



WRAP-UP

The Newsletter of the West Virginia Legislature

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Committee Work Serves As Cornerstone For State Law



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While most people would think the daily House and Senate floor sessions are where everything in the Legislature happens, the simple truth is they are only the culmination of an extensive, laborious and time-consuming process known as the committee system. If it weren't for committees, little work would be accomplished because the time needed to knowledgeably analyze and comprehend the sheer amount of bills that come before the Legislature would be staggering and nearly impossible to achieve.

So what is a committee? Last week *Wrap-Up* focused on how bill drafting is the foundation of the bill process. Committees continue this process by building the rest of the house, right down to the shutters and the white-

Rules Committee Chairmen

The presiding officers of the House and Senate, House Speaker Rick Thompson and Senate President Earl Ray Tomblin, refer proposed legislation to the appropriate committees where they either can be approved and continue the process or languish in committee and face legislative demise. The subject contained in the proposed measures often determines which committees a bill is referred to and begin their journey toward becoming law.

photos: Martin Valent & Max Hunt

picket fence. They can also be where construction is halted and the house is demolished. This is why the committee system is so vital to the legislative process: it is where a bill either comes to life or remains dormant.

Committee meetings occur outside of the floor session and, while they are generally open to the public, the majority of people have rarely seen one in action making the true purpose of a committee appear to be a mysterious, behind-the-scenes mechanism for change. In reality, it is a simplistic approach to the complex needs of the Legislature.

Committees are divided by subjects such as agriculture or transportation, most of which are usually mirrored in both the Senate and the House. There are also specific committees to each body as well as a number of subcommittees that even further dissect proposed bills. The main purpose of a committee is

to break down each individual bill that passes through its door, determine if changes should be made and whether it should be advanced to be voted on in the floor sessions. Bills are debated and amended during committee meetings. Often, representatives from all possible sides of an issue will attend these meetings and present their case, either for or against the proposed bill. This can influence how the committee will vote on a bill making it one of the most powerful opportunities for citizens to directly affect the outcome of a bill.

There are several benefits to this system. Because of committees, the massive amount of bills is broken down into manageable, easy-to-digest portions on which individual committees can place their full attention. If this weren't the case, the House and the Senate would have to cover an enormous number of bills during each daily session. Committees distribute the work evenly, making

Completed Legislative Action (Week of March 18-25, 2009)

House Bill 3083 would allow 16-year olds to donate blood with parental consent. Under current law, 17-year olds can donate blood without permission of a parent or guardian.



In the House

As of 6:00 p.m. Wednesday, March 25th, 2009, the 43rd Day of the Regular Session, 1,340 bills have been introduced in the House of Delegates. Of those, 73 have passed and have been sent to the Senate for its consideration. Some bills passed this week were:

House Bill 2401 would provide for the expiration of the alternative minimum tax. The tax would be nullified and have no further effect for tax years after January 1, 2010.

House Bill 2541 would include poultry among those domesticated farm animals that would make the owner liable for damages those creatures cause on other peoples' property.

House Bill 2952 would clarify that a terroristic threat is a felony regardless of intent to actually commit the threatened act. "Terrorist act" would be defined as an act that is likely to result in serious bodily injury or damage to property or the environment and is intended to intimidate or coerce the civilian population. It would also include attempting to influence the

policy of a branch or level of government by intimidation or coercion, affect the conduct of a branch or level of government and to retaliate against a branch or level of government for a policy or its conduct.

House Bill 2968 would require the State Fire Commission to propose rules for approval by the Legislature to provide standard safe practices for the design, construction, location, installation, maintenance and operation of liquefied petroleum gas systems, as established by the National Fire Protection Association Standard 58. Training standards and qualifications must also be provided for persons who install or maintain liquefied petroleum gas systems as established by the National Propane Gas Association's Certified Employee Training Program.

House Bill 2413 would raise the upper level age restriction for new hires for certain law enforcement agencies from 35 to 45 years of age. This bill would allow for persons who are hired at age 45 to secure a 20-year tenure before retiring at age 65.

