



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## From Idea to Legislation, Compromise, & Law

by: Jessica Stanton

With the 2003 Legislative Session underway, many people are becoming increasingly interested in current issues being tackled by lawmakers. Gaining an understanding of the legislative process is a key component in following the path of bills; however, tracking pieces of legislation can oftentimes become overwhelming for those who are unfamiliar with the intricacies of the legislative process.

By simply having an idea, all West Virginians can become involved in State Government. This is where the law-making process begins. A citizen, corporation, professional association, non-profit group or even a governmental agency can all vocalize their suggestions to a legislator.

Once proposed to a lawmaker, the bill must then be sponsored by one or more members. In the House, seven sponsors are limited to each bill or amendment while the Senate has no limit on numbers of sponsors.

After the bill is drafted, it is numerically identified and assigned to one or more committees by the Senate President or the Speaker of the House. The bill is then formally introduced in the appropriate chamber and committee references are announced.

After a committee concludes its work on the bill, it files a written report. This report can make “no recommendations”, propose that the bill “be rejected” or suggest the bill “do pass” in its original form, “with amendment(s)” offered by the committee; or, as a “committee substitute”.

Committees have the option to not review a bill or to not recommend the bill to the full membership. When this happens, the bill “dies in committee.”

Once the bill is reported out of the committee, it is then presented to the appropriate clerk, who reads the bill’s short title on the floor.

According to the State Constitution, a bill must be read three times before it can either pass or be rejected. The first reading is the information stage and notifies the membership that the bill will be considered. Once the bill advances to second reading, it is in the amendment stage and members may offer revisions and vote on proposed amendments. The bill then advances to third reading, which is the passage stage.



**This up-close view of a Legislator’s desk shows the electronic voting system that enables members to effectively select their positions on bills up for passage.**

*photo: Martin Valent*

*(Note: \*There are times when the Legislature may look to suspend the Constitutional requirements that a bill be read on three separate days. This usually occurs when time is a factor. Any member can object to the suspension of rules and a vote of four-fifths is needed to dispense the rule.)*

If a bill is passed by one house, it is sent to the other body for its consideration. The entire process, from committee assignments to the voting stage, is repeated.

The second chamber can make changes to the legislation. If this occurs, the bill must be sent back to its house of origin for concurrence. If the first chamber disagrees with the changes and the second body refuses to remove the revisions it made, a conference committee is appointed by the Speaker of the House or the Senate President. This committee consists of an equal number of representatives from both houses who iron out the differences.

If this committee reaches agreement, the House and Senate must adopt the conference committee report and once again vote on the passage of the bill. When a compromise cannot be achieved, another conference committee may be appointed or the measure dies in committee upon the Legislature’s adjournment.

Upon passage by both bodies, the bill is then sent to the Governor, who has five days to approve or veto a bill when the Legislature is in session. When session has ended, the Governor has 15 days to act on most bills before him; but, he must act on the Budget Bill and supplemental appropriation bills within

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As of 4:00 PM, Wednesday, January 29, 2003, the 22nd day of the 2003 Regular Legislative Session, 399 bills have been introduced in the Senate. Of those, the following 15 were passed by the Senate this week and will now go to the House for its consideration:

**Engrossed Committee Substitute for Senate Bill 39** would make a false alarm a felony in certain cases. For example, this bill would not include any juvenile who pulls a false alarm; although, appropriate sanctions would be applied to the vandal.

**Engrossed Committee Substitute for Senate Bill 109** would allow judges and magistrates to place third parties on notice of provisions of an order affecting the care and education of a child if the judge or magistrate finds that a third party has reason to be made aware of the specifics of a provision in an order.

**Engrossed Senate Bill 120** would change the qualification rank for Adjutant General

to Lieutenant. More specifically, this bill would change the appointment qualification for adjutant general from major general to lieutenant general.

**Engrossed Committee Substitute for Senate Bill 178** would make clarifications to the Code section pertaining to the subject matter jurisdiction of the Family Court. It would implicitly indicate that the court has jurisdiction of child and spousal support as well as distribution of property.

**Engrossed Senate Bill 186** would define "aggrieved persons" for purposes of judicial review of a decision of the Board of Zoning. An "aggrieved person" means a person who is denied the relief sought or suffers a peculiar injury, prejudice or inconvenience beyond that of the other residents of the county or municipality.

**Engrossed Senate Bill 189** would allow an out-of-state bank that is seeking to acquire or establish a West Virginia branch to send a required written notice to the Banking Commissioner. This would provide the home-state regulator with an extra copy of the branch application so it can be delivered to the West Virginia Division of Banking.

