



# WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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## From Behind the Podium

### Pipeline Safety Legislation Passed by the House

#### HOUSE SPEAKER RICK THOMPSON

As the House of Delegates finished up the first three weeks of the legislative session, 9 bills and at least 18 resolutions had been adopted and sent to the Senate.

One of piece of legislation adopted by the House, House Bill 2505, was proposed by Gov. Tomblin in response to the recent shocking pipeline explosion that took place along Interstate 77 in Sissonville here in Kanawha County. Thankfully, no one was killed in the massive fire, which destroyed four homes and a section of the interstate.

The state Public Service Commission, which helps the federal government oversee such lines, requested an increase in state fines and penalties for safety violations. By doing so, not only is the safety law strengthened, but the state would also qualify for additional federal funds to regulate the thousands of miles of pipeline within our state.

Aside from the twenty-plus bills introduced by the Governor, hundreds of pieces of legislation introduced by individual members have been assigned to the committees for their consideration.

As of the 23rd day of the session, delegates have introduced more than 850 bills; senators had submitted more than 460.

I expect the pace to pick up considerably in the next few weeks. Time is passing quickly. In fact, we are rapidly approaching the half-way point of this 60-day session.

And we've got some deadlines approaching.



BILLY HINAMON WEST VIRGINIA LEGISLATURE

House and Senate Finance committee members hold twice daily budget hearings to discuss state agency financial needs.

The 41st Day - March 25 - is the last day to introduce bills in the Senate and the House. (This does not apply to originating, supplementary appropriation bills, or resolutions).

At the end of this month, the 47th day, all bills must come out of committee in their originating house to ensure three full days for readings prior to passage.

That's because the 50th day - April 3 - is the last day to pass bills out of the house in which they originated.

Again, this does not apply to supplemental appropriations. That's because when this is all said and done, the Legislature still have to put together - and balance - the budget.

But before we can get to the budget - and this year it's the House's turn to develop the budget bill - the Finance Committee must consider legislation that's been assigned to it that directly affects the state's finances, whether positively or negatively.

In many instances, bills contain requests for fiscal notes analyzing the cost of the law change or initiative. As of the 23rd day, there were over 300 House bills in the system with fiscal note requests.

Once the committee process is complete and the Legislative session reaches the 60th day, we will begin the extended session for the budget. At that point, a conference committee of the two houses will look at the financial impact of our adopted legislation, fine tune the state budget, and present it to the full House and Senate for a vote.

Needless to say there are a lot of financial needs out there, including in the areas of education and public safety, and no new additional revenue sources. So many challenges lie ahead.

But members of both bodies and both political parties are working hard - and working well together - and I look forward to productive days ahead.

# From Behind the Podium

## Prison Overcrowding Legislation Advances Out of Senate Judiciary

### SENATE PRESIDENT JEFF KESSLER

As we near the halfway point of the legislative session, the Senate Judiciary Committee has unanimously advanced the Governor's prison overcrowding bill on to the Senate Finance Committee. The measure would put several reforms in place to alleviate West Virginia's longstanding prison overcrowding problems while ensuring public safety.

According to the Justice Center study, the bill should stabilize the state's prison population at about 7,400 inmates by 2018, producing savings of \$116 million on operating costs and eliminating the need to build a new prison.

The bill calls for a front-end investment in a community-based substance abuse program for parolees. While our state has an adequate drug treatment program within the prison system, we do not have adequate programs within the regional jail system and we don't have any programs available to recently released inmates on parole or probation. Due to the overcrowding issue, West Virginia currently has 1,800 inmates that should be in prison currently housed in regional jails. These facilities are intended for a short-term stay and do not have the substance abuse programs that many of these individuals need.

As we have found via intensive study of this issue over the years, a large percentage of our inmates are incarcerated due to substance abuse issues. Sadly, those offenders are at a high risk to come back to prison. If we can continue to help them after their release, we can significantly cut down on recidivism rates.

To that end, the bill would improve accountability by requiring at least six months of post-release supervision for all inmates. It would also implement alternative sanctions

for those who commit technical violations while on probation or parole. The Justice Center study found that 38 percent of our state's prison sentences are for probation or parole violation, most often for technical violations such as breaking curfew or failing alcohol or drug tests. Those committed on revocations serve an average of an additional two years in prison. We have to look at ways to discipline these offenders without recommitting them to an already overcrowded system.

The bill would also strengthen community supervision by expanding day reporting centers. The measure would also improve risk and needs assessments for inmates. If we can simply cut our recidivism rate in half by helping these inmates after their release, we will have made great progress towards ending our prison overcrowding issues.

I support the provision in this bill that would release non-violent inmates six months early and give them full supervision for those months in their communities. If you look at the statistics, the national average prison sentence for non-violent crime is two years while our state average is three years. If we implement this provision, we are still incarcerating these individuals for longer than many states.

Some have spoken out against the bill, saying we are letting dangerous individuals back into our communities before fully serving their sentences. The statistics just don't support the theory that early release is a danger to society. One example we have heard from officials in Oklahoma shows that locking more nonviolent offenders up for extended times did not reduce violent crime rates in the state. In fact, violent crime went up in the state's bigger cities.

We need to act on this bill and act promptly because the cost of doing nothing could be large for public safety. Our prison population is nearing the tipping point and in other states that have failed to act in similar situations, courts have ordered a reduction of a certain percentage of the prison population and released hundreds of inmates without the proper probation requirements.

