



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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Proposed Budget Provides Tax Relief for West Virginians

On January 11, the Legislature returned to the Capitol City to begin the 60-day, 2nd Regular Session of the 80th Legislature.

After convening at noon to adopt procedural resolutions, both the House and Senate recessed until 7 p.m. to hear the Governor's State of the State Address in the House Chamber. Prior to the presentation, the Governor submitted to both the Senate President and Speaker of the House his proposed budget.

The \$4.5 billion budget for the state's fiscal year, that begins July 1, is about \$134 million more than last year's but remains in the black as many other states in the nation continue to see their budgets fall into the red.

This year's proposed budget contains \$84 million in tax relief to West Virginians.

The food tax which is being reduced by one cent on January 1 and another cent in July will provide \$54 million in relief directly to West Virginia consumers.

Businesses will also see some tax relief with the lowering of the state's business franchise and corporate net income tax rates by \$30 million.

The budget also contains no new taxes and proposes a minimal growth of government for next year.

The biggest growth in spending for next year will be going toward Medicaid. The budget would devote an additional \$111 million to Medicaid to ensure there are no issues in funding the program.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

Handing Over the Budget

Prior to offering the State of the State address last Wednesday, the Governor presents Senate President Jeffrey Kessler and Speaker of the House Richard Thompson with the proposed budget for the upcoming fiscal year.

Aside from Medicaid, the only other substantial increase in the budget is about \$32 million in additional funding for social service programs within the state's Department of Health and Human Resources.

A number of topics mentioned for Legislative review included enhancements in mine safety, preventative measures regarding substance abuse, heightened education reform, and a ban on texting while driving.

The Legislature plans to tackle the state's Other Post Employment Benefits (OPEB) liability, which is one of the worst in the nation. Last month, the Public Insurance Agency (PEIA) approved a policy that re-

duces the state's commitment to the liability by half. The Legislature must now find other funding sources which will enable it to pay down the state's part, which is \$5 billion.

Both the House and Senate Finance Committees have begun budget hearings with various state agencies. Budget hearings will take place during the first half of the regular session. Agency spokespersons address the Finance Committee membership to explain the need to continue or expand existing essential services; to report the financial requirements for programs; to secure the availability of cash to meet the existing



In The Senate

As of 4:00 p.m., Wednesday, January 18, 2012, the eighth day of the 80th Legislature's 2nd Regular Session, 345 bills have been introduced in the Senate. A sampling of bills introduced include:

Senate Bill 19 would prohibit the transmission of political based text messages meant for the purpose of advertising the election of a candidate. The prohibition would not apply to recipients who already have a pre-existing relationship with the candidate, or to messages that allow the recipient the option to not receive the message.

Senate Bill 32 would allow liquor retail outlets to host liquor sampling events on any day of the week except Sunday. Appropriate sampling products in West Virginia would include bourbon, brandy, cognac, cordials, gin, grain alcohol, rye, rum, scotch, tequila, vermouth, vodka, whiskey, apertifs, premixed cocktails, fortified wines, spirit blends, marsala, sake, sherry and any

other liquor types and classes as approved by the Commissioner of Alcohol Beverage Control Administration, and maintained on the ABCC retail liquor product list.

Senate Bill 42 relates to the penalties of driving under the influence of alcohol, controlled substances, or drugs. Any person convicted of causing serious bodily injury to another person while under the influence could be sentenced to no more than 10 years and fined between \$1,000 and \$3,000.

Senate Bill 43 states that a robbery or attempted robbery would result in the confinement to a state correction facility for 20 years or less. A person committing robbery or attempted robbery resulting in bodily injury would be sentenced to no more than 60 years of jail time, and any person who commits or attempts to commit robbery with a deadly weapon would be sentenced to 50 years or less.

Senate Bill 47 would ban texting on a wireless device while operating a vehicle. The bill would not ban phone calls, the entering of numbers to make a phone call, voicemail retrieval codes, GPS data entry, and music players. Violating the provisions of this bill would result in a \$25 fine.

Senate Bill 49 would enact that any person who fails to return a minor child after visitation in a timely manner will be fined no more than \$100 or confined to jail for no more than 10 days. A third offense would result in a felony and, if convicted, a jail sentence of up to one year and a fine of \$1,000.

Senate Bill 51 would provide that adultery be a bar for alimony in divorce proceedings, and also allows for adjustments to be made should the party learn of adulterous behavior after a divorce decree is entered.

Senate Bill 54 would make it unlawful for any person under the age of 16 to obtain a tattoo, and would require that a legal parent

or guardian be present in the tattoo studio with a proper photo identification at the time of tattooing. The parent must also sign a written consent form and physically hand the form to the tattoo artist in the studio.

Senate Bill 58 would allow a circuit court judge to sentence nonviolent criminals to work camps, in conjunction with boot camps. The work camps would be striving to promote positive work ethic, responsibility, productivity, social skills, education, physical wellness, and self-discipline. Non-violent offenders must meet a list of eligibility requirements including not having been convicted of murder, incest, or kidnapping.

Senate Bill 113 would make the week of December 7 to be Pearl Harbor and Military Appreciation Week. The week would memorialize the brave West Virginians who fought in WWII and all other military conflicts. The bill would also institute a student-based program, which would recognize military contributions made by West Virginians directed by the State Department of Education.

