



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## Part-time lawmaking requires year-round commitment

With the Legislature set to adjourn by midnight on March 13th, the final actions of the 76th Legislature draw to a close -- some might think. However, duties of lawmakers are not limited to a 60-day length of service, but are in fact, two to four-year terms of service to the citizens of the state.

Following an extended session to finalize provisions in the state Budget Bill and/or to pass supplemental appropriation bills which may result from the state's budget congruence, lawmakers will return to their districts, their jobs and their families. However, their hiatus is generally brief.

Within a month, legislative leadership will return to Charleston to determine areas of future study for review by the Legislature's Interim Committees. It is through the Interim studies that background material is garnered and evaluated to make legislators aware of circumstances and problems which may need to be addressed through legislation during the next 60-day session.

Appointments to these Interim Committees and selection of areas to be studied are made by the Speaker of the House and the President of the Senate, with input provided by standing committee chairmen, select committee chairmen and other legislators.

Membership of each interim committee consists of both House and Senate lawmakers and generally remains the same through the lifetime of each Legislature -- which is active for a two year period. For example, this is the second and final year of the 76th Legislature and in January of 2005 the 77th Legislature will be sworn into office.

The Speaker and the President also approve the dates of the monthly three-day meetings and the scheduling times of each meeting. Because lawmakers often invite experts and or national consultants to offer suggestions to committee members, traveling expenses for guest speakers may also be approved by legislative leadership.



**While members of the Legislature reach their decisions on the floor of the Chambers during the 60-day session, a good deal of their time has been spent in retrieving information from interim studies, town meetings and continued constituent contact.** *photo: Max Hunt*

The source of the selection of topics to be considered can be derived from resolutions adopted during the regular legislative session or the subject may be of immediate concern and be made a study for a select interim committee.

As the legislative session comes to its close, the Senate President and the House Speaker already have scheduled the 2004 April Interim meetings for April 4th through 6th. It is expected that study areas will be announced during a meeting of the Joint Committee on Government and Finance at that time. Interested parties may find a listing of these topics on the Legislature's website following the April Interim meeting.

Along with the Interim meetings, lawmakers still maintain constituent contact while in their "off season". Citizens can still contact their representatives to voice concerns on previously passed legislation, current laws and/or provisions that they believe should be codified. Often times, legislators receive input that helps to develop public policies from their continuous contact with their constituents.

Although the 2004 Regular Legislative Session is in its waning hours, West Virginia's "part-time" Legislature will continue to make tough decisions and significant strides during these times of fiscal challenges.

Dear Readers,

This is the final edition of Wrap Up for the 2004 Legislative Session. So that we can maintain an accurate mailing list or reduce duplicative mailings, we would greatly appreciate your calls to 1-877-565-3447 letting us know if you wish to continue receiving your copy, or by e-mailing us at: [cglagola@mail.wvnet.edu](mailto:cglagola@mail.wvnet.edu). Thank you for your consideration in responding.

*Charlene Glagola*



# Bills Passed Both Bodies

As of 4:00 PM, Wednesday, March 10th, 2004, the 57th day of the 2004 Regular Session, 736 bills have been introduced in the Senate. Of those, 179 bills have been passed by the Senate. The House of Delegates introduced 1,386 bills during this Legislative Session and of those 245 were passed by the House. Thus far, 44 bills have completed legislative action.

**Committee Substitute for House Bill 3189** will reduce the total tax credits available under the Capital Company Act to zero during the Fiscal Year beginning July 1, 2004.

**Committee Substitute for House Bill 4027** establishes a Voluntary Environmental Excellence Program and provides for incentives to those businesses that exceed minimum environmental law requirements. Those members who participate in the program will be eligible for certain benefits which may include additional self-mon-

itoring, regulatory flexibility and recognition of environmental leadership.

**House Bill 4097** will identify those persons or entities responsible for paying certain fees assessed by circuit court clerks regarding the processing of criminal bonds and bailpieces. This measure sets the fees for certain bonds and bailpieces depending on the type of bond established.

**House Bill 4104** establishes a new felony offense and criminal penalties for the use of scanning devices or reencoder devices to access, read, memorize or store the information encoded on a credit, debit or other authorized card used.

**House Bill 4108** allows law-enforcement vehicles, such as K-9 units and other emergency vehicles that carry animals, to have window tinting in excess of the requirements contained in current law. Windows with darker tinting could provide greater comfort to the animals, while making them less visible.

**Committee Substitute for House Bill 4143** will establish a West Virginia Center for Nursing to organize a statewide strategic plan to address the nursing shortage in the state. This center will promote the recruitment and retention of nurses. Also under this legislation, licensed registered and practical nurses will pay an annual supplemental licensure renewal fee of \$10. This money will be used to subsidize the center, provide loan repayment and fund scholarship programs.

**House Bill 4157** continues the Rural Health Advisory Panel until July 1, 2008. It was created by the Rural Health Initiative Act of 1991 to increase the availability and quality of health care in rural areas.

**Committee Substitute for House Bill 4168** requires lenders to have the funds for mortgage loans available for the customer when the loan closes. The measure also creates penalties for noncompliance,

such as if any person suffers a loss due to the failure of a lender to comply with the law, then in addition to actual damages, they may get double the amount of any interest which is collected plus reasonable attorney fees.

**House Bill 4248** continues the Office of the Environmental Advocate until July 1, 2007. It was created in 1994 as part of the reorganization of the Department of Environmental Protection to provide advice and assistance concerning environmental policy as it relates to the public.

**Committee Substitute for House Bill 4273** gives circuit and family courts the authority to appoint guardians of minors. This authority is currently held by the county commissions. The measure provides that within five days of filing a petition for appointment of a guardian, the circuit clerk must notify the court and the court shall hear the petition within 10 days of filing.

