



# WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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## LEGISLATURE CROSSES OVER SESSION 50-DAY MARK

*Focus Shifts Towards Opposite Chambers' Bills as Session Nears End*

Last Wednesday marked the 50th day of the Legislative Session, also known as Crossover Day. This marked the final day to pass a bill out of the chamber of its origin with the exception of budget and supplementary appropriation bills. The Senate passed a total of 53 bills last week before the end of the day on Crossover Day. The House calendar had 59 bills on third reading on Wednesday and 52 of those were approved and sent to the Senate for consideration. Overall, 148 House Bills were passed by the 50th day this year.

Some of these inmates may be innocent, but because of our often slow forensic lab

Protection Act. The bill creates protection from the citation, arrest, or prosecution of a person who seeks medical help for themselves or others in instances of drug overdose. The bill is designed to encourage those in danger due to drug-use to seek help, rather than risk long-term damage or death in fear of being arrested. The bill passed the Senate unanimously with one absent, not voting.



*The arches in the Senate chamber feature leaf clusters that contain white pine cones with pine needles and gooseberry leaves, white oak leaves with acorns, and cucumber magnolia leaves and blossoms; the three arrangements are repeated.*

PERRY BENNETT WEST VIRGINIA LEGISLATURE

The bills passed in the Senate focused on a wide-variety of issues including education, drug abuse, firearms, veterans and other topics of high-concern for West Virginians. Some employees, including teachers and State Police forensic lab employees, may see salary increases soon after the Senate passed **SB391** and **SB486**.

Brooks McCabe (*D-Kanawha*) was one senator who spoke in support of **SB486**, which provides pay raises for State Police forensic lab employees. According to McCabe, the state spends roughly \$5 million holding inmates whose trials are delayed waiting for forensic lab test results.

testing, tax dollars and state funds are spent holding them in prison. The idea behind **SB486** is to spend a little more money hiring forensic lab employees and providing those employees with a more competitive wage to move trials along more quickly. McCabe estimated that this would save the state millions of dollars and the salary wages would pay themselves off.

Addressing the state's prescription pill and meth epidemics has been another focus for the Senate this year. While the Prescription-only Pseudoephedrine bill passed earlier in the session, the Senate has now passed **SB419**, which creates the Overdose

bill creates a uniform regulation of firearms, ammunition and accessories throughout the state, rather than allowing cities and counties to regulate gun ownership laws. Senator Bill Laird (*D-Fayette*), a supporter of the bill, believes these new regulations will create a more consistency throughout the state and will make gun ownership regulations more simplistic. The bill passed the Senate unanimously with two absent, not voting.

One of the most pressing issues facing the state this year is the expected budget shortfall. To address this issue the House

passed *House Bill 4333*, legislation that seeks to free nearly \$39 million toward balancing the state's 2015 budget that begins July 1. The legislation seeks to help close the expected hole of at least \$140 million in next year's budget by taking funds from a variety of one time monies and lottery allocation deductions.

Those deductions include \$4.8 million from a fund to support racetrack purses and \$1.4 million from casino subsidies. The proposal also seeks cuts in the amount of \$6.8 million from various state government funds, which would include \$5.5 million from two funds for improvements to the Capitol Dome and Capitol renovations.

The bill also takes \$20 million in a one-time reduction for sewer and water infrastructure projects and \$5 million from a fund to promote business expansion, formation and recruitment.

The Budget will still need to be reconciled in the extended budget session following the end of the 2014 Regular Session, but this measure seeks to lessen the impact of expected budget cuts.

House members also passed a House Joint Resolution (HJR) which if passed by the Senate would ask voters to approve a constitutional amendment during the November General Election. The proposed constitutional amendment in *HJR 108* would give certain tax breaks to the Boy Scouts of America's Summit Bechtel National Scout Reserve in Fayette County. The organization wants to make the facility available to community events but currently cannot or risk losing tax-exempt status.

All the resolution would do is provide state residents an opportunity to vote on the proposed constitutional amendment next November. The Legislature, if the

resolution is adopted and a majority of voters approve, would be able to determine the allowable uses of the Summit property.

The Boy Scouts of America held their National Jamboree at the Fayette County site last summer and thousands of Boy Scouts, scout leaders and family members from across the country visited West Virginia.

