



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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During the **2009 Regular Session**, a total of 2,113 bills were introduced (773 Senate bills, 1,340 House bills) and of those, 226 were passed by the Legislature. 20 bills were vetoed by the Governor. (pg. 32)

This 2009 Final Issue of Wrap-Up contains summaries of all bills passed during the 2009 Regular Session. An addendum to this publication will be available after the upcoming Extended Budget Session, scheduled for May 26 to June 6 2009.



Acts

Senate Bill 610 (Film Industry Investment Act) relates to the West Virginia Film Industry Investment Act. The bill provides and eliminates definitions; increases the amount of credit allowed in certain years; provides requirements to claim credit; provides for use of credit and transfer process; eliminates liability of transferees for credit that is disqualified; authorizes issuance of rules by the Secretary of Commerce for administration of the film credit and makes amendments retroactively applicable to taxable years beginning after December 31, 2007.

Bill(s) related to this section:

- Senate Bill 280 (Correctional Industries Act)*, pg.6
- Senate Bill 307 (Maternal Screening Act)*, pg.16
- Senate Bill 410 (Corporation Net Income Tax Act)*, pg.29
- Senate Bill 515 (Adult Guardianship & Protective Proceedings)*, pg.10
- Senate Bill 532 (WV SAFE Mortgage Licensing Act)*, pg.3
- Senate Bill 672 (Mental Health Stabilization Act of 2009)*, pg.17
- House Bill 2652 (Tree Fruit Industry Self-Improvement Act)*, pg.1
- House Bill 2685 (Uniform Principal and Income Act)*, pg.28
- House Bill 2703 (State Teachers' Retirement System Act)*, pg.11
- House Bill 2771 (WV Alcohol and Drug-Free Workplace Act)*, pg.21
- House Bill 2916 (Emergency Medical Services Act)*, pg.13
- House Bill 3170 (WV Guardianship and Conservatorship Act)*, pg.9

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Advertising

Senate Bill 472 (Outdoor Advertising) amends restrictions on outdoor advertising of businesses located on real property owned or leased by the business advertised.

Bill(s) related to this section:

- Senate Bill 473 (State Government Job Postings)*, pg.21

Agriculture

House Bill 2652 (Tree Fruit Industry Self-Improvement Act) repeals the Tree Fruit Industry Self-Improvement Act of 1984.

House Bill 2742 (Vinegars) repeals outdated provisions of the West Virginia Code relating to various vinegars.

Bill(s) related to this section:

- House Bill 2541 (Liability of Property Damage by Livestock)*, pg.2
- House Bill 2690 (Domesticated Animal Disposal)*, pg.2

Alcohol

House Bill 2719 (Craft Beer) amends the definition of "non-intoxicating beer" to allow beer distributors to carry "craft



beer,” which are specialty beers and other products which include higher alcohol content by natural fermentation techniques. It raises the allowed percentage of alcohol in these drinks from 6 percent to 12 percent.

Bill(s) related to this section:

House Bill 2877 (Underage Alcohol Purchasing Penalties), pg.8

Animals

Senate Bill 501 (VETOED - Gas Chamber Euthanization) prohibits the euthanizing of animals by means of a gas chamber.

House Bill 2541 (Liability of Property Damage by Livestock) includes poultry among those domesticated farm animals or livestock for which the owner shall be liable for damages caused by those animals when they enter on the property of another.

House Bill 2651 (Breeding) removes the entire article of law relating to the regulation of male breeding animals. The law, enacted in 1923, is outdated and no longer used.

House Bill 2690 (Domesticated Animal Disposal) updates language regarding payments for euthanized diseased or infected animals, deletes outdated maximum amounts paid to appraisers and arbitrators for services rendered in connection with such payments and prescribes environmentally sound methods of disposing of dead domesticated animals.

Bill(s) related to this section:

Senate Bill 346 (Bear Tagging), pg.24

Senate Bill 533 (Consumer Sales/Service Tax), pg.29

Appropriations - Supplemental

Senate Bill 403 (Roads & Highway Appropriations) modifies the Division of Highways FY 2009 budget by decreasing its spending authority by \$49.922 million and adding a new line item of \$40 million of federal economic stimulus. The revised appropriation is \$1,280,617,000.

Senate Bill 771 (Supplemental Appropriations of Federal Funds) makes supplementary appropriations of federal funds out of the Treasury from the balance of federal moneys remaining unused for the fiscal year ending June 30, 2009, to the following entities: Crime Victims Compensation Fund; Governor’s Office - Office of Economic Opportunity; Governor’s Office - Commission for National and Community Service; Department of Agriculture; Division of Forestry; State Department of Education; State Department of Education - School Lunch Program; State Department of Education - Aid for Exceptional Children; State Board of Rehabilitation - Division of Rehabilitation Services; Division of Environmental Protection; Division of Health - Central Office; Division of Health - West Virginia Safe Drinking Water Treatment; West Virginia Health Care Authority; Division of Human Services; Adjutant General - State Militia; West Virginia State Police; Division of Criminal Justice Services; Division of Public Transit; Bureau of Senior Services; Workforce West Virginia - Workforce Investment Act; Division of Human Services - Temporary Assistance for Needy Families; and the Division of Human Services - Child Care and Development, all supplementing and amending the appropriations for the fiscal year ending June 30, 2009.

Senate Bill 772 (Supplemental Appropriations to Various Accounts) prescribes a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2009.

Senate Bill 773 (Supplemental Appropriations to Dept. of Agriculture) prescribes a supplementary appropriation from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2009 to the Department of Agriculture - Land Protection Authority.

Audits & Auditing

Bill(s) related to this section:

House Bill 2757 (Auditing Insurers), pg.20

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Banks & Banking

Senate Bill 258 (West Virginia Retiree Health Benefit Trust Fund) clarifies that a local fiscal body or its duly authorized officials shall not be penalized for certain deficits relating to the unfunded actuarial accrued liability of the West Virginia Retiree Health Benefit Trust Fund and annual required employer contributions.

Senate Bill 424 (State-Chartered Bank) permits banks, thrifts and credit unions, in addition to national banks, to convert to a state-chartered bank.

Senate Bill 425 (Loan Rate Notification) requires disclosure of a higher annual percentage rate in any refinancing or consolidation of a nonrevolving consumer loan or consumer credit sale, and requires documentation of a reasonable net tangible benefit to the borrower of any refinancing or consolidation of a nonrevolving consumer loan or consumer credit sale secured by residential real estate.

Senate Bill 476 (Expanding Bank Definition) expands the definition of a financial institution by adding “regulated consumer lenders”, “residential mortgage lenders”, “brokers and servicers”, “licensed money services businesses” and all businesses that are under the jurisdiction and supervision of the Commissioner of Banking.

Senate Bill 503 (Sound Financial Condition) defines “sound financial condition” as a state banking institution that meets the required minimum level to be well capitalized for each capital measure as determined by its primary federal regulator and is not subject to supervisory action by either a state or a federal financial regulatory agency.

Senate Bill 532 (WV SAFE Mortgage Licensing Act) is required under the federal Secure and Fair Enforcement for Mortgage and Licensing Act of 2008. This bill allows the Commissioner of Banking to participate in the Nationwide Mortgage Licensing System and Registry to process mortgage lender and broker licenses and maintain records related to those licenses.

The bill also creates the WV Safe Mortgage Licensing Act to regulate the obligations of mortgage loan originators.

House Bill 3313 (Depositories for Boards of Education) allows depositories and banks to meet the security requirement necessary to be a depository for boards of education by providing a letter of credit from a federal home loan bank.

Bill(s) related to this section:

Senate Bill 489 (Board of Banking & Financial Institutions), pg.3

House Bill 3082 (Foreclosed Properties), pg.14

Boards, Councils & Commissions

Senate Bill 404 (WV Civil War Commission) relates to establishing a West Virginia Sesquicentennial of the American Civil War Commission. The purpose of the commission is to plan statewide activities and coordinate with other entities all activities to commemorate and celebrate West Virginia’s sesquicentennial, the sesquicentennial of John Brown’s October 16, 1859 raid at Harper’s Ferry and the sesquicentennial of the American Civil War. It establishes the terms of the Commission, including membership, requirements for meetings and reimbursements. The bill also authorizes the commission to establish an advisory council and outlines powers and duties of the commission.

Senate Bill 489 (Board of Banking & Financial Institutions) cleans up language and provides reimbursement to members of Board of Banking and Financial Institutions for actual reasonable expenses for attending meetings in accordance with the regulations and policies of the State Purchasing Division.

Senate Bill 572 (Public Employee Leave Benefit Analysis Board) repeals section of the code that created the Public Employee Leave Benefit Analysis Board. The initial purpose of this board was to analyze the fiscal impact on the state, and on the several county boards of education whose employees participated in the public employees insurance agency plan.

Senate Bill 587 (State Personnel Advisory Council) abolishes the State Personnel Advisory Council.

Senate Bill 588 (Public Insurance Agency Advisory Board) abolishes the Public Insurance Agency Advisory Board.



Senate Bill 687 (Comprehensive Behavioral Health Commission and Advisory Board) reestablishes the Comprehensive Behavioral Health Commission and Advisory Board, including its reporting requirements to the Governor and the Legislature. The commission and advisory board will terminate on June 30, 2011.

House Bill 2423 (VETOED - Board of Medical Imaging and Radiation Therapy Technology) updates the code relating to the Board of Medical Imaging and Radiation Therapy Technology. The bill specifies that board members will be appointed by the Governor with the advice and consent of the Senate. The bill removes the licensure exemption for a person who practices in this state for less than 10 days, and permits Nuclear Medicine Technologists or certified PET Technologists to administer radiopharmaceuticals and/or ionizing radiation. The bill also permits a person who has obtained national certification as an MRI technologist to obtain a MRI license and extends the time an apprentice license can be renewed from one to four years.

House Bill 2539 (Professional Licensing Boards) authorizes professional licensing boards to combine administrative staff. Before combining, the Boards must enter into a memorandum of understanding in consultation with the Attorney General. The Boards have rulemaking authority to make needed changes and may promulgate and emergency rules for any conflicts.

House Bill 2801 (Board of Medicine) makes technical changes to clarify that the Board of Medicine is an autonomous board which may hire its employees at the board's will and pleasure. It also provides for the continuation of employment and coverage under the classified service of the Division of Personnel for current employees.

House Bill 2913 (Independent Living Council) continues the Statewide Independent Living Council and clarifies that ex officio members are appointed by the Governor and are subject to term limits in order to comply with federal law. It also clarifies that the directors of participating agencies may designate representatives to serve as nonvoting members of the council.

House Bill 3189 (Capitol Building Commission) adds four representatives to the Capitol Building Commission.

These additional members are non-voting - with one being appointed by the President of the Senate, one by the Speaker of the House of Delegates, one by the Supreme Court of Appeals and the Secretary of the Department of Administration. This addition will increase the number of Capitol Building Commission members from five to nine.

House Bill 3229 (Science and Research Council) creates the Science and Research Council and establishes its purposes, membership qualifications, appointments, and terms of office; requires development of a strategic state plan for science and technology research, as well as annual reports to the Legislative Oversight Commission on Education Accountability; and provides said council replaces the Experimental Program to Stimulate Competitive Research ("EPSCoR") State Advisory Council.

Bill(s) related to this section:

- Senate Bill 306 (Pipeline Special License Fees), pg.26*
- Senate Bill 370 (Corrections Fees), pg.6*
- Senate Bill 453 (PSC Decisions Via E-mail), pg.26*
- Senate Bill 490 (Mercer Co. Emergency Op. Center Board), pg.13*
- Senate Bill 495 (Limits of Group Life Insurance), pg.19*
- Senate Bill 672 (Mental Health Stabilization Act of 2009), pg.17*
- House Bill 2170 (Rule-Making - Dept. of Commerce), pg.27*
- House Bill 2528 (Board of Registration of Foresters), pg.24*
- House Bill 2531 (Board of Barbers and Cosmetologists), pg.25*
- House Bill 2532 (Marriage & Family Therapists licensure), pg.22*
- House Bill 2567 (Electronic Rule Submission), pg.28*
- House Bill 2968 (Fuel Safety), pg.15*
- House Bill 2976 (Rule-Making - State Fire Commission), pg.28*
- House Bill 3340 (Student Data System), pg.11*

Bonds

Senate Bill 243 (General Obligation Bonds) updates the West Virginia Code for consistency with the current practices and procedures required for issuing general obligation bonds through competitive sale and the West Virginia Constitution. Updates include providing that the issuer is not required to designate the series of bonds in the election order; the bond resolution does not have to set forth the date of issuance, the denominations of the bonds, the medium with which the bonds are payable



or the terms of redemption; allows issuers to establish a maximum rate of interest in the bond resolution; allows issuers to make semiannual payments on principal and interest; lengthens the time an issuer is required to begin making debt service payments by a year from the date of issuance; requires issuers to register bonds and eliminating reference to coupon bonds; allows issuers to accept electronic bids; and allows an issuer to publish an abbreviated sale of notice when advertising the sale of bonds.

