



WRAP-UP

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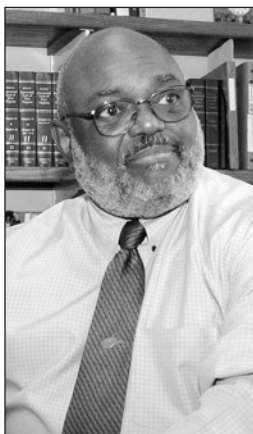
Bill Drafting Office: Shaping Ideas Into Legislation

Justin Hough

Each legislative session approximately 2,000 bills are introduced in the Legislature, with 200-300 passing both legislative bodies. From introduction to passage, the process of developing a bill into a law can be quite stringent. Whether it is from years of schooling or from an educational legislative pamphlet, people have familiarized themselves with the process that surrounds bills passage. People may know how a bill becomes a law, but how does a bill become a bill? According to Ralph Kent, 32-year veteran of bill drafting, "It all starts with an idea."

In the east wing of the main building of the Capitol Complex is the office of Bill Drafting and Legislative Services. Within

the rooms of this office resides a staff consisting of attorneys, drafters, typists, proof-readers and support personnel that have the task of taking an idea and turning it into a bill.



“ It all starts with an idea. ”

– Ralph Kent, Bill Drafting

“There ought to be a law,” is the common phrase that usually surrounds the ideas that make their way to Charleston. These ideas can come from anywhere and anyone. Whether you are a lobbyist, a constituent or a lawmaker, no idea is too big or too small. Once a good idea presents itself, the next stage is taking that concept and shaping it into legislation.

Bustling Capitol

The Capitol's Grand Hallway swells with activity as the Legislature passes the halfway point of the 2009 Regular 60-day Session. The remaining landmark days are:

41st Day - March 23, 2009: Last day to introduce bills in the Senate and the House. Does not apply to originating or supplementary appropriation bills, resolutions or concurrent resolutions.

47th Day - March 29, 2009: Bills due out of committees in house of origin to ensure three full days of reading.

50th Day - April 1, 2009: Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills.

60th Day - April 11, 2009: Adjournment at Midnight.

photo: Max Hunt



The first step that needs to be taken in the bill drafting process is for the bill to have a legislative sponsor. Once there is a sponsor attached to a bill, a draft request form must be submitted. From this form, attorneys use the information provided to find a place for the idea in the West Virginia Code under such sections as crime, taxes or education.

Sometimes the leg work of sifting through the West Virginia Code to find the proper place for a bill is a difficult task for the bill drafting attorneys. Other times, their job can be made a little easier. According to Randy Elkins, assistant director of Legislative Services, "Technology has greatly aided in the bill drafting process."

Not only does the internet save countless trips to law libraries, but now lawmakers, attorneys and everyday citizens have the ability to research bills presented and passed by other states. With this tool at their fingertips, bill drafters and lawmakers are able to seek out similar legislation from other states, where the legal and technical jargon is already in bill form, and find where it fits in the West Virginia code. Bill drafting could be the only style of writing where plagiarism is acceptable.

Bills created in the bill drafting office range in length, with the majority averaging five to seven pages. These bills work to repeal, amend, and/or reenact



In the House

As of 4:00 p.m. Wednesday, March 18th, 2009, the 36th day of the Regular Session, 1229 bills have been introduced in the House of Delegates. Of those, 46 have passed and have been sent to the Senate for its consideration. Some bills passed this week were:

House Bill 2423 would update laws relating to the board of medical imaging and radiation therapy technology. Among changes included, the board members would now be appointed by the governor by and with the advice and consent of the senate.

House Bill 2444 would establish a Legislative Oversight Commission on Long-Term Care with the purpose of reviewing the long-term care system and making recommendations for improvement. Some powers and duties of the commission would include: investigating, studying and reviewing the practices, policies and procedures of the long-term care system in West Virginia; establishing the roles of the public, private and private nonprofit sectors in providing long-term care and barriers that exist in meeting

those needs; and review and study the implications of the increasing percentage of elderly and disabled in the state and their impact on the long-term care system.

House Bill 2913 would clarify that all council members of the West Virginia Independent Living Council would be appointed by the governor from among the group of nominations by representative organizations as well as subjecting council members to term limits to comply with federal law.

