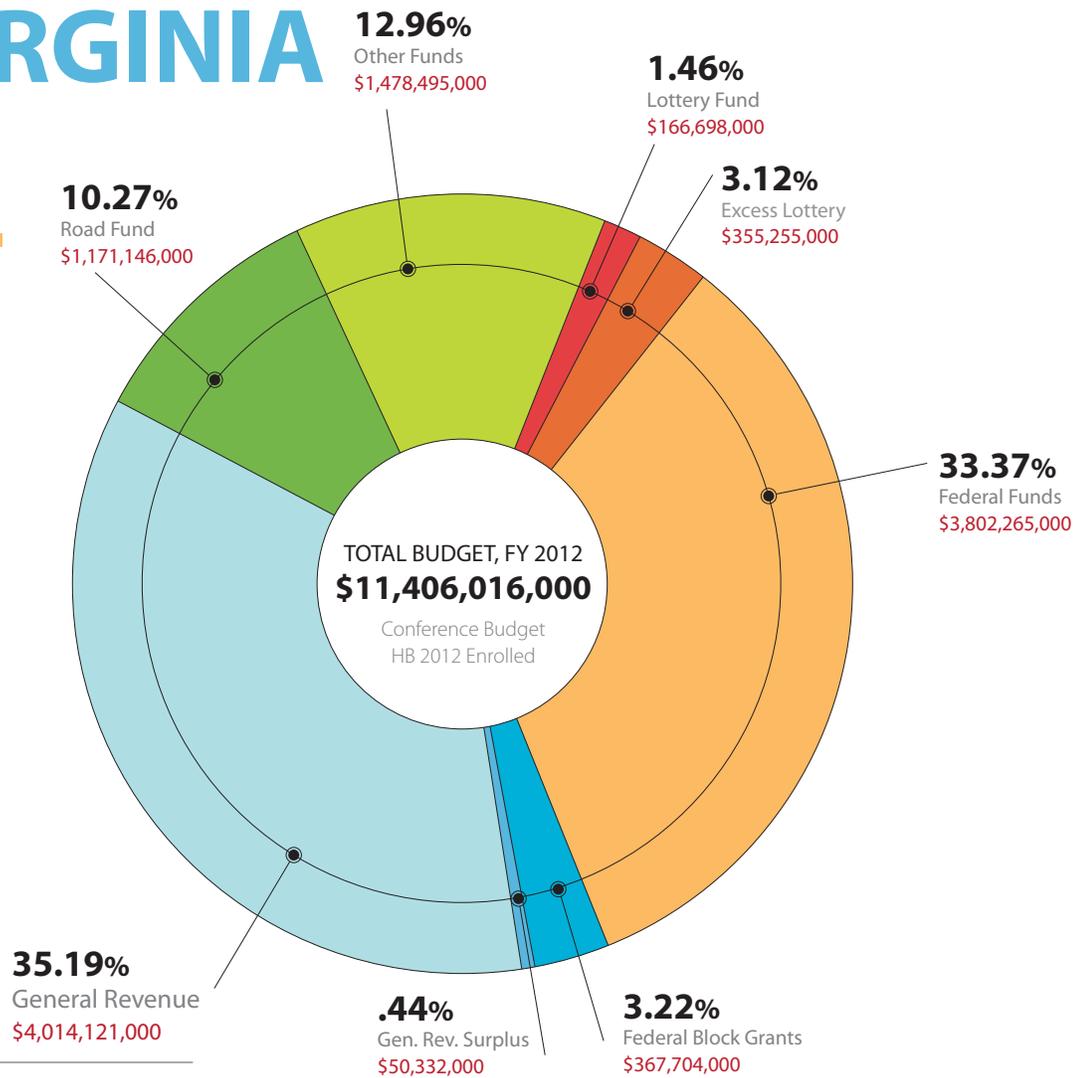
The budget fully funds all retirement systems at a total cost (all funds) of \$544,390,934. Of the total cost, \$410,740,000 has been delegated to address the state's unfunded liability as the legislature continues to meet the requirements of its payment schedule to address the debts acquired by the state in past years.

The state budget plan also calls for an increase to the beginning base salary for the state's most respected workers—mine inspectors. This pay raise was implemented to aid in the recruiting and retention of the most qualified employees for this very important job.

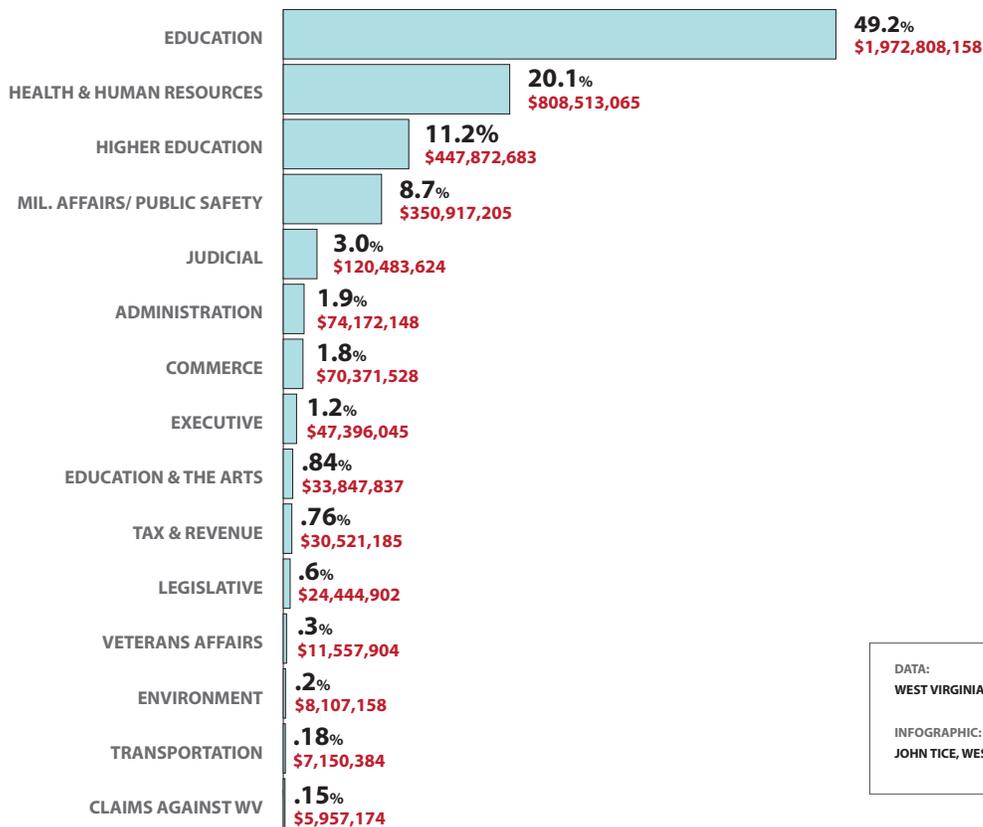
For the first time in two years, West Virginia has a state budget that does not rely upon monies from Federal Stimulus Funds. While spending from the General Fund is about \$270 million higher than FY 2011, the overall budget is about \$310 million less in federal funds than one year ago.

WEST VIRGINIA

2012 BUDGET



APPROPRIATIONS



DATA:

WEST VIRGINIA HOUSE OF DELEGATES COMMITTEE ON FINANCE

INFOGRAPHIC:

JOHN TICE, WEST VIRGINIA LEGISLATURE'S OFFICE OF REFERENCE & INFORMATION



The Conference Committee Version of the Budget Bill (HB 2012) breaks down as follows:

(Data provided by Senate Finance Committee Staff)

General Revenue

\$4.014 billion is the estimated general revenue assumed in the Conference Committee Report, \$1.5 million less than the official estimate in the Governor’s introduced version of the Budget.

Public Education

Total state aid to schools for Public Education (including State Aid to Schools) is \$1,854,178,218 or 46.2% of general revenue appropriations.

The Local Share Appropriation was increased by \$13.5 million due to the receipt of certified assessments by the State Board of Education after the Governor’s introduced bill to total \$380,935,952.

Administration

A new line item has been added entitled “Autism Legislation,” with funding in the amount of \$497,035 pursuant to the passage of HB 2693.

“Supplemental Benefits for Annuitants – Total” has been added along with funding in the amount of \$908,000 pursuant to the passage of HB 3145, providing a one-time payment of \$1200 to retired public employees with 20 or more years of service receiving \$7, 200 or less.

Actions and Suits

Senate Bill 376 (Home Owner’s Association) clarifies that a homeowner’s association may institute litigation or administrative proceedings in its own name against a unit owner for the collection of dues or assessments that are overdue or in arrears.

Bill(s) related to this section:

House Bill 3075, pg. 24

Acts

Bill(s) related to this section:

Senate Bill 228, pg.14

Senate Bill 243, pg.6

Senate Bill 465, pg.30

House Bill 2993, pg.9

Alcohol

House Bill 3100 (Sale of Liquor on Election Day) permits the sale of liquor on election day.

Animals

Senate Bill 358 (Electronic Registration of Wildlife) defines regulations relating to possession of wildlife and amends the West Virginia Code relating to the electronic

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registration of wildlife by adding that persons required to deliver wildlife to an official checking station may electronically register the wildlife instead of physically delivering them in accordance with rules put forth by the director.

Senate Bill 392 (Thoroughbred Horse Registration) will change the criteria and definition of “accredited thoroughbred horse” that are required to register with the West Virginia Thoroughbred Breeders Association.

Bill(s) related to this section:

- Senate Bill 357, pg.30*
- House Bill 3143, pg.26*

Appropriations

Bill(s) related to this section:

- House Bill 2012, pg.1*

Appropriations-Supplemental

Senate Bill 254 (Supplementary Appropriation) makes a supplementary appropriation of \$10 million to both the West Virginia Development Office - Community Development and Division of Human Services - Energy Assistance for fiscal year 2011.

Senate Bill 255 (Supplementary Appropriation) provides a supplemental appropriation of federal funds in the amount of \$247,044,000. The money will be used

by the Governor’s Office, Division of Rehabilitation Services, Health Care Authority, Division of Human Services and Public Port Authority.

Senate Bill 342 (Appropriation) makes a supplemental appropriation to the Governor’s Office Civil Contingent Fund.

Senate Bill 617 (Supplementary Appropriations) is a supplementary appropriation to the Department of Education and the Arts and the Department of Health and Human Resources from existing federal funds.

Senate Bill 618 (Supplementary Appropriation) makes a supplementary appropriation from the State Road Fund to the Department of Transportation and to the Department of Transportation - Office of Administrative Hearings for fiscal year 2011.

Senate Bill 619 (Supplementary Appropriation) provides a supplemental appropriation of special revenue funds to various state agencies in the amount of \$6,260,305.

Senate Bill 620 (Making Supplementary Appropriation to Various Executive Accounts) decreases funds into the unappropriated surplus balance in the state fund and general revenue; and to supplement, amend, add and increase items of appropriation in the identical accounts for the designated spending units for disbursement during the fiscal year 2011.

