



# WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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## From Behind the Podium

### Healthcare, Prison Overcrowding Top House Agenda

#### HOUSE SPEAKER RICK THOMPSON

The first week of the legislative session is always exciting and hectic, as committees meet for the first time and get organized, members and staff prepare legislation to be introduced, and the Governor's bills make their way to both houses for consideration.

In the midst of the rush, I have enjoyed getting to know the 21 new members of the House of Delegates and welcoming back three members who have returned after an absence from legislative office.

In the years I have been Speaker, I have found an open-door policy to be extremely rewarding and our free and open debate to be both refreshing and productive. I continue to value input from our experienced members and look forward to gaining ideas and perspective from our newcomers.

The House has undergone other changes, including the addition of a fifth major committee. In recognition of vast health care needs and challenges West Virginians face, I elevated the House Health Committee to a major standing committee, giving it the workload and status equal to the Finance, Judiciary, Education and Government Organization committees.

Consequently, the Health Committee is meeting more frequently, which has meant an adjusted meeting schedule for all committees.

I also established a bipartisan panel to delve into issues raised by the Governor's Education Efficiency Audit and prepare for Governor Tomblin's resulting legislation.

I want to ensure that all House of Delegates are up to date and knowledgeable of what the

We have to continually stretch our tax dollars, particularly this year. We've got a massive Medicaid shortfall to contend with and no new revenue sources expected. In preparation, many state agencies have had to cut their budgets by 7.5 percent, but more challenges lie ahead.



MARTIN VALENT WEST VIRGINIA LEGISLATURE  
*Senate President Jeff Kessler and House Speaker Rick Thompson share a few words before a joint session in the House Chamber for the presentation of the State of the State Address.*

audit recommends and what is needed to improve upon our education environment here - so they can make an informed decision.

As we receive the Governor's legislation, Senate President Kessler and I consult and agree on which of those bills each body will take up first. While legislators and staff in both houses study all the Governor's bills and gather information, it is more efficient to designate one to take the lead on an individual piece of legislation.

For instance, the House is tackling the state budget.

Also challenging is the state's looming prison overcrowding problem. I know many House members are eager to receive the Governor's public safety legislation as it emerges from the Senate.

It is my understanding that Governor Tomblin will draw from the recent Justice Reinvestment Report issued by the CSG Justice Center.

Our primary goal is to find ways to reduce jail costs for our counties, but also ensure that dangerous criminals are kept behind bars.

We are seeking ways to better address the insidious substance abuse problem in our state, which has in large part led to overcrowded jails and more crime, through better treatment programs and probation.

Meanwhile, in addition to the Governor's list of 20-plus bills before us, lawmakers are introducing hundreds of their own pieces of legislation for consideration during this session. We have a great deal of work ahead of us, and I look forward to providing updates on our progress.

# From Behind the Podium

## Child Poverty, Future Fund Among Priorities in Senate

### SENATE PRESIDENT JEFF KESSLER

In addition to making sure the state is on solid financial ground with a balanced budget, my top priorities for this session include effective education reform and addressing the prison overcrowding situation that has plagued our state for more than a decade. The prison overcrowding issue is a multifaceted problem that must be addressed from many angles. Our efforts to improve the public school system, treat and help the drug addicted and end child poverty will all go hand in hand with alleviating prison overcrowding.

In reforming our state's education system we need to look at creative ways to educate children while also focusing on the need to bring in qualified teachers and pay them a competitive wage. We must consider giving local communities and school boards flexibility in how they educate, as leaders in these communities often know better than anyone what is working and what is not. Our educational system must focus not only on tests but critical thinking and real-world skills that arm our students with the mental fortitude to succeed in higher education and in a highly competitive 21st century economy.

I am certain that we can enact measures to alleviate the prison overcrowding situation while still keeping the public safe. The key is improving drug treatment programs while we also change the mindset of incarcerating people who have done something wrong but are not dangerous to other people. Some might say we are being soft on crime but that is not the case. We are being smart on crime. We need to evaluate on a case by case basis to determine who needs drug-related help and who needs to be behind bars.

By tackling child poverty in West Virginia, we help to improve both of these problems. How is a child supposed to focus on his schoolwork during the day when he is worrying about what he is going to have to eat that evening? How can parents be fully engaged in their child's education when they are struggling to provide for their family? These are complex societal questions that have always existed but we can and we must do all that we can to address them now.

On the first day of session this week the Senate adopted Senate Resolution 6, creating the Select Committee on Children and Poverty. We hope that this committee can foster new and innovative solutions to this grave problem. All children have an equal right to health, education and opportunities. I can assure you I will do all I can to make sure our kids are cared for. If we can attack issues early, we can prevent many issues we see down the road.

In closing, I intend to bring the issue of the Futures Fund back to the forefront

during this session. During the recent economic recession our leaders made sure that West Virginia stayed on solid financial ground. Our bills were paid on time and we were not forced to borrow money or furlough workers as many other states were.

I think this is the perfect time to use that fiscal vision to invest in the future. I would like to see a permanent endowment future fund, that is funded by a portion of the natural gas severance tax so that in many years when the natural gas is gone, the wealth and opportunity will remain.

