



WRAP-UP

The Newsletter of the West Virginia Legislature

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Lawmakers Confront Challenging Budget to Maintain State's Fiscal Stability

STAFF

As the Legislature convenes for the 2010 Regular Session, no issue looms larger than the status and future of the state budget. Lawmakers are faced with the task of approving and balancing the budget, while maintaining fiscal responsibility and the services West Virginians expect.

“Obviously it’s a very difficult year. Cash flow is relatively good but we have a major concern with long-term debt,” said Senate Finance Chairman Walt Helmick. “This year we will be okay without cutting services to West Virginians.”

To ensure a balanced budget for Fiscal Year 2010, the Governor has requested mid-year expenditure reductions of 3.4 percent, or \$120 million. This percentage is deducted from the already reduced mid-year cut of \$197 million for this fiscal year.

The proposed budget for FY 2011, as delivered by the Executive Branch, is approximately \$4.16 billion and includes the General Revenue, Regular Lottery and Excess Lottery Funds. Included in the total is \$68 million in cash surplus, which will be utilized to help fill some gaps. However, projections predict a revenue shortfall of around \$120 million this year and even greater disparities in the coming years.

Next year’s budget, with all of the proposed reductions, will be balanced with a combination of cuts and an influx of one-time federal stimulus package money of \$119 million, which will be used



MARTIN VALENT WEST VIRGINIA LEGISLATURE

Annual Dr. Martin Luther King Jr. Celebration

Senate President Earl Ray Tomblin and Speaker of the House Richard Thompson gathered with other dignitaries and guests to honor the life of Dr. Martin Luther King, Jr. President Tomblin and Speaker Thompson delivered speeches to the crowd, highlighting Dr. King’s dream of equality and urging West Virginians to rededicate themselves to his cause. To bring the annual ceremony to a close, visiting school children assembled among lawmakers to help ring the state’s Liberty Bell on the North side of the capitol building.

to “backfill” some of the cuts. The federal funds will go primarily to public and higher education. All states are required

revenues continue to feel the effects of the economic downturn. Cuts of five percent have been made to the budgets of the

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– Walt Helmick, Senate Finance Chair

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to spend most of their stimulus share by 2011, meaning West Virginia will have to look for other funding sources if the state’s

Legislature, Constitutional Offices, and executive agencies.



In the House

As of 4:00 p.m., Wednesday, January 20th, 2010, the eighth day of the 79th Legislature's 2nd Regular Session, 854 bills have been introduced in the House of Delegates. Of those, one passed and has been sent to the Senate for consideration. The bill passed was:

House Bill 4016 would expand the reporting requirements of the State Ethics Act by including the income information of the spouses of public officials. The bill would also require additional information - job title, employer address and job duties - be disclosed regarding employment of public officials.

The bill would prohibit legislators, secretaries of executive departments, commissioners or other appointed employees of constitutional offices from registering as lobbyists until one year after the end of his or her public service.

A Sampling of Bills Introduced In the House

House Bill 4001 would require the West Virginia Department of Environmental Protection (DEP) to develop specific standards to control levels of dissolved solids in rivers and streams. The bill would grant the director of DEP the authority to carry out its requirements.

House Bill 4005 would make failure to wear a seatbelt a primary offense.

House Bill 4006 would require the reporting and publication of compensation received by lobbyists for all lobbying activities. The bill also defines "compensation" as money or any other thing of value received from an employer for successful lobbying activities. It would require the reports be published on the West Virginia Secretary of State's Web site.

House Bill 4022 would allow vehicles in a funeral procession to be exempt from paying toll fees on the West Virginia Turnpike. The vehicles would have to be easily identified as part of the funeral procession.

House Bill 4024 would broaden the circumstances and types of prescriptions physician assistants could issue under the supervision of a licensed physician. Under this bill, a physician assistant must have completed an approved program, wear a badge identifying them as a physician assistant and may only perform services they are certified and trained to perform.

House Bill 4029 would strengthen penalties for the assault and/or battery of volunteer firefighters and emergency medical technicians and service providers.

House Bill 4033 would establish the Fleet Management Office in order to manage motor vehicles and aircraft owned by the state of West Virginia. The bill would also remove all agency exemptions from the

travel rules of the Secretary of the Department of Administration. The Secretary of the Department of Administration would be granted the authority to determine if the vehicles are being used in an official and proper manner.

House Bill 4036 would establish an eight member Judicial Vacancy Advisory Commission, which would assist in filling judicial vacancies. The commission would submit a list of qualified candidates to the governor for consideration of judicial appointment. The bill would also require the commission to create procedures for choosing candidates.

House Bill 4040 would require county school boards to adopt contingency plans guaranteeing students receive 180 separate days of instruction. The bill would limit the county boards to commencing no earlier than August 26 and terminating no later than June 8. A provision in the bill would require county boards to create plans to include icy conditions and emergencies and still meet the state requirement of 180 instructional days.

