



WRAP-UP

The Newsletter of the West Virginia Legislature

Volume XV, Issue 3

February 4, 2004

Legislative procedure governed by rules of order

By Drew Ross

The private sector has always been heralded for its structure and efficiency in its operations, and should be applauded. However, efficiency and good management practices are not only relegated to private industry but are demanded of government. Upon the founding of our nation, certain rules and procedures were established to maintain the democratic process and were copied by the states. The West Virginia Constitution mandates each step of the legislative process.

While ensuring a balanced budget is the only requirement set forth by our State Constitution, the ways and means of progress requires further legislative action. The West Virginia Legislature not only adheres to the State Constitution but also has devised its own sets of rules established by each body to effectively manage its operations.

The State Constitution requires that the second Wednesday every January, except years which follow a gubernatorial election, be the first day of session and that the Legislature meet for 60 consecutive days thereafter. In years following a gubernatorial election, the Legislature convenes upon the second Wednesday in February and then meets for its 60 consecutive day session.

As established in West Virginia Code, the 20th day of each legislative session is the deadline for the submission of Legislative Rule-Making Review bills.

According to the rules of the Senate, the 41st Day is the last day to introduce bills in Senate. This rule does not apply to originating or supplementary appropriation bills, nor does it apply to Senate resolutions or concurrent resolutions. Likewise, as set forth by the rules of the House, the 45th day is the last day to introduce bills in House of Delegates. Again, this does not apply to originating or supplementary appropriation bills.

In both bodies, on the 47th day, bills are due out of committees in their respective house of origin to ensure three full days for readings in the other chamber. The 50th day, by a joint Senate-House rule, is the last day to consider a bill on third reading in its house of origin. Again, this does not include budget or supplementary



One-third through the 60-Day Session, greater numbers of citizens fill the Well of the Rotunda at the Capitol. With lawmakers spending greater time in floor sessions and the lengths of committee meetings expanding, individuals wishing to connect with specific legislators manage to navigate heavier foot traffic.
photo: Martin Valent

appropriation bills. As set forth in the State Constitution, the 60th and final day of the legislative session will end with the Legislature adjourning at midnight.

Any regular session may be extended by a concurrent resolution adopted by a two-thirds vote of the members elected to each body and only for the purpose of completing work on the State Budget.

Parliamentary procedure dictates how debate is handled and ensures that proper decorum is followed on the floor when addressing issues and members alike. Proper parliamentary procedure preserves the order and manner in which each body must follow.

Each body also follows a specific Order of Business, which varies slightly between chambers, to complete the business of the day. This order includes introducing bills to be passed, reading bills and even introduction of guests.

Bills may be read on three separate days, as is prescribed by the constitution, or constitutional rules can be suspended by a vote of four-fifths of the membership of the respective body and a bill can be read three times on one day.

Bills to be read a third, second and/or first time are placed upon calendars which

(see LEAD, p. 4)



In the Senate

As of 4:00 PM, Wednesday, February 4th, 2004, the 22nd day of the 2004 Regular Legislative Session, 449 bills have been introduced in the Senate. Of those, 12 have passed since Thursday, January 29, 2004 and will now go before the House of Delegates for its consideration.

The Senate amended and passed **Committee Substitute for House Bill 4022**, which would create "The Child Safety All-Terrain Vehicle Act." An amendment adopted by the Senate included the provisions of a child safety bill worked on during the 2003 interims. This bill would address safety concerns for persons under the age of 18, such as requiring safety helmets, limiting passengers, regulating driving in the dark, safety training and other areas of public safety; including adherence to all highway laws, except registration requirements. The measure has been returned to the House for further consideration.

Bills Passed in the Senate:

Senate Bill 111 would establish the Central Highland Authority. This Authority would

promote the construction of a highway through Braxton, Nicholas, Webster, Randolph and Pocahontas Counties and assist in developing the area bordering the highway. The Authority would consist of two members appointed by each county and three non-voting members: the Commissioner of Highways, Director of Natural Resources and the Executive Director of the Development Office.

Senate Bill 163 would establish the Water Resource Protection Act. In addition to claiming the waters as a natural resource of the state, this legislation would determine the nature, extent and consumption of West Virginia's water resources. This bill provides that a one-year water use survey of state waters would be conducted by the Department of Environmental Protection (DEP). This survey would cover the current and past four years of consumptive and non-consumptive, surface water and groundwater withdrawal in the state. Also under this legislation, the Joint Legislative Oversight Commission on State Water Resources would be established.