If you know the bill number, but not the subject heading of the legislation you are seeking, please refer to the index of bills on pg. 42.

Associations

Bill(s) related to this section:

Senate Bill 376, pg.3

Athletics

House Bill 2562 (State Athletic Commission Authorization of Mixed Martial Arts) relates to the State Athletic Commission. The bill authorizes the commission to regulate mixed martial arts and provides for use of the unified rules of mixed martial arts. It states powers of the commission, creates licensing requirements and provides for rule-making authority. Additionally, the bill prohibits municipalities from imposing a license tax on mixed martial arts clubs.

Bill(s) related to this section:

House Bill 2639, pg.5

Banks & Banking

House Bill 2882 (Commissioner's Assessment and Examination Fund) relates to the Commissioner's Assessment and Examination Fund. The bill allows the Commissioner of Banking to assess state banking institutions quarterly rather than on a semiannual basis by establishing additional assessment dates on April 1 and October 1 and providing that the Commissioner of Banking prepare and send bank assessments by March 15 and September 15.

House Bill 2962 (Increase on Fines for Residential Mortgage Brokers and Lenders) increases the amount of a fine or penalty the Commissioner of Banking may impose on residential mortgage brokers and lenders from \$1,000 to \$2,000 for each violation, removes the requirement of prior notification from the commissioner before a fine or penalty may be imposed upon an unlicensed person who engages in the business or holds himself or herself out to the public as a mortgage lender or mortgage broker and clarifies that a fine or penalty may be imposed for a violation of the Act.

Boards & Commissions

Senate Bill 582 (Seals of Notaries and Commissioners) relates to commissioners appointed by the Governor and designates specific criteria for seals of commissioners. Each commissioner shall have an official seal that will be a rubber stamp and shall contain the words "Official Seal" and "Commissioner for West Virginia". It will also contain the commissioner's name as it is written as an official signature; the city and state of residence of the commissioner; the words "My Commission Expires" and the date of expiration of the commission. Additionally, a stamped imprint of the seal, with the official signature, will be filed in the office of the Secretary of State.

House Bill 2345 (Vetoed - PEIA Financial Board) will change the membership of the Public Employees Insurance Act Financial Board by decreasing the number of citizen members from four to three, and requiring the position of the former citizen member be taken by a

person who is an interested person from a participating political subdivision.

House Bill 3021 (Comprehensive Behavioral Health Commission) adds two new members to the Comprehensive Behavioral Health Commission. The bill mandates that if two specific members designate another person to serve in his or her place, those designees are nonvoting members.

The bill requires the commission members select a chairperson and that person may serve no more than two consecutive years.

The bill also adds another member of the advisory board to the commission. The bill permits members who are on the board on July 1, 2011 to continue to serve. Finally, the bill requires yearly reports to the Governor and Legislature and extends the life of the commission by another four years to 2015.

House Bill 3204 (West Virginia Enterprise Resource Planning Board) relates to the creation of the West Virginia Enterprise Resource Planning Board.

Bill(s) related to this section:

Senate Bill 413, pg.20

Senate Bill 514, pg.35

House Bill 2525, pg.27

House Bill 2562, pg.5

House Bill 2663, pg.32

House Bill 2709, pg.16

House Bill 3004, pg.27

House Bill 3196, pg.23

Bonds

Bill(s) related to this section:

House Bill 2557, pg.27

Cemeteries

House Bill 2542 (Cemetery markers) clarifies certain provisions related to access to cemeteries and grave sites located on private land by authorizing a person who has the written permission of a family member or descendant of a deceased person to enter the property solely for the purpose of installing monuments or grave markers or preparing the cemetery plot for burying a deceased person by those granted rights of burial to that plot.

Charitable Organizations

Senate Bill 243 (Neighborhood Investment Program) changes the termination date for the Neighborhood Investment Program from July 1, 2011 to July 1, 2016, to prevent board members affiliated with applicants from discussing or voting on proposals put forth by those applicants, to increase the amount of total aggregate tax credit certified each year from \$2 million to \$3 million and to increase the amount of total aggregate tax credit allowed each year from \$2.5 million to \$3 million.

Senate Bill 570 (Volunteer for Nonprofit Youth Organizations Act) creates an exemption from licensing for nonprofit youth volunteers and exempts

certain volunteers for nonprofit youth organizations from licensing, certification and permitting, including certain medical service professionals, certain law-enforcement officers and certain emergency medical service professionals. The bill also state duties of the nonprofit youth organization, provides for the revocation of permits and defining liability of the volunteers and the nonprofit youth organizations.

Child Welfare

Senate Bill 186 (Subpoenas for Crimes Against Minors) will establish the West Virginia State Police as the entity which is authorized to issue subpoenas to aid in criminal investigations involving certain crimes against minors, including administrative writs to Internet service providers in cases of suspected child pornography.

Senate Bill 216 (Imminent Danger Definition) expands the definition of “imminent danger to the physical well-being of the child” with regard to child abuse and neglect to include alcohol and substance abuse on the part of the parent or parents.

House Bill 2475 (Freedom of Information Act Record Exemption) will include certain records of the Division of Juvenile Services in the exemptions from Freedom of Information Act requests including, but not limited to trade secrets; information of a personal nature, such as, medical information; test questions; and architectural or infrastructure designs.

House Bill 2750 (Sexual Assault Consideration in

issuing an order to end a parent-child relationship) relates to making the charge of sexual assault or sexual abuse against certain persons a basis for denying someone temporary or permanent custody of a minor child or children.

House Bill 3028 (Infant Mortality) expands the responsibilities of the Maternal Mortality Review Team to include reviewing infant mortalities and renames the current team the Infant and Maternal Mortality Review Team.

House Bill 3134 (Child Support Enforcement) replaces references to 10 percent interest in the relevant code sections with 5 percent interest. This makes these sections consistent with sections amended in 2008. The bill also amends code to permit a payment plan to discharge all late obligations within 60 months, not the previous 24 months. It also requires employers to notify the Bureau for Child Support Enforcement (BCSE) two weeks prior to issuing any bonus of \$100 or more to an employee so that the BCSE can determine whether the employee owes an obligations, and if so, can issue an income withholding notice to the employer.

Bill(s) related to this section:

House Bill 2860, pg.35

Civil Rights

House Bill 3225 (Bullying) amends the list of items to be covered in county board policies prohibiting harassment, intimidation or bullying on school property

or at school-sponsored events. A model policy is required to be developed under those same sections by the State Board of Education.

The bill expands the definition of school bullying to include; electronic communications used to bully, actions that cause physical or emotional harm to a student, actions that disrupt or interfere with the orderly operation of the school, and expands the areas where school bullying laws apply to include school buses and bus stops.

The bill also requires each county board to adopt an updated policy to implement the provisions of the bill and submit a copy to the State Superintendent by December 1, 2011. The Department of Education is required to develop an updated model policy by September 1, 2011, to assist the county boards.

Bill(s) related to this section:

House Bill 2159, pg.31

Claims

House Bill 2818 (Crime Victims Award Program Expense Increase) relates to increasing the allowable expense under the Crime Victims Award Program and increases the amount that may be paid for the clean-up of real property damage by a methamphetamine laboratory, increases allowable reimbursement for funeral expenses and makes technical revisions to the code of West Virginia.

House Bill 3064 (Declaration of claims brought

against the Legislature) permits an act to find or declare certain claims against the state and its agencies to be moral obligations of the state. This bill will direct the West Virginia State Auditor to issue warrants for the payment of any claim found to be the state's obligation. The Legislature adopted the claims reported to it by the Court of Claims. Each claim regarding a state agency was adopted by the Legislature and declared the claims moral obligations of the state to pay such claim in the amount specified in the bill.

Code Repealed

Bill(s) related to this section:

House Bill 2935, pg.17

Communications

House Bill 2695 (EBA Fundraising) clarifies the Educational Broadcasting Authority's power to engage in fundraising activities with certain private nonprofit corporations. The bill also clarifies the organizational structure of the authority and exempts the names of private donors from disclosure. It also deletes outdated language and makes technical corrections.

Consumer Protection

Senate Bill 192 (Price Gouging and Unfair Pricing

Practices) relates to the protection of consumers from price gouging and unfair pricing practices during a “state of emergency.” The bill also amends the definition of “state of emergency” to read: the situation after the occurrence of a disaster in which the Governor, Legislature or United States President has declared a state of emergency. It creates an alternative pricing formula for fuel suppliers and updates the preemption provisions.

Senate Bill 349 (Anti-Freeze) requires the addition of a “bitting agent” to all antifreeze sold or manufactured in West Virginia. The bill specifically applies to antifreeze that contains more than 10 percent ethylene glycol, which is the most common type of antifreeze. If an antifreeze contains more than 10 percent ethylene glycol, it must also contain between 30 to 50 parts per million of denatonium benzoate as a bitting agent.

House Bill 3202 (Residential Rental Security Deposits) relates to residential rental security deposits. The bill provides for deduction from and returning of security deposits, maintaining records and prohibits certain provisions in rental agreements. Additionally, it provides remedies for landlord’s noncompliance and sets forth application of article, providing for security deposits prior to effective date of article.

Corporations & Business Entities

House Bill 2918 (Business Registration Certificate) changes the procedure for the suspension, revocation or cancellation of a business registration certificate. It permits a business registration certificate to be revoked,

canceled or suspended for nonpayment of property taxes. It also changes the sparkler and novelty registration fee from an annual fee to an initial fee.

House Bill 2993 (West Virginia Commercial Patents Incentives Tax Act) modifies the provisions of the West Virginia Commercial Patents Incentives Tax Act, provides for tax credit carryover and accrual, restricts eligibility for tax credit, provides for disallowance of tax credit, provides for strict construction and retroactively adjusts the effective date of the provisions of the Act.

Bill(s) related to this section:

House Bill 2075, pg.29

Corrections

House Bill 2001 (Corrections) ensures that inmates serving life sentences will be considered for parole only once every three years. Previously, these inmates were considered for parole on an annual basis due to a loophole in a previous law. This bill closes that loophole.

House Bill 3205 (Prisoner Rehabilitation) will give any individual convicted of a criminal offense who is housed in a regional jail a reduction in his/her sentence after completing an education or rehabilitation program. The bill will also provide certain enrollment fees for the programs.

Bill(s) related to this section:

House Bill 2475, pg.7

House Bill 2517, pg.39

House Bill 2520, pg.11

Counties

Senate Bill 96 (Compensation of County Elected Officials) eliminates outmoded language concerning compensation of county elected officials. The bill repeals the requirement that the compensation of county court employees be in compliance with the Economic Stabilization Act of 1970.

In accordance with this bill, as of January 1, 2013 all prosecuting attorneys are required to be full-time while providing an exception for those currently part-time. The bill transfers some training program responsibilities and valuation classification of property from the State Tax Commissioner to the State Auditor. The bill also authorizes the State Auditor and State Tax Commissioner to establish training programs for certain employees.