House Bill 2771 would require contractors to submit documentation that they have complied with state regulations prior to the final payment for their work. This bill would define that a contract under this section would have a price floor set at \$50,000. The bill would also not require employees who must submit to federal Department of Transportation drug testing to submit to further drug testing. The bill requires a contractor to submit yearly documentation to the awarding agency on its drug-free workplace policy.

House Bill 2836 would establish zones of educational innovation that would enable faculty members to collaboratively create and implement initiatives that would have West Virginia schools meeting the needs of the 21st Century. Currently these improvements are restrained and/or restricted by policies issued by the state board or the West Virginia Code. With the passing of this bill, current restrictions would be repealed and schools would be able to begin implementation initiatives they see fit for the improvement of education.

House Bill 2884 would establish a public-private state long-term care partnership

program with the purpose of reducing Medicaid costs for long-term care, by encouraging the purchase of private long-term care insurance policies. These private insurance policies would be covered under long-term care insurance partnerships with the state.

House Bill 2958 would increase the fines for a trespassing conviction to no less than \$100 for the first offense, no less than \$500 for the second offense, and no less than \$1,000 for the third offense. Current law set the fines at \$100 to \$500 no matter which offense.

House Bill 3066 clarifies the supervision requirements for elevator apprentices under elevator safety. Under this law, a person would not be able to construct, install, alter, service, repair or maintain elevators or related conveyances covered by current law, unless he or she has a license issued by the Commissioner of Labor.

House Bill 3074 would allow the Secretary of State to notify people with delinquent taxes by way of certified mail. Currently, the Secretary of State is only authorized to carry out this action through registered mail. This bill would save the state \$1,200/year.

House Bill 3086 would permit home incarceration supervisors to carry handguns in the course of their official duties. The bill would require that before such supervisors may carry handguns they must meet specialized qualifications established by the Governor's Committee on Crime, Delinquency and Correction, including the successful completion of handgun training and a minimum of four hours of training in handgun safety. The bill also exempts these supervisors from handgun licensing requirements and states that supervisors are not law-enforcement officers.

House Bill 3229 would create the Science and Research Council. This council would be charged with increasing the capacity of the state and its state institutions of higher education to attract, implement and utilize cutting-edge, competitive research funds and infrastructure. The Science and Research Council would replace the EPSCoR State Advisory Council and would consist of 13 members.

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In the Senate

As of 6:00 p.m. Wednesday, March 25th, 2009, the 43rd day of the Regular Session, 758 bills have been introduced in the Senate. Of those, 73 bills have passed and have been sent to the House of Delegates for its consideration. Some bills passed this week were:

Senate Bill 12 would provide an optional two-year registration period for motorcycles. The Division of Motor Vehicles (DMV) would offer this new option until July 1, 2010. This bill also authorizes the DMV to collect one to two full years of registration fees for motorcycles, depending on the length of the registration.

Senate Bill 249 would require the instructional school term to start on August 21 and would provide greater flexibility for county school boards to meet the 180-day requirement for the school year. The bill would also provide for the scheduling of an additional non-instructional days.

Senate Bill 279 would require industrial facilities to report emergency events within 15 minutes to the Mine & Industrial Accident Emergency Operations Center and local emergency services. This would include explosions, fires or chemical releases. After providing the initial report, the facility would provide additional information to appropriate government officials. When the industrial facility determines the affected area to be safe, the facilities would allow relevant government officials access to the area. This bill would impose a penalty of \$100,000 for noncompliance. This bill would require the Director of Homeland Security to work with the DEP, the Fire Marshall and the State Emergency Response Commission to identify industrial facilities that do not submit risk management plans to the U.S. EPA.

Senate Bill 280 would repeal the Prison-made Goods Act of 1939 and create the Correctional Industries Act of 2009 to give inmates and juvenile offenders in correctional facilities a realistic work environment, pay prevailing local wages and enable them to acquire marketable skills. The bill would authorize the Commissioner of the Division of Corrections to enter into contracts with private sector entities for inmate labor to be provided through correctional industries. It would be mandatory that all state offices, departments, institutions and agencies purchase products made by correctional industries rather than purchasing the same products from other sources. The Commissioner would create

catalogues and a web site containing the articles and products manufactured and would determine costs. The bill would make the sale of inmate made products on the open market a misdemeanor, except for arts and crafts.