Senate Bill 199 would correct the inconsistency of the appointments to the Commission for the Deaf and Hard-of-Hearing in relation to their terms and the number of people appointed. Current law states that three members would be appointed to three year terms, three members would be appointed to two year terms and one member would be appointed to one year term. This bill changes one member for one year term to three members appointed to a three year term.

Senate Bill 200 would require the State Police to annually report to the Legislature a summary of their effectiveness in recruiting females, African-Americans and other minorities into the State Police.

Senate Bill 209 would require the Joint Committee on Government and Finance to review any purchases or leases of property totaling \$1 million dollars or more at least 30 days before any state contract is awarded. This bill would prevent the state from entering into contracts that are uncertain and would serve as a safeguard.

Committee Substitute for Senate Bill 231 would authorize County Commissions to set up a Flood Plain Enforcement Agency within

their counties. This agency would consist of a collection of the top county officials. Also, this bill would allow County Commissions to establish different building restrictions in areas designated as flood plains or mudslide areas. This legislation would assist property owners in obtaining flood insurance.

Committee Substitute for Senate Bill 258 would establish a procedure for the enforcement of out-of-state domestic violence protection orders in West Virginia. This bill would allow law enforcement officers to enforce out-of-state protection orders if they have probable cause that a valid order exists and has been violated. The State Police also would be required to add all out-of-state protection orders to the computer registry of all in-state protection orders.

Senate Bill 286 would allow the Banking Commissioner to assess regulated consumer lenders for the costs and expenses assumed while conducting examinations.

Senate Bill 309 relates to medical and mental evaluations. This bill would reinforce the authority of the Department of Health and Human Resources (DHHR) to set the fee rates for expert witnesses for professional services rendered by a psychologist, psychiatrist, physician, therapist or other health care professional in abuse and neglect matters.

Sunset Bills Passed in the Senate:

Senate Bill 296 would continue the Center for Professional Development Board. This board strives to offer informative and motivational training for professionals and ensure quality standards throughout the West Virginia school system.

Senate Bill 323 would continue the Office of Explosives and Blasting. During the 73rd Legislature, this office was created within the Department of Environmental Protection to address questions and complaints concerning surface coal mine blasting.

Senate Bill 324 would continue the Division of Personnel, which was created in 1989 to provide leadership in personnel management for the executive operating agencies of state government, including administration of a merit system (i.e. civil service).

The West Virginia Legislature's Reference and Information Center

State Capitol Complex
Building 1, Room MB 27
Charleston, WV 25305
(304) 347-4836

Charlene Glagola
Director

Drew Ross
Jessica Stanton
Bill Thomas
Lee Ann Vecellio
Information Representatives

Randy Cain
Dave Martin
Webmasters

Dee Spelock
Resource Manager

Martin Valent
Max Hunt
Photographers

John Tice
Graphic Designer

Juli Hatcher
Amy Kaczynski
Laura Scott
West Virginia University

Kristi Mace
Marshall University



In the House

As of 4:00 PM, Wednesday, February 4th, 2004, the 22nd day of the 2004 Regular Legislative Session, 928 bills have been introduced in the House of Delegates. Of those, 34 measures have been passed by the House and are under consideration in the State Senate.

House bills passed this week:

House Bill 4017 would prohibit the use of gambling names and symbols in advertising, signs and directions to the establishments of those who are licensed to operate video lottery machines. The measure states that a limited video lottery retailer would not be allowed to display a name for their establishment on the outside of the establishment unless the name has been approved, in writing, by the West Virginia Lottery Commission.

House Bill 4020 would protect individuals' and their dependants' personal information from inappropriate release. The bill states that any personal information maintained by state entities, unless essential to the function of that entity, would be exempt from disclosure.

House Bill 4021 would prevent the disclosure of a state employee's and state officer's personal information. The measure would provide that any personal information maintained by state agencies or entities with respect to state employees and officers, and their dependants, as well as retirees of any system administered by the Consolidated Public Retirement Board, is exempt from disclosure.

House Bill 4037 would provide for safe schools through alternative education programs, as well as provide public school officials with certain juvenile justice records. The measure would allow for disclosure of juvenile justice records if the youth has

been charged with certain offenses, such as violence against others, possession of a deadly weapon and possession or delivery of a controlled substance.