Senate Bill 139 would consider it a primary offense for any passenger in a car under the age of 18 who fails to be restrained by safety belt meeting applicable federal motor vehicle safety standards, including the driver. The bill does not apply to motorcyclists, or any motor vehicle that is not equipped with a belt system. The fine for violation this provision would be changed from \$25 to \$15.

Senate Bill 140 would require that the Board of Education to hire the most qualified person for coaching positions in extracurricular activities. The chosen person would be in charge of regulating and supervising the said extracurricular activity.

Senate Bill 142 would involve adding one additional circuit court judge to the 23rd

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In The House

As of 4:00 p.m., Wednesday, January 18th, 2012, the eighth day of the 2nd session of the 80th Legislature, 816 bills have been introduced in the House of Delegates. Of those, three passed and have been sent to the Senate for consideration. The bills passed by the House were:

House Bill 2402 would redefine the term “public record” as it is used in the Freedom of Information Act. According to the bill, “public record” means any writing containing information relating to the conduct of the public’s business, prepared, owned and retained by a public body.

House Bill 2521 would eliminate the requirement of serving domestic violence orders by certified mail. Domestic violence orders would be able to be served by publication in the last known county of the respondent after personal serving is unsuccessful. The respondent must also be simultaneously served via first class mail to all known addresses they have had.

House Bill 3128 would make any person seeking expungement of criminal records, if he/she was found not guilty or if the charges have been dismissed. The person would file a civil petition to expunge all records relating to the arrest, charge or other matters arising out of the arrest or charge. This bill also states that there should be no filing fees charged or costs assessed for filing for a petition for expungement.

A Sampling of the Bills Introduced in the House

House Bill 2002 would deny course credit to those who have a certain number of unexcused absences from school. For those schools that use block scheduling, any student who misses nine days or more in a semester, and whose absences are unexcused will not get credit for the course or courses. If the school is not using block scheduling,

any student who has 18 unexcused absences in a year will not receive the credit.

House Bill 2036 would increase the penalties for exposing children to methamphetamine manufacturing. If any person 18 years or older knowingly causes or allows a child to be present in a location where methamphetamine is being manufactured, that person would be guilty of a felony. If convicted the person would be imprisoned in state prison for 5 to 25 years.

House Bill 2045 would add sexual orientation to the Human Rights Act, which prohibits discrimination in employment and places of public accommodations. This bill would also add age and sexual orientation to the Fair Housing Act, which prohibits discrimination in housing.

House Bill 2050 would prohibit employers and labor unions from requiring employees to become or remain members of labor unions as a condition of employment.

House Bill 2071 would require West Virginia Secondary School Activities Commission to adopt rules to provide

for use of neck braces by football players in interscholastic athletic football events. The West Virginia Secondary School Activities Commission would be made up of principals or their representatives.

House Bill 2119 would eliminate, to the maximum extent possible, the use of vaccines that contain mercury. The bill allows for a vaccine that contains a trace amount of mercury to be administered, as defined by the Food and Drug Administration (FDA) if a mercury-free vaccine is unavailable.

House Bill 2121 would provide state health care services for all active and inactive duty military personnel.

House Bill 2428 would require that a preliminary breath analysis of a surviving driver be done to determine blood alcohol content. This preliminary test would be mandatory when law enforcement officers are investigating an automobile accident involving the death of any person.

House Bill 2807 would give the Director of the Office of Miners’ Health, Safety and

SEE HOUSE, PAGE 4

West Virginia Legislature’s Web site

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

The 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

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SENATE - from Pg. 2

Judicial Circuit. This addition would affect the counties of Berkeley, Jefferson, and Morgan. The bill seeks to change the number of circuit judges in the aforementioned counties from five to six.

Senate Bill 151 would modify the definition of “nontraditional agriculture.” The amendment to the definition removes the existing exception of white-tailed deer.

Senate Bill 327 would grant permission to certain firearm bearing school mascots, such as the Parkersburg South High School Patriot and West Virginia University Mountaineer, to carry a musket on school property. This is an amendment to the bill that prohibits all other students from carrying weapons on school property.

HOUSE - from Pg. 3

Training some flexibility when determining the appropriate penalty for operators who do not provide immediate notice upon the occurrence of a mining accident.

House Bill 4103 would call for the consolidation of government services and enforcement of laws pertaining to the motor carrier industry. The bill authorizes the Department of Motor Vehicles (DMV) to take the lead role in this consolidation. The bill requires all affected agencies to cooperate, aid and assist the (DMV) in implementation of the consolidation. The division would solicit experience and expertise and address concerns of the affected agencies in the development of the plan of consolidation. The DMV would also report to the Legislature a plan to consolidate.

BUDGET - from Pg. 1

level of expenses; to report the risks and responsibilities which may or may not exist; and, to respond to other inquiries sought by lawmakers.

Upon the conclusion of the hearings, legislators will put together an agreed upon budget for review by the full membership.

Schedules for the Budget hearings can be found on the Legislature’s website at:

www.legis.state.wv.us

Legislative proceedings in both the House and Senate chambers and committee rooms will be streaming live throughout the regular session. Those interested in listening in on the events of the session can listen to “Legislature Live” at:

www.legis.state.wv.us/live.cfm 