The bill removes the limitations on food, lodging, registration fees and mileage on authorized training. The bill eliminates the outdated property valuations used to determine the compensation of elected county officials. The bill further permits a county sheriff to turn over an impounded dog to the local humane society instead of killing it. Additionally, the bill eliminates references to a county position that no longer exists. The bill removes the limitation of the costs for the housing and feeding of prisoners in counties having a population of thirty thousand or less.

View Legislation Online

For complete bill history information, roll call votes, amendments, sponsor, veto messages and the full bill text of all legislation from the 2010 Regular Session, please visit Bill Statute online at:

www.legis.state.wv.us/Bill_Status/bill_status.cfm

County Commissions

Bill(s) related to this section:

Senate Bill 235, pg.13

House Bill 2013, pg.17

House Bill 2696, pg.23

House Bill 2871, pg.13

House Bill 3185, pg.13

Courts

Senate Bill 60 (Supervision of Sex Offenders) provides that multijudicial circuit probation officers may supervise sex offenders who are on probation with authorization of the Administrative Director of the Supreme Court of Appeals or his or her designee and clarifies that circuit court probation officers continue to supervise extended release supervisees until a multijudicial circuit probation officer is in place.

Senate Bill 61 (Drug Court Hearing Officers) will authorize the Supreme Court of Appeals to appoint appropriate hearing officers for the operation of juvenile drug courts.

Senate Bill 428 (Court filing fees) increases the filing fee for civil cases from \$145 to \$155 and increases the distribution from the filing fee to the special revenue account to pay for legal services for domestic violence victims from \$10 to \$20. Additionally, the bill would add appeals from family court to types of cases required to pay a civil case filing fee. The bill also creates a new Supreme Court of Appeals filing fee for civil appeals, including appeals from Family Courts, but not including



appeals in workers' compensations cases, and actions in the Supreme Court's original jurisdiction. The new fee would be \$100.

House Bill 2451 (Allowing family members of crime victims to provide an impact statement) preserves a member of a deceased victim's immediate family the opportunity to present an impact statement to a court in misdemeanor matters when death occurs during the commission of a crime.

House Bill 2520 (Youth offender sentencing and imprisonment) redefines the criteria in which youth offenders are committed to a youthful offender center and specify the circuit court jurisdiction regarding the sentencing. The circuit court may suspend the imposition of the sentencing of a young adult convicted of or pleading guilty to a felony offense, other than an offense punishable by life imprisonment. The youth offender must attain his or her 18th birthday, but not reach his or her 24th birthday at the time the offense was committed. The bill will commit custody the young adult to the custody of the West Virginia Commissioner of Corrections to be assigned to a center. No person over the age of 25-years old will be covered under this bill and the period of confinement shall be no less than six months, but no more than two years to successfully complete the program requirements set forth by the warden.

Crimes

Senate Bill 93 (Escape From Custody of Director of Juvenile Services) provides any person under the age of 18 who escapes or attempts to escape from the custody of the Director of Juvenile Services is guilty of a delinquent act and subject to the jurisdiction of the circuit court of the county in which the escape occurred. Additionally, upon agreement of all parties, the prosecution of the escape may be transferred to the circuit court from which the juvenile was originally committed.

Senate Bill 213 (Creating new penalties for electronic bullying) addresses the issue of cyber-bullying by amending and clarifying the applicable laws relating to electronic mobile devices. This bill creates penalties for the misuse of computers, mobile phones, personal digital assistants and other electronic devices to harass, abuse or threaten other persons. This includes, but is not limited to, the transmission of text messages, electronic mail, photographs, videos, images or other non-voice data of by means electronic communication. Any individual who is found in violation of this will be convicted of a misdemeanor and fined no more than \$500 or confined in jail for not more than six months. Any individual convicted of a second or subsequent offense shall be fined no more than \$1,000 or confined in jail for not more than one year.

Senate Bill 256 (Sex Offenders Verify E-mail and Online Identities) requires sex offenders to verify information to the State Police and expand information to be provided to include online information.

Senate Bill 461 (Penalty for Restraining Order Violation) provides a criminal penalty for a violation of

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a restraining order entered upon a conviction for stalking or harassment. The crime will be a misdemeanor and ranges in severity depending on if it is a first, second or third subsequent offense within a 10-year period.

House Bill 2362 (Increasing Penalties for Financial Exploitation of Elderly Persons or Incapacitated Adults) relates to crimes committed against the elderly, protected persons or incapacitated persons. It pertains to financial exploitation of the elderly, protected persons and incapacitated adults for misappropriation or misuse of assets. The bill permits the prosecutor to accumulate amounts or values and requires banking institutions and others engaged in financially related activities to report suspected financial exploitation to law-enforcement authorities. Additionally, it permit financial institutions to disclose suspicious activity reports or currency transaction reports to the prosecuting attorney and provides civil immunity for those who report such activities. The bill orders financial restitution and establishes the criminal penalty of larceny.

House Bill 2864 (Unlawful Restraint) creates a misdemeanor offense of unlawful restraint. In most cases, unlawful restraint is defined as any action that knowingly and purposefully restrains, limits or prevents the freedoms of another individual without legal authority.

Bill(s) related to this section:

Senate Bill 60, pg.10

Senate Bill 61, pg.10

House Bill 2451, pg.11

House Bill 2520, pg.11

House Bill 2750, pg.7

House Bill 3143, pg.26

House Bill 3144, pg.20

Disabilities

Bill(s) related to this section:

House Bill 2362, pg.12

Domestic Relations

Bill(s) related to this section:

Senate Bill 461, pg.11

House Bill 2613, pg.35

House Bill 2750, pg.7

House Bill 2864, pg.12

House Bill 3134, pg.7

Drugs & Drug Paraphernalia

House Bill 2505 (Synthetic Drugs) adds several synthetic cannabinoids and hallucinogens to the Schedule 1 list of drugs and other substances prohibited for sale and possession in West Virginia. This category includes substances known as “K2” and “Spice” and synthetic cocaine like substances. This category includes substances known as “bath salts” or “plant feeder”.

Bill(s) related to this section:

House Bill 2818, pg.8

Economic Development

Senate Bill 234 (Economic Development) revises the Municipal Economic Opportunity Development District Act, which allows certain cities to use a local sales tax instead of the state's sales tax in order to pay for local economic development projects. Some of the revisions include; enlarging the types of municipal corporations that can use the local sales tax instead of the state sales tax to include Class III cities and any Class IV town or village, include remediation of former coal or other mining sites as a permissible development expenditure for a project, and reduces the minimum percentage of the special district excise tax to be deposited into the General Revenue Fund from 20 percent to 10 percent if the project expenditures are more than \$100 million.

Senate Bill 235 (Updates the County Economic Development Act) specifies that county commission may create one or more economic opportunity development districts within its county and provide for the administration and financing of development expenditures within the districts. Any county commission that has established an economic development district may make or authorize development expenditures that promotes the economic vitality of the district, as well as, the general welfare of the county.

House Bill 2871 (Specifies regulations for the brownfield economic development districts) provides for the oversight authority of the governing municipalities and counties have regulatory in the districts considered brownfield economic development districts. Applicants for a brownfield economic development district must demonstrate that the district will create significant economic development activity. Applicants must also

submit a plan that provides for specific details for the district. Once the district has been designated a brownfield economic district, the district shall work in conjunction with the regional brownfield assistance centers of Marshall University and West Virginia University.

House Bill 3185 (Affordable Housing Component) requires counties to have an affordable housing component in the county's impact fees ordinance. The affordable housing component has to take into account all the different types of housing, include a discount for mobile homes based upon the value set out in the National Automobile Dealers Association book and the county commission shall annually approve, by a majority vote, any increase or decrease in the impact fees schedule.

Bill(s) related to this section:

Senate Bill 371, pg.36

House Bill 2953, pg.37

House Bill 3204, pg.6

Education

Senate Bill 200 (Higher Education) makes changes in the names of certain state institutions of higher education to reflect changes in institutional status. The four institutions are The CTC at WV University Institute of Technology changed to Bridgemont CTC, West Virginia State CTC changed to Kanawha Valley CTC, Marshall CTC changed to Mountwest CTC, and West Liberty State University changed to West Liberty University.

Senate Bill 228 (Public Education) provides for the



creation of local solution dropout prevention programs as a separate category of innovation zones. The Local Solution Dropout Prevention and Recovery Innovation Zones would be carried out by the state board of education. The bill requires the state board to develop a statewide system that will be a part of the West Virginia Education Information System (WVEIS) to provide early warning indicators for students at risk of not completing high school. The system shall at a minimum include attendance, academic performance and disciplinary infractions of the students.

Senate Bill 239 (Higher Education Research Endowments) will extend the period, from five to seven years, higher education institutes shall have to deposit moneys into research endowments.

Senate Bill 330 (Public High Education Governance) will provide extensive revisions to the statutes governing the state’s higher education system. Additionally, the bill creates “FACTS for Higher Education” by establishing fair, accountable, credible, transparent, and systematic mechanisms to determine classification status and compensation for classified employees in public higher education organizations.

Senate Bill 373 (Education) requires the School Building Authority, when planning the construction of a middle or junior high school, to provide funding for comprehensive career technical education facilities to be located, when feasible, on the same site as the school.

It also requires the authority, upon application of a county board to construct these facilities, to provide technical assistance to the county in developing a plan

for construction.

Finally, the bill requires the authority, upon development of the plan, to consider funding based on certain criteria and allow the School Building Authority to allocate certain moneys for major school improvement projects for vocational programs at comprehensive middle schools.

Senate Bill 375 (Higher Education Reporting) requires all institutions of higher education in West Virginia to annually report beginning on December 1, 2012 certain information to the Higher Education Policy Commission (HEPC) or Council for Community and Technical College Education (CCTCE). The reports would include such information as graduation and retention rates, transfers, post-graduation placements, loan defaults, numbers and types of student complaints, and detailed explanations of institutions’ financial operations. The bill authorizes sanctions against institutions for specified reasons.

Senate Bill 484 (Higher Education Management Agreements) allows the Higher Education Policy Commission to contract with a non-profit corporation to manage day-to-day operations of the WV Education, Research and Technology Park in South Charleston. The corporation is required to collaborate and cooperate with the research corporations of Marshall University and West Virginia University in order to maximize the research and development efforts and expertise available.

Senate Bill 486 (WVU-Tech Revitalization Project) will create the WVU-Tech Revitalization Project under the direction of the High Education Policy Commission relating to West Virginia University Institute of



Technology and West Virginia University. The Project includes research on methods of institutional renewal, a plan for implementation of recommendations, development of a renewal model that may be replicated at other state institutions of higher education, and reports to the Legislature detailing use of resources, together with any recommendations for alterations in the project's goals or institutional governance structure.

