



WRAP-UP

The Newsletter of the West Virginia Legislature

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Outside the Chamber Walls - A Look Inside the Legislative Process

While much of the public and media focus each legislative session is on the final passage of bills, much of the actual work occurs not on the floors of the respective chambers but in committee rooms. In

dress and debate legislation introduced and under consideration by lawmakers: standing committees; select committees; and conference committees.

an assigned task has been completed, a select committee will be discharged from its duties and dissolved by each body's presiding officer.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

An example from recent years of a select committee is when the House of Delegates created the Select Committee on Stimulus Utilization, which reviewed legislation, and made several recommendations to the Speaker of the House regarding any relevant stimulus legislation they were considering at that time.

Floor Action

During session, much of the emphasis is placed on the House and Senate floors.

The thought behind the bills is most visible at committee level - the foundation of the legislative process.



MAX HUNT WEST VIRGINIA LEGISLATURE

fact, the work done by the various committees in the House of Delegates and state Senate are paramount to any and all final tally of bills passed in the annual 60-day regular session.

It is the members on each committee who have to decide whether one of the thousand of bills introduced each session gets considered and is worthy for passage. Committees are the first stop once ideas are drafted into proposed legislation on the path to becoming a law.

During any legislative session there are three main committees that ad-

Standing committees are the most common and have specific areas of concern. These committees are permanently created because of the constant changing aspects of the issues related to those concerns. Examples of standing committees within the Legislature would be the Senate Judiciary Committee and the House Finance Committee.

Select committees are far fewer in number and are typically created by each body to address specific issues and report their findings and any recommendations to the full House or Senate. Once

Each session when bills are introduced they are referred to one of these two, standing or select, committees where they begin the process and scrutiny by the Legislature.

Finally, conference committees are created - only during times when the Legislature is in session - to resolve any differences between the Senate and House versions of one particular bill. During the course of debating bills, the Senate and House of Delegates may differ on details within the final version, but, for a



In the Senate

As of 4:00 p.m., Wednesday, January 26, 2011, the 15th day of the 80th Legislature's 1st Regular Session, 285 bills have been introduced in the Senate. Of these, one passed the Senate and has been sent to the House for its consideration. To date, one bill has completed legislative action. The bill passed by the Senate was:

Senate Bill 60 would allow circuit court probation officers the ability to supervise sex offenders. The officers would be under the authority of the Administrative Director in the Supreme Court of Appeals.

A Sampling of Bills Introduced In the Senate

Senate Bill 100 would establish a program to promote veteran friendly communities. The Division of Veteran's Affairs and the Veteran's Council will establish this program that would encourage the development, availability, and use of veteran

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friendly services, benefits and assistance within the communities of this state.

Senate Bill 189 would adopt and establish the Interstate Compact on Educational Opportunity for Military Children. The act would be to remove barriers that military children face because of frequent moves and deployment of their parents. The bill would also establish the West Virginia Council for Educational Opportunity for Military Children to help the military families within this state.

Senate Bill 192 would protect consumers from price-gouging and unfair price practicing. This includes a special rule permitting gasoline suppliers or other motor fuels to sell products to the distributors at a price that does not exceed the average price of oil in the United States.

Senate Bill 194 would establish the Marshall University Forensic Science Center as the state-designated DNA testing facility in West Virginia. The bill would provide that the West Virginia State Police force only use the services of the state-designated facilities at Marshall University.

Senate Bill 197 would require the State Board of Education to create a school safety drug program. This program would be required to include annual drug testing of individuals before being hired, transferred or promoted to positions within a school. The bill would only apply to new employees hired after June 30, 2011.

Senate Bill 201 would authorize the creation of a new tax credit for eligible costs that occurred with the placement of service, residential, or non-residential energy efficient building property. If enacted, this bill could encourage the construction of energy efficient buildings and potentially decrease the total amount of energy consumed in the state.

Senate Bill 202 would create a commission that will develop a new program to help at-risk youths in select counties in West

Completed Legislation

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House Bill 2001 will change the annual parole hearings for inmates serving life sentences with mercy after serving a minimum sentence. A bill was passed last session that made the parole hearings annually. This bill would change those hearings to up to every three years. After the denial of the first parole hearing, the parole board would decide when the inmate can receive another hearing and this can be anytime within the next three years.

Virginia. This program would introduce prevention strategies for children through early intervention and diversion tactics.

Senate Bill 206 would establish the Office of Child Advocacy. This office would monitor and investigate the Division of Child Protective Services and Division of Juvenile Services by granting the office the right to certain records and information.

Senate Bill 207 would reduce the sales tax on food in West Virginia. Any sales of food or purchases of food or ingredients used for human consumption would be subject to decrease from three percent to two percent beginning on Jan. 1, 2012.

Senate Bill 209 would establish a misdemeanor offense for any person that is engaging in texting while driving, which would include: sending, receiving, or reading of any message. Conviction for a first offense would result in a fee of \$50. A subsequent conviction for a 2nd offense would result in a fee of \$100.