Child Welfare

Senate Bill 405 (Grandparent Visitation) requires motions or petitions for grandparent visitation to be filed and heard in family court except when an abuse or neglect proceeding involving the child or children is pending before the circuit court, in which case the motion or petition will be filed and heard in the circuit court.

Senate Bill 498 (Early Childhood Education) improves early childhood education by encompassing the Quality Rating and Improvement System (QRIS), which will provide up to five pilot projects using the system but without funding until 2010. The bill restores most of the collaborative requirements and requires both the Secretary of the DHHR and the State Superintendent of Schools both to approve the plans without an ending date.

Senate Bill 595 (Payments) requires any payment of federal and state assistance made to or for the benefit of any child or children or the caretaker of a child or children that creates a debt and is owed to the Department of Health and Human Resources be paid by the person or persons responsible for the support and maintenance of the child, children or caretaker in an amount equal to the amount of assistance money paid.

Senate Bill 612 (Nonpayment of Child Support) alters the elements of failing to pay child support. The bill makes it a crime for a person to willfully fail to pay court-ordered child support. It also removes a subsection that was held to be unconstitutional in *State v. Stamm*, in 2008.

House Bill 3120 (VETOED - WV Prosecuting Attorneys Institute) increases the WV Prosecuting Attorneys Institute’s executive council from five to seven members. It also permits the appointment of special prosecutors in juvenile delinquency, child abuse or neglect proceedings.

Bill(s) related to this section:
House Bill 2569 (Juvenile Offender Fund), pg.15

Communications

Bill(s) related to this section:
Senate Bill 263 (Inmate Phone Calls/Mail), pg.5

Consumer Protection

Bill(s) related to this section:
House Bill 2557 (Motor Vehicle Warranties), pg.23

Contracts

Bill(s) related to this section:
Senate Bill 382 (State Rail Authority), pg.26
Senate Bill 767 (Medicaid Program Contracts), pg.17

Corrections

Senate Bill 263 (Inmate Phone Calls/Mail) allows for disclosure of the recordings of inmates’ telephone calls and mail to law-enforcement agencies when disclosure is necessary for investigation, prevention or prosecution of a crime, as well as allowing for disclosure in civil or administrative proceedings in certain instances. The Commissioner of Corrections or his or her designee is authorized to monitor, intercept, record and disclose telephone calls and monitor, open, review, copy and disclose mail sent to or from adult inmates of state correctional institutions provided that the inmates are notified in writing of the possibility of these procedures.

Senate Bill 280 (Correctional Industries Act) authorizes the Commissioner of the Division of Corrections to enter into correctional industries contracts, develop a marketing plan, create catalogues and a website and determine prices for inmate made articles. The main goal of this bill was to qualify West Virginia for federal certification under the Prison Industries Enhancement (“PIE”) program, which creates an exemption from a federal prohibition on sale of inmate-made goods.

While this bill gives greater latitude to the Commissioner of the Division of Corrections to enter into contracts for inmate made articles, it still prohibits the sale of these goods on the open market.

Senate Bill 370 (Corrections Fees) clarifies that circuit clerks, magistrate clerks, municipal court clerks or their designee are all authorized to collect community corrections fees, and that only a community criminal justice board has the authority to collect supervision or participation fees ordered by circuit courts, magistrate courts, municipal courts or the community criminal justice board.

Senate Bill 521 (Jail Contraband) adds telecommunications devices to items which cannot be brought into a jail or correctional facility and creates a misdemeanor offense for any unauthorized person who willfully and knowingly transports or causes to be transported any telecommunications device into or upon any portion of any jail, state correctional facility, juvenile facility or juvenile detention center, regardless of whether the device itself is able to transmit. Persons found guilty will be fined between \$100 to \$500 or confined in jail up to one year, or both.

House Bill 2404 (Inmate Health Care) provides that inmates at the regional jails may be assessed a fee not to exceed \$5 for any non-emergent, non-chronic condition. The fee will be waived for any service required by law; an emergency service following a traumatic injury that is not self induced, or any necessary service to prevent death or severe or permanent disability; diagnosis or treatment of any communicable disease; treatment of severe mental illness; treatment of specific chronic conditions; and staff initiated care, follow up care or referral visits; preventive services; and any other service that is exempted by rule. No inmate may be denied care because of the inability to pay. It further

provides that the executive director of the Regional Jail Authority shall promulgate rules and develop a fee schedule and list of billable services, and to define services further exempted.

House Bill 2407 (Inmate Benefit Fund) authorizes the Commissioner of Corrections to place sums of money less than \$10 credited to an inmate’s account after his or her release in the inmate benefit fund. The bill also requires the Commissioner of Corrections to notify an inmate if money is credited to his or her inmate account within 30 days of the remittance or release of the inmate. If the inmate does not claim the money within 30 days of receiving the notice, the Commissioner may place the sum, if it is less than \$10, into the inmate benefit fund.

House Bill 2418 (FOIA Corrections Exemption) grants exemptions from disclosure under the Freedom of Information Act for certain information retained by the Division of Corrections and the Regional Jail Authority.

House Bill 2419 (Inmate Sentence Reduction) authorizes the West Virginia Regional Jail and Correctional Facility Authority to grant time off of the sentence for certain convicted inmates in a regional jail who have completed educational and rehabilitation programs. It would allow inmates who have been sentenced to prison terms for more than six months to be granted one day of good time for the successful completion of these programs.

House Bill 2701 (VETOED - Escape) creates a misdemeanor offense for escape from community based staff secure facilities, and a felony offense from hardware-secure detention centers and juvenile correctional facilities. The bill sets forth criminal penalties for these offenses, i.e., confinement for a year for a misdemeanor conviction and five years for a felony conviction. The bill additionally establishes conditions of release. The bill also establishes venue in the county where the escape occurred, and allows for, upon agreement of all parties that if the person committing the offense is a juvenile, the venue may be returned to the original committing court.

House Bill 3305 (Probation Officers) authorizes probation officers to arrest persons who violate conditions of probation or supervised release; eliminates the authority of pro-

bation officers to collect money; eliminates the requirement that probation officers post bond; and specifies the manner in which probation officers may exercise the power to arrest probationers and persons under their supervision.

Bill(s) related to this section:

Senate Bill 760 (Pre-trial Release Projects), pg.7

House Bill 2222 (Rule-Making - MAPS), pg.27

House Bill 2819 (Rule-Making - Misc.), pg.28

Counties

Senate Bill 239 (VETOED - County Metro Government) authorizes counties with a population exceeding 150,000 and a Class I municipality to approve metro government by a majority vote. This bill changes the percentage vote required to approve metro government from the previous 55 percent.

Senate Bill 262 (County Historic Preservation Funds) strikes language prohibiting the use of a county's General Revenue Fund for historic preservation. This allows county funds to supplement funds issued by the state for the establishment and maintenance of a West Virginia State Register of Historic Places.

Senate Bill 339 (County Hiring) relates to exemptions for certain spousal relationships from county hiring and employment prohibition under limited circumstances. The bill creates an exemption for certain spouses who were employed by the county prior to their engagement or marriage to a county official to county hiring prohibition and creates an exemption for certain licensed professional medical personnel to county hiring prohibition.

Senate Bill 528 (VETOED - County General Funds) will allocate a portion of each recording fee paid to the clerk of the county commission into the county general fund instead of being retained by the clerk for the operation of that office.

Bill(s) related to this section:

Senate Bill 256 (Annexation), pg.32

Senate Bill 764 (Multi-County Election Results), pg.12

House Bill 3195 (Local Health Department Funding), pg.18

County Commissions

Bill(s) related to this section:

Senate Bill 490 (Mercer Co. Emergency Op. Center Board), pg.13

House Bill 2464 (Early Voting Locations), pg.12

House Bill 2926 (Requirements for County Commissioner), pg.12

Courts

Senate Bill 259 (Courthouse Facilities Improvement Authority) clarifies certain terminology within the Courthouse Facilities Improvement Authority. It changes "county and circuit clerks' Association" to "West Virginia Association of Circuit Clerks" and "West Virginia County Clerks' Association". The bill also changes "family law master" to "family court judge" and the "West Virginia Family law masters' Association" to the "West Virginia Family Judicial Association".

Senate Bill 338 (Additional Circuit Judge) increases the number of circuit court judges from 2 to 3 for the 17th Judicial Circuit (Monongalia County) effective July 1, 2009.

Senate Bill 341 (West Virginia Supreme Court) transfers authority to administer the juvenile justice database from Military Affairs and Public Safety to the Supreme Court administrator's office.

Senate Bill 760 (Pre-trial Release Projects) authorizes the Supreme Court to establish up to five pilot pre-trial release projects for three years. The program is limited to misdemeanors and non-violent felonies and is intended to reduce regional jail populations related to nonviolent pretrial detainees. The Court is required to file an annual report with the legislature.

House Bill 2305 (Supreme Court Clerk) revises the appointment and compensation procedures of the Supreme Court Clerk and his or her staff. The requirement that the clerk post bond has been stricken and independent insurance coverage is no longer required. Also, the clerk's salary is to be determined by the Court and if any position within the clerk's office becomes vacant while the Court is in vacation, the Justices may appoint someone to fill the vacancy.

House Bill 2737 (Probation Officer Hiring) authorizes the Administrative Director of the Supreme Court of Appeals to hire multi-judicial-circuit probation officers.

Bill(s) related to this section:

Senate Bill 99 (Youthful Offender Training Program), pg.8

Senate Bill 405 (Grandparent Visitation), pg.5

House Bill 2684 (Drug Courts), pg.10

House Bill 2738 (Registering Protective Orders), pg.10

House Bill 2739 (Domestic Violence Protective Orders), pg.10

Crimes

Senate Bill 99 (Youthful Offender Training Program) gives a circuit judge discretion to impose the original sentence on a juvenile offender who has successfully completed a youthful offender training program but who has been charged with committing another crime between the time in which they were released from the center and their hearing. The bill also clarifies that a juvenile offender can be confined in the youthful offender center for at least six months or up to two years.

Senate Bill 318 (Division of Protective Services) relates to the duties and powers of the director and officers of the West Virginia Division of Protective Services. The bill extends division jurisdiction over state property throughout the state under certain circumstances and clarifies that division has no responsibility for providing security for state facilities outside the Capitol Complex.

Senate Bill 347 (Sex Offenders Technical Clean Up) makes technical corrections to internal code references and other terminology related to extended supervision for certain sex offenders.

Senate Bill 451 (Crime Victim Compensation Program) modifies the crime victims compensation program including expanding the definition of “criminally injurious conduct” to include criminally injurious conduct committed outside of the United States against a resident of West Virginia. The bill also increases allowable victim relocation costs from \$1,000 to \$2,000, allows payment for reasonable travel expenses for the transportation of a victim to or from a medi-

cal facility, and increases the amount that may be paid to a victim and all other claimants sustaining economic loss because of injury to the victim from \$25,000 to \$35,000. The provision that prohibits the voluntary intoxication of a victim from being a defense against the estate of a deceased victim was also removed under this bill.

Senate Bill 761 (Enclosed Commercial Property) extends criminal penalties for prohibited entry upon commercial property enclosed by a fence or similar physical barrier or upon certain structures used for utility transmission or distribution. It clarifies the offense of breaking and entering or entering without breaking onto public utility property that is enclosed or fenced, with the intent to commit a felony or larceny. The bill establishes the felony offense of knowingly and willfully damaging and destroying utility or railroad property, resulting in the creation of a substantial risk of serious bodily injury to another. The aim of this bill is to ensure safety by strengthening the penalties for copper theft and other destruction of property.

House Bill 2566 (Health Care Worker Protection) revises the statute concerning those individuals acting in an official governmental capacity who are covered by the anti-malicious assault provisions. It eliminates the listing of specific persons covered and replaces it with language that says that it covers any government or health care worker acting in his or her official capacity. The bill also revises the penalty language for battery on one of these persons. The substantive change is that the penalty goes from flat fines of \$500, \$1,000 and \$2,000, to “up to” those amounts.

House Bill 2695 (Accidental Hunter Shootings) provides criminal penalties for a hunter who fails to render aid to a person the hunter shoots while hunting either negligently or as a result of hunting while intoxicating. Penalties include fines, confinement in jail, or both.

House Bill 2877 (Underage Alcohol Purchasing Penalties) revises the provisions concerning those under the age of 21 who misrepresent their age for purposes of purchasing alcohol. Currently they are subject to a \$50 fine, and/or, confined in jail up to 72 hours, or for a first offense placed on probation for a period not to exceed one year. The bill increases the fine to \$100. It also replaces the confinement and probation penalties with 40 hours of community service.