Senate Bill 538 (Learn and Earn Cooperative Education Project) will establish the Learn and Earn Cooperative Education Program between eligible community and technical colleges and participating companies for students enrolled in technical program. Additionally, the bill will provide for legislative and emergency rules to implement the program.

Senate Bill 592 (Crisis Response Plan) requires all K-12 schools have a crisis response plan in place.

Senate Bill 612 (Education Waivers) grants two county school systems waivers from certain statutory provisions. The statutory teacher mentoring requirements under the "Local School Improvement Council" waiver process is waived for Cabell County schools for the purpose of implementing a teacher induction program. The second waiver is granted to Clay County schools from the provisions relating to limitations on enrollment of students over the age of 21 so those who have left school and are over 21 can enroll in the school's "iREAD" program without paying a fee and earn a diploma.

House Bill 2550 (Education Compact for Military Children) authorizes an interstate compact, and allows West Virginia to join it. The creation of the compact

would remove barriers that children of military families face in school so that they can have a productive and successful educational experience. The compact would help these students by:

- Making sure they are not placed at a disadvantage due to difficulty in the transfer of their education records from previous schools.
- Facilitate the student placement process so that these students are not disadvantaged by attendance requirements, scheduling, sequencing, grading, course content or assessment.
- Make the qualification and eligibility for enrollment in extracurricular activities at school, such as sports, easier.
- Make it easier for these students to graduate on time that would include waiver of some requirements necessary for graduation and alternative exit/end-of-course exams.
- Provide uniform collection and sharing of information between and among member states, schools and military families under the compact.
- Promote flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

The compact also provides provisions to account for special power of attorney for guardianship and for placement of a child with a non-custodial parent.

House Bill 2556 (Employment of Retired Teachers as Substitutes) resets until 2014, the expiration date of provisions that allow the employment of retired teachers as substitutes beyond the post-retirement employment limit in areas of critical need and shortage. The bill also requires counties to report additional information on the number of these retired teachers and the critical need and



shortage area positions filled by them to the Consolidated Public Retirement Board and state board and the dates of their notice of retirement and retirement. The state board shall include this information in its report to the Legislative Oversight Commission on Education Accountability.

House Bill 2648 (Faculty Senate Allotment) increases the faculty senate allotment for classroom teachers and librarians from \$50 to \$100, to be spent on academic materials, supplies or equipment to enhance instruction.

House Bill 2709 (County Boards of Education Energy Contracts) authorizes county boards of education to enter into performance-based contracts with qualified providers of energy-conservation measures for the purpose of reducing energy operating costs of school buildings. The bill also provides that the qualified provider must first issue a proposal summarizing the scope of work to be performed.

House Bill 3116 (School Curriculum Teams) expands on the original intent of school curriculum teams that were created to encourage school communities to become directly involved in the operation of their local schools. The bill establishes additional purposes including providing more opportunities for school personnel to have a direct voice in operation of the school. It also provides additional flexibility for a school curriculum team established at a school that has achieved AYP or has been awarded the accreditation status of distinction or exemplary to select the teaching tools and implement the assessments that it believes are best suited to promote student achievement in the school. The bill also expands on flexibility for a school curriculum team established at

a school that has achieved AYP or has been awarded the accreditation status of distinction or exemplary to select the teaching tools and implement the assessments that it believes are best suited to promote student achievement in the school.

Bill(s) related to this section:

Senate Bill 514, pg.35

House Bill 2981, pg.28

House Bill 3205, pg.9

House Bill 3225, pg.7

Elections

Senate Bill 391 (Community Voting Locations) authorizes community voting locations, requires community voting locations to be open a minimum of five days, provides for locations on a rotating basis and establishes criteria for community voting locations. The bill also permits chairpersons of executive committees to nominate locations, requires publication of notices of the dates, times and places of community voting locations and requires community voting locations to be utilized an equal number of days and for the same number of hours.

Senate Bill 495 (Voting) implements procedures for the adoption or termination of electronic voting systems by county commissions. Additionally, the bill sets forth the requirements of those systems and requires that if an electronic voting system is terminated, the system replacing it must comply with the federal Help America Vote Act of 2002. The bill deletes the requirement that

the purchase or lease of vote recording devices must be paid in cash.

House Bill 2853, pg.21

House Bill 3100, pg.3

Senate Bill 581 (Early Voting Day Change) will change the beginning time for early voting from the 20th day prior to the election to the 13th day prior to the election. The bill will result in a loss of only five early voting days and will allow Saturday early voting for all elections during the early voting period.

House Bill 2438 (Vetoed - Voter Registration) brings older contradicting language still remaining in the code into conformity with §3-2-5(b)(3), relating to voter registration forms and reestablishes a definition for an independent voter. The bill defines an independent voter as any registered voter who declined to state a preference for party affiliation on their voter registration or who listed a party affiliation that is not qualified as a political party as defined in the State Code.

House Bill 2935 (Repealing Outdated Code) repeals outdated sections in the West Virginia State Code relating to voting systems no longer approved for use.

House Bill 2936 (Date of Canvassing of Votes) changes the date of the canvassing of votes in a primary election from the Friday following a primary election to the fifth day following a primary election that is not a Saturday, Sunday or legal holiday. The bill states that the board of canvassers shall be made up of the commissioners of the county commission and presents methods for canvassing the results of an election.

Bill(s) related to this section:

House Bill 2557, pg.27

Emergency Services

House Bill 2013 (911 Dispatch Requirements) amends the requirements for persons employed to dispatch emergency calls in county emergency dispatch centers by requiring these employees to take an nationally recognized emergency medical dispatch course or an emergency medical dispatch course approved by the Office of Emergency Medical Services. Current employees must complete this course no later than July 1, 2013. Individuals employed at a county emergency dispatch center to dispatch emergency calls after July 1, 2010 are required to complete the course within 1 year of his or her employment.

Bill(s) related to this section:

House Bill 3105, pg.26

Energy

Bill(s) related to this section:

Senate Bill 465, pg.30

House Bill 2709, pg.16

If you know the bill number, but not the subject heading of the legislation you are seeking, please refer to the index of bills on pg. 42.

Environmental Protection

Senate Bill 245 (Chesapeake Bay Watershed) allows the Water Development Authority to issue up to \$180 million in bonds, with up to \$6 million per year from the Excess Lottery Fund dedicated as debt service. The bonds are authorized for the limited purpose of providing grants for capital improvements for publicly owned wastewater treatment facilities with an authorized permitted flow of 400,000 gallons per day or more which are required to maintain compliance with nutrient standards for discharges to the Chesapeake Bay Watershed. By June 30, 2012, the eligible facilities must submit to the Infrastructure Council a 10-year projected capital funding plan for Bay compliance projects.

House Bill 2955 (Coal Mine Operators) authorizes the Division of Mining and Reclamation to assess certain fees to coal mine operators.

Estates & Trusts

House Bill 2551 (Uniform Trust Code) amends the West Virginia State Code to provide an additional section in relation to estates and trusts. The bill inserts new provisions of the Uniform Trust Code (UTC) recommended by the National Conference of Commissioners on the Uniform State Laws in 2005. This bill provides for the modernization of the State Code and provides that the UTC will exist seamlessly with current law.

Ethics

House Bill 2464 (Additional Ethics Act Requirements) relates to the Ethics Act. The bill requires public servants and spouses to disclose additional information on financial disclosure statements including, with limited exceptions, certain spousal information. The bill directs the ethics commission to publish and make available to the public notice of delinquent filing of financial statements, provides that the ethics commission publish financial statement in certain circumstances and clarifies existing requirements and prohibits certain public employees and public servants from registering as a lobbyist during and for a year following state government employment.

Factory-Built Homes

Senate Bill 439 (Lawsuit Filing Process for State Regulatory Board) clarifies that filing a complaint with the state regulatory board is a prerequisite for the filing of a lawsuit. The bill specifically states that no purchases or owner of a manufactured home may file a civil action seeking monetary recovery or damages for claims relating to or arising out of the manufacture, acquisition, sale or installation of the manufactured home until the expiration of 90 days after the consumer or owner has filed a written complaint with the board.

Fire Fighting & Prevention

House Bill 2986 (burning permit) allows for certain

permitted fires without a burning permit unless there is a burning ban in effect. It also creates a permit fee of \$125 per burning site, valid for the fire season during which it is issued, for authorizing fires that are otherwise prohibited during fire season. Agricultural entities are exempt from paying the permit fee, but must still obtain a permit. The fee will be deposited into the Division of Forestry Fund, and will be used to cover the costs of administering the burning permits.

Bill(s) related to this section:

House Bill 3271, pg.39

Forestry

Senate Bill 458 (Logging Sediment Control Act) will update the Logging Sediment Control Act including, but not limited to establishing renewal of licensure and certification on a biennial basis, requiring the Division of Forestry to report certain information to the Tax Commissioner on a monthly basis, and increasing licensure and certification fees.

Senate Bill 460 (Division of Forestry Practices and Procedures to Address Law-Enforcement) clarifies that Division of Forestry natural resources police officers are under the control and direction of the Director of the Division of Forestry and permits the director to enter into memorandums of understanding with other law-enforcement agencies. It also clarifying the duties of the director, being that the director shall develop, promote and advance the growth of the forest products industries of this state; cooperate with educational

institutions, development agencies, and private and public organizations to promote the expansion of the forest products industries of this state in local and global markets; conduct research on marketing and developing forest products and forest products industries; conserving, managing, and utilizing the state's forest land and its multiple uses; and improving the forestry knowledge and practices of private landowners; compile its findings and recommendations, and disseminate the results of its research to the public, the forest products industry, the Governor and the Legislature. Additionally, the director has the power to accept and use gifts, donations or contributions from individuals, organizations or corporations, and to acquire by gift, lease or purchase real estate; establish law enforcement practices and procedures to address the law enforcement requirements of the division; and to proclaim rules and regulations, subject to the provisions of chapter twenty-nine-a of this code.

Bill(s) related to this section:

House Bill 2986, pg.18

Funds

House Bill 2959 (Extra Fund Appropriation) provides additional funds for the West Virginia Racing Commission in regards to its Administration and Promotion Account. This fund will continue to retain five percent of the pari-mutuel pool deposits and receive an additional four and a half percent of the deposits. These deposits would otherwise be placed into the Thoroughbred Development Fund with a cap of \$305,000 per year.

Bill(s) related to this section:

Senate Bill 219, pg.38

House Bill 2953, pg.37

House Bill 3204, pg.6

House Bill 3271, pg.39

Funeral Services

House Bill 3144 (Protesting Funerals) prohibits a person from carrying out, with respect to a cemetery or building at which a funeral or memorial service or ceremony is to be held, a demonstration within 500 feet of the cemetery or building that is conducted during the period beginning 60 minutes before and ending 60 minutes after the funeral or memorial service or ceremony is held. The bill includes, as a part of such demonstrations, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral or memorial service or ceremony.