Senate Bill 293 would specify the unauthorized practice of medicine as a felony. Upon conviction, persons would be fined up to \$10,000 or imprisoned up to five years. The bill would also enhance criminal penalties where serious bodily injury results from such unauthorized practice. The bill defines serious bodily injury as substantial risk of death; prolonged disfigurement and impairment of health; or loss or impairment of a bodily organ. Convicted offenders would be fined up to \$20,000 or imprisoned up to 10 years.

Senate Bill 384 would extend authority to the Secretary of Transportation in highway emergencies. The Secretary of Transportation and his or her designated personnel would respond to the incident to assist with the restoration of traffic flow or with the development and implementation of a traffic diversion plan. Once the scene is declared safe, the control of traffic will be transferred to the Department of Transportation or the appropriate law enforcement agency.

Senate Bill 399 would create lifetime hunting, fishing, and trapping license for senior citizens. The Class XS license would cost \$15 and no other payments or fees would

be issued. Persons 65 years old before January 1, 2010, are grandfathered in.

Senate Bill 489 would allow the Board of Banking and Financial Institutions to receive compensation for travel expenses. The board meets at least once in each calendar quarter although the commissioner can call additional board meetings with at least 24 hours notice. Members would be reimbursed for all reasonable actual expenses for attending meetings in accordance with the regulations of the State Purchasing Division.

Senate Bill 497 would designate the West Virginia Partnership to Promote Community Well-Being, as the single state planning authority for substance abuse prevention, intervention and recovery. The Partnership would establish a data-gathering system to monitor the social and financial impact of substance abuse in West Virginia. The Partnership would review state laws and rules that control drug and alcohol policies and make recommendations for legislation corresponding to the long-term substance abuse strategic plan.

Senate Bill 501 would prohibit animal euthanasia by means of a gas chamber. This bill would allow any county that has a gas chamber in operation to continue to do so if it is operated by a certified animal euthanasia technician. The gas chamber would also have to be manufactured, installed and serviced by a legitimate company.

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>

Committee - from Pg. 1

the Legislature more efficient and more effective.

Another benefit of committees is that lawmakers develop a specialized expertise on issues surrounding their committee's particular topics. By design, similar subjects arise every session before each committee allowing adept and familiar eyes to study each bill. For example, long-time members of the Senate Energy, Industry and Mining Committee would be more knowledgeable on solutions to energy problems because they have dealt with comparable legislation in the past. Because this work can be delegated to experienced committees, the process is further streamlined.

The four main committees in both the House and the Senate are Finance, Judiciary, Education and Government Organization. These and the rest of the committees meet several times during the week in the 60-day session. During the

remainder of the year, interim committees meet approximately once a month for a three-day period with the purpose of studying important issues while the Legislature is not in session. These interim committees are called joint committees - joint, meaning members from both the Senate and the House - that help the Legislature come together in preparation for the forthcoming session by reviewing, researching and discussing possible legislation. This process provides a framework of potential bills to be introduced for each regular session.

Committees are intrinsically vital in ensuring a well-organized and effective legislature. The potential impact of a single piece of legislation to West Virginia's citizens can be substantial. To safeguard the public trust, every detail of each proposed bill is researched and heavily scrutinized in committee - an oversight that allows only the most prudent legislation to make it into state law.

In the Senate - from Pg. 3

Senate Bill 535 would allow municipalities and county commissions to set the closing times for bars to 2:00 a.m. This bill would require a county to designate the time to cease selling, giving or dispensing alcohol in bars within the area of the county, not within the limits of a municipality. Only a municipality could designate the time to cease selling, giving or dispensing alcohol in bars within the corporate limits of the municipality. This bill does not include racetracks.

Senate Bill 647 would allow any Class IV municipality, town or village to adopt an ordinance to authorize early voting for municipal elections by mail. A ballot packet would be mailed to every registered voter in that municipality at least three weeks before Election Day. The packet would include a secrecy envelope and detailed instructions, including how to properly mark the ballot and return it in the return envelope. Each ballot must be mailed or brought to the municipal precinct by the close of the early voting period.