



WRAP-UP

The Newsletter of the West Virginia Legislature

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Fact over Falsehood: Debunking Common Legislative Myths

BY NIKKI CANNON

The West Virginia Legislature is surrounded by a number of myths or misconceptions, ranging from the legislative process to members' offices. Listed below are several busted, and even confirmed, myths.

MYTH: If a bill is introduced, it must come to a floor vote.

Every bill has the potential to come to a floor vote. First though, the bill must make its way through committees. Even before that, the bill must be placed on the agenda to be introduced into the committee. If the committee has opposition to the bill, the bill will likely go no further than that particular committee.

If the bill is not reported from committee, nor finalized on the floor, then it is said to "die" in committee or "die on the floor." There are many reasons bills are not taken up for review. Some simply don't meet the deadlines for appropriate discussion. However, since the Legislature "sits" for two consecutive years, a bill may be reintroduced the following year providing for further review of the idea.



MYTH: All members have their own offices.

While Senate members do have their own offices, with a shared common room for secretaries, House of Delegates members share offices. Most delegates have at least one office mate.

One exception is the major committee House chairs and vice chairs. They have



MARTIN VALENT WEST VIRGINIA LEGISLATURE

Legislature's "Doc of the Day" Program

Since 1989, the West Virginia Legislature has benefited from the Doc of the Day Program, held every year during session. Run by Marsha Booth, RN, the program brings family physicians from all around the state with a different visiting doctor offering his or her medical services daily.

Pictured above is Dr. Doug Given of Braxton County and Mountain State University Medical Resident Anna Ankrum.

their own offices next to and near the committee rooms they chair.



MYTH: After session ends, everybody goes home.

Legislative Per-diem workers, interns and lobbyists pack the capitol complex during session, but after they have left, there is still a full-time staff that works year round.

In addition, interim meetings, special legislative sessions and an extended bud-

get session the week following the end of the regular 60-day session, bring back lawmakers throughout the year.



MYTH: Meetings are held behind closed doors, without public access.

Most meetings are open to the public or can be heard online through live audio streams. However, party caucuses and meetings restricted to only chairmen are not open to the community.



In the Senate

As of 6:00 p.m., Wednesday, February 23, 2011, the 43rd day of the 80th Legislature's 1st Regular Session, 608 bills have been introduced in the Senate. To date, 15 have been completed legislation. Of the bills introduced, 27 passed this week and have been sent to the House for further consideration. Bills passed by the Senate this week include:

Senate Bill 227 would develop a matching grant program to foster the development of creative communities in West Virginia. The bill would provide for the necessary funds to establish the Creative Communities Development Program.

Senate Bill 234 would revise the Municipal Economic Development District Act. It would enlarge the number of municipal corporations that may use sales tax increment financing to provide for any economic development projects.

Senate Bill 235 would revise the County Economic Opportunity Development Dis-

trict Act. This would include the remediation of landfills, former coal or mining sites, solid waste facilities or hazardous waste sites. These sites would be deemed as permissible for development projects under this bill.

Senate Bill 238 would re-designate the Division of Veteran's Affairs to the Department of Veteran's Assistance. This bill would provide for the department to be supervised by a cabinet-level secretary.

Senate Bill 243 would change the termination date of the Neighborhood Development Program Act from July 1, 2011 to July 1, 2016. The bill also would provide for an increase of the tax credit given to the program.

Senate Bill 263 would allow non-profit research corporations affiliated with higher education institutions to operate vehicles that have been issued special plates on the road. These corporations must handle research programs dealing with the development of vehicles, special fuels or equipment.

Senate Bill 282 would provide for the continuation of the Highway Design-Build Pilot Program for two more years.

Senate Bill 304 would provide for an alternative means for the initial purchaser of a junked vehicle. It would authorize the initial purchaser to notify the Division of Motor Vehicles of compliance with the National Vehicle Motor Title Information System.

Senate Bill 334 would create a criminal offense for associating with any form of animal fighting ventures. This would include wagering, conducting, financing, managing, supervising, owning or leasing any part of an animal-fighting venture.

Senate Bill 335 would allow certain municipalities to regulate taxis and taxi stands. This bill would give authorization to any Class I or Class II municipalities to regulate taxi services.

Completed Legislation

02/16/2011 - 02/23/2011

House Bill 2882 will allow the Commissioner of Banking to assess state banks on a quarterly basis instead of a semi-annual basis. The bill will establish additional assessment dates on April 1 and Oct. 1. The commissioner will also have to prepare and send all banking assessments by March 15 and Sept. 15.

House Bill 2962 will increase the amount of a fine or penalty the Commissioner of Banking may impose on residential mortgage brokers and lenders for certain article violations. These violations are in relation to the West Virginia Residential Mortgage Lender, Broker and Server Act.

Senate Bill 344 would reduce the money required to qualify as a "qualified capital addition to a manufacturing facility" from \$50 million to \$10 million. The bill would also reduce the total amount of the original cost of the facility.