House Bill 2920 (VETOED - Petit Larceny) repeals state law that makes a second conviction of petit larceny a felony.

House Bill 2952 (Terror Threats) clarifies that a terroristic threat is a felony regardless of intent to actually commit the threatened act, and penalize as such. Under this bill, persons found guilty will be fined between \$5,000 and \$25,000, confined in a state correctional facility between one and three years, or both. Also, any person who uses a hoax substance or device, one shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed, priced or delivered so as to cause a reasonable person to believe that the substance or device is of a nature which is capable of causing serious bodily injury or damage to property or the environment with the specific intent to commit a terrorist act and is found guilty, will be fined between \$10,000 and \$50,000, confined in a state correctional facility between one and five years or both.

House Bill 2958 (Trespassing Fines) adds an upper level limit to trespassing fines. First offense would be no more than \$500; second offense no more than \$1,000; and the third offense no more than \$1,500.

House Bill 3036 (Public Notice Reduction) reduces the public notice requirement for a petition of expungement to minimize the public record of the petitioner’s convictions for certain misdemeanors committed between the ages of 18-26.

House Bill 3194 (VETOED - Falsifying Documents) creates a criminal penalty for signing a document required to be filed with the Secretary of State which a person knows is false and will be guilty of a misdemeanor and, upon conviction, will be fined up to \$1,000 or confined in jail up to one year, or both.

- Bill(s) related to this section:**
- Senate Bill 263 (Inmate Phone Calls/Mail), pg.5*
 - Senate Bill 278 (Failed Medical Discount Plan Benefits), pg.16*
 - Senate Bill 293 (Practicing Medicine Without a License), pg.16*
 - Senate Bill 612 (Nonpayment of Child Support), pg.5*
 - House Bill 2569 (Juvenile Offender Fund), pg.15*
 - House Bill 2819 (Rule-Making - Misc.), pg.28*

Culture & History

Senate Bill 335 (Fairs/Festivals Funding) authorizes the Commissioner of the Division of Culture and History to distribute fairs and festivals funding. The division may assist in the promotion and operation of an annual state fair and other regional or local fairs and festivals entitled to aid when funds are available and to expend those funds for the support and development of fairs and festivals. The bill will take effect July 1, 2009.

- Bill(s) related to this section:**
- Senate Bill 262 (County Historic Preservation Funds), pg.7*

Disabilities

Senate Bill 493 (Head Injury Central Registry) transfers authority for the severe head injury central registry from Vocational Rehabilitation to the Center for Excellence in Disabilities.

House Bill 2504 (Silver Alert System) establishes the “Silver Alert System” for missing cognitively impaired persons. The system must provide for the use of video image recording devices for search purposes during a Silver Alert and must provide for notice and broadcasting the alert.

House Bill 2795 (Hunting & Fishing Licenses for III Youth) creates a special hunting and fishing license for persons with a life-threatening condition who are under 21 years of age, thereby entitling the licensee to fish or hunt all legal species of game at no charge.

House Bill 3170 (VETOED - WV Guardianship & Conservatorship Act) amends the West Virginia Guardianship & Conservatorship Act and clarifies the filing and review of the periodic accounting of conservators of incapacitated persons.

- Bill(s) related to this section:**
- House Bill 2225 (Rule-Making - Div. of Rehab. Programs), pg.27*

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Domestic Relations

Senate Bill 515 (Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act) adopts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. This act outlines jurisdiction, ensures uniformity in all previously related laws and establishes uniformity in guardianship and protective proceedings.

House Bill 2694 (Military Child Support) establishes certain requirements for modification of custodial rights for parents who are deployed for military service. The bill requires that any modification of a parenting plan during deployment be temporary and that deployment for military service will not be used as the sole basis for a later permanent modification of the parenting plan. The bill permits deployment for military service to be a basis for utilizing the expedited process of modifying an order of child support. The bill allows for the temporary modification of child support during the period of deployment.

House Bill 2738 (Registering Protective Orders) clarifies the procedure for registering an out-of-state protective order in the Supreme Court's statewide database. It also clarifies that in-state orders are automatically registered by the issuing West Virginia court, rather than by petitioners.

House Bill 2739 (Domestic Violence Protective Orders) revises and expands the procedures and methods for service, enforcement, and registration of domestic violence protective orders, including: requiring circuit court clerks to forward copies of protective orders to magistrates or magistrate court clerks; requiring magistrates or magistrate court clerks to forward copies of protective orders to state and federal agencies; requiring law enforcement to attempt service of protective orders within seventy-two hours of receipt of order; authorizing certain persons to file a criminal complaint for violation of a protective order; providing a criminal penalty for violation of a protective order; authorizing the seizure of weapons possessed in violation of a protective order; authorizing nonjudicial enforcement and service of state protective orders; and providing civil and criminal immunity to government officials for acts or omissions arising out of enforcement of a protective order, or the detention or arrest of an alleged violator of a protective order, if the official

acted in a good faith effort to comply with the statutes related to the prevention and treatment of domestic violence.

Bill(s) related to this section:

House Bill 2532 (Marriage & Family Therapists Licensure), pg.22

Drugs & Drug Paraphernalia

House Bill 2684 (Drug Courts) creates a more uniform framework for creating drug courts in West Virginia. The bill establishes benchmarks and reporting requirements allowing a better assessment of the effectiveness of the courts. This bill was based on a model act from the National Association of Drug Court Professionals.

Education

Senate Bill 373 (PROMISE Scholarship) caps the PROMISE scholarship at \$4750 after January 1, 2010. However, the award may exceed \$4750 if the Higher Education Commission determines the funds are available but the award cannot be greater than the cost of tuition. If the award was made prior to January 1, 2009, student's awards will continue to be equal to the cost of their tuition. This bill reduces the number of members on the Student Financial Aid Advisory Board (which provides financial aid expertise and policy guidance to the Commission) from 11 to 7. It also dissolves the PROMISE Scholarship Board. The Higher Education Policy Commission will now administer all funds administered by the PROMISE Board. Beginning July 1, 2010 the Legislature will appropriate \$48 million to the PROMISE scholarship fund. For every fiscal year after 2010, the Legislature will transfer \$47.5 million into the fund. The bill also adds gender, race and ethnic diversity as a requirement for the board of governors at a higher education institution.

House Bill 2530 (School Aid Formula) makes technical corrections to the school aid formula bill from last year and amends the calculation for distribution of funds to low enrollment counties as follows:

1) Provides that for all purposes except for the determination of the allowance for professional educators, “professional student support personnel” are professional educators.

2) Clarifies that provisions adding to the net enrollment of counties whose actual net enrollment is determined to be less than 1,400 are applicable only for the purpose of determining the county’s basic foundation program.

3) For low enrollment counties, changes the calculation of the amount of enrollment that is added to a county’s actual net enrollment by basing the additional enrollment on degree to which the county’s actual net enrollment is below 1,400.

4) Provides that for fiscal years 2010 through 2013 only, the allowance for professional educators and the allowance for service personnel computed for each county must be based on the number of personnel that would be eligible based on the net enrollment of the county notwithstanding the number actually employed for the second month of the prior school term and notwithstanding the pro rata reduction for failure to meet the minimum professional instructional personnel ratios

5) Includes professional student support personnel in the calculation of the allowance for current expense. Professional student support personnel also are included in the calculation of funds that are allocated to each faculty senate.

House Bill 2703 (State Teachers’ Retirement System Act) makes technical changes and modifies definitions of the state Teachers’ Retirement System Act, including: specifying cessation of membership; clarifying loan offsets at time of withdrawal; specifying procedures for the correction of errors; permitting rollovers of any dollar amount; and permitting loan borrowers to receive retirement income or disability payments when outstanding loan balance is deducted from the actuarial reserve of accrued benefit.

House Bill 2734 (Teachers’ Retirement Withdraw) clarifies that upon withdraw from either the Teachers’ Retirement System or the Teachers’ Defined Contribution Retirement System, members are eligible to receive a return of their member contributions.

House Bill 2870 (Teachers’ Retirement System) extends the deadline of the buyback provision within which a member of the State Teachers Defined Contribution System who has transferred to the State Teachers Retirement System (TRS) may pay the required amounts into TRS to receive full credit. This bill also exempts this change from another code section which provides that the computation of annuities or benefits for active members due to retirement, death or disability as provided for in the retirement system shall not be amended in such a manner as to increase any existing benefits or to provide for new benefits.

House Bill 2904 (HEPC & CCTC Rules) authorizes rules for the Higher Education Policy Commission (HEPC) and the West Virginia Council for Community and Technical College Education (CCTC). The rules would cover guidelines for Governing Boards in employing and evaluating Presidents; the Medical Student Loan Program; the West Virginia Higher Education Grant Program; the Research Trust Fund Program; Accountability System; Performance Indicators; and Finance.

House Bill 3011 (Code Repealed) repeals the prohibition against vocational rehabilitation officers and employees from working or contributing to any political activity.

House Bill 3146 (School Service Personnel) relates to seniority rights for school service personnel generally. This bill also creates a new service personnel definition and assigning a pay grade. It further provides for assignment based on seniority in certain circumstances in certain classifications. This bill further specifies the rights, privileges and benefits of certain professional and service personnel that provide middle college services in public community and technical colleges.

House Bill 3208 (Statewide School Report Cards) includes in the report cards the hours of training county board members have acquired; interim term of county superintendents; appointment of interim county superintendent in cases of medical incapacitation; compensation; and county board member training standards review committee.

House Bill 3340 (Student Data System) requires the Higher Education Policy Commission, WV Council for Community and Technical College Education and State Board



of Education to establish and maintain a longitudinal student data system for the purpose of collecting and sharing educational data. In order to be eligible for certain Federal Stimulus funds, West Virginia must show a commitment to collect, share, and use education data to improve student achievement. The bill sets conditions through which the data may be made available to researchers, educators and policymakers, and it provides restrictions and guarantees to protect student and personnel privacy rights.

Bill(s) related to this section:

- Senate Bill 498 (Early Childhood Education), pg.5*
- House Bill 2335 (G.I. Education Enhancement Program), pg.23*
- House Bill 3295 (Unclaimed Property Trust Fund Transfer), pg.14*
- House Bill 3313 (Depositories for Boards of Education), pg.3*

Elections

Senate Bill 261 (Election Nominee Deadlines) requires party executive committees to submit their list of nominees to serve as election officials no later than the seventieth day before the election.

Senate Bill 445 (Conservation Supervisor’s Election Certification) removes certain certification requirements from the election of conservation supervisors. The candidate will no longer have to file a sworn statement specifying that he or she meets the requirements, a qualified list of candidates does not have to be provided to the Secretary of State, and nominating petitions will no longer be mandatory.

Senate Bill 764 (Multi-County Election Results) provides a procedure for certification of election results in multiple county races stating county races will not be made final until each county has declared results of the election and requires the Secretary of State notify each county that results have been declared. The bill also requires the 48-hour time period to request a recount in a multi-county race will not begin until all of the county results have been declared and certified.

House Bill 2464 (Early Voting Locations) will authorize county commissions to designate locations for early voting

and in-person voting other than the county courthouse or annex and require the Secretary of State to propose legislative and emergency rules.

House Bill 2869 (Campaign Finance Statements) lengthens the time frame for the filing of final campaign financial statements to between June 15 and 30 immediately following the primary election, and between December 15 and 20 immediately following the general election.

House Bill 2926 (VETOED - Requirements for County Commissioner) requires a candidate for county commissioner to be a resident of the magisterial district for which he or she is seeking election on the last day for filing to be a candidate or at time of appointment. It also sets forth the procedure for challenging a candidate’s qualifications, including petitioning the circuit court and Supreme Court review.

House Bill 2981 (Elections) requires candidates for the Senate and House of Delegates to file announcement of candidacy with the Secretary of State. This bill also reduces the number of signatures necessary for nominating a third party candidate while also changing requirements of those signing a nominating certificate.

House Bill 3134 (Voting By Mail) enacts the “West Virginia Vote By Mail Pilot Program”. The project authorizes five municipalities in the state to conduct voting by mail. The five municipalities selected for participation may conduct both the primary and general elections entirely by mail. It is the responsibility of the Secretary of State to establish guidelines and procedures for the selection of the municipalities, conducting voting by mail, where ballots shall be placed, dates and times when the ballots must be reviewed and that officials designated to supervise and conduct the vote by mail program, other municipal officials, and all election commissioners and poll clerks must abide by the these guidelines. The pilot project will last until January 1, 2014.

Emergency Services

Senate Bill 279 (Industrial - Emergency Events) requires certain industrial facilities, other than coal companies, to



report emergency events (including explosions, fires or releases) to the Mine and Industrial Accident Emergency Operations Center, or local emergency services, and provide certain basic information within 15 minutes of the event. The bill also provides penalties for noncompliance with reporting requirements or the failure to allow government officials access the facility once the area is cleared of hazardous conditions.