Gaming Activities

Senate Bill 413 (Racing Commission) changes the title of the Racing Commission's racing secretary to executive director.

Senate Bill 550 (Racing/Lottery) relates generally to gaming at licensed racetracks and historic resort hotels. The bill will authorize the licensed gaming facility at the Greenbrier Hotel to offer pari-mutuel wagering on

simulcast horse or dog races transmitted there from racetracks. The bill also exempts certain wagering and purchases from the sales and use tax. The bill also directs \$10 million each year until June 30, 2020, from racetrack video lottery gross terminal income into a new racetrack modernization fund to be used to subsidize racetrack purchases of new video lottery terminals and related equipment.

House Bill 2958 (Racing Commission Fees) allows the West Virginia Racing Commission to use fees for permits and for the registration of colors or assumed names to pay salaries and other budgeted expenses instead of being paid into the relief fund. The bill also allows judges and the Racing Commission to impose fines.

House Bill 2989 (Racing Commission Hearing Process) clarifies that any time someone seeks a hearing after an adverse order suspending or revoking a permit by the stewards or judges at a track, the person adversely effected can request a stay and the Racing Commission, its chairman, or a member designated by the chairman may grant a stay in its discretion. The bill states that the request for stay must be filed in writing by the deadline for the hearing request and if the stay is granted it is not a presumption that the order of the stewards or judges is invalid.

The Racing Commission is given power to appoint a hearing examiner who is licensed to practice law in West Virginia to administer the hearing, rather than having the full Racing Commission conduct the hearing. If the hearing examiner conducts the hearing, the examiner must prepare a written recommended decision for the

Commission's consideration. The Racing Commission can accept as a whole, modify the recommendation or reject it. However, if it is rejected, the Racing Commission must issue an explanation of the decision.

House Bill 2990 (Changing the renewal date for the occupational permit from the Racing Commission)

provides for the renewal date of the Racing Commission-issued occupational permit from Dec. 31 of each year to a schedule determined according to the applicant's date of birth. The Racing Commission has authority to approve or deny any application. If the application is approved, the Racing Commission shall issue a license to conduct a horse or dog racing meeting and shall designate on the face of the license the kind of horse or dog racing for which the same is issued.

Bill(s) related to this section:

Senate Bill 392, pg.4

House Bill 2959, pg.19

Governmental Agencies

Senate Bill 507 (Broadband Deployment Council) extends the expiration date of the Broadband Deployment Council until December 31, 2014.

House Bill 3094 (Employee Reimbursement) gives the Secretary of the Department of Health and Human Services authority to use existing department funds to develop a program to compensate employees up to \$250 for damage to personal property in work related incidents. This language was omitted inadvertently from state code

when the statute was rewritten a few years ago.

Bill(s) related to this section:

Senate Bill 238, pg.28

Senate Bill 241, pg.37

Senate Bill 282, pg.38

Senate Bill 560, pg.23

House Bill 2562, pg.5

House Bill 2763, pg.39

House Bill 2958, pg.20

House Bill 3028, pg.7

Governor

House Bill 2853 (Special Primary and General Election to Fill a Vacancy in the Office of Governor)

relates to filling a vacancy in the office of Governor. The bill provides for special election of Governor if a vacancy occurs within first three years of the prior Governor's term. It provides the requirements for the special elections and provisions so special general elections do not affect political party creation. The bill prescribes the time frames for when new election must take place, providing that the person acting as Governor shall issue proclamations relating to new elections. It requires the state to pay costs incurred in connection with any special elections. It modifies certain statutory time periods relating to declaration of candidacy and procedures relating to the payment of filing fees and drawing of ballot positions. The bill clarifies the eligibility of certain minors to vote in special primary election and modifies statutory provisions relating to minimum number of ballots to be printed. It authorizes the Secretary of State

to issue administrative orders and to establish procedures and deadlines, and authorizes Saturday early voting in the special primary election.

Governor -- Bills Requested By

Bill(s) related to this section:

Senate Bill 205, pg.36

Senate Bill 215, pg.36

Senate Bill 219, pg.38

Senate Bill 228, pg.14

Senate Bill 234, pg.13

Senate Bill 235, pg.13

Senate Bill 238, pg.28

Senate Bill 239, pg.14

Senate Bill 241, pg.37

Senate Bill 243, pg.6

Senate Bill 247, pg.36

Senate Bill 254, pg.4

Senate Bill 255, pg.4

Senate Bill 342, pg.4

Senate Bill 373, pg.14

House Bill 2012, pg.1

House Bill 2853, pg.21

House Bill 2879, pg.32

House Bill 2953, pg.37

Hazardous Materials

Bill(s) related to this section:

House Bill 3126, pg.32

Health Care

Senate Bill 408 (WV Health Benefit Exchange Act)

establishes a West Virginia Health Benefit Exchange to facilitate the purchase and sale of qualified health plans in the individual market. It will also establish a Small Business Health Options Program within the exchange, to assist qualified small employers in facilitating the enrollment of their employees in qualified health plans.

Senate Bill 488 (HIV Testing Statute)

relates to HIV testing generally. It repeals the authority of the Department of Corrections to conduct AIDS-related study and provides for AIDS-related testing and confidentiality of records. Additional provisions include: who may request testing, when testing may be mandated, confidentiality of records and an enforcement mechanism for orders of the Commissioner of the Bureau of Public Health. It eliminates requirements for counseling in certain circumstances for information regarding HIV and AIDS be provided to persons applying for marriage licenses. The bill also provides when disclosure is permitted.

Senate Bill 492 (Medicaid)

maximizes federal funding for Medicaid by establishing a hospital Medicaid upper payment level program for a two-year plus period.

The bill increases the health care provider tax imposed on gross receipts of providers of certain eligible acute care hospitals. Imposition and collection of taxes under the bill is contingent upon federal approval of a state plan amendment establishing an appropriate hospital Medicaid upper payment level program that meets the requirements set forth in the bill. Imposition and collection of the taxes terminates prior to the end of the two-year term of the program upon the occurrence of certain events.

Senate Bill 532 (Medicaid Fraud and Abuse) relates to the Medicaid Fraud Control Unit of the Department of Health and Human Resources and clarifies that the Medicaid Fraud Control Unit is part of the Department of Health and Human Resources. The bill also provides authority to investigate financial exploitation, authorizes investigation procedures for the Medicaid Fraud Control Unit upon information indicating a violation, provides that the Medicaid Fraud Control Unit may request search warrants and initiate criminal complaints upon probable cause, allows Medicaid Fraud Control Unit lawyers to assist prosecutors in Medicaid crimes, provides permitted venues for prosecution of crimes committed against Medicaid and limits the liability of the Department of Health and Human Resources, its secretary, and its employees.

Senate Bill 560 (Health Care Authority Rate-Setting Models) exempts the rate-setting models set by the Health Care Authority and also the options generated by those models from disclosure pursuant to the West Virginia Freedom of Information Act. After a decision by the Authority that utilizes the rate-setting models, the exemption for the option generated by the models would be removed and the options would be subject to disclosure.

House Bill 2479 (Dental Anesthesia Regulation) relates to the administration of anesthesia by dentists and in dental offices. The bill clarifies permit requirements, classes of permits, qualifications and certifications required for the respective classes of permits. It also outlines standards of care, patient monitoring requirements, education and certification requirements for monitors and assistants. The bill also relates to office evaluations.

House Bill 2522 (Nursing Home Administrative Appeals) relates to nursing home administrative appeals and complaint hearing procedures, establishes an independent disputes resolution process for nursing homes and clarifies the informal and formal review process and clarifies the judicial review process.

House Bill 2696 (Transfer of health facility) authorizes the Boone County Commission to transfer title to Boone Memorial Hospital to the Boone Memorial Hospital, Inc., a WV private non-profit corporation, without public auction.

House Bill 2876 (Expanding Model Health Plan) expands eligibility for subsidies to enrollees in the model health plan for uninsurable individuals to those with an annual average household income at or below 400 percent of the federal poverty level.

House Bill 2885 (Health) allows a guardian to be employed by or in an employment contract with a behavioral health provider to provide care to the protected person under certain circumstances.

House Bill 3114 (Nursing Homes) will allow for the development and operation of a nursing home on the grounds of a critical access hospital meeting certain limitations and exemptions from nursing home suspension and certificate of need requirements.

House Bill 3196 (Nursing Home Medications) establishes a pilot program in which specially certified medication assistive persons in nursing homes will dispense certain medications. The pilot program will be carried out by the WV Board of Registered Nurses

(“board”). Before the pilot program may begin, at least 10 nursing homes must agree to participate. After 6 months of the pilot program, the board will provide a report to LOCHHRA. The bill establishes a Medication Assistive Person Advisory Committee to assist the board in implementing the pilot program. The bill also provides emergency rule making authority for the pilot program.

Bill(s) related to this section:

House Bill 2971, pg.24

House Bill 3021, pg.6

House Bill 3028, pg.7

Human Services

House Bill 3075 (Hold-Harmless Provision) increases the time period in the hold-harmless provision when distributing state aid to local health departments and basic public health services funds from three years to four years.

Bill(s) related to this section:

House Bill 2949, pg.37

Infrastructure

Bill(s) related to this section:

House Bill 2953, pg.37

Insurance

Senate Bill 253 (Updating Changes in the Code Regarding Insurance) amends the insurance code to adopt recent changes to the model act adopted by the National Association of Insurance Commissioners. These amendments to the code relate to holding companies and systematic risks arising from acquisitions and divestitures from affiliates. This bill defines the terms and excludes certain investments from determination of adequacy of surplus.

Senate Bill 356 (Captive Insurance Companies) makes a captive insurance company that is organized as a risk retention group subject to certain insurance code provisions. A risk retention group is like a liability insurance company owned by its policyholders, where membership is limited to people or entities in the same business or activity that exposes them to similar liability risks. Risk retention groups can write insurance directly nationwide provided it registers with each state in which it plans to do business.

Senate Bill 435 (State Insurance Code) amends the state insurance code so it coincides with the federal Non-admitted and Reinsurance Reform Act of 2010. It also authorizes the Insurance Commissioner to enter into a multi-state agreement with regards to the collection and disbursement of surplus lines taxes.

Senate Bill 472 (Insurance Licensing Requirements) provides an exemption from insurance licensing requirements for vendors of portable electronics when they offer portable electronics insurance. Portable electronics insurance covers the repair or replacement of portable electronics in cases of loss, theft, mechanical



failure, malfunction, damage or other applicable perils. The bill also includes provisions relating to suspension of privileges, sale and termination of portable electronics insurance and prohibited acts.

House Bill 2532, pg.38
House Bill 2885, pg.23
House Bill 3163, pg.39

House Bill 2693 (Insurance Coverage for Autism Spectrum Disorders) relates to the requirement of insurance coverage for autism spectrum disorders. It provides for an effective date for coverage, sets out age limitations, provides for coverage amounts and time frames, sets forth who may provide appropriate treatment and provides reporting requirements to determine if treatment remains effective. The bill also allows for cost saving measures in specified instances. It provides the provisions are only required to the extent required by federal law and provides reporting requirements by state agencies.