Two gun related bills were also approved on Crossover Day in the House. First, *House Bill 4310* would make permits or applications for a permit to carry a concealed weapon exempt from public records requests. Currently, records of those who want to carry concealed weapons are subject to Freedom of Information Act requests. Second, *House Bill 4501* was passed and would allow current or retired law enforcement officers employed as school guards to carry a gun on school property provided that they meet the criteria and qualifications to carry a concealed weapon as a "qualified law enforcement officer" under the criteria set forth in the Law Enforcement Officer Safety Act (LEOSA) of 2004.

With Crossover Day in the past, the Senate will now be focusing their attention on bills that have been passed out of the House of Delegates and the House will focus on Senate bills. High status bills that the Senate will be considering in the next week include a bill that will help fill the budget's deficit, a bill that will ban abortions after 20 weeks, and a bill relating to a child's right to nurse. The House is holding daily committee meetings regarding *Senate Bill 373*, the above ground storage tank bill, the Future Fund, the Move to Improve Act. All bills must complete legislation by midnight on Saturday, March 8, which marks the end of the 2014 Regular Legislative Session. ■

As of 4:00 p.m., Thursday, February 27, 2014, the 51st day of the 2nd session of the 81st Legislature, 1239 bills have been introduced in the House. Of those, 148 have passed and have been sent to the Senate for further consideration. Among those:

**House Bill 2446** would make it a crime for someone over the age of 18 to solicit a minor at least four years younger than that person with the intent to persuade, lure, entice, solicit or seduce the minor to commit any illegal act. If a parent, guardian, or custodian of the minor is convicted, he or she would be required to register as an abusing parent. If found guilty, the person would face a maximum fine of \$10,000 and two to 15 years in prison. The second offense would result in imprisonment for up to 20 years and a maximum fine of \$25,000, or both.

**House Bill 2981** would clarify that historical reenactors are not participating in unlawful military organizations.

**House Bill 4141** would make it unlawful to sell or offer drug paraphernalia. This primarily deals with items intended for use in ingesting, inhaling, or introducing controlled substances into the human body.

**House Bill 4186** would require materials, supplies and equipment purchased by the state and its agencies to be made in the United States. Buying foreign goods would only be authorized when they are necessary for protection and safety and have no comparable American-made products, there is not enough quantity of the product produced in the United States or the American-made item exceeds the cost of a foreign-made item by more than 10 percent.

**House Bill 4210** would remove life sentences without parole as possible conviction sentences for first degree murder and kidnaping committed by a juvenile. A life sentence would still



## IN THE SENATE

As of 4:00 p.m., Thursday, February 27th, 2014, the 51st day of the 2nd session of the 81st Legislature, 631 bills have been introduced in the Senate. Of those, 146 passed and have been sent to the House of Delegates for consideration.

**Senate Bill 252** would allow certain students that are expelled to return to school through the Juvenile Drug Court. Under provisions of the bill, parents, principals, superintendent and a county-board would have the authority to refer an expelled student to the Juvenile Drug Court. Upon successful completion of a certification given by the Juvenile Drug Court, the judge would notify the county superintendent and the student must be reinstated in school by the third day after notification.

**Senate Bill 254** would set minimum care requirements that the Livestock Care Board must follow for equine boarding facilities. The minimum care requirements for boarding facilities would be an adequate amount of fresh, clean water, fresh hay and pasture sufficient for grazing, clean bedding, sufficient exercise and structures for shelter.

**Senate Bill 391** would increase the salaries of teachers and school service personnel. By the fiscal year 2019, it is the goal of the Legislature to increase the salary of an entry level teacher to \$43,000. The bill provides pay increase increments for teachers and school employees. School service personnel salary's would increase by 2 percent.

**Senate Bill 409** proposes to align school and school system accreditation and modify the time frame for county and school strategic plans. This bill would also add duties of the Higher Education Policy Commission and the Council for Community and Technical College Education.

**Senate Bill 425** would update licensing, supervision and regulation of physician

assistants. The current law regarding physician assistants hasn't been updated in 30 years. The bill provides that a physician assistant does not need to be under direct supervision of a doctor but does have to be supervised. An agreement between the doctor and the physician assistant would be required, clarifying what the physician assistant can and cannot perform.