Senate Bill 490 (Mercer Co. Emergency Operations Center Board) authorizes the Mercer County Commission to appoint an Emergency Operations Center board. The board would oversee the operation of Mercer County’s enhanced emergency telephone system.

Senate Bill 694 (Intrastate Mutual Aid) creates a system of intrastate mutual aid between participating political subdivisions in the state. The system provides for mutual assistance among the participating political subdivisions in the prevention of, response to and recovery from any disaster that results in a formal state of emergency in a participating political subdivision. The system provides for mutual cooperation among the participating subdivisions in conducting disaster-related exercises, testing or other training activities outside actual declared emergency periods. The bill authorizes the Director of the Division of Homeland Security and Emergency Management to propose a statewide mutual aid agreement and establish a procedure to allow local jurisdictions to elect not to participate.

House Bill 2916 (Emergency Medical Services Act) makes changes to the Emergency Medical Services Act. The bill provides the Commissioner of Public Health with rule-making authority for fees regarding certification and recertification of emergency services personnel, and these fees are to be deposited in the Emergency Medical Services Agency Licensure Fund. The fee for applicants will be \$75 for initial certification and \$50 for recertification. Applicants will be required to submit to a national background check including the submission of fingerprints and authorizing the West Virginia Office of Emergency Services and the FBI to use all records submitted and produced for the purpose of screening the applicant for certification. The results of a criminal history background check will be prohibited to or by private entities.

Energy

Bill(s) related to this section:
House Bill 2535 (Solar Energy Tax), pg.30

Environmental Protection

Senate Bill 436 (Surface Mining Reporting Requirements) corrects language with respect to state agencies charged with cooperating with the Department of Environmental Protection to ensure surface mining permit applicants compliance with fiscal and reporting requirements imposed by the WV unemployment compensation and workers’ compensation laws. The bill replaces references to “the commissioner of the Bureau of Employment Programs” with executive director of Workforce West Virginia, and “executive director of the workers’ compensation commission” with Insurance Commissioner.

Senate Bill 461 (Selenium Pollution in Streams) extends the deadlines for compliance with selenium limits in streams resulting from mining operations by two years, to 2012. However, the DEP is to work with WVU and the WV Water Research Institute to undertake a comprehensive study relating to selenium and prepare a report detailing its findings and submit it to the Legislature by Jan. 1, 2010. The additional selenium study to be submitted in 2010 is a result of concerns regarding the applicability of the research underlying the federal selenium criteria to West Virginia. While federal environmental impacts have not been observed in West Virginia, there is a call for further research to determine if selenium is having an impact on West Virginia, which has high precipitation rates and free-flowing streams and to ensure validation or determine the proper testing methods for selenium and to better understand the chemical reactions related to selenium mobilization in water. For existing NPDES permits, the Department may extend the time period for achieving water quality-based effluent limits for selenium discharges into waters supporting aquatic life uses to July 1, 2012 if the extension is not in violation of any state or federal laws, rules or regulations.

Senate Bill 715 (VETOED - Chesapeake Bay Watershed) protects the Chesapeake Bay Watershed from pollution by



establishing nutrient reduction projects and a funding program that will allow existing and future wastewater treatment facilities to provide and maintain affordable and high quality infrastructure services. The bill directs the Department of Environmental Protection and affected stakeholders to establish a nutrient trading and offset program for wastewater treatment discharges to the Chesapeake Bay. It also directs the parties to recommend a funding program to the Legislature to fund the capital improvements needed at the wastewater treatment facilities to reduce nutrient discharges to the Chesapeake Bay.

House Bill 2474 (Fish Waste) exempts fish waste from land-based aquaculture facilities from the sludge management requirements administered by the Department of Environmental Protection (DEP). The requirements establish criteria for applying sewage sludge, or other material having beneficial properties similar to sewage sludge, to land. The disposal or land application of fish waste is placed under the Commissioner of Agriculture, who is directed to promulgate legislative rules, in consultation with DEP, for the disposal or land application of fish waste.

House Bill 2860 (Carbon Sequestration) authorizes and regulates the carbon dioxide sequestration and storage of carbon dioxide and to clarify the issue of pore space ownership. The bill allows the injection of carbon dioxide and associated constituents into subsurface geologic formations intended to prevent its release into the atmosphere and storage of carbon dioxide only if it is done pursuant to permits issued through the Division of Environmental Protection (DEP). Under this bill the Secretary of DEP is required to monitor these activities. The bill also extends current criminal and civil penalties and injunctive relief for permit violations. The bill establishes a working group of experts and industry and governmental representatives to study issues related to the activity and report to the Governor and the Legislature in 2010 and 2011.

House Bill 3339 (Gwinn Landfill Closure) facilitates the complete closure of the Gwinn, or otherwise known as the Midwest Services Landfill, located in Summers County, by having the Secretary of the Department of Environmental Protection place said closure as a top priority use of Solid Waste Facility Closure Cost Assistance Fund moneys. The bill directs the Department of Environmental Protection to

use funds within the Landfill Assistance Closure fund to cap the Midwest Services or Gwinn landfill in Summers County. Currently the facility does not meet the criteria already set out in West Virginia code to cap landfills when they go out of business. The funding is already in place, having been collected by the state over the years as a part of the tipping fees on garbage. That means no further cost to the community would be incurred.

- Bill(s) related to this section:**
- Senate Bill 507 (WV Clean Coal Technology Council), pg.23*
 - Senate Bill 600 (Coal Tax), pg.23*
 - Senate Bill 613 (Coal Permit Application), pg.23*
 - Senate Bill 641 (Disclosing Solid Waste Origins at Landfills), pg.23*
 - House Bill 2535 (Solar Energy Tax), pg.30*
 - House Bill 2690 (Domesticated Animal Disposal), pg.2*
 - House Bill 3197 (Litter Prevention Officers), pg.24*

Estates & Trusts

House Bill 3082 (Foreclosed Properties) requires trustees foreclosing on occupied residential property to report the foreclosure data to clerks of the county courts as a part of the information to be submitted with the trustee's report of sale. It also requires the clerks of the county commission to file quarterly reports regarding foreclosed properties with the Banking Commissioner. Under this bill, the fee for recording a trustee's report of sale would be \$30, with \$10 retained by the county clerk and \$20 going to the Banking Commissioner to finance the program.

House Bill 3295 (Unclaimed Property Trust Fund Transfer) transfers a one-time sum of \$8 million from the Unclaimed Property Trust Fund to the Prepaid Tuition Trust Escrow Fund. The bill will set \$1 million as the amount to be transferred annually from the Unclaimed Property Trust Fund to the Prepaid Tuition Trust Fund until the actuary certifies there are sufficient funds to pay out all contracts. The bill will also authorize investment of the Unclaimed Property Trust Fund and facilitate payments by the state where the owner has died.

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Firefighting & Prevention

House Bill 2421 (Inoperable Fire Hydrants) protects people safety in fire emergencies by giving firefighters notice that a fire hydrant is inoperable or temporarily unavailable by having inoperable hydrants painted black or a black tarp placed over them.

Bill(s) related to this section:

Senate Bill 456 (Cigarette Fire-Safety Standards), pg.30

House Bill 2976 (Rule-Making - State Fire Commission), pg.28

Firearms

House Bill 3314 (Concealed Handgun Licenses) removes the requirement that a concealed handgun licensee's social security number be on his or her license and requires renewal applications be ruled upon within 45 days. This bill also allows reciprocity agreements with states that have licensing provisions similar to West Virginia instead of "equal" to ours.

Freedom of Information

Bill(s) related to this section:

House Bill 2418 (FOIA Corrections Exemption), pg.6

Fuel

House Bill 2968 (Fuel Safety) requires the State Fire Commission to establish safety standards for the design, construction, location, installation, maintenance and operation of liquefied petroleum gas systems as well as establishing training standards and qualifications for persons who install or maintain liquefied petroleum gas systems. The bill provides that the Commission may establish work groups and seek input in the rule making process from groups or individuals with an interest in any aspect of the operation or use of liquefied petroleum gas systems.

Funds

Senate Bill 468 (Redemption Property) clarifies that a purchaser of redemption properties must pay with certified funds of cashier check, money order, certified check or United States currency.

House Bill 2569 (Juvenile Offender Fund) creates a special revenue account in the State Treasury known as the Juvenile Services Offender Fund. This account will be used to facilitate reimbursement of expenses incurred by the Division of Juvenile Services in housing juvenile status offenders.

Bill(s) related to this section:

Senate Bill 246 (Unemployment Compensation), pg.31

Senate Bill 258 (WV Retiree Health Benefit Trust Fund), pg.3

Senate Bill 280 (Correctional Industries Act), pg. 6

Senate Bill 528 (County General Funds), pg.7

Senate Bill 594 (Funding the Courtesy Patrol), pg.31

House Bill 2407 (Inmate Benefit Fund), pg.6

Gaming Activities

Senate Bill 575 (Gaming Operations) incorporates the more recently updated law governing operations of video lottery and table games at the racetracks into the law that would govern video lottery and table games at the Greenbrier. The provisions for distribution of gaming revenues and the percentages the State takes from them would also be made more similar to the way those revenues from the racetracks are applied.

Government Agencies

Senate Bill 636 (Claims Against the State) declares certain claims against the state and its agencies to be moral obligations of the state and directs the Auditor to issue warrants for the following payments: Claims against the Division of Corrections to be paid from the General Revenue Fund - Camden-Clark Memorial Hospital \$4,372.43, Monongalia General Hospital \$477.60, Montgomery General

Hospital\$19,360.21, Montgomery Medcorp \$3,598.00, West Virginia University Hospitals Inc. \$40,247.49, WVU Medical Corporation dba University Health Associates \$2,507.00 and WVU Physicians of Charleston\$5,027.00. Claims against the Division of Natural Resources to be paid from the Special Revenue Fund - Harry Lee Scott dba H & J Superette \$30,584.00. The bill provides payments to certain claimants who provided commodities and/or services to the state, which were not paid because the agency involved overspent its budget.

House Bill 3196 (Claims Against the State) will declare that certain financial claims against the state of West Virginia and state agencies will become obligations of the state.

Bill(s) related to this section:

Senate Bill 694 (Intrastate Mutual Aid), pg.13

House Bill 2567 (Electronic Rule Submission), pg.28

Governor - Bills Requested By

Bill(s) related to this section:

Senate Bill 244 (Politician Salary/Pension Double-Dipping), pg.25

Senate Bill 246 (Unemployment Compensation), pg.31

Senate Bill 258 (WV Retiree Health Benefit Trust Fund), pg.3

Senate Bill 279 (Industrial - Emergency Events), pg.13

Senate Bill 329 (Tax Definitions Update), pg.29

Senate Bill 373 (PROMISE Scholarship), pg.10

House Bill 2335 (G.I. Education Enhancement Program), pg.23

House Bill 2401 (Alternative Minimum Tax), pg.30

House Bill 2860 (Carbon Sequestration), pg.14

House Bill 2976 (Rule-Making - State Fire Commission), pg.28

Health Care

Senate Bill 278 (Failed Medical Discount Plan Benefits) makes it a crime to collect fees for purported membership in a discount medical plan or discount prescription drug plan and knowingly and willfully fail to provide benefits. Severity of the offense is dependant on the total of fees collected for enrollment in the plan. If the fees collected exceed \$1,000, the offender will be convicted of a felony.

Senate Bill 293 (Practicing Medicine Without a License) creates the misdemeanor offense of intentionally practicing as a health care professional (physician, surgeon, podiatrist, or physician assistant), or representing oneself as qualified to practice as a health care professional, with a license that has expired, lapsed, or been terminated for any period of time up to three months.

The bill also creates the felony offense of practicing as a health care professional, or holding yourself as qualified to do so, without an active, valid license. Finally, this bill establishes an additional felony offense of practicing as a health care professional without a valid, active license and causing serious bodily injury.

Senate Bill 307 (Maternal Screening Act) requires the Bureau for Public Health to create a diverse maternal risk advisory council to develop a uniform risk screening tool to help pregnant women with potential at risk pregnancies. It requires the Bureau to meet annually to revise the tool as needed. The council and bureau will develop a statistical matrix to measure incidents of high-risk pregnancies.

Senate Bill 321 (Certificate of Need Process) raises the capital expenditure threshold and major medical equipment threshold from \$2,000,000 to \$2,700,000, eliminates lithotripsy from certificate of review, amends the fee structure of the Health Care Authority for certificate of need reviews, provides that certain nonhealth-related projects and ambulatory health care facilities are not subject to certificate of need review and eliminates from certificate of review the acquisition of any health care facility outside of West Virginia by a West Virginia health care facility.

