



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## Freshman Lawmakers Provide a Unique View Into 80th Legislature

BY DANIELLE JORDAN

The mark of a truly great individual is the ability to adapt and overcome any circumstance or obstacle. This fact holds true in any situation life could throw at an individual.

Walking through the marble halls of the Legislature citizens can become overwhelmed, but what happens when people serve as the representative voice of their constituents? This representation is both an honor and a duty bestowed upon any first-time legislator.

Many milestones will happen that first session in which newly-elected lawmakers partake: the first committee meeting they attend; the first floor speech

they give; and, the first bill they help see through the legislative process. The novelty of participating in the Legislature remains constant throughout the session as long-term and complex issues reach their desks.



SENATOR RONALD MILLER

Delegate Brian Savilla (R-Putnam) is still aware of the new circumstances he's in when the time to cast a vote on the floor is presented.

"I sometimes worry about the small things," Savilla said, "Even something



DEL. DENISE CAMPBELL

participation that fuels a legislator's involvement, some tasks still evoke a feeling of extraordinary change. Delegate Eric Householder (R-Berkeley) said things that come naturally to him seem to be a bit more difficult in this setting.

"You have to learn the whole process that goes on here," Householder said, "I've never had a problem speaking with people, but my first day I felt like a fish out of water."

The inspiration behind each lawmaker's involvement differs. Some are spurred by hope, others by willpower and tradition. No matter the reason, the general

as simple as pressing the button creates both excitement and apprehension for me. I don't want to miss an important vote that can potentially benefit my constituents."

Despite the strong desire of civic par-



DEL. BRIAN SAVILLA

ticipation is the goal to make West Virginia the best it can be for all its residents.

Senator David Nohe (R-Wood) said his aspirations of being a lawmaker began at an early age and he hoped he would one day be in his position.

"As I watch all these children coming to the Legislature, I was reminded of the time I came here when I was young," Nohe said. "I remember thinking my goal was to one day hold this very position."



SENATOR DAVID NOHE

Delegate Denise Campbell (D-Randolph) said her active involvement in the community drove her passion to join the ranks of lawmakers.

"I've always been very active in legislative activities in my community," Campbell said, "I wanted to make a positive impact and provide a voice to the people who didn't have one."

The lawmakers of West Virginia may seem very distant from citizens during the session, but they are members of the communities they represent. Spending 60 days out of the year at the Capitol is not an end to their legislative duties.



# In the Senate

As of 4:00 p.m., Wednesday, February 16, 2011, the 36th day of the 80th Legislature's 1st Regular Session, 533 bills have been introduced in the Senate. Of those, 20 passed this week and have been sent to the House for further consideration. Bills passed by the Senate this week include:

**Senate Bill 61** would authorize the Supreme Court to appoint hearing officers for juvenile drug courts.

**Senate Bill 196** would make it a crime to rob or attempt to rob a person under the pretense of having a deadly weapon. It would also increase certain criminal penalties.

**Senate Bill 205** would update the meaning of "federal taxable income," as well as certain other terms used but not defined in the West Virginia Corporation Net Income Tax Act. The bill would conform the terms to align with their meaning under the Inter-

nal Revenue Code for federal income tax purposes.

**Senate Bill 215** would update the meaning of "federal adjusted gross income," as well as certain other terms used but not defined in the West Virginia Personal Income Tax Act. The bill would conform the terms to align with their meanings under the Internal Revenue Code for federal income tax purposes.

**Senate Bill 219** would authorize the loan of funds from the Rainy Day Fund to the Unemployment Compensation Fund when funds are necessary to ensure that the Unemployment Compensation Fund contains at least \$20 million to pay all unemployment claims. The bill would also require that loans from such funds would be repaid in full without interest from money in the Unemployment Compensation Fund in excess of \$20 million.

**Senate Bill 222** would amend the West Virginia Municipal Police Officers and Firefighters Retirement System to ensure the continuance of a qualified status under federal tax law. The bill would also amend the direct rollover provision of the plan by adding Roth IRAs to the definition of "eligible retirement plan" and amending the definition of "eligible rollover distribution" to provide that distributions of after-tax amounts may be rolled over to a Roth IRA.

**Senate Bill 239** would extend the period higher education institutes would have to deposit monies into research endowments.

**Senate Bill 255** would supplement, amend, add a new item and increase existing items of appropriation in certain accounts for the designated spending units for expenditure during the fiscal year 2011.

**Senate Bill 280** would change certain deadlines associated with the termination and resignation of service personnel, transfer of school personnel and rehiring of probationary employees.

## Completed Legislation

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**House Bill 2475** would include certain records of the Division of Juvenile Services in the exemptions from Freedom of Information Act requests and has completed legislation.

**Senate Bill 303** would add captive cervids to the list of animals that one may kill a dog if observing a dog chasing or harming the animal.

**Senate Bill 329** would update code provisions to conform to the Streamlined Sales Tax Agreement.

**Senate Bill 331** would make a technical correction in the definition of "eligible taxpayer," relating to corporation net income tax.

**Senate Bill 337** would make failure to wear a safety belt a primary offense.

**Senate Bill 338** would permit the state to opt out of a federal statute that would otherwise not allow a West Virginia citizen, convicted of a felony involving a controlled substance, from receiving certain benefits provided by the Social Security Act and the Food Stamp Act.