House Bill 2950 would create the Neighborhood Housing and Economic Stabilization Program with the intended purpose of providing loans, grants and forgivable loans to support and carry out local economic and housing initiatives. These initiatives would revitalize and stimulate economic development in low-income neighborhoods with high minority problems, which typically have high levels of unemployment and include a large number of distressed properties.

House Bill 2969 would require firefighters and all personnel engaged in hazardous substance emergency response activities to enroll in an annual hazardous materials training program approved by the state fire marshal.

from the sale of State Road Benefit Game lottery tickets, materials and games into the State Road Fund.

House Bill 3147 would allow the legal sale of liquor and wine on Sunday to be the same hours as for the sale of beer on Sunday.

House Bill 3150 would require school boards to set and maintain reliable bus-sing schedules for bussing students and to limit the duration of travel for the students based upon their age group.

House Bill 3156 would create the West Virginia Voluntary Employee Retirement Accounts Program, a voluntary tax-deferred retirement plan for nongovernmental employers and employees in the State of West Virginia who are without a retirement plan. The bill would specifically exempt the state and the Treasurer from liability for any losses or change in value.

House Bill 3161 would authorize officers of the Division of Protective Services to possess the same powers of arrest and law enforcement throughout the entire state as members of the West Virginia State Police.

House Bill 3166 would provide tax credits to those people paying for qualified medical expenses, health insurance or both medical expenses and health insurance.

House Bill 3168 would change the Martinsburg Public Library to the Martinsburg-Berkeley County Public Library, create a library board with the power to operate the public library and provide a stable method of financing the operation.

House Bill 3173 would set compensation standards for classified employees who work overtime on weekends or holidays.

House Bill 3183 would require all state boards, commissions, committees or councils to be gender balanced and to have proportionate representation of minorities.

House Bill 3191 would require public and private institutions of higher learning

A Sampling of Bills Introduced In the House

House Bill 3081 would provide tax incentives for the first operational coal-to-liquid fuel plant to be built in the state. Among other provisions the plant would be exempt from corporation income tax and the business franchise tax for four years from the date operations begin, and the state is required to purchase all necessary gasoline and diesel fuel to operate state vehicles from the plant during those four years.

House Bill 3141 would place the theft of copper ground wires or cables from communications towers under crimes against property.

House Bill 3144 would require the Lottery Commission to establish an instant lottery scratch-off game designated as the State Road Benefit Game. The state treasurer would deposit all net profits received

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In the Senate

As of 4:00 p.m., Wednesday, March 18, 2009, the 36th day of the 79th Legislature's 1st Regular Session, 636 bills have been introduced in the Senate. Of those, 35 have passed and have been sent to the House for its consideration. Some of those bills passed were:

Senate Bill 238 adds a new section and amends others areas of state law relative to unlawful discriminatory practices in providing housing. The bill prohibits discrimination based upon age or sexual orientation. It does include exemptions for religious institutions and certain nonprofit organizations from the sexual orientation under certain circumstances.

Senate Bill 302 In the case of municipal parking authority boards, any such board would be given the authority to employ parking meter attendants who could issue citations for city parking violations occurring in city parking lots, parking buildings and, also, for violations of curblin parking on city streets. It is noted that any parking meter attendant is not considered a police officer subject to either the civil service provisions or the Policemen's Pension & Relief Fund.

Senate Bill 418 would require a municipality to establish a transparent revenue account when implementing a user fee. The municipality must specify the reasons for the fee and spend the money only for those reasons. No money from the special fee may be placed into the general revenue account of the city.

A Sampling of Bills Introduced In the Senate

Senate Bill 547 would prohibit the sale of tobacco products in a licensed pharmacy. This would take effect after June 30, 2010. If there were a violation by a pharmacy, its renewal permit or license to operate would be prohibited.

Senate Bill 553 would create the "Good Coal Company Neighbor Act." Coal companies that have coal mining activities in a county of this state must provide easy access to coal, for home heating purposes, to residents of that county. The company cannot charge more than the prevailing wholesale rate for the coal.

Senate Bill 554 would require registered sex offenders to pay a \$25 fee to the State

Police at the time of registration. If a person fails to pay the fee they would be guilty of a misdemeanor and confined in jail for up to 10 days or fined up to \$100.