House Bill 4130 would create a pilot program providing alternative campaign financing options to Supreme Court of Appeals candidates. The program would begin in 2012 and would be funded through public funds including attorney fees and special court fees. Participating candidates would be required to raise a certain amount of campaign funds to qualify for the pilot program. After accepting public funds, participants could not accept money from private sources.

House Bill 4138 would include radiologist assistants under the authority of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners. The duties of the board include determining license requirements and maintaining license examination records.

The West Virginia Legislature's Reference and Information Center

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In the Senate

As of 4:00 p.m., Wednesday, January 20, 2010, the eighth day of the 79th Legislature's 2nd Regular Session, 281 bills have been introduced in the Senate. A sampling of bills introduced include:

Senate Bill 9 would allow Marshall University and West Virginia University to create "community schools" to serve as an alternative to normal public school education. Community schools would teach any grade K – 12 and would not charge tuition.

Senate Bill 24 would prohibit pharmacies from selling tobacco products of any kind. If a pharmacy violates this bill, their pharmacy license would not be eligible for renewal.

Senate Bill 37 would require the board of education to hire the most qualified person to supervise and regulate public school extracurricular activities.

Senate Bill 43 would allow police officers to run for political office in any municipality except for the one in which they work.

Senate Bill 52 would prohibit the use of a handheld cell phone while driving. Violations would be a secondary offense and would not result in points deducted from the offender's license.

Senate Bill 58 would allow Sunday hunting on licensed hunting preserves, providing the hunter has all the necessary licenses.

Senate Bill 63 would allow mixed martial arts competitions to occur in West Virginia. Mixed martial arts is a full contact fighting sport that incorporates various fighting disciplines. The proposed legislation grants rule-making authority to the State Athletic Commission.

Senate Bill 83 would require the appropriate governmental entity to retain and preserve biological evidence found dur-

ing an investigation for DNA testing. The evidence would be kept for the length of time a defendant remains in custody. The bill would also create a fine between \$500 and \$5,000, as well as possible imprisonment, for anyone who knowingly tampers with or destroys biological evidence.

Senate Bill 113 would require certain health insurance policies to cover acupuncture treatment performed by a licensed acupuncturist.

Senate Bill 115 would increase the state tax credit for citizens adopting a nonfamily member from \$2,000 to \$4,000.

Senate Bill 118 would require parent permission for any minor who wanted to use a tanning device including sun lamps, tanning beds and tanning booths. The parent would be required to sign a permission slip stating he/she has read and understood the dangers associated with tanning and agreeing the minor wear protective eyewear.

Senate Bill 145 would require insurers to cover the prevention, early detection, diagnosis and treatment of Autism disorder.

Senate Bill 176 would prohibit the installation of Automated Teller Machines (ATM) in establishments with video lottery machines. If the video lottery machine is in a building in which other businesses reside, the ATM cannot be within 50 feet of the video lottery machine.

Senate Bill 182 would discontinue tolls on the West Virginia Turnpike by 2020. This would happen as a result of the bonds required to build and maintain the turnpike being paid.

Senate Bill 218 would make inmates eligible for parole if they have completed an advanced rehabilitation plan. Eligible inmates must have no record of disciplinary rule violations, and must not be serving a sentence for a violent crime or a crime against a child. Previously, inmates had to serve either their minimum term or one fourth of their term before they were eligible for parole.

Senate Bill 231 would provide for a tax deduction for citizens who have spayed or neutered their pets. The deduction is limited to a maximum of three pets per household per year.

SEE IN THE SENATE, PAGE 4

West Virginia Legislature's Website

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

On the **Bill History** page, sponsors, subjects and code affected are now all hyperlinked to related bills. It is now possible to sort bills by date, step, status or committee, and direct links to the history and text of the bills is now available. The effective date of bills that have become law has also been added. http://www.legis.state.wv.us/Bill_Status/bill_status.cfm

The new 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

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

Budget Challenge - from Pg. 1

While West Virginia lawmakers are bracing for across-the-board cuts, surrounding states have been forced to take tougher steps. Three of West Virginia's neighbors, Pennsylvania, Ohio and Virginia, are among 13 states increasing fees. They and bordering Kentucky are among 26 states that, as a result of financial problems, have laid off, furloughed or offered early retirement to state employees.

"West Virginia has been fortunate thus far to weather the financial storm much better than our surrounding neighbors," said House Finance Chairman Harry Keith White. "We must exercise patience and continue to act in a fiscally responsible manner to ensure we can

keep providing the services our citizens expect."

The Senate and House of Delegates Finance Committees have begun holding budget hearings and are diligently poring through budget requests from the various state agencies. Work will continue throughout the session and will culminate during an expected extended Budget Session. 

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In the House - from Pg. 2

House Bill 4143 would increase the authority of the Office of Emergency Medical Services. The bill would allow the state police to perform background checks on EMS certification applicants.

In the Senate - from Pg. 3

Senate Bill 234 would increase the penalties for corrections employees who have sexual relations with inmates. The mandatory jail sentence would change from between one and five years to between 10 and 25 years and the fine would increase from a maximum of \$5,000 to a maximum of \$10,000.