Internet

Bill(s) related to this section:
Senate Bill 186, pg.7

House Bill 2745 (Insurance Commissioner) an Act to amend and reenact the code generally relating to the Insurance Commissioner. Some amendments the bill will make includes, but is not limited to providing that certain information provided by insurance companies to the Insurance Commissioner is confidential; providing that such confidential information is not subject to subpoena or discoverable in a private civil action; commissioner’s authority to release, share and receive documents otherwise treated as confidential in furtherance of the commissioner’s official duties; and share and receive documents otherwise treated as confidential in furtherance of the commissioner’s official duties; stating conditions attached thereto; authorizing legislative rules, creating an all-payer claims database, and defining terms.

Labor

Bill(s) related to this section:
House Bill 2626, pg.35

Law Enforcement

Senate Bill 193 (Law Enforcement Committee) expands the responsibilities of the law-enforcement training subcommittee and renames it the law-enforcement professional standards subcommittee.

The committee clarifies the authority to de-certify law-enforcement officers, establishes a database of law-enforcement officers disciplined for certain types of misconduct, requests the proposal of legislative rules to set standards for law-enforcement agencies to report certain types of misconduct by officers to the database, and requires that law-enforcement agencies check the database prior to hiring any officer.

Bill(s) related to this section:

House Bill 2248 (Federal Law Enforcement's Authority in State) grants any person who is employed by the United States government as a federal law-enforcement officer and also listed in the bill the same authority to enforce the laws of this state, except state or local traffic laws or parking ordinances, as that authority granted to state or local law-enforcement officers if: the federal law-enforcement officer is requested to provide temporary assistance by the head of a state or local law-enforcement agency, the federal law-enforcement officer is requested by a state or local law-enforcement officer to provide the officer temporary assistance when the state or local law-enforcement officer is acting within the scope of the officer's authority and jurisdiction and where urgent circumstances exist or if a felony is committed in the federal law-enforcement officer's presence or under circumstances indicating a felony has just occurred.

House Bill 2539 (Law Enforcement) amends W.Va. Code to authorize the State Police to utilize only the services and/or facilities of the state designated laboratory at the Marshall University Forensic Science Center for DNA typing, testing and research in support of CODIS and forensic DNA testing.

House Bill 2708 (Protecting Agreements Between Law Enforcement Agencies) removes the 12-month limitation for certain agreements between or among law-enforcement agencies to remain in effect. This bill will also permit agreements between or among different law-enforcement agencies to remain in effect unless terminated.

House Bill 2752 (Law Enforcement Age Limit) increases the maximum age for persons applying for

appointment for the police force in a Class I or Class II city from 35 to 40 years old.

House Bill 3054 (DNA Evidence) makes a number of changes to the way DNA evidence is collected, used, and stored. Some of the changes made includes: Eliminating a current requirement that DNA evidence is destroyed, clarifies that all people who must register as sex offenders must provide a DNA sample, DNA samples required from offenders who are transferred to West Virginia, use DNA data in the identification of human remains, and states that DNA samples are not public records. Another change made allows the State Police to use "partial match analysis" as "an investigative tool" in the investigation of more serious crimes.

House Bill 3143 (Law Enforcement Animals) increases the fine and minimum penalty for causing death or injury to animals used by law enforcement agencies.

Bill(s) related to this section:

Senate Bill 186, pg.7

House Bill 2475, pg.7

House Bill 2766, pg.34

House Bill 2860, pg.35

House Bill 2863, pg.34

Liability

House Bill 3105 (Forced Entry Immunity) provides immunity from civil or criminal liability for first responders who use forced entry to a residence when rendering emergency care associated with a documented 911 call.

Bill(s) related to this section:

Senate Bill 428, pg.10

Senate Bill 439, pg.18

Senate Bill 474, pg.31

Senate Bill 570, pg.6

House Bill 3004, pg.27

Licenses

House Bill 2525 (Provisions to the Profession of Social Work) will add seventeen new sections to the code relating to the practice of social work. The bill will prohibit the practice of social work without a license; defines terms for but not limited to providing for board composition, setting forth the powers and duties of the board and clarifying rule-making authority. The bill also provides requirements of providing for licensure for persons licensed in another state. Additionally, the bill establishes renewal requirements and provides permit requirements.

Bill(s) related to this section:

House Bill 2075, pg.29

House Bill 2845, pg.30

House Bill 2962, pg.5

Local Bills

House Bill 2557 (Upshur County Board of Education) will establish an act to extend the time for the Board of Education of Upshur County to meet as

a levying body for the purpose of submitting to the voters of Upshur an election on the question of the approval of a special levy for the payment of principal and interest on bond indebtedness authorized pursuant by the West Virginia Constitution until the last day in May, 2011, that is not a Saturday, Sunday or legal holiday.

House Bill 3004 (Greater Huntington Park and Recreation District Requirements) relates to the Greater Huntington Park and Recreation District. It requires a public hearing when the comprehensive plan is updated and that persons employed as park rangers meet certain law-enforcement qualifications.

Bill(s) related to this section:

House Bill 2696, pg.23

Military Affairs

Senate Bill 184 (Disposition of Military Personnel Remains) relates to the disposition of the remains of a deceased military service member who dies while serving in the United States armed forces. The bill provides that no public officer, employee, physician or surgeon, or other person having a professional relationship with the deceased shall send or cause to be sent to an embalmer, funeral director or crematory operator the body of a deceased without first inquiring the desires of the next of kin or any person who may be chargeable with the funeral expenses of the deceased. The bill also provides penalties for violations.

Senate Bill 238 (Department of Veterans' Assistance) redesignates the Division of Veterans' Affairs as the Department of Veterans' Assistance within the executive branch and establishes the time period for review of the Department of Veterans' Assistance by the Joint Standing Committee on Government Organization and the Joint Committee on Government Operations. The bill also provides that the Veterans' Council be part of the Department of Veterans' Assistance, provides that the department be supervised by a secretary-level administrator, establishes the salary of the secretary, provides an effective date for redesignation, clarifies the purpose of the Department of Veterans' Assistance, makes other changes to the code to work with the amendment.

Senate Bill 382 (Allowing service members leaves of absence) specifies additional activities for which members of the National Guard or Armed Forces Reserves, who are also public employees or officials, are entitled to a leave of absence. Any officer is entitled to a military leave of absence from his or her respective office or employment without loss of pay and status or efficiency rating on the days in which he or she is ordered by a properly designated authority to engage in drills, inactive duty training, parades, funerals details, service schools or other duty during business hours, field training, annual training or other full-time National Guard duty. These absences shall be for a maximum time period of 30 working days and shall not exceed 240 hours in any one calendar year.

House Bill 2981 (Education and Military) clarifies payment for trade certifications and allows the use of tuition assistance for West Virginia National

Guard members enrolled in a doctor of medicine or osteopathic medicine program.

Bill(s) related to this section:

House Bill 2550, pg. 15

Mines & Minerals

House Bill 2437 (Mining Safety) requires the Board of Coal Mine Health and Safety to study, and report back to the Legislature by December 31, 2011 on the benefits and appropriateness of requiring the installation of methane detection shutoff devices. Also, required reporting should reflect if there are safety benefits to such a requirement and whether the Board recommends to the Legislature that requirements regarding mandating these devices in underground mines are warranted.

House Bill 2888 (Whistle Blower Protections) directs the Board of Coal Mine Health and Safety to conduct a study on the need to implement new protections for whistle-blowers and others in underground coalmines who refuse to work in unsafe conditions, and report back to the Legislature by December 31, 2011.

Bill(s) related to this section:

House Bill 2953, pg.37

House Bill 2955, pg.18

Motor Vehicles

Senate Bill 263 (Motor Vehicle License, Registration, Inspection) allows nonprofit research corporations affiliated with an institution of higher education with programs in the research and development of vehicles, special fuels or equipment for motor vehicles to operate vehicles that have been issued special plates on the roads.

The bill requires written records to be kept. The bill provides that bonding is not required. The bill also requires the vehicles to be insured. The bill exempts the vehicles from safety inspections, but requires the vehicles to be safe.

Senate Bill 328 (Relating to Driver's Licenses) relates to the issuance, disqualification, suspension and revocation of driver's licenses and privilege to operate a commercial motor vehicle. Specifically, the bill creates the offense of operating a commercial motor vehicle while texting, provides penalties for those who violate this and for motor carriers who require or allow a driver to operate a commercial motor vehicle while texting, provides that the licensed driver accompanying a driver holding an instruction permit must be alert and unimpaired and adds additional certifications to the application and the face of a commercial driver's license.

Senate Bill 608 (Vetoed - DMV) increases fees for services and documents issued by the Division of Motor Vehicles. The increase in fees was based upon the average of comparable fees assessed by the five states adjacent to West Virginia. The bill also reduces the number of attempts at the written or road skills tests per fee paid

for instruction permits, Level One Graduated Driver's License (GDL1) and Level Two Graduated Driver's License (GDL2) to one attempt per fee paid. The bill allows for a designation on drivers licenses issued for a person who is an honorably discharged veteran.

Municipalities

Senate Bill 335 (Municipalities Regulate Taxis and Taxi Stands By Ordinance) relates to the authorization of Class I and Class II municipalities, that include a land grant university enrolling at least twenty thousand students, to regulate taxicabs and taxi stands by ordinance. The bill provides that regulations shall be limited to requirements for the condition of the taxicabs, the location of taxi stands, background checks for taxi drivers, drug testing for drivers, requirements for safety inspections and requirements to improve reliability of the service. Additionally required is that a taxicab company place a sign in the car, visible to passengers, that contains contact information for passengers to use to make complaints about the taxicab company or its taxi drivers.

House Bill 2075 (Business License Regulations) allows the governing body of a municipality two options on how to regulate business licenses. The first option requires a municipal license for the use of the municipality and imposes a reasonable tax that cannot exceed the amount of the state license tax. The second option would allow a the governing body of a municipality to enact an ordinance creating an annual general municipal business license for



multiple purposes and assess a tax which cannot exceed \$20.00. This option is not available if a business license tax or fee has been established in State Code.

House Bill 2697 (Record-Keeping for Municipalities) updates the language of the record keeping requirements for the governing body of a municipality. It removes the requirement that records be kept in a well-bound book and simply requires that accurate records be kept.

Bill(s) related to this section:

House Bill 2871, pg.13

Natural Resources

Senate Bill 357 (Requires Additional Animals to be Checked at Official Game Check Stations) specifies river otter and beaver, including pelts, to the list of species that must be checked at an official game check station. Each trapper shall present any beaver or river otter to a game checking station or representative of the Division of Natural Resources within 30 days after the close of a legal season. The tag provided by the Division of Natural Resources shall be fastened to each beaver or otter until it is processed into commercial fur.

