



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## As Regular Session Concludes, Budget Considerations & Redistricting Approach

There are many things people refer to when they talk of legislative sessions.

The first is the 60-day Regular Session, which begins on the day the Legislature assembles and ends on the day it adjourns for the year.

Daily floor sessions, which adjourn each day, are any time the House or Senate meet on the floor of their respective chambers. At such times, both bodies are “in session.”

While the 80th Legislature is nearing the close of its first biennial session, two additional sessions are expected: an extended budget session and at least one special session.

Traditionally, three days prior to their official adjournment the governor may issue a proclamation calling for an extended budget session. This extension is solely for the purpose of considering the 2012 fiscal year budget, which runs from July 1, 2011 to June 30, 2012.

In addition, according to the West Virginia State Constitution, Article 7, Section 14, any bill vetoed “may be reconsidered even if the Legislature is at the time in extended session for the sole purpose of considering the budget bill...”

The State Constitution calls for the governor to issue the proclamation on the 57th day of the 60-Day Session, which in this year was March 9th. The extension usually adds three days at a time but can be reissued until a budget is finally passed. Historically, the added time generally has consisted of a further week of review.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

### Hall of Governors

Completed legislation, passed by both the House of Delegates and State Senate, finish the law making process after traveling down the “Hall of Governors” to be acted upon by the Executive Branch. Bills are either signed into law, vetoed or become law without a signature if not acted upon in the time-frame set out in the state Constitution.

A special, or extraordinary, session is called by the governor via proclamation at a time other than a regularly scheduled session. This most frequently occurs in order to complete unfinished tasks for the year or may be convened to address special topics, or to deal with a natural disaster.

West Virginians will be following at least one special session in 2011. Using data obtained through the 2010 United States Census, West Virginia must reapportion its population so that citizens receive fair and equitable representation within the United States Congress and within the West Virginia Legislature. A special session to address the state’s redistricting will occur before the close of this year.

The US Secretary of Commerce and the Census Bureau Director will provide the Legislature’s Redistricting Office with total population counts by April 1, 2011. The detailed geographically defined population counts will be directed toward the governor and legislative leaders. All lawmakers may work with the Redistricting Office, using the software program Maptitude, to design their own plans and submit them to the Redistricting Committees. The Senate and House committees, appointed by legislative leadership, then will work to devise legislation to provide equal representation to all West Virginians.

Acceptance of the reapportionment of new geographic district boundary information



# Completed Legislation

As of 4:00 p.m., Wednesday, March 9, 2011, the 57th day of the 80th Legislature's 1st Regular Session, 1,271 bills have been introduced in the House, 161 of which have been passed by the House. Six hundred and nineteen bills have been introduced in the Senate, 159 of which have been passed by the Senate. Below is a sampling of the 54 bills that have completed legislative action.

**Senate Bill 60** will clarify that probation officers are authorized to supervise sex-offenders. This supervision will only apply until a multi-judicial officer is available in the probation officer's area.

**Senate Bill 61** will authorize the Supreme Court to appoint hearing officers for juvenile drug court officials. These hearing officers shall be limited to current or senior-status circuit or family court judges.

**Senate Bill 216** will modify the definition of "imminent danger" to the physical well-

being of a child. This will specify the definition in regards to child neglect or abuse to include alcohol and substance abuse by the parent, guardian or custodian.

**Senate Bill 234** will revise the Municipal Economic Opportunity Development District Act. This bill will enlarge the types of municipal corporations that may use sales tax increment financing to finance certain economic development projects.

**Senate Bill 256** will require sex-offenders to verify e-mail and online identities. All registered sex-offenders will have to verify these identities to the State Police Department.

**Senate Bill 263** will allow non-profit research corporations affiliated with an institution of higher education with programs in the research or development of vehicles. These institutions will be allowed to operate vehicles that have been issued special plates.

**Senate Bill 349** will require a bittering agent to be placed in certain engine coolants and antifreeze. This agent will be placed into the coolants and antifreeze to prevent accidentally indigestion and poisoning to human beings and animals.

**Senate Bill 358** will authorize the electronic registration of wildlife. Any individual who is required to deliver wildlife to an official checking station will be permitted to electronically register the wildlife.

**Senate Bill 392** will change the definition of "accredited thoroughbred horse". The accreditation will be required with the Thoroughbred Breeders Association.

**Senate Bill 413** will change the title of the Racing Commissioner's secretary to executive director.

**Senate Bill 486** will create the WVU-Tech Revitalization Project. This project will come under the direction of the Policy Commission. The project will include

plans for revitalizing WVU's Institute of Technology.

**Senate Bill 538** will establish the Learn and Earn Cooperative Education Program. This program will be established between eligible community and technical colleges and participating companies for students enrolled in technical programs.

**Senate Bill 582** will designate specific criteria for seals of commissioners appointed by the Governor to acknowledge signatures. Each commissioner will have an official stamp that contains certain criteria as specified by the bill.

**House Bill 2438** will bring old, contradicting language still remaining in the West Virginia State Code into conformity with current code sections. This bill will also establish the definition of "independent voter".

**House Bill 2520** relates to the assignment of youthful male offenders to correctional facilities, specifies circuit court jurisdiction, modifies age criteria for eligibility for commitment to youthful offender center and provides a maximum age for center commitment.

**House Bill 2522** relates to nursing home administrative appeals and will add an independent informal dispute resolution to current Office of Health Facility Licensure and Certification (OHFLAC) review options.