House Bill 4055 would create a compact between states for the protection and return of juvenile offenders, runaways and/or other youth. The bill would authorize the Governor of West Virginia to enter an interstate agreement with other states to ensure that any juvenile, adjudicated or not, be protected while in custody and safely returned. The measure also would establish the Interstate Commission on Juveniles to collect data regarding the movement of juveniles between states and oversee the details contained in the interstate compact.

Committee Substitute for House Bill 4085 would clarify certain terms related to the Ron Yost Personal Assistance Services Act. The Ron Yost Personal Assistance Services Act (RYPAS), established in 1999, is a consumer controlled program to enable individuals with severe disabilities to live in their own homes and communities. Provisions of this bill would clarify eligibility requirements and funding sources for the program.

House Bill 4097 would identify those persons or entities responsible for paying certain fees assessed by circuit court clerks with regard to the processing of criminal bonds and bailpieces. This measure would set the fees for certain bonds and bailpieces depending on the type of bond established.

House Bill 4101 would allow an employee to use scanner technology to verify the age of a customer purchasing alcoholic beverages to use the proof of the scan as his/her defense of the sale should the purchaser prove to be under the age of 21. The bill states that any licensee, agent or employee, with the absence of fraud or bad faith, who used scanner technology to certify

the age of an individual purchasing beer or alcoholic beverages, would be able to use such technology to defend the sale.

House Bill 4104 would make it a felony for the use of a scanning device or a re-encoder to commit fraudulent activities. This bill would prohibit the use of a re-encoder for the purpose of placing information from a magnetic strip of one payment card to another without the permission of the authorized user.

House Bill 4108 would exempt K-9 law-enforcement and other emergency vehicles that haul animals from window-tinting requirements. The vehicles would be authorized to have sun-screening devices and darker window tinting to provide greater comfort for the animals and make them less visible from public view.

House Bill 4110 would conform the state's criminal and penalty laws with federal law regarding the use and display of beer and alcoholic beverages in motor vehicles. The bill would provide certain regulations regarding alcohol use in public places, including highway use, and would specify vehicles in which passengers would be permitted to consume alcoholic beverages.

House Bill 4119 would allow counties that had obligated income from a hotel/motel tax to a capital project to keep the money until the obligation is paid off. Also, municipalities would be required to hold a public hearing prior to annexation, unless an election is held.

House Bill 4131 would require certain reports be made to the Legislative Oversight Commission on Workforce Investment for Economic Development. This bill would create the Workforce Initiative Program to administer and oversee grants to community and technical colleges. The program also would set criteria for grant applications, receive applications for grants, make determinations on distribution of funds, and evaluate the performance of workforce development initiatives.

House Bill 4132 relates to the West Virginia Guaranteed Work Force Program.

Locating Bill Status

The Legislature's website has implemented full bill content and bill status.

To track legislation electronically, use 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)

(LEAD, cont.)

are overseen by the Rules Committee in each chamber.

In the House, a consent calendar was added last year and bills which are reported out of committees with unanimous consent are placed upon this calendar to ensure an efficient and effective legislative process is maintained.

However, a bill could be removed from the consent calendar by the request of a single member if there is a dispute as to how quickly a measure is moving.

Also in the House, any bill not reported by unanimous consent from a committee will be placed on the House Calendar for consideration. In the Senate, all bills and resolutions reported from committee are placed on the Senate Calendar for consideration.

Even though lawmakers are counted on to enact the laws that govern the state, they too follow the rules and guidelines that allow them to govern.



When the Legislature is not in session, visitors touring the Capitol have the opportunity to examine the architectural elements carefully crafted by Architect Cass Gilbert. For further information regarding the construction of the Capitol, a *Commemorative History of the Capitol* can be reviewed online from the legislative website, www.legis.state.wv.us

(HOUSE, cont.)

Under this measure, the West Virginia Development Office would develop a training program to provide assistance for new or expanding businesses for training, retaining, or upgrading of the skills of potential employees. The program would emphasize training of employees specifically designed to accommodate the needs of individual employers.

Sunset Bills Passed in the House:

House Bill 4157 would continue the Rural Health Advisory Panel. This panel is designed to increase the amount of healthcare services provided in rural areas of the state, and works in conjunction with the Rural Health Education Partnership to attract healthcare professionals to rural West Virginia.

House Bill 4248 would continue the Office of the Environmental Advocate. The Environmental Advocates Office handles requests for assistance about the public comment process, how to appeal agency decisions, and other useful resources.

The West Virginia Legislature's Reference & Information Center

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

**PRESORTED
STANDARD
U.S. POSTAGE
PAID
PERMIT NO. 1100
CHAS., WV 25305**