Senate Bill 573 Would terminate the West Virginia Pharmaceutical Cost Management Council on July 1, 2009 and oversight of the prescription drug advertising expense reporting rule would be transferred to the state Health Care Authority.

The rule requires all drug manufacturers or labelers whose drugs are dispensed in West Virginia to annually report the advertising expenses incurred for the preceding calendar year. Advertising expenses required to be reported include: direct or indirect gifts, grants, or payments to prescribers for advertising purposes; direct-to-consumer advertising and other specific areas relative to prescription drug promotions.

Senate Bill 581 would allow 16-year olds to donate blood with parental consent.

Senate Bill 585 would allow a citizen to dispose of up to 500 pounds of residential waste for free once a month.

Senate Bill 590 would place a decal, sticker or other marking on West Virginia drivers' licenses indicating the driver has a concealed weapons permit.

Senate Bill 599 would prohibit a radiologist from performing a second reading of an

X-ray after the patients treatment has begun without first having written authorization from the patient.

Senate Bill 602 would establish a uniform dress code for teachers beginning in the 2009-2010 school year. The state board may create an advisory committee comprised of teachers, school employees, parents and students for the purpose of making recommendations on the proposed dress code.

Senate Bill 608 would allow any person who installs a solar energy system on property used as a residence as of July 1, 2009 to qualify for a state personal income tax credit of 30 percent of the cost and installation of the system up to a maximum amount of \$2,000.

In order to receive the credit for a solar energy system on residential property, the system must use solar energy to generate electricity, to heat or cool a structure or provide hot water or to provide solar process heat: However, this does not include a swimming pool, hot tub or any other energy storage medium that has a function other than storage and must derive at least 50 percent of its energy to heat or cool from the sun.

Other provisions provide for net-metering; credit by public electric utilities for excess electricity generated; and, allows for carry-out credit.

West Virginia Legislature's Website

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

On the **Bill History** page, sponsors, subjects and code affected are now all hyperlinked to related bills. It is now possible to sort bills by date, step, status or committee, and direct links to the history and text of the bills is now available. The effective date of bills that have become law has also been added. http://www.legis.state.wv.us/Bill_Status/bill_status.cfm

The new 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

Visit the **Legislature's Homepage**: <http://www.legis.state.wv.us>

Bill Drafting - from Pg. 1

the West Virginia Code. Bills drafted can encompass a number of ideas, ranging from educational issues to changing the state tax code.

Many bills drafted, especially those that deal with government agencies, if passed, would require funding to put the legislation into action. These bills, before being introduced, must contain a fiscal note. Fiscal notes indicate the financial impact for the fiscal year, showing how the proposed bill will affect revenue or expenditures of the State and local governments. Fiscal notes help lawmakers understand the impact of bills being considered, so they may better serve their district and constituents. The preparation of a fiscal note may also identify ramifications previously unknown to the sponsor of the legislation. Fiscal notes have the ability to make or break a bill. Once a draft request has been submit-

ted, agencies have three days to submit the fiscal note. Finance committees won't even entertain a bill if a fiscal note is not included in the draft.

Once the bill is drafted, it makes its way to the proofreaders where it's read, re-read, and then read yet again to ensure accuracy of language, spelling, and punctuation. This could be a long process that has the bill being sent back and forth between the proofreaders and typists a number of times before finally receiving approval from the Director of Legislative Services, John Homburg.

Once approved by the director or assistant director, the drafted bill is sent to the bill's originating sponsor. Upon the legislator's approval, the bill is sent to the clerk of the corresponding house to be introduced on the floor, where the process of turning a bill into a law begins.

In the House - from Pg. 2

to present plans to the Joint Committee on Government and Finance that involve making their campuses more military or veteran friendly. Some of these changes would include lowering the barriers facing veterans in enrollment, re-enrollment, financial aid and the transition into the educational process, designing one or more areas on campus for veterans to congregate and discuss shared concerns, developing programs to ease the transition from military life into higher education and assisting veterans in gaining knowledge and applying for all benefits available to them.

Did You Know?

Of the **1865** bills introduced so far this session, **49** deal with Environmental Protection.