**Engrossed Senate Bill 190** would increase the frequency of the required examinations of books and records of certain financial institutions. Namely, those financial institutions with assets of more than \$250,000,000 and those with a composite rating of either three, four, or five. This would track current practices consistent with cooperative agreements with federal regulators.

**Engrossed Committee Substitute for Senate Bill 191** would eliminate the need for a hearing before the Commissioner of Banking in those cases in which a state-chartered credit union seeks to convert to a federal charter. It also would change the required notice from the current seven to 30 days to 14 to 60 days prior to the meeting and it would eliminate certain present Code provisions governing the conversion of a West Virginia state-chartered credit union to a charter from another state.

**Engrossed Senate Bill 192** would require a bank holding company intending to change its status to a financial holding company to give the West Virginia Commissioner of Banking notice of the intended change by submitting copies of the federal filings.

**Engrossed Senate Bill 205** would modify criminal intent for animal cruelty crimes; fines. This bill would change the mental state for the crime of killing, injuring or poisoning an animal by adding "knowingly" or "recklessly" to the mental state.

**Engrossed Senate Bill 215** would make supplementary appropriations to the Department of Health and Human Resources' Health Care Authority.

### Sunset bills passed by the Senate

**Engrossed Senate Bill 281** would continue the Department of Environmental Protection.

**Engrossed Senate Bill 282** would continue the Division of Motor Vehicles.

**Engrossed Senate Bill 283** would continue the Public Service Commission.

**Engrossed Senate Bill 284** would continue the Division of Purchasing within the Department of Administration.

### A sampling of bills introduced in the Senate

#### Acts

**Senate Bill 362** would establish the Public-Private Transportation Act of 2003. This act would provide prerequisites for the development of a transportation facility. It also would provide for the creation of a Public Private Transportation Oversight Committee.

#### Alcohol

**Senate Bill 366** would authorize police to obtain a warrant to secure a blood sample from a person suspected of DUI. The law-enforcement agency that employs the officer would designate which type of secondary test is to be administered. If the person arrested refuses, the law enforcement officer making the arrest shall designate either a breath or urine test.

**Senate Bill 383** relates to the powers of the Alcohol Beverage Control Administration. This bill would permit the ABCA Commissioner to sell the Putnam County warehouse at terms of his/her choice and purchase a new one with the proceeds from and approval of the Governor.

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As of 4:00 PM, Wednesday, January 29, 2003, the 22<sup>nd</sup> day of the 2003 Regular Legislative Session, 779 bills have been introduced in the House of Delegates. Five bills were passed by the House this week and will now go to the Senate for its consideration. Of those, four were Sunset Bills.

**Engrossed Committee Substitute for House Bill 2090** would require the Ethics Commission to establish a code of conduct for state administrative law judges. The code of conduct would require the judges to avoid impropriety while maintaining the integrity and impartiality of the office, while both on and off duty. The code also would establish civil penalties and sanctions for violations.

### Sunset bills passed by the House

**Engrossed House Bill 2486** would continue the Public Employee's Insurance Agency (PEIA) until July 1, 2005.

**Engrossed House Bill 2554** would continue the Marketing and Development Division of the Department of Agriculture. This division regulates and licenses individuals involved in marketing of agricultural products, as well as providing grading, inspection, and market news services to the West Virginia agricultural industry.

**Engrossed House Bill 2555** would continue West Virginia's membership in the Southern Regional Education Compact. Membership in the Southern Regional Education Compact provides services to West Virginia, which include identifying best practices and predicting future trends in all member states, which assists West Virginia in determining the best allocation and use of resources so as to meet educational needs.

**Engrossed House Bill 2670** would continue the Office of Judges until July 1, 2009.

The Office of Judges is responsible for establishing procedures for the hearing and determining of disputed claims, as well as the delegation of necessary powers to administrative law judges or hearing examiners so the administrative review of disputed claims can be conducted.

### A sampling of bills introduced in the House

#### Child Welfare

**House Bill 2671** would simplify the process for adopting a child from a foreign country. The bill would set forth a specific process by which people wishing to adopt a child from another country must follow to have the adoption recognized by the state.

**House Bill 2674** would require the Governor's Cabinet on Children and Families to develop and implement a pilot plan establishing a system of family resource centers and provide grants to local centers.

**House Bill 2741** would establish a Citizen Review Panel to evaluate the procedures of Child Protective Services. The 15-member panel would consist of doctors, lawyers, child advocates, social service providers and other specialized individuals. All information garnered by the panel would be confidential.