**Committee Substitute for House Bill 4299** will revise the West Virginia Contractor Licensing Act by increasing the amount a project must cost before a contractor is required to be licensed by the West Virginia Contractor Licensing Board from \$1,000 to \$2,500. The measure also will compensate the board members with an amount not to exceed the amount paid to members of the Legislature for their interim duties.

**Committee Substitute for House Bill 4491** relates to mine inspectors and instructors employed by the Office of Miners' Health, Safety and Training. In this bill, the Director of this office will have the discretion to divide the state into regions and districts to equalize the work of the inspectors. The Office of Miners' Health, Safety and Training could be able to hire the number of mine safety instructors, electrical inspectors, underground mine inspectors and surface mine inspectors as the Director determines is necessary to carry out the duties of the office.

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# Bills Passed Both Bodies

**House Bill 4560** requires that firefighters and security guards employed by the Adjutant General of the National Guard be members of the National Guard. This bill also will allow firefighters who are employed but not members of the National Guard on the effective date of this bill to continue to be employed as firefighters.

**House Bill 4601** relates to public education generally in the area of transportation. The measure removes the amount provided through the School Aid Formula for the replacement of school buses. It also requires the transportation allowance of each county to include an allocation for the purpose of trips related to academic classroom curriculum in an equal amount that was provided during the current school year.

**Committee Substitute for House Bill 4649** will provide greater efforts for instate placement of children in the custody of the Department of Health and Human Services. The measure also establishes a child welfare oversight panel to monitor, study and review the state's child welfare system.

**Senate Bill 199** corrects 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 are appointed to three year terms, three members are appointed to two year terms and one member appointed to a one year term. This bill changes the required number of appointees from a one year term to three.

**Senate Bill 296** continues 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 471** will continue the State Board of Risk and Insurance Management (BRIM). This board is a state entity charged with providing insurance coverage to all state agencies. Also, BRIM provides these services to cities, counties and non-profit organizations throughout the state.

**Committee Substitute for Senate Bill 500** relates to fees for agents selling hunting and fishing licenses. The bill designates the clerk of each county commission to issue hunting and fishing licenses. It also requires anyone applying for a license to pay, in addition to the license fee, \$3 to the county official issuing the license. The money from these fees will create the "License Fund-Wildlife Resources."

**Senate Bill 563** relates to the Public Employees Retirement Act. The bill requires the certification of disability and a copy of tax returns from people receiving disability retirement payments. It also provides that interest will be included in the calculation of terminal benefits payable as the result of death of retired participants.

**Senate Bill 469** continues the Interstate Commission on Uniform State Laws. The Commission works to promote uniformity in state laws. The West Virginia Commission consists of three members who meet with Commissioners from all 50 states including the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands to debate proposed uniform state laws.

**Senate Bill 470** continues the Real Estate Appraiser Licensing and Certification Board. The board is a regulatory agency created by an act of the West Virginia Legislature in 1990.

**Senate Bill 506** permits the use of the word bank, banker, banking company and trust company in the name or conduct of business of a licensed insurance company.

**Committee Substitute for House Bill 4168** requires lenders to have the funds for mortgage loans available at the appropriate time. The lender is not entitled to any interest on the loan until the loan is closed.

**Committee Substitute for House Bill 4373** makes it a crime to alter a traffic-control device with an infrared or electronic device other than by operators of emergency vehicles. Violation is punishable by a fine of up to \$500 or jail time of up to three days.

## Bills in Conference

**Senate Bill 448** relates to higher education advisory boards. Among other provisions under consideration by the conferees, this bill addresses the governance of the state's community and technical colleges and extending university status to West Virginia State, Fairmont State, Concord and Shepherd Colleges. In addition, institutions' administrative links and the manner in which university status is to be determined in the future have been considered.

**House Bill 4084** would establish the West Virginia Pharmaceutical Availability and Affordability Act. The two versions of the bill which have been sent to Conference include provisions that address the rising cost of prescription drugs. Both versions of the measure state that the rising costs have imposed a significant hardship on individuals who have limited budgets, are uninsured or who have prescription coverage that is unable to control costs successfully due to cost shifting and disparate pricing policies. Both measures also state that there is an increasing need for citizens of West Virginia to have affordable access to prescription drugs. However, each body has different plans of action on how to address

## 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](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)

this issue. For specific differences between the House and Senate versions of this legislation, please refer to the West Virginia Legislature's Website located at [www.legis.state.wv.us](http://www.legis.state.wv.us).

**House Bill 4107** would allow licensees of charitable bingo and raffle games to transfer game proceeds between their bingo and raffle funds for the purpose of offsetting operational losses. Among other provisions included in this legislation, the required method for the transfer of funds would be set forth

**Committee Substitute for House Bill 4377** would assess a penalty on those physicians who fail to pay the special assessment. On July 1, 2003, a special one-time assessment of \$1,000.00, was imposed on every physician licensed by the Board of Medicine or by the Board of Osteopathy for the privilege of practicing medicine in this state. This bill could modify existing code by adding a civil penalty of \$3,00.00 on physicians who have not paid the special one-time assessment. Additionally, failure to pay the



**Prior to the start of a morning session of the West Virginia Senate, members gather to review the daily calendars and discuss their plans of action, as the galleries above them fill with citizens interested in the issues to be addressed.** photo: John Tice

special assessment could result in the automatic suspension of any license to practice medicine until both the special assessment and the civil penalty are paid. The bill could also requires the Board of Medicine

or the Board of Osteopathy to give written notice of the impending license suspension, by certified mail, return receipt requested, to physicians who have not paid the special assessment.

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