Senate Bill 465 (Marcellus Gas) creates the Marcellus Gas and Manufacturing Development Act. The bill reenacts the alternative fuel motor vehicle tax credit, which expired in 2007. The bill also adds a tax credit for alternative fuel vehicle infrastructure in order to encourage the construction of alternative fuel vehicle refueling stations. The bill clarifies in the definition

of Manufacturing in the Manufacturing Investment Tax Credit act that an ethane cracking facility is a manufacturing facility for purposes of the credit.

The bill also clarifies that contractors constructing compressor stations or natural gas transmission lines of 20 inches in diameter or greater can purchase building materials and equipment and the pipe and other construction materials exempt from sales and use taxes if the purchaser of the services would be entitled to claim a refundable exemption had it purchased the machinery, supplies or materials. Finally, the bill adds a provision that includes any component of raw natural gas as an Alternative energy resource under the Alternative and Renewable Energy Portfolio Standard

House Bill 2845 (Lifetime Hunting License for Senior Residents) this bill will create a senior resident lifetime hunting, fishing and trapping license that will cost \$25. Persons who are 65 years of age before January 1, 2012, are grandfathered in and exempt from the purchase of the license. However, if a person meeting the age requirement wants to purchase a XS license in order to receive the same benefit as youth hunters, they will be able.

House Bill 3000 (Coyote Hunting w/ Green Light) makes it lawful to hunt coyotes with a green colored light. Under current law, the use of amber or red-colored artificial light are the only permissible types of lighting that may be used in the hunting of coyotes.

Bill(s) related to this section:

Senate Bill 245, pg.18

Senate Bill 563, pg.33

Prescriptions & Medications

Senate Bill 285 (Tamper-Resistant Paper) extends the time frame practitioners must write prescriptions on official tamper-resistant paper from July 1, 2011 to January 1, 2012.

Senate Bill 474 (Physicians Responsible for Drug Warnings) codifies the learned intermediary doctrine which recognizes that prescribing physicians are in a superior position to impart drug warning to patients and provide independent medical decisions as to whether use of the drug is appropriate for treatment. The doctrine also provides the drug manufacturers lack the effective means to communicate directly with each patient and imposing that duty to warn upon drug manufacturers would ultimately interfere with the physician-patient relationship. The bill also provides for the product liability claim brought on by a non-resident of this state against a manufacturer or a distributor of a prescription drug for failure to warn, the duty to warn shall be governed only by the product liability law of the place the injury took place.

Bill(s) related to this section:

House Bill 2479, pg.23

Professions & Occupations

House Bill 2159 (Protecting News Media from Revealing Sources) prohibits members of the news media from being compelled to give testimony in any court in the state relating to the source of information

without the consent of the person or persons providing the information. This applies unless the testimony or information is necessary to prevent imminent death or serious bodily injury. In this bill, a reporter is defined as a person who regularly gathers, collects, publishes, writes, edits, reports or photographs news for a substantial portion of the person's livelihood, for substantial financial gain or a supervisor or employer of a person in that capacity. This bill also provides for a student reporter who meets all of the specified criteria above; expect that his or her reporting may not provide for a portion of his or her livelihood.

House Bill 2368 (Beauty and Cosmetologists)

requires the board of Barbers and Cosmetologists to create a barber's apprentice program. The board may also license an applicant from another jurisdiction who completed an apprentice program.

House Bill 2498 (Dentistry)

changes the practice of dentistry by adding two ways a dentist may be disciplined. The bill provides the West Virginia Board of Dental Examiners with the authority to require a licensee have a psychological evaluation in certain situations and increases the length of time to dispose of shares of a deceased shareholder in a dental corporation. The bill also allows a dental student to work in a public health setting under certain conditions.

Bill(s) related to this section:

House Bill 2479, pg.23

House Bill 2639, pg.5

Public Employees

House Bill 2879 (Public Employee One Time Pay Increase) will amend and reenact several codes all relating generally to increasing compensation for certain public officials and public employees. The bill will provide a one time pay raise given to teachers, judges and other eligible public employees with the passage. Public school teachers will receive a \$1,488 base pay under the bill, while other school personnel will receive an increase equal to 2 percent of their salaries—no one is subject to getting less than \$500. Other public employees, such as state police will see a pay raise of over \$900. Magistrates and Judges will receive a salary increase between \$7,500 for certain magistrates to \$15,000 for West Virginia Supreme Court of Appeals justices.

House Bill 2939 (PERS) clarifies the definition of compensation for purposes of calculating required contributions to the public employees retirement system. The bill limits the definition of compensation for the purpose of withholding contributions for the system or for the purpose of calculating a member's final average salary to exclude lump sum or other payments paid to members that do not constitute regular salary or wage payments.

Public Service Commission

House Bill 2663 (Public Service Commission Duties) will make several amendments to the code relating to duties of the Public Service Commission. The bill will require at least one commissioner be present at any public hearing on a public utility and demands the commission establish

a Web site and toll-free telephone number for reception of public comments. Additionally, the bill will add costs of providing private water utility services to qualified low-income residents to matters that the commission must certify and delete obsolete language.

Public Service Districts

House Bill 3119 (Increasing the Public Service District Expenditure) changes the expenditure limit from \$15,000 to \$25,000 on public service district construction and purchase contracts before competitive bids are required. The board of each of the districts specified shall have the supervision and control of all public service properties acquired or constructed by the district. The board shall have the power and duty to maintain, operate, extend and improve the same activities necessary to comply with all federal and state requirements. This will include water quality improvements activities.

Railroads

House Bill 3126 (Railroad Company Pesticide Information) requires a railroad company to provide pesticide safety information at a central location accessible to employees of the railroad company, requires a railroad company to make available to the public on its Internet site a description of how to obtain information regarding the railroad company's use of pesticides, including a telephone number for the company and requires a railroad company to provide pesticide safety training annually to



its employees who work along railroad rights-of-way, in rail yards or other employees who may work in areas to which pesticides have been applied.

Real Property

Bill(s) related to this section:

House Bill 2818, pg.8

Retirement

Senate Bill 222 (WV Municipal Police Officers and Firefighter Retirement System) amends the West Virginia Municipal Police Officers and Firefighters Retirement System (the “Plan”) to ensure the plan’s continued qualified status under federal tax law.

The bill makes an amendment necessary to comply with Section 824 of the Pension Protection Act of 2006. Section 824 of the PPA requires that the Plan permit eligible rollover distributions to a Roth IRA described in Section 408A of the Internal Revenue Code. This bill amends the direct rollover provision of the plan by adding Roth IRAs to the definition of “eligible retirement plan” and amending the definition of “eligible rollover distribution” to provide that distributions of after-tax amounts may be rolled over to a Roth IRA.

Senate Bill 544 (Municipal Policemen’s and Firemen’s Pension and Relief Funds) relates to municipal policemen’s and firemen’s pension and relief

funds and Municipal Police Officers and Fire Fighters Retirement System. It provides additional methods for municipalities to finance policemen and firemen’s pension and relief funds. Additionally, it authorizes the Municipal Pensions Oversight Board to contract services from an actuary without certain statutory restrictions. It also requires certain information in certain actuarial reports and extends time to submit a plan to extend Social Security benefits to certain individuals.

Senate Bill 546 (Retirement System) permits the Municipal Pensions Oversight Board to purchase actuarial services exempt from Purchasing Division requirements, and to extend the date by which municipalities participating in the Municipal Police Officers and Firefighters Retirement System must request a referendum on Social Security coverage. This bill removes obsolete language.

Senate Bill 563 (Allows Municipalities to Create Deferred Retirement Option Plans) authorizes municipalities participating in municipal police officer or fire fighter’s pension and relief funds to design and implement Deferred Retirement Option Plans (DROP) for fund members. These plans must have the approval of the Municipal Pensions Oversight Board. A municipality shall submit a DROP plan to the oversight board for analysis by the qualified actuary retained or employed by the board. The board shall approve only those DROP plans that have no negative impact on the member’s pension or relief fund. The submitting municipality shall reimburse the board for actuarial cost of analysis.

House Bill 2765 (Public Employee Retirement Compliance) brings all the plans administered by the Consolidated Public Retirement Board (CPRB) into

compliance with federal law by establishing how the plans provide death benefits to survivors of plan participants or members who die on or after January 1, 2007 while performing military service.

The death of the participant or member is not to be considered by reason of injury, illness or disease resulting from an occupational risk or hazard inherent in or peculiar to the service, or as having occurred in the performance of his or her duties as a member, or as a result of any service-related illness or injury.

House Bill 2766 (Increasing the maximum contribution rate regarding the Deputy Sheriff Retirement System) clarifies the authority of West Virginia Consolidated Public Retirement Board to determine the participating employer contribution rate under the provisions of the Deputy Sheriff Retirement System. Each member of the Deputy Sheriff Retirement System shall have a deduction equal to eight and one-half percent of his or her monthly salary taken and put into the fund for the retirement system. An additional amount shall be paid to the fund by the county commission of the county in which the member is employed. In any year proceeding July 1, 2011, the total of the contributions that are paid by the county commission may not exceed 13 percent of the total payroll for the members of the county commission.

House Bill 2863 (State Police Disability Exams) provides that the costs of physical and mental disability examinations approved by the Consolidated Public Retirement Board for examinations of former State Troopers retired on disability are to be paid from the retiree's retirement plan instead of from moneys

appropriated for the expenses of the West Virginia State Police. It also requires the State Police to reinstate a former trooper that is no longer disabled unless the retirant declines to be reinstated, is found by a background check to be ineligible or is found by the Superintendent of the State Police to be unacceptable due to prior performance history or evaluations.

Bill(s) related to this section:

Senate Bill 436, pg.36

House Bill 2345, pg.5

House Bill 2556, pg.15

House Bill 2939, pg.32

House Bill 3145, pg.35

Roads and Highways

Bill(s) related to this section:

House Bill 2586, pg.35

Rule Making

Senate Bill 112 (Department of Admin.) authorizes the Department of Administration to promulgate legislative rules relating to the Department of Administration, the Consolidated Public Retirement Board and the West Virginia Ethics Commission.

Senate Bill 121 (DEP) authorizes the Department of Environmental Protection to promulgate 13 legislative rules.

Senate Bill 177 (Authorizes the Department of Revenue to define a legislative rule) allows the State Tax Department to define a legislative rule relating to the exchange of information agreement between the State Tax Department and the Office of State Fire Marshal.

Senate Bill 295 (Defining a legislative rule regarding the Safety and Treatment Program) authorizes the Department of Health and Human Resources (DHHR) to define a legislative rule relating to a Safety and Treatment Program. This includes legislative rules pertaining to public water systems, multi-patient medical transport, food manufacturing facilities, fire department rapid response licensing, emergency medical services, cancer registry, safety and treatment programs, licensing for non-profit corporations for conservator service and certificates of need.