**House Bill 2525** will prohibit the practice of social work without a license or valid permit. Any individual guilty of this will be charged with a misdemeanor and shall be fined from \$100 up to \$5,000.

**House Bill 2626** will authorize the Division of Labor to declare a legislative rule relating to the supervision of elevator mechanics and apprentices.

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

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## Completed Legislation

**House Bill 2586** will authorize the Department of Transportation to promulgate legislative rules. Specifically, the bill regards the Commissioner of Highways, Division of Motor Vehicles and Department of Transportation's State Rail Authority.

**House Bill 2648** will increase the faculty senate allotment for classroom teachers and librarians from \$50 to \$100 to be spent on academic materials, supplies or equipment to enhance instruction.

**House Bill 2697** will update the record keeping requirements of municipalities.

**House Bill 2708** will remove a twelve-month limitation for certain agreements between or among law-enforcement agencies to remain in effect. The bill will permit agreements between or among different law-enforcement agencies to remain in effect unless terminated.

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

**House Bill 2750** will make the act of sexual assault or abuse an additional consideration when a judge may issue an order to temporarily or permanently remove a child from the home.

**House Bill 2765** will ensure the continued qualified status under federal tax law of the plans administered by the West Virginia Consolidated Public Retirement Board, by adding provisions necessary to comply with the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act).

**House Bill 2766** will 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 and remove the 10.5 percent cap on total employer contribu-

tions paid by the county commissions and concurrent employers.

**House Bill 2871** will provide that Brownfield Economic Development Districts must comply with local planning laws before an application for such districts will be approved.

**House Bill 2876** will expand the eligibility for financial aid to enrollees in the model health plan for uninsurable individuals to enrollees with an annual average household income at or below 400 percent of the federal poverty level.

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

**House Bill 2939** will make substantive changes to the code relating to the Public Employees Retirement System. Additionally, the bill provides for administrative clarification and clean-up of existing practice and policy.

**House Bill 2971** makes a technical correction by changing the term "durable medical goods" to "durable medical equipment". This change will cause the

WV consumers sales and service tax and use tax code to conform with the language used in the Streamlined Sales and Use Tax Agreement. The bill was also amended to include a reduction in the sales tax on food from three percent to two percent.

**House Bill 2989** will create a process by which the West Virginia Racing Commission may grant a stay request. This stay request will be in accordance to any pending appeals by stewards or judges.

**House Bill 2990** will change the renewal of Racing Commission-issued occupational permits. The bill provides that all persons who work at a race track in the state must have a valid permit, which current law requires that these permits expire December 31 of the year it was issued, causing renewals to occur at the end of each year. This bill will amend the process, such that expiration dates and renewals are based on the birthday of the person of the permit. The new deadlines will go into effect on January 1, 2012 and will give the Racing Commission the power to grant a permit for more than one year in order to implement the new deadlines appropriately.

SEE COMPLETED, 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](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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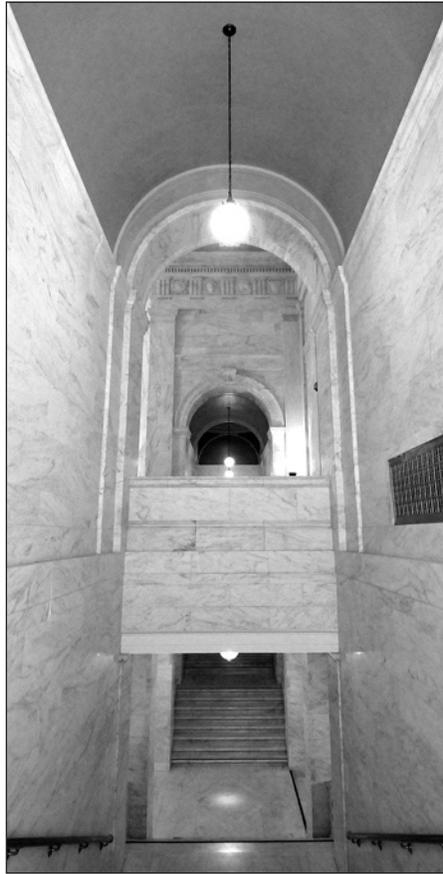
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**COMPLETED** - from Pg. 3

**House Bill 3064** will provide for the West Virginia State Legislature to find and declare the existence of a moral obligation to pay, with public money, each of the claims against specified state agencies and the state of West Virginia.

**House Bill 3114** will allow for the development and operation of a nursing home on the grounds of a critical access hospital meeting certain limitations and exemptions from nursing home suspension and certificate of need requirements.

**House Bill 3205** will give any individual convicted of a criminal offense who is housed in a regional jail a reduction in his/her sentence after completing an education or rehabilitation program. The bill will also provide certain enrollment fees for the programs.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

**SESSION** - from Pg. 1

- which will directly affect Magisterial Districts, voting precincts and respective Congressional and State Legislative Districts - must be accomplished by a vote of the Legislature.

Summarizing: the 80th Legislature is meeting in its first biennial session, is meeting in session on a daily basis, is expecting to participate in an extended budget session, and is looking ahead to a special session covering reapportionment. ■

**REDISTRICTING**

There are currently **17** Senate Districts and **58** House Districts in West Virginia. The 2010 Federal Census information will be used to determine the updated district boundaries.