**Senate Bill 455** would create the Move to Improve Act. This bill is in response to legislative findings of poor health statistics among children in West Virginia. This proposes that elementary schools and middle schools require no less than 30 minutes of daily physical activity. Physical education programs would be required to be submitted to the county board for approval.

**Senate Bill 461** would create the West Virginia Future Fund. The proposal provides that 25 percent of oil and natural gas tax revenue over \$175 million would be placed in a long-term investment fund to accumulate interest until 2020. The WV Future Fund is modeled off of North Dakota's Legacy Fund which has accumulated over \$1 billion in funds in just three years.

**Senate Bill 467** would update a code that relates to criminal conviction expungement. The bill would prevent a person who has been convicted of domestic violence from seeking criminal record expungement.

**Senate Bill 469** would create the Veterans and Warriors to Agriculture Fund. The proposal would give authority to the Department of Agriculture to fund and maintain programs that would encourage, support and develop agricultural opportunities for veterans of West Virginia.

**Senate Bill 523** would build a skilled nursing facility in Beckley for West Virginia veterans. The Department of Agriculture would give land for construction based

on an agreement with the Department of Veterans. The facility would be equipped with 120 beds and a staff of skilled nurses. The construction and the facility would be funded by the Veterans Lottery Fund, Veterans Nursing Home Building Fund and the Veterans Nursing Home Debt Service Fund.

**Senate Bill 539** would allow a law-enforcement officer with the proper and legal licensing, to carry a firearm while employed as a school security guard.

**Senate Bill 552** would increase the minimum penalties for transporting Schedule I and II narcotics into the state. The purpose of this bill is to give judges more discretion when deciding the appropriate sentence by adding that the maximum sentence of 15 years.

**Senate Bill 579** would improve land and housing development in West Virginia. The bill provides all municipalities and counties an option to create a land banking program. This program would eliminate and address vacant, delinquent or foreclosed properties.

**Senate Bill 600** would give municipalities authority to require owners of vacant buildings to maintain the vacant buildings.

**Senate Bill 603** relates to methane detection in underground mines and makes three changes. Methane in underground mines would require a handheld detection device. Acceptable methane levels would increase from 1.25 percent to 1.5 percent. If levels are 1.5 percent, extraction equipment must de-energize automatically.

**Senate Bill 621** would allow insurance providers to offer flood insurance in West Virginia. The proposal provides coverage limits, rate options, and requires an insurer to notify and file a plan of operation with the Insurance Commissioner.

be a possibility, but a sentence of at least 15 years would be added as a possibility as well. Parole would be an option after at least 15 years of incarceration.

**House Bill 4221** would permit teachers under the State Teachers Retirement System to teach college level courses without losing benefits.

**House Bill 4304** would provide rules for motor vehicles passing bicycles on roadways. Vehicles would have to pass to the left of the bicycle at a distance of at least three feet and not move right again until they are safely clear of the bicycle. If the bicycle is going less than the speed limit, the rider would be required to ride in the bicycle lane, or at the right-hand curb or edge of roadway.

**House Bill 4316** would create the Student Data Accessibility, Transparency and Accountability Act. The act would require the

Department of Education to make an inventory and index of all elements in the statewide data system publicly available. A data security plan would be required, with a data governance officer ensuring compliance.

**House Bill 4327** would create a felony offense for health care practitioners who to prescribe, dispense, administer, mix or prepare a drug for means other than in a good faith, therapeutic manner in accordance with accepted medical standards.

**House Bill 4335** would allow a mother to breast feed a child in any public or private location the mother and child are authorized to be. The mother would use discretion while breast feeding in public.

**House Bill 4354** would require the reporting of all compensation, including contingent compensation for lobbying, paid to a lobbyist.

This information would be required to be reported by the Ethics Commission.

**House Bill 4360** would prevent debt collectors from using unfair or unconscionable means to attempt to collect from a consumer when the statute of limitations has expired, the debt is no longer owned by the original obligee or successor by a merger or acquisition, the debt has been sold or transferred to a debt collector, or the debtor has made no payment for at least 10 years.

**House Bill 4490** would establish conflict of interest guidelines and financial accountability for the Attorney General. It would require the Attorney General to report to the Governor and the Joint Committee on Government & Finance on legal service contracts. These contracts would then be approved by the Secretary of State. This bill includes requirements for how attorney fees and expenses are dispersed.