Senate Bill 344 (Mental Health) authorizes county mental hygiene commissioners to sign readmission orders for patients sent involuntarily to a mental health facility.

Senate Bill 408 (Model Health Plan for Uninsurable Individuals) permits the Insurance Commissioner to waive the 12-month waiting period for eligibility for coverage under the state's high-risk health insurance plan for "good cause". It will also allow the Board of the WV Model Health Plan for Uninsurable Individuals (AccessWV) to use any surpluses in the program to subsidize premiums of certain low-income enrollees. The plan will offer comprehensive health

care coverage to every eligible person who is not eligible for Medicare. The coverage, its schedule of benefits, exclusions and other limitations will be established by the board and subject to the approval of the commissioner.

Senate Bill 414 (VETOED - GOHELP) relates to the creation of the Governor's Office of Health Enhancement and Lifestyle Planning (GOHELP) This bill transfers the powers and duties of the Pharmaceutical Cost Management Council to the office and creates the position of director within the office. Also, the bill grants the office rule-making authority and exempts it from Purchasing Division requirements.

Senate Bill 431 (Health Benefit Plan Notification) reassigns the responsibility to notify in-state medical providers of small group health benefit plans to the West Virginia Health Care Authority instead of the Public Employees Insurance Agency.

Senate Bill 526 (Licensing of Osteopathic Physicians) revises the requirements for postdoctoral training as a requirement for licensure as an osteopathic physician. It will provide for educational permits for post-doctoral clinical training, and defines the score and duration of the permits. It also allows the board to set up emergency rules to establish requirements for the issuance and renewal of permits.

Senate Bill 669 (Preventative Care Pilot Program) extends the Preventative Care Pilot Program (PCPP) for two years under certain conditions: increase the number of parties the Health Care Authority and the Insurance Commissioner could permit to participate in the PCPP, allow sales to those with high deductible health benefit plans in certain circumstances and provide notice to the parties that prepaid services under the program may not count towards applicable health insurance deductibles.

Senate Bill 672 (VETOED - Mental Health Stabilization Act of 2009) increases reimbursement rates in mental health service codes. It requires the Secretary of the Department of Health and Human Services to provide monthly reports to the Joint Committee on Government and Finance and the Legislative Oversight Commission on Health and Human Resources Accountability.

Senate Bill 724 (Health Care Provider Tax) relates to the health care provider tax. The bill provides a definition of the term "physicians' services"; and specifies legislative intent as to activities that qualify as physicians' services.

Senate Bill 767 (Medicaid Program Contracts) exempts certain contracts for the Medicaid program from the Division of Purchasing's competitive bid requirements. It requires the Secretary of the Department of Health and Human Resources to establish procedures and requirements for awarding these contracts. Additionally, the bill specifies that the Secretary may terminate any contract within 30 days prior written notice and it adds two members to the advisory council of the State Medicaid Agency.

House Bill 2309 (Occupational Therapy) deals with the scope and practice of occupational therapy. This bill prohibits the practice or use of the title "professional occupational therapist" unless licensed, removes the requirement for referral by a physician or other health care practitioner and sets forth supervision requirements for assistants and aides.

House Bill 2660 (Prepaid Limited Health Service) adds dental, vision, pharmaceutical and podiatry services to those services that may be offered by prepaid limited health service organizations.

House Bill 2839 (Management of Pain Act) renames Article 3A of Chapter 30 in State Code the "Management of Pain Act" (in place of "Management of Intractable Pain"); removes "intractable pain" references from Article 3A and substitutes definition of "pain" from the Model Policy for the Use of Controlled Substances for the Treatment of Pain adopted by the Federation of State Medical Boards; and expands drug schedules to which statute applies to Schedules 2 through 5, instead of just Schedule 2.

House Bill 2885 (Credentialing) establishes a uniform credentialing form and a single Credentialing Verification Organization (CVO) in the state that verifies the professional qualifications of all practitioners that are participating providers and that provide health care services to consumers. The bill authorizes the insurance commission and the Department of Health and Human Services to put the CVO out for bid. The bill establishes various aspects of the CVO



program and time frames for credentialing. Also, the bill requires all health care practitioners and insurers, hospitals, third party administrators and other health care entities to use the CVO and the credentialing form and continuing the advisory committee established to create the credentialing form and to provide a review of the CVO and make recommendations for improvement.

House Bill 3047 (PEIA Health Care Provider) allows the Public Employees Insurance Agency to enter into the system for providing primary health care services. Existing law established a preferred provider system for the delivery of health care to plan participants by all health care providers, which may include medical doctors, chiropractors, physicians, osteopathic physicians, surgeons hospitals, clinics, nursing homes, pharmacies and pharmaceutical companies.

House Bill 3083 (Youth Blood Donations) allows any person 17 years of age or older to donate blood without parental consent and any person 16 years old may donate blood with the permission or authorization of a parent or legal guardian.

House Bill 3195 (Local Health Department Funding) authorizes the Department of Health and Human Resources to promulgate emergency rules addressing the distribution of state funding for local health departments and basic public health services funds. The rule shall include provisions for: The base allocation amount for each county; Establishment of an emergency fund of no more than 2% of the total annual funds, which unused amounts will be distributed to the local boards of health at the end of the fiscal year; A calculation of funds utilized for support of local health departments; Distribution of any remaining funds on a per capita basis which focuses on poverty, health status, population density, which will also encourage counties to consolidate their delivery of health services; and a hold harmless provision ensuring that each local health department receives at least its current level of state funding for the next 3 years, beginning in the 2009 Fiscal Year.

House Bill 3288 (VETOED - Mental Health Insurance Parity) makes state law comply with recent federal law changes to mental health insurance coverage parity. Actual increases in costs will determine whether cost containment

measures can be applied to employer groups of 50 or more. If the group health plan experiences over a two percent increase in actual total costs, they can implement cost containment procedures for the plan year following the request. The current “anticipated cost” method still applies to groups of less than 50.

House Bill 3336 (Bureau of Public Health) authorizes the Bureau for Public Health to continue providing early intervention services to families with developmentally delayed infants and toddlers. This bill also eliminates the provisions that Birth-to-Three services provided by the Bureau for Public Health be free of charge. Instead, the bill allows fees to be charged on a sliding scale and will allow third party payers to be billed for the services.

- Bill(s) related to this section:**
- Senate Bill 322 (Medicaid Life Insurance Exemption), pg.19*
 - Senate Bill 339 (County Hiring), pg.7*
 - Senate Bill 493 (Head Injury Central Registry), pg.9*
 - Senate Bill 632 (Bureau of Medical Services Claims), pg.20*
 - Senate Bill 672 (Mental Health Stabilization Act of 2009), pg.17*
 - House Bill 2404 (Inmate Health Care), pg.6*
 - House Bill 2423 (Med. Imaging & Radiation Therapy Tech.), pg.4*
 - House Bill 2566 (Health Care Worker Protection), pg.8*
 - House Bill 2532 (Marriage & Family Therapists licensure), pg.22*
 - House Bill 2788 (Senior Citizen Protection), pg.29*
 - House Bill 2913 (Independent Living Council), pg.4*
 - House Bill 2916 (Emergency Medical Services Act), pg.13*

Human Services

House Bill 2950 (Neighborhood Housing and Economic Stabilization Program) creates the Neighborhood Housing and Economic Stabilization Program with the intended purpose of providing loans, grants and forgivable loans to support and carry out local economic and housing initiatives. These initiatives would revitalize and stimulate economic development in low-income neighborhoods with high minority problems, which typically have high levels of unemployment and include a large number of distressed properties. Priority of funding would be given to local non-profit organizations that have a job-training component and promote the employment or utilization

of people and businesses that reside within the targeted neighborhoods.

Bill(s) related to this section:

House Bill 2788 (Senior Citizen Protection), pg.29

House Bill 2884 (Senior Citizens Long-Term Care), pg.20

House Bill 3170 (WV Guardianship and Conservatorship Act), pg.9

House Bill 3336 (Bureau of Public Health), pg.18

Insurance

Senate Bill 284 (Viatical Settlement Errors and Omissions Insurance Policy) allows a viatical settlement broker to demonstrate financial responsibility by having an errors and omissions insurance policy of at least \$20,000 for individual claims and no less than \$100,000 in the aggregate each year. The bill also provides that criminal penalties apply to anyone convicted of a fraudulent viatical settlement and not just people who are licensed as a viatical settlement broker or provider.

Senate Bill 322 (Medicaid Life Insurance Exemption) exempts life insurance policies with a death benefit of \$25,000 or less from assignment by Medicaid recipients to the Department of Health and Human Resources.

Senate Bill 326 (Health Insurance Dental Anesthesia) requires insurance company coverage of general anesthesia for certain dental procedures.

Senate Bill 434 (Insurance Agent Training - Long-term Care) mandates and sets minimum standards of training for insurance producers (agents) who sell long-term care policies. It will also add record retention requirements for companies selling such products. These standards include: All insurance producers (agents) selling long term care policies (LTC) must take a one-time 8-hour training course on LTC topics and an additional four hours in every biennial continuing education reporting period. Each insurer must maintain records on such training for five years and be able to verify that each of its appointed producers selling LTC is in compliance. If the state participates in the federal LTC partnership program, then the insurance commissioner must approve the training and it must be sufficient to allow

the commissioner to assure that such training is sufficient to demonstrate that the producer understands partnership policies. A nonresident individual producer's satisfaction of another state's training requirements can be reciprocated as long as the home state has similar requirements. The bill will take effect July 1, 2009.

Senate Bill 494 (Restitution) allows the insurance commissioner, in addition to or in lieu of any other penalties or remedies provided, to order an insurer to pay restitution to affected persons. According to previous law, the insurance commissioner may conduct examinations and investigation of insurance matters he or she considers proper to determine whether any person is transacting insurance in an illegal, improper or unjust manner or is failing to pay losses and obligations when they become due, excepting claims to which there is a substantial defense, he or she may order the person to discontinue the illegal, improper or unjust manner of transacting insurance, to adjust and pay his or her obligations as they become due.

Senate Bill 495 (Limits of Group Life Insurance) gives the Insurance Commissioner the authority to permit groups to get life insurance policies, particularly small businesses. The bill permits a life insurance policy to be issued to a group of individuals other than an employee group, a debt-or group, a labor union group, a trustee group, or a credit union group. This bill allows groups with 25 members to be eligible. The premiums for the policies are to be paid from either the policyholder's funds or funds contributed by the covered persons, or from both. Before delivering a policy in the state, the Commissioner must find that the issuance of the policy is not contrary to the best interest of the public; the policy would result in economics of acquisition or administration; and the benefits are reasonable in relation to the premiums charged.

Senate Bill 552 (Limited Benefit Plans) repeals the existing provisions on limited benefit plans and creates a new program under which insurance companies would submit limited benefit plans, individual and group, for approval by the insurance commissioner and provides for the marketing of such plans by the commissioner. The bill provides a special enrollment period for continued employee group accident and sickness insurance coverage for certain involuntarily terminated employees and their dependents,



mandates notice to individuals eligible for coverage and provides for a disregard of certain periods for purposes of calculating creditable coverage. It also establishes a program to provide affordable health care insurance coverage by requiring the Insurance Commissioner to invite carriers and other entities to submit proposals for affordable health insurance plans.

Senate Bill 631 (Automobile Liability Insurance) relates to the cancellation of an automobile liability insurance policy for failure of consideration to be paid by the insured upon initial issuance of the insurance policy. No insurer may cancel a policy of automobile liability insurance without first giving the insured 30 days notice of its intention to cancel: Provided, That the insurance policy is voidable from the effective date and time of the policy issued by the insurer if the insurer cancels the policy for failure of consideration to be paid by the insured upon initial issuance of the insurance policy and provides written notice to the insured of the cancellation within fifteen days of receipt of notice of the failure of consideration and consideration has not otherwise been provided within ten days of the notice of cancellation.

Senate Bill 632 (Bureau of Medical Services Claims) requires insurers to share information with the Bureau for Medical Services regarding claims that may have been paid by the Bureau during a period when the individual was covered by other insurance.

House Bill 2757 (Auditing Insurers) incorporates recent changes adopted by the National Association of Insurance Commissioners to the “Annual Financial Reporting Model Regulation.” The amendments to the model language improves the Insurance Commissioner’s surveillance of the financial condition of insurers. The NAIC has a program of accreditation that is conducted once every five years. This process is to assure that each accredited state has sufficient authority to regulate the solvency of their domestic industry. Insurance companies with less than one thousand policyholders or less than \$1 million of direct premiums written in West Virginia are exempt from the provisions of the bill. Also, foreign insurance companies that are required to file similar audited financial reports in another state may submit those filings in lieu of those required by the bill. These requirements will go into effect January 1, 2010.