I am pleased that the Governor is committed to funding the start up costs for these programs, which includes \$3 million this year for post-release substance abuse treatment programs, and \$500,000 for various training programs. He has also pledged an additional \$5.5 million annual appropriation through 2018, which is an incredible investment given the anticipated \$116 million in savings over that same time.

### 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)

Visit the **Legislature's Homepage**: <http://www.legis.state.wv.us>

# Minority Report

## DELEGATE DARYL COWLES

With more than 60,000 West Virginians unemployed and looking for work, House Republicans believe that job creation should be the top priority for the 2013 legislative session. In order to make West Virginia attractive for job creation, we must take bold steps to reform our tax structure and allow working West Virginians to keep more of their hard earned dollars.

Republicans in the House believe that a key to economic growth is putting more money into the private economy. This can be accomplished by allowing our citizens to keep more of their earnings which will help feed and cloth their families, buy homes, and provide their children with the opportunity to attend college. Many of the challenges facing West Virginia result from poverty and unemployment. There are many steps we can take to strengthen our economy while improving the quality of life for our citizens.

West Virginians are blessed with many strengths. One of the greatest of which is a strong work ethic. We must take every opportunity to make West Virginia a state where our people can put their talents to use in the workforce.

Our tax structure is out of sync with our surrounding states and is not conducive to attracting industry. West Virginia taxes equipment and inventory used in manufacturing and other economic activities. Many states with which we compete for jobs do not impose such an onerous tax. We must dedicate our efforts this session to eliminating this regressive job killing tax.

We must also work to help our citizens make ends meet. One such opportunity is increasing the Homestead Exemption which has not kept pace with rising property values. First granted in the 1980's the Homestead Exemption was \$20,000 and equal to a much larger percentage of a home's value. Recalculating the exemption at today's values would equal \$40,000. Moreover, it would provide the relief originally intended for our older citizens.

### LEGISLATIVE CALENDAR

**Forty-first Day - March 25, 2013:** Last day to introduce bills in the Senate and the House. Does not apply to originating or supplementary appropriation bills, or resolutions.

**Forty-seventh Day - March 31, 2013:** Bills due out of committees in house of origin to ensure three full days for readings.

**Fiftieth Day - April 3, 2013:** Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills.

**Sixtieth Day - April 13, 2013:** Adjournment at Midnight.

## SENATOR MITCH CARMICHAEL

Last week, I discussed the issue of public education in West Virginia. Since then, I have received hundreds of correspondences from constituents regarding the Governor's proposals to reform our system of public education. Due to considerable interest in this matter, I thought you would appreciate some additional detail on the subject.

First, it should be noted that approximately 60 percent of the entire state budget is expended for K-12 public education. This amounts to over \$2 billion in state spending. Education is the largest expenditure of general revenue state taxpayer funds.

A primary component of the targeted reforms is to provide each county with greater flexibility to design a school calendar that ideally suits the needs of each individual county. To summarize, the bill eliminates the state-mandated window of 43 consecutive weeks in which each county must situate the school calendar. Under current law, the state essentially mandates a lengthy summer break by defining the 43 week annual term of employment for school service personnel. The practical consequence is that each county Board of Education is encouraged to design the school calendar to accommodate this provision.

Under the Governor's proposal, each county would have complete flexibility to craft a school calendar that suits their needs. The goal is to insure that each child receives the required 180 days of quality instructional time. Nationally, West Virginia ranks poorly in terms of average number of days our children attend school. The proposal to eliminate calendar restrictions from state code is a mechanism to provide each county with flexibility and freedom in designing the school year. It's not a requirement that any county move to a year-round balanced school calendar.

The education of our children is among the highest priorities of state government. It's our responsibility to provide a world-class education to the next generation. Today's students must acquire the knowledge and skills to compete in a global economy that demands excellence. A recent education survey determined that of the world's 43 largest economies, 33 provide over 180 days of instruction.

I contend that the children in West Virginia are as important as those in Korea or India. We do our nation, state, and each individual child a disservice when less than 180 full instructional days are provided to students. The general public, parents, and students should demand a minimum of 180 full instructional days in West Virginia. The taxpaying citizens are investing huge sums of money for an education system that's not providing the necessary days of teaching our children. The Governor's proposal does not force any county to change the school year. Instead, it simply provides each county with options.

## The Legislative Record

As of 4:00 p.m. Thursday, March 7, 2013, 866 bills have been introduced in the House of Delegates. A sample of the bills passed by the House this week:

**House Bill 2314** would give authority to family court judges to arrange for a child to be taken into custody in emergency situations at the discretion of the judge. If the judge becomes aware that a child is in imminent danger of neglect or abuse, they would have the authority to have Child Protective Services Division of the Department of Health and Human Resources take the child into custody.

**House Bill 2505** would increase civil penalties for pipeline safety violations from \$1,000 to \$200,000. The bill states the General Revenue Fund would have deposits from the Treasurer, which would be submitted through the Public Service Commission.

As of 4:00 p.m. Thursday, March 7, 2013, 483 bills have been introduced in the Senate. A sample of the bills passed by the Senate this week:

**Senate Bill 101** would include health care providers that work in nursing homes in the Medical Professional Liability Act. This bill was the result of an interim study.

**Senate Bill 214** would eliminate the requirement that an applicant for a license to practice medicine, surgery or podiatry who has failed one of the steps of the US medical licensing examination or the National Board of Podiatric Medical Examiners examination must appear before the Board of Medicine for a determination. Personal interviews are not required, but the Board may ask an applicant for an interview or production of original documents.

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

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