Senate Bill 233 would establish a tax credit for graduates of higher education institutions for a portion of the interest that is paid on student loans. The purpose is to attract and maintain talented youth in the state of West Virginia.



In the House

As of 4:00 p.m., on Wednesday, January 26th, 2011, the 15th day of the 80th Legislature's 1st Regular Session, 879 bills have been introduced. Of those, 10 passed and have been sent to the Senate for further consideration. The bills passed by the House this week were:

House Bill 2075 would update the Code by removing an outdated reference to state licensure tax on businesses and its required use by municipalities. The bill would allow the governing body of a municipality to execute an ordinance to continue the municipal licensure of businesses.

House Bill 2345 would change the membership of the PEIA Board by changing the number of citizen members from four to three.

House Bill 2370 would remove the Commissioner for the Bureau for Public Health from professional licensure boards.

House Bill 2402 would redefine the term "public record" as any writing containing information prepared or received by a public body and relates to the conduct of the public's business, just as the term is used in the Freedom of Information Act. The bill would expand the documents subject to public release to include documents that relate to the public's business.

House Bill 2438 would clarify old contradicting language still remaining in the Code and would reestablish a definition for "independent voter" as the presently cited definition is no longer in the Code.

House Bill 2475 would include certain records of the Division of Juvenile Services in the exemptions from Freedom of Information Act requests. Those records would include documents relating to the design of corrections, jail or detention facilities and the policy and operational procedures of personnel relating to the safe and secure management of inmates or residents, that if released, could be used by an inmate or resident to escape

a facility or cause injury to another inmate, resident or facility personnel.

House Bill 2521 would provide for immediate publication of a domestic violence incident instead of requesting service by mail in domestic violence cases.

House Bill 2556 would reset the expiration date until 2014, for provisions that allow the employment of retired teachers as substitutes beyond the post-retirement employment limit in areas of critical need and shortage.

A Sampling of Bills Introduced In the House

House Bill 2534 would establish a program to promote veteran friendly communities in order to assist and encourage the development, availability and utilization of veteran friendly services, benefits and assistance available to veterans.

House Bill 2693 would require insurance coverage for autism spectrum disorders and ensure any limitation to coverage does not conflict with the Patient Protection and Affordable Care Act.

House Bill 2714 would create the West Virginia Addictions Treatment and Recovery Fund, monies would come from five cents per ounce of the uniform price of alcoholic liquors sold in this state.

House Bill 2768 would provide a personal income tax exemption for living organ donors. This bill would allow a person who, while living, donates one or more human organ to another human being for transplantation is exempt from all personal income tax in the taxable year in which the transplant occurs. A "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow.

House Bill 2794 would require that when a controlled substance is dispensed by mail or delivery service, the person accepting the delivery of the controlled substance must be 18 years of age or older, present government issued identification and must sign a receipt indicating acceptance of the controlled substance.

House Bill 2800 would create the West Virginia Ski Resort Industry Commission to encourage and foster continued development of the state's ski resort industry.

West Virginia Legislature's Web site

The online **West Virginia Code** has been enhanced to show bills that have become law (under the chapter of the code affected) but have yet to be incorporated in the online version. <http://www.legis.state.wv.us/WVCODE/Code.cfm>

Bill Tracking has been improved to allow users the ability to prioritize bills and add personal notes. Users can also now sort and view their bills by multiple criteria. http://www.legis.state.wv.us/billstatus_personalized/persbills_login.cfm

The legislative blog **Today in the Legislature** is a daily synopsis of legislative floor activities, complete with photos and daily committee meeting schedules. http://www.legis.state.wv.us/daily_sum/today.cfm

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COMMITTEES - from Pg. 1

bill to become law, identical versions of the bill must pass both bodies.

As often happens during the legislative process, the Senate or the House amends a bill already passed by the other body. When neither body will withdraw its changes or accept the other body's amendments to the bill, the bill in question is referred to a conference committee comprised of equal members of both bodies.

Normal procedure calls for three members of each body to be appointed to a conference committee. A notable exception to this, however, is a conference committee formed to resolve differences in the annual budget bill, when five members from each body are assigned.

This year, for the first time in the West Virginia Legislature's long history, committee meetings from both the Senate and House of Delegates are being streamed live on the Legislature's web site.

Citizens no longer need to travel to Charleston to follow committee debates and track what issues are being discussed in these meetings. Constituents are merely a click away, wherever they are in the state, promoting openness and shining a light on the committee process. 

Did You Know?

There are **18** standing committees in both the House of Delegates and Senate.

IN THE SENATE - from Pg. 2

Senate Bill 239 would extend the period higher education institutions have to deposit money into research endowments.

Senate Bill 245 would establish financial assistance to wastewater treatment facilities in the Chesapeake Bay Watershed. These facilities are required by law to install expensive technology in order to meet very strict nutrient standards carried out by the Environmental Protection Agency (EPA).

Senate Bill 261 would call for a primary and general election to fill a vacancy in the office of the Governor. The bill specifies what happens in the event of the vacancy in the office and what actions need to take place to fill that seat.