



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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Committee System Drives Lawmaking Process

While some citizens might believe that the daily House and Senate floor sessions are where the majority of the action happens in the Legislature, the reality is that these floor sessions deal with legislation on its way through an exhaustive and comprehensive committee process.

Committees are the true engines of the Legislature that drive the lawmaking process and allow legislation to be passed in as timely a manner as possible. The committee process is the basic structure by which lawmakers discuss, debate, research, amend, and in some cases, originate legislation. Any lawmaker can draft and introduce a bill but the committees are where the details get hashed out and where the ideas in the bill come to life.

If it were not for committees, there would be no such thing as a part-time Legislature. It would be virtually impossible for House and Senate members to accurately and efficiently



MARTIN VALENT WEST VIRGINIA LEGISLATURE

Live audio of Senate and House meetings can be heard via the West Virginia Legislature's website.

Fortunately, the workload in both the House of Delegates and the State Senate is divided among several subunits, focused on specific topics relative to its area of expertise, called standing committees. For example, members of the House Standing Committee on the Judiciary look over legislation relating to civil and criminal proceedings, while the Senate

After a bill is introduced on the floor, it is assigned to one or more committees for further study. These committees can recommend the bill for passage, sending it on to the next committee assignment or back to the floor for a vote, or the committee can choose not to take up the bill, effectively killing it.



STEVE BRIGHTWELL WEST VIRGINIA LEGISLATURE

The House Constitutional Revision Committee discusses potential amendments to the state Constitution.

pore over the minutiae in every bill while scrutinizing the details and hearing advice from experts in a 60-day time frame.

Standing Committee on Finance addresses bills generally relating to taxes, revenue and budgetary concerns.

In addition to the basic function of studying and developing legislation, committees also operate as symposiums of ideas, welcoming knowledgeable advice from experts on the topic of study and listening to concerns from the public. During session, committee leadership invites experts, advocates, concerned stakeholders and citizens alike to address the committee and discuss issues in-depth. This component of the committee process allows lawmakers to hear statistics, expert explanations, and personal testimony relating to an issue, as well as to gauge how those that would be most affected feel about proposed legislation.

Already this session, Finance and Economic Development Committees have heard testi-



In The Senate

As of 4:00 p.m., Wednesday February 1, 2012, the 22nd day of the 80th Legislatures 2nd Regular Session, 481 bills have been introduced in the Senate. Of those, 21 have passed the Senate and will move on to the House for further consideration. Bills passed by the Senate this week include:

Senate Bill 31 would increase the limit on the size of voting precincts to 5000 registered voters and increase the size of standard receiving boards in enlarged precincts.

Senate Bill 161 would make it mandatory to report child abuse or neglect. The bill would also increase penalties for those who do not report it.

Senate Bill 165 would create a criminal offense for sexual contact on incarcerated persons by correctional employees, regardless of consent.

Senate Bill 167 would authorize counties and municipalities to accept credit or check cards as payment. County officers may set a fee to be added to each transaction equal to the charge paid by the county officers for the use of the credit or check card by the payer.

Senate Bill 202 would permit the Division of Forestry to enter into stewardship contracts with U. S. Forest Service.

Senate Bill 209 would substitute community service for confinement in jail for people who are under the age of 21 and purchase, consume, sell, serve or possess alcoholic liquor. This bill would also apply to those who misrepresent their age to purchase alcoholic liquor.

Senate Bill 221 would create the Jason Flatt Act of 2012. The bill would require the Center for Professional Development to provide routine education of all professional educators and certain service personnel on warning signs and resources for suicide prevention.

Senate Bill 224 would change the name of the Division of Banking to the Division of Financial Institutions and the titles of Commissioner of Banking and Deputy Commissioner of Banking to Commissioner of Financial Institutions and Deputy Commissioner of Financial Institutions.

Senate Bill 331 would provide notice and the ability to be heard during certain criminal and parole hearings to persons who have resided with a victim for at least one year prior to the crime.

Senate Bill 367 would outline when a possessor of real property would be subject to liability for physical injury or death to a trespasser.

Senate Bill 382 would clarify that a sex offender must register with the State Police

in the county of his or her residence. The sex offender must also keep the State Police informed of any change to the required registration information.

Senate Bill 385 would update and expand the definition of computer as it relates to preparing, distributing or exhibiting obscene matter to minors.

Senate Bill 469 would relate to other post employment-benefits. This bill would create a plan to fund the state portion of the health care benefits to for state retirees. This will potentially eliminate the remaining \$5 million unfunded liability. This bill includes a multi part provision. These provisions include a plan that will take \$35 million a year from personal income tax collections. Under the proposal, \$30 million a year would go into a fund to pay down the remaining \$5 billion of long-term OPEB liability.

A Sampling of the Bills Introduced in the Senate

Senate Bill 327 would provide an exemption for the official mascot of Parkersburg South High School, commonly known as "The Patriot", to carry a musket on school grounds when the mascot is acting in his or her official capacity. This is the same exemption that is granted to the West Virginia University Mountaineer.

Senate Bill 332 would require pawnbrokers to register with the State Police and collect certain information from their customers. The bill would give rule-making authority to the State Police to direct how pawnbrokers are to submit information collected to the State Police.