House Bill 2884 (Senior Citizens Long-Term Care) establishes a long-term care partnership program to encourage the purchase of private long-term care insurance. The bill establishes a collaborative program between the Insurance Commission and the Bureau for Medical Services. Their collaboration results in setting up financing through private insurance and Medicaid. It requires the state Medicaid office to apply for the necessary state plan amendment. The bill allows Medicaid eligibility to be increased for every dollar paid out of an individual’s long-term care policy. There is also a requirement that Medicaid pursue reciprocal arrangements with other states.

House Bill 3278 (Life & Health Guarantee Associations) incorporates recent changes to the model legislation by the National Association of Insurance Commissioners concerning life and health guarantee associations. The bill specifies treatment of unallocated annuity and structured settlement contracts, shows how payments to residents and nonresidents are determined and specifies that duplicate payments not be made. Also, the bill excludes certain policies, portions of policies and obligations from coverage by setting new limits on coverage for various types of policies and contracts.

- Bill(s) related to this section**
- Senate Bill 408 (Model Health Plan for the Uninsurable), pg.17*
 - Senate Bill 464 (PEIA Fee for Paper Transactions), pg.25*
 - Senate Bill 481 (PEIA Fraud Protection), pg.25*
 - Senate Bill 492 (Public Employees Insurance Agency), pg.25*
 - Senate Bill 588 (Public Insurance Agency Advisory Board), pg.3*
 - House Bill 3047 (PEIA Health Care Provider), pg.18*
 - House Bill 3155 (Small Business Insurance), pg.22*
 - House Bill 3288 (Mental Health Insurance Parity), pg.18*

Labor

Senate Bill 473 (State Government Job Postings) provides that a state government appointing authority does not have to re-post a vacant position in the classified service as long as the appointment is made within 30 days after the most recent vacancy.

House Bill 2771 (VETOED - WV Alcohol & Drug-Free Workplace Act) includes political subdivisions in the West

Virginia Alcohol and Drug-Free Workplace Act. It requires contractors who have a contract in excess of \$100,000 with a state agency or political subdivision to submit documentation that they have complied with the requirements of the act before final payment is made on the contract. The documentation will be submitted to the awarding agency annually if the contract lasts longer than one year. The drug-testing program will test for marijuana, cocaine, and opiates including hydromorphone, oxycodone, hydrocodone, phenylcyclidine, amphetamines, barbiturates, benzodiazepines, methadone and propoxyphene. Contractors governed by the U.S. Department of Transportation's drug testing are exempt from these provisions.

Bill(s) related to this section:

House Bill 2170 (Rule-Making - Dept. of Commerce), pg.27

House Bill 3066 (Elevator Safety), pg.28

House Bill 3076 (Crane Operators), pg.25

Law Enforcement

Senate Bill 440 (Litter Control) relates to giving county litter control officers the authority to issue citations for failure to prove proper disposal of trash and creating, contributing to or allowing an open dump.

Senate Bill 706 (State Police Leave Donation Program) establishes a leave donation program allowing members of the West Virginia State Police to donate accumulated leave time to the president of the association, or his or her designee, for use in the performance of his or her duties, including assistance to members and attending legislative meetings or the legislative session. The West Virginia State Police will calculate the dollar value of the donated leave based on the hourly rate of the donor multiplied by the number of hours of annual leave to be donated, and the donee will use the annual leave at the present dollar value of the donee's hourly rate. All donated leave that is not used by July 1 of every year will be forfeited to the state and no unused donated leave may be used to add to the president's or his or her designee's retirement. The bill will take effect July 1, 2009.

Senate Bill 719 (Service Weapon Retention) updates language allowing police officers who have honorably retired

to retain their service weapon without charge. Changes include switching service "revolver" to service "weapon."

House Bill 2702 (Deputy Sheriff Retirement System) makes several changes to the provisions relating to the Deputy Sheriff Retirement System. The Board is to correct any employer error and adjust the payment of the benefit in a manner that is the actuarial equivalent of the benefit to which the member was correctly entitled and if an underpayment has occurred, the employer must remit the required employer contribution and any accumulating interest owed. The bill adds a definition of "an active member" which clarifies that sums received after withdrawals of accumulated contributions are offset by any outstanding loan balances, plus accrued interest and removes the restriction against rollovers of less than \$200. The bill also clarifies that disability benefit payments will begin the 1st day of the month following termination of employment and receipt of an application by the Consolidated Public Retirement Board. It requires a retiree to submit to a medical examination or submit a statement by a physician certifying continued disability in any period, or the Board may discontinue his or her disability annuity until the retiree complies. If the retiree does not comply for a period of one year, the Board may revoke his or her rights in and to the annuity. It also clarifies certain provisions regarding loans.

Legislature

Bill(s) related to this section:

House Bill 3189 (Capitol Building Commission), pg.4

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For complete bill history information, roll call votes, amendments, sponsors, veto messages and the full bill text of all Legislation from the 2009 Regular Session, please visit the Bill Status portion of the West Virginia Legislature's Web site at:

www.legis.state.wv.us/Bill_Status/bill_status.cfm

Liability

House Bill 3155 (Small Business Insurance) requires that qualified small businesses are in good standing with an authorized workers' compensation insurance carrier and WORKRFORCE West Virginia, proscribes any liability for applicable state employees for any payment on particular loans, and creates the misdemeanor offense of making a false statement on a loan application, with a subsequent bar from further participation in the program.

Bill(s) related to this section:

House Bill 2541 (Liability of Property Damage by Livestock), pg.2

Licenses

Senate Bill 398 (Instructional Driving Permit Requirements) raises the age in which an individual can obtain his or her level one instruction driving permit to the age of 16 instead of 15 as was the previous age requirement. Those with a level one instruction driving permit can only drive between the times of 5 a.m. and 10 p.m. An individual can obtain a level two driving permit 180 days after the level one permit was issued. For the first six months after issuance of a level two intermediate drivers license, the licensee may not operate a motor vehicle carrying any passengers less than twenty years old, unless these passengers are family members of the licensee; for the second six months after issuance of a level two intermediate driver's license, the licensee may not operate a motor vehicle carrying more than one passenger less than twenty years old, unless these passengers are family members of the licensee.

House Bill 2532 (Marriage & Family Therapists licensure) creates licensure for Marriage and Family Therapists, to be administered by the Board of Examiners in Counseling by rewriting the provisions concerning the Board of Examiners in Counseling and adding the practice of marriage and family therapy to be regulated by the board. The board is changed to include two licensed professional counselors teaching at a college or university, three licensed professional counselors, one marriage and family therapist and one citizen member. The bill prohibits the practice of counseling and marriage and family therapy without a license, clarifies rulemaking

authority, continues a special revenue account, establishes license and renewal requirements. The bill also provides for exemptions from licensure, licensure for persons licensed in another state, sets forth grounds for disciplinary actions, allows for specific disciplinary actions, provides procedures for investigation of complaints, sets forth hearing and notice requirements and provides for judicial review and appeals of decisions. Effective July 15, 2009, persons in violation of any of the provisions is guilty of a misdemeanor and, upon conviction, will be fined between \$500 and \$1000 or confined in jail up to six months, or both.

Bill(s) related to this section:

Senate Bill 12 (Motorcycle Registration), pg.23

Senate Bill 556 (Defensive Driving Course Points), pg.23

House Bill 2539 (Professional Licensing Boards), pg.4

Liens

Bill(s) related to this section:

House Bill 3082 (Foreclosed Properties), pg.14

Local Bills

House Bill 2841 (Richwood Levy Extension) extends the time Richwood can hold a levy, which would supplement the general fund for repairs to infrastructure, fire and police protection and for payment of any costs incurred, by the city. Citizens will vote to approve or disapprove the levy.

Bill(s) related to this section:

Senate Bill 239 (County Metro Government), pg.7

Senate Bill 490 (Mercer Co. Emergency Op. Center Board), pg.13

Senate Bill 636 (Claims Against the State), pg.16

House Bill 3195 (Local Health Department Funding), pg.18

Military Affairs

Senate Bill 756 (Military Facilities) relates to military facilities such as security guards qualifications, duties and

powers. It also authorizes National Guard firefighters to respond to accidents or emergencies in areas adjacent to military facilities.

House Bill 2335 (G.I. Education Enhancement Program) requires West Virginia public colleges and universities to participate in the federal Yellow Ribbon G.I. Education Enhancement Program established under the new G.I. Bill. The program would provide eligible veterans additional funding toward the cost of college tuition and fees. Educational benefits to certain veterans would equal the cost of in-state tuition at the most expensive public university or college in the state. The federal Secretary of Veterans Affairs would cover fifty percent of any additional costs over and above in-state tuition costs in exchange for a matching contribution from the college or university the veteran would attend.

Bill(s) related to this section:

House Bill 2694 (Military Child Support), pg.10

Mines & Minerals

Senate Bill 507 (VETOED - WV Clean Coal Technology Council) adds studying carbon capture and control technology to the duties of the WV Clean Coal Technology Council. The bill also requires a quarterly report on the study to the Joint Committee on Government and Finance.

Senate Bill 600 (Coal Tax) imposes a flat 14.4 cents per ton tax on coal obtained from refuse pile and slurry pond recovery or other mining methods extracting a combination of coal and waste material as part of a fuel supply. The bill also changes the required annual adjustment by the Legislature to a review every 2 years.

Senate Bill 613 (Coal Permit Application) clarifies notice requirements for a hearing on a permit application related to coalbed methane wells, and requires a notice of hearing to be published.

Bill(s) related to this section:

Senate Bill 436 (Surface Mining Reporting Requirements), pg.13

Senate Bill 461 (Selenium Pollution in Streams), pg.13

Motor Vehicles

Senate Bill 12 (Motorcycle Registration) provides an optional two-year registration period for motorcycles on or before July 1, 2010.

Senate Bill 556 (Defensive Driving Course Points Deduction) allows an owner of a drivers license to submit proof of completion of an approved defensive driving course in order to deduct three points and rescind the pending license suspension, only if the licensee has been notified of a 30-day driver's license suspension based on the accumulation of 12 or 13 points.

Senate Bill 641 (Disclosing Solid Waste Origins at Landfills) requires the operator-driver of every solid waste motor vehicle carrier which arrives at a commercial solid waste facility in the State of West Virginia to declare, in writing and under oath, the name of the county and state of origin for the solid waste being deposited. A violation by an operator-driver is a misdemeanor, punishable by a fine of \$50 to \$500, while violation by an owner of a solid waste motor carrier is a misdemeanor punishable by a fine of \$1000.

House Bill 2557 (Motor Vehicle Warranties) concerns new motor vehicle warranties. The bill makes the provisions related to the enforcement of new motor vehicle warranties applicable to vehicles registered and titled in this state, regardless of where the vehicle was purchased and continues to make the same provisions related to the enforcement of new motor vehicle warranties applicable to new cars purchased in this state, regardless of where they are titled.

Bill(s) related to this section:

Senate Bill 398 (Instructional Driving Permit Requirements), pg.22

Senate Bill 470 (Vehicle Regulation on Hatfield-McCoy Trail), pg.25

House Bill 2218 (Rule-Making – Dept. of Transportation), pg.27

House Bill 3240 (ATV Safety Courses), pg.28

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Municipalities

House Bill 2723 (Fees/Administration) authorizes municipalities to provide administrative procedures for the assessment and collection of delinquent municipal fees, with the right to appeal to circuit court. The bill allows a municipality to place a lien upon any property for the delinquent payment of any essential or special municipal service, including, but not limited to, police and fire protection, parking facilities on the streets or otherwise, parks and recreational facilities, street cleaning, street lighting, street maintenance and improvement, sewerage and sewage disposal by enacting an ordinance that must provide an administrative procedure for the assessment and collection of fees, a provision requiring notice by certified mail return receipt requested 90 days before the filing of a lien, and the right to an appeal.

House Bill 3197 (VETOED - Litter Prevention Officers) authorizes municipalities that have adopted anti-litter ordinances to appoint special litter prevention officers whose duties include the enforcement of municipal anti-littering ordinances. These officers shall be vested with the power to issue citations, summonses and sign complaints.

Natural Resources

Senate Bill 346 (Bear Tagging) makes a technical correction concerning bear tagging. The bill requires that each person killing a bear, bobcat, deer, wild boar or wild turkey found in a wild state must either attach a completed game tag to the animal or remain with the animal and have a completed game tag on them before removing the carcass, in any manner, from where it was killed.

House Bill 2528 (Board of Registration of Foresters) updates and revises the Board of Registration of Foresters. Specifically, only persons certified by the board may call themselves “registered foresters” and “registered forestry technicians.” The bill specifies the terms of office for board members and provides that the Governor is to appoint its members with the advice and consent of the Senate.