#### Counties

**House Bill 2558** would require that a public utilities company have a place where a person can make a payment somewhere within the county where the company provides service.

#### Crime

**House Bill 2546** would modify the criminal intent requirement for animal cruelty crimes and to increase the fine applicable to convicted persons. The bill would create a felony offense for intentionally torturing or maliciously killing animals and would

mandate that a person convicted of animal cruelty be prohibited from possessing, owning or residing with animals for varying periods depending on whether the person is convicted of a misdemeanor or felony.

#### Crimes – Felonies

**House Bill 2693** would provide the West Virginia State Police with the ability to define and draw DNA samples from convicted felons for the purpose of maintaining a DNA database. Anyone convicted of a felony offense would be subject to have some form of blood, tissue or other bodily fluids taken as a sample for the purpose of analyzing and filing away the DNA information.

#### Health Personnel

**House Bill 2691** would authorize non-licensed personnel to administer medication in nursing homes.

#### Elections

**House Bill 2527** would establish the "Clean Elections Act". This measure would create a voluntary system of public funding to qualified political candidates who agree to accept spending limits and do no other private fund raising.

#### Safety

**House Bill 2528** would create a 10-member flood task force and nine-member advisory panel. The task force would establish policies for the coordination of local, state and federal governmental responses to flooding, as well as examine flood prevention initiatives and review the status of flood mapping.

#### Local Bills

**House Bill 2533** would create the West Virginia Highway Authority (WVHA), which would include representatives from Cabell, Mason, Jackson, Putnam and Wayne counties. The purpose of the WVHA would be to advance the construction of a modern highway through Cabell, Mason, Jackson, Putnam and Wayne counties, as well as improving the tourism industry in the area.

#### Food and Food Services

**House Bill 2688** would gradually eliminate the consumer sales tax on food and food products sold for human consumption when the food is taken off the premises where sold.

#### Technology

**House Bill 2748** would prevent mail order or Internet sales of cigarettes or tobacco

## Locating Bill Status

The Legislature's website is preparing to implement full bill content and bill status. To track legislation electronically, use [www.legis.state.wv.us](http://www.legis.state.wv.us) and click on bill status.

For those of you who may know someone who would like to receive a copy of legislation in braille, the Legislature can now accommodate this request. Use the toll-free line to request a copy of a bill at 1-877-56-LEGIS (1-877-565-3447)

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five days. If the Governor does not act on bills within these time limits, the measures automatically become law without his signature.

The Governor has the option to veto bills when the Legislature is in session. When this occurs, a simple majority vote of the members is required to override the veto; however, when the Budget Bill or supplemental appropriation bills are vetoed, a two-thirds vote is necessary to overturn the action.

Thank you for your interest in the workings of the State Legislature. Community involvement is the foundation of State Government; so, be sure to follow bills on their path to becoming law during this year's session.

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products to persons under the age of 18. The bill also would establish criteria for verifying the ages of potential customers.

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MB-27, Building 1, State Capitol Complex, Charleston, WV 25305-0591

*(SENATE, cont.)*

**Law Enforcement**

**Senate Bill 368** would lower the retirement age for certain state troopers. It would allow a member to retire with full benefits upon attaining the age of 50 and completing 20 or more years of service.

**Motor Vehicles**

**Senate Bill 370** would allow certain vehicle auxiliary lighting devices when vehicles are used off road. This bill would require that the devices be turned off and covered when the motor vehicle is operated on a road or highway.

**Senate Bill 390** would remove the requirement that a social security number appear on commercial driver's licenses. It also would require that the commercial driver's license must be marked "Commercial Driver's License" or "CDL," and must be tamper proof.

**Corporation and Business Entites**

**Senate Bill 373** would require that businesses pay personal property taxes to receive a business registration certificate. It also would require sheriffs to notify delinquent

personal property owners and require the Tax Commissioner to suspend or refuse to issue a business registration certificate where business has not paid delinquent personal property taxes.

**Child Welfare**

**Senate Bill 379** would establish a panel to review procedures of child protective services. This bill would list the duties of membership, provide confidentiality requirements and provide immunity from liability.

**Senior Citizens**

**Senate Bill 398** would exempt the interest on savings bonds from personal income tax in certain cases. This bill would include those people who are 65 and older.

**Crimes**

**Senate Bill 399** would provide for criminal history checks for certain people working with children on school property. This bill would require criminal history checks for people who are not employed by county boards of education but who work directly with children in grades kindergarten through 12 on school property.

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