Senate Bill 341 would create the Restroom Access Act. This bill would provide access to private employee restrooms for persons with certain eligible medical conditions.

The West Virginia Legislature's Reference and Information Center

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

Charlene Glagola
Director

Drew Ross
Deputy Director

Jaelyn Jett
Chris Marshall
Public Information Officers

Randy Cain
Web Developer

Dennis Loudermilk
Web Engineer

Dave Martin
Web Administrator

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Steve Brightwell
Per Diem Photographer

Eden Adkins
Maribeth Smith
Katie Wise
Interns - Marshall University

Rochelle Neely
Intern - West Virginia University



In The House

As of 4:00 p.m., Wednesday, February 1, 2012, the 22nd day of the 80th Legislature's 2nd Regular Session, 1083 bills have been introduced in the House. Of those, 9 passed this week and have been sent to the Senate for its consideration. The bills passed by the House this week include:

House Bill 4062 would ensure that in-home care workers are certified and are registered in the state of West Virginia. In-home care workers must meet all eligibility requirements according to the provisions of this bill including educational and certification requirements and the completion of a criminal background check.

House Bill 4103 would authorize the Division of Motor Vehicles to take a lead role in planning and coordinating the consolidation of government services and enforce laws currently administered by various state agencies pertaining to the motor carrier industry.

House Bill 4107 would provide online training for firefighters as well as provide them with proper safety equipment. The bill would require the State Fire Commission to establish the training requirements for volunteer firefighters by legislative rule, on or before July 30, 2012.

House Bill 4125 would amend the date of annual notice to parents and guardians of students at school, and alert them to the existence of the school's crisis response plan. It would also alter a school's ability to review a redacted copy at the offices of the county board.

House Bill 4238 would establish an Address Confidentiality Program for voters on the absentee voting list. It also establishes certain methods and procedures of ballot provision and application that would serve to protect a program participant's location information.

House Bill 4250 would alter the Uniform Real Property Electronic Recording Act. The bill specifies the meaning of terms related to the Uniform Real Property Electronic Recording Act, and also clarifies the allowance of documents to be signed electronically.

House Bill 4251 would amend the Uniform Commercial Code. The bill would specify that the term "Public organic record" mean a record that is available for public inspection, and is generally making technical changes and providing transitional rules.

House Bill 4291 would determine the appropriate number of law libraries being used in the state. The number of libraries would be determined by the Supreme Court of Appeals and would also expend money to be used for the purchase of books and materials to be used in the libraries.

A Sampling of the Bills Introduced in the House

House Bill 4301 would reimburse patients for medical records. The bill would require that one copy of medical records be provided

to the patient at no cost, and the patient is limited to one set of copies.

House Bill 4310 would prohibit sex offenders from living within 1,000 feet of the outer perimeter of a school, childcare facility, playground or a victim's home. In addition it puts further restrictions on sex offenders.

House Bill 4316 would restrict any new permits, permit modifications, and permit renewals that would allow for underground injection of coal slurry.

House Bill 4340 would be meant to inform parents, coaches, and youth about the dangers of a concussion or head injury during athletic events. Prior to each athletic season, parents or guardians and young athletes would be required to sign a concussion and head injury information sheet before the initiation of any athletic practice or event. A youth athlete who is injured during an athletic event would be removed from play and would not be allowed to resume until a licensed health care provider issued written clearance.

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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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mony with regard to the cracker plant bill and how tax incentives from within that bill would make West Virginia a very viable competitor to land a cracker plant. In the past month, the Senate Standing Committee on the Judiciary has heard ample expert testimony from State Police troopers while trying to decide whether to make a ban on texting while driving a primary or secondary offense.

Often times, particularly when proposed legislation receives a lot of media attention or has become a polarizing issue with the public, committees will hold public hearings. These hearings allow concerned members of the public to voice their concerns and publicly support or oppose the legislation in question.

As legislation moves through the committee and legislative processes, the House and Senate may find themselves at loggerheads, unable

to reach an agreement on every provision considered in a piece of legislation. When neither body will recede or retract its provisions to a bill, the legislation is referred to a conference committee. Conference committees are appointed by both the Senate President and the House Speaker and are comprised of members from both bodies, with an equal number from each. These committees are formed to resolve the differences between the House and Senate versions of a bill. If a compromise is reached, each body will either pass or reject the conference committee bill. If they are unable to reach a compromise, the bill dies.

All committee meetings and public hearings are open to the public. For more information on attending or participating in committee meetings or public hearings, contact your local lawmaker, committee chairs, or visit the 80th Legislature on the web. [A](#)

House Bill 4341 would allow employees to donate leave to another employee who requires an extended absence to care for a member of his or her household in the event of a medical emergency.

House Bill 4344 would control potentially dangerous wild animals. The bill specifies what types of animals are to be considered wild, and also details the situations when it is legal to harbor a wild animal. Some exceptions include wildlife refuges, circuses, and people who are temporarily harboring a dangerous wild animal through the state if the transit time does not exceed 24 hours.

House Bill 4346 would exempt disabled veterans who have become permanently and 100 percent disabled from service from state income tax as certified by the Department of Veterans' Affairs of West Virginia.