The bill sets forth the powers and duties of the board and details its rule-making authority. It also specifies that the

fees collected by the board shall be deposited in a special revenue fund to be used to administer the article and fines to be deposited in the general revenue fund. The bill also describes the requirements for certification as a registered forester:

- 1) A four-year degree in a program accredited or recognized by the Society of American Foresters, two years experience and pass the board’s test; or
- 2) A two-year technical degree from a program accredited or recognized by the Society of American Foresters, completion of the bachelor’s degree in forestry, four years of experience and pass board’s test.

Registered foresters are required to take an examination, while current licensees are exempt. The bill sets forth the requirements for certification as a registered forestry technician as being a two-year technical degree from a program accredited or recognized by the Society of American Foresters and four years experience. The bill provides the board authority to grant reciprocal certification to a person authorized in another jurisdiction. The bill also sets forth causes of action for which the board may deny, suspend, limit, discipline or revoke a license, the process for the investigation and disposition of complaints, and hearing procedures and judicial review. Finally, the bill authorizes the board to cooperate with appropriate law enforcement officials where the act has been violated and provides criminal penalties for violations.

House Bill 3063 (Black Bear Hunting Limits) prohibits shooting or killing any bear weighing less than 75 pounds live weight or 50 pounds field dressed weight, which includes the removal of all internal organs. The bill also prohibits shooting or killing any bear accompanied by a cub or any cub that is accompanied regardless of its weight.

Bill(s) related to this section:

Senate Bill 613 (Coal Permit Application), pg.23

House Bill 2695 (Accidental Hunter Shootings), pg.8

House Bill 2795 (Hunting & Fishing Licenses for Ill Youth), pg.9

Parks & Recreation

Senate Bill 470 (Vehicle Regulation on Hatfield-McCoy Trail) deals with the regulation of certain vehicles on Hat-

field-McCoy Trail, such as standardizing the definition of “all-terrain vehicles”; defining and regulating “utility-terrain vehicles”; defining and regulating “motorcycles”; and extending the limitations of liability of the Hatfield-McCoy Regional Recreation Authority.

Professions & Occupations

House Bill 2531 (Board of Barbers and Cosmetologists)

rewrites the provisions concerning the Board of Barbers and Cosmetologists. The Board was removed from the Department of Health and Human Resources and is now an autonomous board having seven members. The bill states that professional, salon and school licenses can be renewed annually or biannually. The bill requires that school instructors must be certified, students must obtain student work permits, professional licensees renting or leasing a chair or booth in a salon must register with the Board and Tax Department and all licensees, permittees and certificate holders must have a certificate of health.

House Bill 3076 (Crane Operators) provides a new definition for tower crane, establishes certification renewal requirements for crane operators, provides for automatic certification of certain crane operators, and creates a penalty for operation of tower cranes without certification.

Bill(s) related to this section:

Senate Bill 293 (Practicing Medicine Without a License), pg.16

House Bill 2309 (Occupational Therapy), pg.17

House Bill 2532 (Marriage & Family Therapists licensure), pg.22

House Bill 2801 (Board of Medicine), pg.4

House Bill 2839 (Management of Pain Act), pg.17

Public Employees

Senate Bill 244 (Politician Salary/Pension Double-Dipping) prohibits double dipping by unopposed politicians who retire before an election and resume office ultimately collecting both a salary and a pension from taxpayers, by limiting the ability of an elected or appointed public official to retire from his or her position, and begin to receive or

continue to receive an annuity if he or she is reelected or reappointed to the same position within twelve months of retirement. A retiree may accept temporary full-time or temporary part-time employment from a participating employer without suspending his or her retirement annuity, so long as he or she does not receive annual compensation in excess of \$15,000. A retiree may be employed by the Legislature on a per diem basis without suspension of the retirement annuity, if the retiree’s annual compensation from the Legislature does not exceed \$20,000.

Senate Bill 464 (PEIA Fee for Paper Transaction) authorizes the Director of the Public Employees Insurance Agency (PEIA) to charge a \$5 fee per transaction to employers for performing business with the agency by paper when the transaction could be performed electronically.

Senate Bill 481 (PEIA Fraud Protection) requires that employers participating in the Public Employees Insurance Agency plans provide, to the director, upon request, all documentation reasonably required for the director to discharge the responsibilities of the agency. Upon a determination of the director or his or her designated representative that there is probable cause to believe that fraud, abuse or other illegal activities involving transactions with the agency has occurred, the director or his or her designated representative is authorized to refer the alleged violations to the Insurance Commissioner for investigation and, if found guilty, persons would be subject to a fine of \$100 to \$500, or imprisonment for a period of 24 hours to 15 days, or both.

Senate Bill 487 (Public Employees) makes technical cleanup relating to the qualifications of the Director of the Div. of Personnel.

Senate Bill 492 (Public Employees Insurance Agency) relates to the terms of participation in the Public Employees Insurance Agency of dependent children and employees hired on or after July 1, 2009, upon retirement.

Senate Bill 695 (VETOED - Public Employee Sick Leave) caps the amount that eligible employees receive for unused sick leave at \$25,000, whether in one payment or multiple payments. It provides that employees hired before July 1988, the maximum monthly salary for purposes of calculating the daily rate of pay is \$6,700 (\$80,400 annually), and



for eligible employees hired after July 1988, the maximum monthly salary for purposes of calculating the daily rate of pay is \$4,200 (\$50,400 annually). It allows the Secretary of Administration to adjust the highest monthly salary for calculation by rule, if necessary. The bill also provides that higher education employees with a contract term other than 12 months are not eligible to participate. Payment would be made upon verification by the Department of Administration that the employee was eligible, as opposed to only in June and December.

Bill(s) related to this section:

- Senate Bill 572 (Pub Employee Leave Benefit Analysis Board), pg.3*
- Senate Bill 587 (State Personnel Advisory Council), pg.3*
- House Bill 3047 (PEIA Health Care Provider), pg.18*

Public Service Commission

Senate Bill 306 (Pipeline Special License Fees) increases the special license fees charged by the Public Service Commission for pipeline companies required by law, which increases the maximum revenue generated from such fees from \$300,000 annually to \$315,000.

Senate Bill 453 (PSC Decisions Via E-mail) deletes the requirement of the Public Service Commission to serve recommended decisions by certified mail and to allow a service by electronic transmission, when available to the parties.

Bill(s) related to this section:

- House Bill 2863 (State Water Project Cost Review), pg.31*

Railroads

Senate Bill 382 (State Rail Authority) adjusts the State Rail Authority's contract authority, due to inflation. The dollar amount of rolling stock or equipment which the Authority may acquire exempt from the normal state purchasing provisions is \$500,000, instead of \$100,000.

House Bill 2536 (Railroad Property) adds language to the present code that includes railcars and locomotives in the

category of railroad property in which it is a criminal offense to interfere, tamper or obstruct, without the consent of the railroad carrier.

Real Property

Senate Bill 484 (VETOED - Ad Valorem Property Tax) reforms the current system for property tax assessments and appeals. The bill codifies the constitutional requirement that all property be assessed at 60 percent of its value. The bill provides special considerations for assessment of industrial and natural resources property and specifies that protests of industrial and natural resource property assessments be appealed directly to the Tax Commissioner. The bill provides penalties for failure to list real or personal property for taxation (\$25 for first refusal; \$50 for second and \$100 for third and subsequent). New sections provide for an appeal of the Tax Commissioner's decision directly to the Office of Tax Appeals if the appraised value in controversy is \$50,000 or more and clarifies appeal requirements, notices and times. Requires circuit courts to render final decisions within 90 days. For taxes levied after December 31, 2009, the bill provides that appeals taken to circuit court from a decision of the Office of Tax Appeals may not be appealed to the Supreme Court of Appeals unless the value in controversy is \$50,000 or more. Sets forth new procedures for election of arbitration in lieu of filing a protest with the board of equalization and review.

Bill(s) related to this section:

- House Bill 2536 (Railroad Property), pg.26*

Regulations

Bill(s) related to this section:

- House Bill 2360 (Tobacco Sales), pg.30*
- House Bill 2528 (Board of Registration of Foresters), pg.24*

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Index by Bill Number.....pg.34

Retirement

Bill(s) related to this section:

Senate Bill 244 (Politician Salary/Pension Double-Dipping), pg.25

Senate Bill 719 (Service Weapon Retention), pg.21

House Bill 2702 (Deputy Sheriff Retirement System), pg.21

House Bill 2703 (State Teachers' Retirement System Act), pg.11

House Bill 2734 (Teachers' Retirement Withdraw), pg.11

House Bill 2870 (Teachers' Retirement System), pg.11

Roads & Highways

Senate Bill 384 (Public Highway Emergencies) allows the Department of Transportation to take control of an emergency scene on a public highway, if the highway has been closed in excess of two hours, in order to restore traffic flow in the area. Existing law authorizes firefighters on the scene in this situation to control the highway traffic in the emergency area.

House Bill 2753 (Highway Design-Build Pilot Program) allows the Commissioner of the West Virginia Division of Highways to continue with the Highway Design-Build Pilot Program. This program will expedite the construction of 10 new projects by combining the design and construction elements of a highway or bridge project into a single contract. This project may not continue after June 30, 2011. The Division of Highways can spend no more than \$50 million in each of the three years remaining in the pilot program, or \$150 million in total. Projects that benefit from the American Recovery and Reinvestment Act of 2009 are not included in this program. The Commissioner will report to the Joint Standing Committee on Government Organization with an evaluation of the project by December 1, 2011.

Bill(s) related to this section:

Senate Bill 403 (Roads & Highway Appropriations), pg.2

Rulemaking Review

Senate Bill 153 (Rule-Making - DEP) authorizes the Department of Environmental Protection to promulgate

legislative rules relating to permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration.

Senate Bill 172 (Rule-Making - Dept. of Administration) authorizes the Department of Administration to promulgate legislative rules relating to the Consolidated Public Retirement Board, the Division of Personnel and the West Virginia Ethics Commission.

Senate Bill 195 (Rule-Making - DHHR) authorizes the Department of Health and Human Resources to promulgate legislative rules relating to, among other things, tuberculosis testing, public water systems and the WV Commission for the Deaf and Hard of Hearing.

Senate Bill 227 (Rule-Making - Dept. of Revenue) authorizes the Department of Revenue to promulgate legislative rules relating to the State Tax Department, the Insurance Commission and the Racing Commission.

House Bill 2170 (Rule-Making - Dept. of Commerce) authorizes the Department of Commerce to promulgate legislative rules relating to the Development Office, Division of Labor, Division of Natural Resources, and Division of Tourism.

House Bill 2218 (Rule-Making - Dept. of Transportation) authorizes the Department of Transportation to promulgate legislative rules relating to the Division of Motor Vehicles and the Commissioner of Highways.

House Bill 2222 (Rule-Making - MAPS) authorizes the Department of Military Affairs and Public Safety to promulgate legislative rules relating to the Regional Jail and Correctional Facility Authority, State Fire Commission, and State Fire Marshall.

House Bill 2225 (Rule-Making - Div. of Rehabilitation Programs) authorizes the authorizes the Division of Rehabilitation Services within the Department of Education and the Arts to promulgate a new legislative rule relating to criteria and curriculum requirements for the Low Vision Driver Training Program.

House Bill 2819 (Rule-Making - Misc.) authorizes miscellaneous agencies and boards to promulgate legislative



rules. Boards and agencies with rules contained in this legislation include: the Board of Accountancy; Commissioner of Agriculture; Board of Architects; Board of Dental Examiners; Governor’s Committee on Crime, Delinquency and Correction; Board of Medicine; Board of Pharmacy; Physical Therapy; Board of Examiners for Registered Professional Nurses; Board of Respiratory Care; Secretary of State; Board of Social Work Examiners; Treasurer’s Office; and, the Board of Veterinary Medicine.

House Bill 2976 (Rule-Making - State Fire Commission) requires the State Fire Commission to promulgate rules pertaining to the State Building Code that are in accordance with certain national and international building codes and standards as well as energy savings.

Safety

House Bill 3066 (Elevator Safety) relates to elevator safety, including clarifying the supervision requirements for elevator apprentices.

House Bill 3240 (ATV Safety Courses) authorizes the Commissioner of Motor Vehicles to authorize state institutions of higher education to issue certificates of completion of safety awareness courses relating to all-terrain vehicles. Also, the bill limits the liability of the state institutions of higher education which operate, own, train or promote all-terrain vehicle rider safety awareness courses approved by the commissioner.

Bill(s) related to this section:
Senate Bill 398 (Instructional Driving Permit Requirements), pg.22
House Bill 2170 (Rule-Making - Dept. of Commerce), pg.27
House Bill 2421 (Inoperable Fire Hydrants), pg.15
House Bill 2504 (Silver Alert System), pg.9
House Bill 2968 (Fuel Safety), pg.15

Salaries

House Bill 2685 (Amend - Uniform Principal and Income Act) amends the Uniform Principal and Income Act to com-

ply with IRS comments regarding allocation of IRA distributions. It also clarifies the formula for calculating how much a trust needs to distribute and how much it can use to pay taxes.