Senate Bill 514 (Legislative rule regarding degree-granting institutions) authorizes the Higher Education Policy Commission to define a legislative rule in regards to the authorization of degree-granting institutions.

House Bill 2586 (Department of Transportation) authorizes the Department of Transportation to promulgate legislative rules.

House Bill 2613 (Department of MAPS) authorizes the Department of Military Affairs and Public Safety to promulgate legislative rules relating to the Governor's Committee on Crime, Delinquency and Correction.

House Bill 2626 (Department of Commerce) authorizes the Department of Commerce to promulgate legislative rules. It includes administrative rules for the

Department of Commerce and also includes rules for Workforce West Virginia, Division of Natural Resources and the Division of Labor.

House Bill 2639 (Allows the Board of Physical Therapy to define a legislative rule) allows the Board of Physical Therapy to define a legislative rule in regards to General Provisions for Athletic Trainers.

House Bill 2860 (Child Welfare) authorizes the promulgation of rules by the Governor's Committee on Crime, Delinquency and Correction to establish procedures for the investigation of child abuse and neglect investigations.

Safety

Bill(s) related to this section:

Senate Bill 592, pg.15

House Bill 2437, pg.28

House Bill 2626, pg.35

House Bill 2888, pg.28

Salaries

House Bill 3145 (Bonus for Public Employee Retirees) provides a \$600 bonus on July 25, 2011, for retirees of the Public Employees Retirement System and the Teachers Retirement System with 20 years of credited service and an annuity of not more than \$7,200.

Bill(s) related to this section:

House Bill 2879, pg.32

House Bill 2958, pg.20

Senior Citizens

Bill(s) related to this section:

House Bill 2362, pg.12

House Bill 2522, pg.23

House Bill 2845, pg.30

Taxation

Senate Bill 35 (Non-family Adoption Tax Credit)

increases the non-family adoption tax credit from \$2,000 to \$4,000. This is a one-time tax credit that may be taken in the year of the adoption of each non-family child whose age is under 18-years-old. This taxpayer has the option of taking the credit over a period of three years. The child may not be related to the taxpayer by blood or marriage to receive this tax credit.

Senate Bill 205 (Taxation) for tax year 2010, the meaning of terms in the West Virginia statutes relating to corporate net income taxes will have the same meaning as those terms have under federal statutes as were amended in 2010.

Senate Bill 215 (Updating the Meaning of Federal Adjusted Gross Income) updates the meaning of “federal adjusted gross income” and certain other terms used but not defined in the West Virginia Personal

Income Tax Act by making them the same as their meanings under the Internal Revenue Code for federal income tax purposes.

Senate Bill 247 (Sales Tax Exemption) authorizes a sales tax exemption, beginning July 1, 2011, for qualified purchases of certain building materials, racking and racking systems, and primary material handling equipment directly used for the building or repair of a qualified warehouse or distribution facility. The building itself must employ 300 West Virginians and direct investment in the facility must be at least \$50 million over a period of no more than five years. Any facility that has over-the-counter sales exceeding five percent of the total revenues does not qualify for the tax exemption.

Senate Bill 371 (Jurisdictions Identified As Tax Havens)

updates the list of jurisdictions identified as tax havens. The jurisdictions are identified by the Organization for Economic Cooperation and Development as a tax haven or as having a harmful preferential tax regime means and includes any and all jurisdictions so identified as of the most recent list or compilation of jurisdictions issued, published or adopted by the Organization for Economic Cooperation and Development.

Senate Bill 436 (Tax adjustment for retirees)

provides for a personal income tax adjustment to the gross income of certain retirees receiving pensions from defined pension plans that terminated and are being paid a reduced maximum benefit guarantee. If the West Virginia State Tax Commissioner determines that this adjustment reduces the revenue by \$2 million or more in any one year, then the Tax Commissioner shall reduce the percentage of the reduction level to a level that which the



Tax Commissioner believes will reduce the adjustment to \$2 million for the next year.

House Bill 2949 (Define “Low Income” for Purposes of Property Tax Relief Programs) relates generally to the provision of property tax relief to taxpayers. For purposes of property tax relief programs, the bill defines “low income” as federal adjusted gross income for the taxable year that is 150 percent or less of the federal poverty guideline for the year in which property tax was paid, based upon the number of individuals in the family residence, as determined annually by the United States Secretary of Health and Human Services. It allows only “low income” taxpayers to receive the tax credit benefits of property tax relief programs and allows those eligible for the homestead exemption to take both the senior citizens’ tax credit for property tax paid on the first \$20,000 of taxable assessed value of a homestead and the refundable tax credit for real property taxes paid in excess of four percent of gross household income.

House Bill 2953 (Coalbed Methane Severance Tax) specifies that a minimum share of coalbed methane severance tax revenue be distributed to producing counties in an amount at least equal to the share received by nonproducing counties.

The bill also amends the code to direct the severance tax revenues for coalbed methane producing and nonproducing counties be distributed to the county economic development authorities in lieu of the infrastructure fund.

House Bill 2971 (Decrease Food Sales Tax and Define “Durable Medical Equipment”) relates to the

consumers sales and service tax and reduces the tax on sales, purchases and uses of food and food ingredients intended for human consumption. The bill defines the term “durable medical equipment.”

Bill(s) related to this section:

House Bill 2969, pg.37

Tobacco & Tobacco Products

House Bill 2969 (Tobacco Master Settlement) requires the Tax Commissioner to provide information it has collected from cigarette distributors and stamping agents pertaining to the brands and volumes of cigarettes sold in West Virginia that are produced by an entity characterized as a nonparticipating manufacturer under the Tobacco Master Settlement. This information is collected by the Tax Department to determine compliance with and to enforce the provisions of the Tobacco Master Settlement Agreement.

Tourism

Senate Bill 241 (Division of Tourism and Tourism Commission) provides for the continuation of the Marketing and Communications Office of the Department of Commerce. It will authorize the Marketing and Communications Office to sell partnerships, sponsorships or advertising in certain circumstances. Additionally, it will separate the Division of Tourism and the Tourism Commission into two entities within the Department

of Commerce and provide for the continuation of the Division of Tourism and the Tourism Commission. The bill will also provide qualifications and powers of the commissioner. It will modify the composition of the Tourism Commission and their annual reporting requirement. It will also provide that the Educational Broadcasting Authority is part of the Department of Education and the Arts for administrative support and contact with the office of the Governor. Finally, the bill provides that the Veterans' Council and its allied, advisory, affiliated or related entities and funds are part of the Department of Veteran's Assistance.

House Bill 2532 (Zipline Responsibility Act) relates to zipline and canopy tour regulation and requires liability insurance; establishing responsibilities of participants; defining liability of zipline and canopy tour operators; authorizing the Division of Labor to regulate ziplines and canopy tours; authorizing the Division of Labor to propose rules for Legislative approval; requiring permits and inspections; authorizing the Division of Labor to charge inspection and permit fees; authorizing the Division of Labor to hire or contract with inspectors; authorizing the Division of Labor to certify professional inspectors; requiring notice of serious physical injury or fatality; requiring investigations of serious physical injuries or fatalities; providing for service of process; authorizing the temporary cessation of operations; providing for insurance or bond requirements; and providing for regulation of ziplines and canopy tours by cities and counties.

If you know the bill number, but not the subject heading of the legislation you are seeking, please refer to the index of bills on pg. 42.

Transportation

Senate Bill 282 (Design Build Projects) continues the Highway Design-Build Pilot Program until June 30, 2013. It allows the Division of Highways to undertake an additional ten projects after the effective date of the passage of the bill. The amount of funds eligible to be used annually on design-build projects is increased to \$75 million in each of the 2 years remaining in the program. If the \$75 million is not used in the first year, the remaining amount may be applied to the following year's amount, but the total aggregate amount may not exceed \$150 million.

Treasurer (State)

Senate Bill 366 (Storage Tank Administration Fund) will raise the balance, from \$500,000 to \$1 million, allowed to be in the underground storage tank administrative fund at the beginning of each year.

Unemployment Compensation

Senate Bill 219 (Maintaining Solvency of Unemployment Compensation Fund) maintains the durability of the Unemployment Compensation Fund and provides a mechanism for the Governor to borrow funds from the Revenue Center Construction Fund, for a limited time period, to deposit those funds into the Unemployment Compensation Fund. This exchange will only occur if the balance of the Unemployment Compensation Fund drops below \$20 million and



provides that the amount borrowed shall not exceed \$20 million. The bill also provides that the borrowed monies must be repaid.

House Bill 2763 (Workforce West Virginia Billing) prohibits the Executive Director of Workforce West Virginia from billing a reimbursable employer under the unemployment compensation law for overpaid amounts of benefits paid to a claimant. The bill also provides that in cases in which the employer has been billed and paid the bill for benefits which are subsequently determined to be an overpayment, the Executive Director is to reimburse the employer for the amount of the overpayment provided the employer has filed all requested adequate separation information within the required time frame.

House Bill 3137 (Extension of Unemployment Compensation) relates to extended unemployment benefits. The bill adds additional circumstances giving rise to “state ‘on’ indicators” for purposes of extended unemployment compensation benefits and provides for certain high unemployment periods.

Utilities

Bill(s) related to this section:
House Bill 2663, pg.32

Workers Compensation

House Bill 2517 (Workers’ Compensation for Some

Inmates) allows the Division of Corrections and the Division of Juvenile Services to provide workers’ compensation coverage for inmates that are participating in the PIE (Prison Industry Enhancement) Certification Program.

House Bill 3163 (Establishing the State Entities Workers’ Compensation Program Fund) provides a new means for managing coverage for workers directly employed by the State of West Virginia. The Insurance Commissioner has sole responsibility for managing the workers’ compensation risks for all executive state entities and for supervising and controlling the workers’ compensation programs for such entities. The commissioner has the authority to issue any fees or surcharges on participants of these programs necessary to manage the workers’ compensation coverage to each participant. The commissioner also shall consult with the State Board of Risk and Insurance Management to solicit any applicable experience and expertise in establishing and managing the program to provide insurance coverage to state agencies.

House Bill 3271 (Creating the Volunteer Fire Department Workers’ Compensation Subsidy Program) provides additional funding assistance that is available to eligible departments to pay a portion of those premium increases beginning on or after July 1, 2011. The program is administered by the State Auditor from the moneys that may be appropriated and designated for the program by the Legislature. Each volunteer fire department must be in good standing with the State Fire Marshal, registered with the Auditor’s office and agree that the subsidy for its workers’ compensation insurance premium increase is paid directly to its insurance carrier



by the Auditor. Registration for the program must be completed no fewer than 30 days prior to the due date of the workers' compensation premium.

**2011 - 2012
Interim Committee Meeting Dates**

May	16 - 18, 2011
June	13 - 15, 2011
July	11 - 13, 2011
August	1 - 3, 2011
September	12 - 14, 2011
October	11 - 13, 2011
November	14 - 16, 2011
December	12 - 14, 2011
January	8 - 10, 2012

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