Senate Bill 357 would add river otters to the list of species that must be checked at an official game check station. A trapper must present any beaver or otter pelt to a game checking station or representative of the Division of Natural Resources within 30 day after the close of legal season.

Senate Bill 358 would authorize electronic registration of wildlife. The electronic registration would be mean submission of all necessary and relevant information must be presented to the Division of Natural Resources, in the manner designated by rules set forth by the director.

Senate Bill 382 would specify activities that grant members of the National Guard of reserve leaves of absence. This bill would provide for additional activities to the list of

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In the House

As of 4:00 p.m., on Wednesday, February 23rd, 2011, the 43rd day of the 80th Legislature's Regular Session, 1,267 bills have been introduced and 82 have passed in the House of Delegates. Of those, 18 passed this week and have been sent to the Senate for further consideration. The bills passed by the House this week include:

House Bill 2542 would clarify certain provisions relating to the access of cemeteries and grave sites located on private land by authorizing agents of family members or decedents to access private cemeteries or grave sites.

House Bill 2555 would create the misdemeanor offense of operating a motor vehicle while writing, sending or reading a text message by means of a wireless communications device.

House Bill 2765 would add provisions to the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART act). This bill would require all plans administered by the Consolidated Public Retirement Board (CPRB) to provide any additional benefits to survivors of participants or members of a plan who died while performing qualified military service on or after January 1, 2007—as if the participant or member had resumed and then terminated employment on account of death.

House Bill 2766 would clarify the authority of the West Virginia Consolidated Public Retirement Board to determine the participating employer contribution rate under the provisions of the Deputy Sheriff Retirement System. The bill would also remove the 10.5 percent cap on total employer contributions paid by the county commissions and concurrent employers.

House Bill 2791 would require the superintendent of the State Police to develop a plan to increase the number of troopers to a minimum of 800 troopers by July 1, 2015.

House Bill 2885 would allow a guardian or caretaker to be employed or in an employment contract with a behavioral health provider for the purpose of providing services to the protected person for whom they are acting as guardian.

House Bill 2889 would create the Jason Flatt Act of 2011—requiring suicide prevention training for all teachers and principals.

House Bill 2918 would change the procedure for suspending, revoking or canceling a business registration certificate and would permit a registrant to appeal an order to suspend, revoke or cancel a business registration certificate, for the purpose of nonpayment of property taxes.

House Bill 2939 would clarify the definition of compensation for purposes of calculating required contribution to the Public Employees Retirement System (PERS). Some of the changes include: (1) limiting the definition of compensation for the purposes of withholding contributions or calculating a member's final average salary to exclude lump sum or other payments to members that

are not comprised in their regular salary, (2) clarifying what happens when a member withdraws his/her accumulated contributions and (3) requiring full payment of all necessary employee and employer contributions if an error involving underpayment of required contributions results in increased payments to a barrier.

House Bill 2971 would make a technical correction under the Consumer Sales and Service Tax to conform to the Streamlined Sales and Use Tax Agreement. Additionally, the bill would change the term “durable medical goods” to “durable medical equipment”.

House Bill 2993 would make several technical changes to correct weak language relating to incorrect terminology, unworkable effective dates, and to disallow some related transactions within the Commercial Patent Incentives Tax Act.

House Bill 3060 would implement a different procedure for determining the credit for utility taxpayers with net operating loss carryovers relating to the corporation net income tax.

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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CAPITOL MYTHS - from Pg. 1

Additionally, during interim meetings, the Commission on Special Investigations is never open to the public nor is it streamed live because they are exempted by State Code.



MYTH: Only seven members can sponsor a bill.

While this may be the case in the House, the Senate allows for an unlimited number of sponsors on a bill.

Though unlikely, this opens the potential for the entire Senate to sponsor a bill.



MYTH: The Legislature passes hundreds of bills each session.

Over the past 10 years, the Legislature has passed an average of 270 bills per regular session. Over two thousand bills are introduced each session, and approximately 200 will make it to the Governor's desk to complete the process and become law.



MYTH: All bills must be signed by the governor to become law.

While the Legislature is in session, the governor has five days to approve or veto a bill. After session, the governor has 15 days to act on a bill. If the time lapses, the bill automatically becomes law without the governor's signature.



IN THE SENATE - from Pg. 2

reasons a member of the National Guard or Armed Forces Reserve shall be permitted this leave of absence.

Senate Bill 390 would create a new crime relating to the invasion of privacy on web-enabled mobile devices. This bill would create a misdemeanor offense for the invasion of a personal, mobile device. This would include: cell phones, text-messaging devices and mobile devices that can access the Internet.

Senate Bill 474 would adopt a limited version of the "Learned Intermediary Doctrine" (LID). The LID shifts the responsibility of providing warning labels on prescription drugs from the manufacturers to the prescribing physician. The bill would be limited to manufacturers not engaged in direct advertising to consumers regarding a particular drug.