If we can create the fund and start putting money in it now, it will send a powerful signal to Wall Street that West Virginia, during these tough economic times, is not only balancing its budget but saving for the future.

Our state has limitless potential and I am looking forward to helping us reach new heights during this session and well into the future.

### 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](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](http://www.legis.state.wv.us/daily_sum/today.cfm)

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# Minority Report

## HOUSE MINORITY LEADER TIM ARMSTEAD

There are many new Republican faces in the House of Delegates this year. They are excited and ready to roll up their sleeves and work for bold reforms to put West Virginia back on track toward economic recovery.

Our greatest priority this session is job creation. The latest statistics show that 59,700 West Virginians are unemployed, up 1,100 in December 2012 alone. Many of the challenges facing our State can be tied to unemployment and poverty, and we believe we owe it to every West Virginian to do all we can to put our people back to work.

By enacting pro-growth legislation such as setting aside a portion of the state excise tax on natural gas to reduce and eventually eliminate the tax on equipment inventory, we can boost job creation.

We will also work for meaningful education reforms. The education audit completed in 2012 provides many significant recommendations for improving West Virginia's school system. Removing the red tape and top-heavy bureaucracy that dictates every move from Charleston will allow our principals to administer their schools, our teachers to teach and our students to learn.

We must take steps to ensure excellence in our schools by rewarding our best teachers and promoting accountability.

In addition, we will work to (1) reform West Virginia's legal process to ensure fairness and predictability for all who enter the state's courtrooms; (2) revise the state's property tax appeals process to ensure that taxpayers who feel they have been taxed

unfairly have the opportunity to be heard; (3) increase accountability and transparency in relation to spending of state tax dollars; (4) combat election fraud and ensure stronger ethics in government; and (5) do everything we can to fight federal regulations that threaten to cripple the coal industry in our State.

The Republican members in the House are looking forward to working in a bipartisan fashion to write an exciting new chapter in the history of our State.

### WRAP-UP NOTE

This legislative newsletter now features articles from representatives from both chambers and party caucuses to bring a balanced view of your West Virginia Legislature at work.

## SENATOR MITCH CARMICHAEL

Each Legislative session begins with optimism for crafting the policies required to launch our state on an exciting path of progress and prosperity. Never more so than today does this sense of opportunity pervade the halls of our state capitol. I believe the 81st West Virginia Legislature offers the best potential in 80 years to correct fundamental problems that cause our economy to be stagnant, jobs to be scarce and our schools to underperform the nation.

These are exciting times to be a West Virginian. The voters of this great state have introduced a two-party system to the halls of state government. In terms of political representation, this legislature is the most balanced between Republicans and Democrats in over 75 years. In such an environment, the best ideas will be refined and perfected in a bipartisan manner with all sides at the table.

My hope is that every citizen seizes the moment with enthusiasm and a sense of urgency. The condition in which we currently find West Virginia should spur every citizen to support fundamental and substantive reform. Against the voices that continually dampen our ambition by false claims that West Virginia is doing well, we have validated facts that prove our people are among the poorest in the nation.

West Virginia has among the highest percentage of people on public assistance of any state. We have the lowest workforce participation rate in America. By virtually any measure of student achievement, West Virginia public schools are falling behind other states. The facts that confront us in the results of independent studies dramatically point to a state that is in urgent need of reform. Now is the time to take bold and courageous steps to

enable free-market capitalism to generate prosperity and opportunity for our precious citizens.

The path to economic prosperity, job-creation, and improvement in student achievement is well-known and documented. Let us in West Virginia revitalize our freedom by returning control of public education to local entities. Let us energize the West Virginia economy by embracing the principals of free-market capitalism that made America great. Let us reform our judicial system and lessen the tax burden on citizens and corporations. By so doing, the optimistic hope of this 81st Legislature will be made manifest in the legacy of a new generation of West Virginia children that received a world-class education and families with the advantages of good-paying, private sector jobs.

## The Legislative Record

### SENATE LEGISLATION

As of 4:00 p.m., Wednesday, February 20, 2013, the eight day of the 1st session of the 81st Legislature, 333 bills have been introduced in the Senate. The bills passed by the Senate were:

**Senate Bill 74** would redefine the basis for disqualification of perspective jurors. The bill would give the court the ability to disqualify perspective jurors based only on information provided on the juror qualification form or during an interview with a perspective juror or from other competent evidence.

**Senate Bill 116** would redefine the penalty for crimes against property including graffiti. This would give first time offenders a penalty of 24 hours to 6 months of

incarceration while second time offenders could face jail time along with a fine of up to \$2,000, and third time offenders can face up to three years in prison and/or up to \$10,000 in fines.

### HOUSE LEGISLATION

As of 4:00 p.m., Wednesday, February 20, 2013, the eighth day of the first session of the 81st Legislature, 579 bills have been introduced in the House of Delegates. The bill passed by the House was:

**House Bill 2434** would give pay raises to all magistrates, magistrate assistants, magistrate court clerks, and magistrate court clerks. The bill would also ensure each official would receive equal compensation across the state.

## The West Virginia Legislature's Reference and Information Center

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