Bill(s) related to this section:
Senate Bill 695 (Public Employees), pg.25
House Bill 2305 (Supreme Court Clerk), pg.7

Secretary of State

House Bill 2567 (Electronic Rule Submission) requires proposed rules by state agencies, boards and commissions be filed electronically with the Secretary of State beginning July 1, 2011. The bill also allows for exemptions provided it has been determined that the filer is without the means to electronically file the documents and to require electronic filing would be an unreasonable burden. The bill also requires that on or before July 1, 2010 legislative rules be promulgated and authorizes a voluntary pilot program. During the calendar year 2010, through procedural rules, the Secretary of State may institute a limited pilot project through which proposed new rules or amendments to existing rules may be filed electronically by any agency, board or commission under agreement with the secretary of state. Participation by any agency, board or commission in the pilot project is voluntary.

House Bill 3074 (Delinquent Tax Notification) allows the Secretary of State to notify people that owe delinquent taxes by certified mail rather than registered mail.

Bill(s) related to this section:
Senate Bill 764 (Multi-County Election Results), pg.12
House Bill 2464 (Early Voting Locations), pg.12
House Bill 3194 (Falsifying Documents), pg.9

Senior Citizens

House Bill 2788 (Senior Citizen Protection) concerns care givers who cause financial harm or physical injury to an incapacitated adult. The bill establishes and revises criminal

penalties, both misdemeanors and felonies, for neglect and abuse causing injury and serious injury to an incapacitated adult and revises current penalties for misappropriation or misuse of funds or assets of an incapacitated adult.

Bill(s) related to this section:

House Bill 2504 (Silver Alert System), pg.9

House Bill 2884 (Senior Citizens Long-Term Care), pg.20

House Bill 2913 (Independent Living Council), pg.4

Taxation

Senate Bill 329 (Tax Definitions Update) updates the meaning of “federal adjusted gross income” and other terms in the West Virginia Personal Income Tax Act, in order for the definitions to conform to the Internal Revenue Code’s definitions. This bill redefines “medical savings accounts”, “surtaxes” and “effective dates”. In cases of refundable credits allowed to low income senior citizens for property tax paid in this state, poverty guidelines updated periodically in the federal register by the U. S. Department of Health and Human Services will be applied.

Senate Bill 410 (Corporation Net Income Tax Act) updates the meaning of “federal taxable income” and certain other terms in the West Virginia Corporation Net Income Tax Act to conform to the Internal Revenue Code’s definitions. Changes include defining the term “Internal Revenue Code of 1986” to mean the Internal Revenue Code of the United States enacted by the federal Tax Reform Act of 1986 and includes the provisions of law formerly known as the Internal Revenue Code of 1954.

Senate Bill 533 (Consumer Sales/Service Tax) relates to the definitions of “health care provider” and “drug”, and exempts from the consumers sales and service tax drugs purchased by veterinarians to be dispensed upon prescription for the medical treatment of animals.

Senate Bill 540 (State Tax Department) makes a number of technical and procedural changes within the State Tax Department. These include:

1) Exclusion from the Senior Citizen Property Tax Defer-

ment Program of any taxpayer who would be required to pay the federal alternative minimum tax either in the current year or in the immediately preceding tax year;

2) The Tax Commissioner is allowed to determine which documents and mailings of the Department will be sent out by personal service, U.S. Mail, certified or registered mail, or by other means;

3) The burden of proof is placed on the taxpayer by clear and convincing evidence to prove that an exemption applies;

4) The Tax Commissioner is allowed to adjust the \$32,000 threshold by a cost-of-living adjustment. If taxpayers that do not satisfy the requirement related to the number of new jobs created, or if the taxpayer is a small business, as defined by the article, but otherwise satisfy all other requirements of the Economic Opportunity Tax Credit, are still allowed to apply the tax credit if the new job created pays at least \$32,000 annually;

5) Class B trucks, truck tractors and road tractors registered at a gross weight of 55,000 or more pounds, Class C trailers, semi-trailers, full trailers, pole trailers and converter gear having a weight of 2,000 pounds or more are exempted from consumer sales tax on the sale of vehicles;

6) The Tax Commissioner is allowed, by rule, to specify the exemptions from consumer sales and service tax for which an exemption certificate or direct pay permit is not required;

7) Excludes any taxpayer required to pay the alternative minimum tax in the current year or the immediately preceding year from eligibility for a number of credits allowable on personal income tax -- the credits affected are the senior citizens’ tax credit for property tax paid on the first \$20,000 of taxable assessed value of a home, the low-income family tax credit, and the refundable credit for real property taxes paid in excess of 4 percent of income;

8) Adopts language from the Multi-State Tax Commission’s model statute on treatment of a Regulated Investment Company (RIC) and a Real Estate Investment Trust (REIT). The new language gives definitions, that include by way of example, what types of RICs and REITs are allowable, and will not have to adhere to any of the add back provisions in the article;

9) The bill permits the calculating of net income of Captive REITs or RICs, the deduction for dividends paid otherwise allowed are required to be added back into net income; and

10) The Bureau for Employment Programs is required to notify individuals filing a new claim for unemployment that unemployment compensation is subject to both state and federal income tax.

House Bill 2401 (Alternative Minimum Tax) provides for the expiration of the alternative minimum tax, a temporary surtax. The state alternative minimum tax is the amount by which 25 percent of any federal minimum personal income tax or federal alternative minimum personal income tax for the taxable year is greater than the taxpayer's primary state personal income tax for the taxable year. It will have no effect for tax years beginning on and after January 1, 2010.

House Bill 2535 (VETOED - Solar Energy Tax) creates a tax credit for the installation of solar energy systems on residential structures. The credit will be for up to 30 percent of the purchase and installation costs of up to \$2,000. The system must use solar energy to generate electricity, heat or cool a structure, provide hot water for use in the structure and to provide solar process heat. This credit may be carried forward if not used, until it is used. The state tax commissioner is given authority to promulgate legislative rules to administer the new credit. The bill also requires the Public Service Commission to adopt a rule requiring electric utilities to provide a rebate or discount at fair value, to be determined by the Commission, for electric generation provided by customers under a net metering arrangement. The PSC will also consider, within the scope of its required general investigation, allowing an increase in kilowatt capacity for both commercial and residential customer-generators.

House Bill 2931 (Severance Tax on Timber) eliminates the regular severance tax on timber for the tax years 2010 - 2013. The bill also clarifies that the additional severance tax on timber dedicated to the Workers' Compensation Debt Reduction Fund will continue to be imposed during the four-year discontinuance of the regular severance tax on timber.

House Bill 2999 (Sales/Use/ Service Tax) streamlines the sales and use tax agreement, the West Virginia consumers' sales and service tax and the use tax. This bill also clarifies many sales and service tax exemptions, while further clarifying many provisions of the use tax.

House Bill 3017 (Consumer Sales Tax Exemption) exempts tax-exempt organizations engaged in retail sales of clothing and clothing accessories from the consumer sales tax. It further authorizes the Tax Commissioner to designate the exemption as a per se exemption, thus exemption certificates would not be required.

Bill(s) related to this section:

Senate Bill 484 (Ad Valorem Property Tax), pg.26

Senate Bill 600 (Coal Tax), pg.23

Senate Bill 724 (Health Care Provider Tax), pg.17

House Bill 2218 (Rule-Making – Dept. of Transportation), pg.27

House Bill 2685 (Uniform Principal and Income Act), pg.28

House Bill 3074 (Delinquent Tax Notification), pg.28

Technology

Bill(s) related to this section:

Senate Bill 507 (WV Clean Coal Technology Council), pg.23

House Bill 2567 (Electronic Rule Submission), pg.28

House Bill 3229 (Science and Research Council), pg.4

Tobacco

Senate Bill 456 (Cigarette Fire-Safety Standards) establishes a fire safety standard for cigarettes sold in the state and sets a reduced cigarette ignition propensity performance test and standard. It also authorizes the State Fire Marshall, law-enforcement agencies and their authorized representatives to enforce its requirements. The bill establishes penalties and creates a special fund for those penalties.

House Bill 2360 (Tobacco Sales) prohibits the sale or distribution of cigarettes in any form other than their original factory wrapped package. It also prohibits the sale of individual cigarettes, prohibit the sale or distribution of cigarette packs containing less than 20 cigarettes, and requires the prominent display of the federally required warning labels on all packs of cigarettes sold in West Virginia. Violators will be guilty of a misdemeanor punishable by a \$250 fine.

Tourism

Senate Bill 594 (Funding the Courtesy Patrol) requires that funds transferred from the Tourism Promotion Fund to the Courtesy Patrol be done so in monthly installments, totaling \$4,700,000. Funds left over each month will go to advertising for travel and tourism in the state.

Bill(s) related to this section:

Senate Bill 575 (Gaming Operations), pg.15

Unemployment Compensation

Senate Bill 246 (Unemployment Compensation) provides for temporary solvency assessments on employees and employers when the balance of the unemployment compensation trust fund is less than \$180 million at the end of a calendar quarter. The temporary assessment on employees is 15/100 of one percent of their gross wages. For employers, it will be one half of one percent of wages paid to their employees. The assessments will stop when the balance of the unemployment compensation trust fund exceeds \$220 million on February 15 of any year. The wage amount that an employer pays unemployment taxes on for each person he or she employs (the threshold wage) is increased from \$8,000 to \$12,000. When money in the unemployment fund reaches \$220 million, the threshold wage will be reduced to \$9,000. The bill also contains several reforms: it establishes mandatory disqualification from unemployment benefits if a worker is terminated for failing workplace drug or alcohol testing; it allows payment of benefits to anyone who takes a voluntary retirement incentive package; and it establishes disqualification for “gross” misconduct.

Utilities

House Bill 2863 (State Water Project Cost Review) sets up a review of the costs of state utility projects, specifically water and waste water projects. The bill limits engineering design and construction costs for water or wastewater projects, not to exceed the amount calculated for project costs published by the American Society of Civil Engineers,

unless granted a variance by the West Virginia Infrastructure and Jobs Development Council. This bill also puts limitations on inspection fees for state and state subdivision sponsored utility construction. It requires all Water Development Authority sponsored utility projects to get authorization prior to removal of proposed customers of a project. It also requires the governmental agency administering the utility project to perform an annual maintenance audit and submit the results to the board and to the PSC. If the application is for authority to construct a water and sewer project with a projected cost of less than \$10 million, the PSC will make its final decision within 225 days of the filing of the application. It also decreases the amount of time the PSC has to make a decision when an application has received the approval of the Infrastructure and Jobs Development Council from 180 days to 120 days after the application is filed. The bill increases number of people on the WV Infrastructure and Jobs development Council who represent the general public from four to six.

Water Resources

Bill(s) related to this section:

Senate Bill 461 (Selenium Pollution in Streams), pg.13

Senate Bill 715 (Chesapeake Bay Watershed), pg.14

House Bill 2474 (Fish Waste), pg.14

Weapons

Bill(s) related to this section:

Senate Bill 719 (Service Weapon Retention), pg.21

Workers Compensation

Senate Bill 537 (Workers Compensation) makes various changes to accommodate the recent transition in West Virginia to a private workers' compensation market.

Zoning

Senate Bill 256 (Annexation) provides new procedures for annexation without election and annexation by minor boundary adjustment for municipalities in growth counties that have an adopted countywide zoning ordinance that includes urban growth boundaries.

Veto Messages (20 as of 5/14/09)

Senate Bill 239, *pg.7*
Senate Bill 414, *pg.17*
Senate Bill 484, *pg.26*
Senate Bill 501, *pg.2*
Senate Bill 507, *pg.23*
Senate Bill 528, *pg.7*
Senate Bill 672, *pg.17*
Senate Bill 695, *pg.25*
Senate Bill 715, *pg.13*
House Bill 2423, *pg.4*
House Bill 2535, *pg.30*
House Bill 2701, *pg.6*
House Bill 2771, *pg.20*
House Bill 2920, *pg.9*
House Bill 2926, *pg.12*
House Bill 3120, *pg.5*
House Bill 3170, *pg.9*
House Bill 3194, *pg.9*
House Bill 3197, *pg.24*
House Bill 3288, *pg.18*

View Legislation Online

For complete bill history information, roll call votes, amendments, sponsors, veto messages and the full bill text of all Legislation from the 2009 Regular Session, please visit the Bill Status online at:

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Interim Committee Meetings - 2009

May 26-28
June 15-17
July 14-16
August 10-12
September 14-16
October 13-15
November 17-19
December 7-9
January 10-12 2010

All dates are subject to change.

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