**Senate Bill 371** would update the list of jurisdictions identified as being tax havens.

**Senate Bill 375** would authorize the Policy Commission and the Council to collect and disseminate information to aid consumers in assessing the performance of state institutions of higher education and to require them to revoke an institution's authority to confer degrees under certain conditions.

**Senate Bill 376** would permit unit owners' associations to institute legal action against a unit owner to collect dues or assessments that are overdue or who is behind on payment of dues to the association.

### The West Virginia Legislature's Reference and Information Center

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## In the House

As of 4:00 p.m., on Wednesday, February 16th, 2011, the 36th day of the 80th Legislature's 1st Regular Session, 1,163 bills have been introduced and 62 have passed. Of those, 17 passed this week and have been sent to the Senate for further consideration. The bills passed by the House this week include:

**House Bill 2161** would create the Herbert Henderson Office of Minority Affairs, establish the powers and duties of the office, provide for an executive director, staff and office, require annual reports to the Governor and the Joint Committee on Government and Finance and create a Minority Affairs Fund.

**House Bill 2164** would remove provisions for increasing counties' local share responsibility for funding basic foundation education formula when property assessments are not at least 54 percent of market value as indicated by assessment ratio study. It would also revise definitions and make legislative findings with respect to the effect of under assessed property values on school funding and the obligations of assessors and Tax Commissioner.

**House Bill 2248** would expand the list of federal law-enforcement officers who are extended the authority of state and local law-enforcement officers to enforce the laws of this state.

**House Bill 2347** would increase the effective period for domestic violence protective orders in cases not involving aggravating factors from 90 days or six months to six months or one year and increase the effective period for a domestic violence protective order in cases where aggravating factors are proven from one year to two years.

**House Bill 2533** would require the identities of signatories to a certificate for a person seeking ballot access to be made public and verified.

**House Bill 2693** would require insurance coverage for autism spectrum disorder and would ensure any limitations to coverage does not conflict with other applicable law.

**House Bill 2695** would clarify the Educational Broadcasting Authority's power to engage in fundraising activities with certain private nonprofit corporations, to clarify the organizational structure of the authority, to exempt the names of private donors from disclosure, to delete outdated language and to make technical corrections.

**House Bill 2709** would allow county school boards to enter into energy-saving contracts and allow these contracts to extend 15 years.

**House Bill 2922** would establish the felony offense of causing serious bodily injury to another person by a person who is driving under the influence of alcohol, controlled substances and other drugs.

**House Bill 2935** would repeal an outdated article of election code relating to voting systems no longer approved for use.

**House Bill 2949** would simplify and consolidate senior citizen property tax relief pro-

grams, and make those programs available only to eligible "low income" homeowners.

**House Bill 2989** would create a process by which the West Virginia Racing Commission may grant stay requests pending an appeals of orders by stewards or judges, permit the appointment of hearing examiners who must be licensed to practice law in the state. The bill would also provide that if the Racing Commission modifies or rejects a hearing examiner's recommended decision, its order doing so must provide findings of fact, conclusions of law and set forth with specificity the reasons for the modification or rejection.

**House Bill 2990** would change the renewal of Racing Commission-issued occupational permits from December 31 of each year to a schedule determined according to the applicant's date of birth.

**House Bill 3021** would add two new members to the Comprehensive Behavioral Health Commission. Also, the bill would require yearly reports to the Governor and Legislature and extends the life of the commission by another four years to 2015.

### 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](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](http://www.legis.state.wv.us/daily_sum/today.cfm)

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## FRESHMAN LAWMAKERS - from Pg. 1

Each lawmaker spends a large portion of time attending events and meetings throughout his or her district. A high value of emphasis is placed on the concerns and opinions of their constituency.


Senator Ronald Miller (D-Greenbrier) said even after being around politics for years, he is still appreciative for the level of work.

“Coming into this new situation, the workload I’ve had has been striking,” Miller said, “I begin in the morning and continue working all day and there are a lot of people who do the same.”

Senator Gregory Tucker (D-Nicholas) said it is important to witness the amount of time legislators and staff put in.

“I wish the public could see the dedication these people have, not only the lawmakers, but the staff and every person who helps with

the progress of the Legislature,” Tucker said.

While West Virginia has a part-time Legislature in name, the duties and responsibilities of being a legislator are vast and require careful and deliberate consideration year round. Each lawmaker makes a large commitment, balancing public service with life as a regular working citizen in their communities. The lawmakers who fill the Capitol are men and women who have chosen to stand up and fight for every constituent. All carry the optimism and confidence to make the difficult decisions needed to keep West Virginia on the road to prosperity. 

### Did You Know?

The 80th Legislature has **17** freshman Delegates and **7** freshman Senators, **3** of which previously served in the House of Delegates.

## IN THE SENATE - from Pg. 2

**Senate Bill 385** would remove an archaic section of the criminal code that provides for a lower penalty for assault or battery on an athletic official than for assault or battery on a member of the general public.

**Senate Bill 439** would clarify that a complaint must be filed first with the State Regulatory Board and would establish a two year statute of limitations for actions involving manufactured housing.

**Senate Bill 464** would amend the petitioning procedure to regain the right to possess firearms so it complies with the minimum criteria to establish qualifying mental health relief from firearms disabilities under the NICS Improvement Act of 2007. The bill would remove individuals from the federal NICS Index who have been adjudicated in West Virginia to regain their right to possess firearms.