



WRAP-UP

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Tax Incentive “Cracker Plant Bill” Completes Legislation

For 60 consecutive days each year the West Virginia Legislature meets in a regular session to consider legislation and pass a budget for the state’s next fiscal year. Already this session lawmakers have worked together to complete legislation on House Bill 4086, a bill designed to improve West Virginia’s chances to attract a “cracker” plant. This facility would be used to process ethane from Marcellus natural gas to produce ethylene, one of the primary building blocks for petrochemicals and plastics. And, most importantly, construction of such a facility could create thousands of both short-term construction and long-term operations jobs and provide a serious boost to the state economy. Work on this legislation started in the House of Delegates where House Bill 4086 was first introduced.

the resources, the workers, and the infrastructure that makes West Virginia the perfect location for the development of a cracker facility. I am pleased that the bill we passed was a bipartisan effort to attract a cracker plant. I hope we will do all we can as Republicans and Democrats working together to improve the economy of our State and to focus on making West Virginia a place where West Virginians can stay, raise their families, and go to work each day.“

While lawmakers have acted to complete legislation on this particular bill, they will not be resting on their laurels, more bills require attention. This will necessitate further compromise by legislators from both parties.



“I am very pleased that the House was able to pass House Bill 4086 early in the second full week of session. The hope is this legislation will put West Virginia in a better position to be chosen for a cracker facility location. A \$2 billion investment like this doesn’t come along every day – we wanted to get the bill moving quickly so the Governor has the tools he needs try to make that happen,” said House of Delegates Speaker Richard Thompson.



Reaching Across the Aisle

Leaders from both sides must forge active working relationships to ensure efficient bill passage.

MARTIN VALENT & STEVE BRIGHTWELL WEST VIRGINIA LEGISLATURE

Before it could become law however, lawmakers from both bodies are required to approve legislation prior to it heading to the Governor for approval. The bill was sent to the Senate, where it went through the legislative process again and was passed unanimously by Senators.

reform and infrastructure as well”

Lawmakers from both bodies recognize they will need to continue to work together to tackle the serious issues before them and to fulfill the job they were elected to provide for their constituents back home.

The House Minority Leader, Delegate Tim Armstead, agreed. “The cracker bill is a tremendous opportunity for our State. We have

“This week the Senate passed House Bill 4086, which provides a property tax credit for manufacturers willing to invest \$2 Billion in West Virginia to develop an ethane cracker plant,” said Senate President Jeffrey Kessler. “ In an effort to competitively court these industries, we, along with our colleagues across the hall, promptly passed this legislation. Our mo-

“With the passage of effective Marcellus Shale horizontal drilling regulation this past December and the property tax credit for the development of an ethane cracker plant, West Virginia is finally ready to tackle the last piece of its long-term financial debt – Other Post-Employment Benefits (OPEB). It is my goal to do everything in my power this session to develop a sensible, timely, and appropriate



In The Senate

As of 4:00 p.m., Wednesday January 25, 2012, the 15th day of the 80th Legislature's 2nd Regular Session, 429 bills have been introduced in the Senate. Of those, 7 have passed the Senate and will move on to the House for further consideration. Bills passed by the Senate this week include:

Senate Bill 7 would allow for emergency responders, state police, and volunteer and paid firefighters who have completed necessary training to carry and administer, Naloxone hydrochloride, which would be used in response to emergency situations of opiate overdoses. The bill also sets requirements for opioid overdose prevention and treatment training as well as providing immunity to licensed health care providers for prescribing and dispensing Naloxone.

Senate Bill 30 would broaden the authority of the DMV to add appropriate brands to

junked vehicles in order to alert consumers, motor vehicle dealers and the insurance industry of a vehicle's history.

Senate Bill 96 would disqualify prospective jurors who have been convicted of perjury, false swearing or other crimes punishable by imprisonment in excess of one year.

Senate Bill 100 would eliminate the ability of circuit clerks to charge three times the amount of postage when mailing documents. Only the original amount of postage can be charged and the clerk decides whether or not to charge extra for additional copies of a document.

Senate Bill 118 would allow a family member or a co-lessee of a deceased tenant to cancel the lease after providing written notice to the landlord and allowing two months notice. The bill would not automatically terminate the lease, but would require the surviving members of the tenant to cancel the lease.

Senate Bill 129 would amend methods of easement or right-of-way descriptions in a deed or other instrument that initially grants or reserves a right-of-way easement. The bill would provide that when a centerline is used to describe a right-of-way, the width must also be included in the description.

Senate Bill 183 would align incarceration sentences of assault or battery against an athletic official, which is currently 24 hours to 30 days, to the general assault and battery laws of 6 months for assault and 12 months for battery.

A Sampling of the Bills Introduced in the Senate

Senate Bill 349 would prohibit courts from using or considering an income-producing asset for purposes of spousal support if the

Completed Legislation

Senate Bill 4086 provides a 25-year tax break for any business that invests at least \$2 billion in real property, including machinery, equipment and inventory. This bill will eliminate the qualifying requirements of preexisting investments.

asset was the subject of equitable distribution.

Senate Bill 350 would automatically revoke a will upon legal separation. The bill would exclude from the definition of "surviving spouse", for purposes of descent and distribution, a person who is a party to a decree of legal separation.

Senate Bill 351 would limit the size of voting precincts to 3,000 registered voters in urban areas and 1,500 in rural areas. The bill permits an increase in the size of standard receiving boards, as well as providing an option to have more poll workers and commissioners. The bill also permits as few as four poll workers in a precinct during a municipal election where there is no simultaneous state or county election.

Senate Bill 352 would criminalize a custodian of a child who knowingly fails to report to a law-enforcement agency the disappearance of a child 12 years or older in his or her custody within 24 hours of the time he or she has knowledge that child is missing. Those found guilty could face a misdemeanor, and upon conviction, would be fined no less than \$100 and no more than \$500 or confined in jail for no more than one year, or both fined and confined.

Senate Bill 354 would allow county commissioners to appoint a temporary successor if a vacancy occurs in clerk of the county

The West Virginia Legislature's Reference and Information Center

Building 1, Room MB 27
State Capitol Complex
Charleston, WV 25305
(304) 347-4836

Charlene Glagola
Director

Drew Ross
Deputy Director

Jaelyn Jett
Chris Marshall
Public Information Officers

Randy Cain
Web Developer

Dennis Loudermilk
Web Engineer

Dave Martin
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Steve Brightwell
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Eden Adkins
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Katie Wise
Interns - Marshall University

Rochell Neely
Intern - West Virginia University



In The House

As of 4:00 p.m., Wednesday, January 25, 2012, the 15th day of the 80th Legislature's 2nd Regular Session, 993 bills have been introduced in the House. Of those, 11 passed this week and have been sent to the Senate for consideration. The bills passed by the House this week include:

House Bill 2533 would make all nominating certificates public record, available upon request from either the Secretary of State or the clerk of the county commission. The bill would require that the Secretary of State verify the signatures on those certificates of candidates seeking offices covering more than one county.

House Bill 4003 would clarify the law governing the duties of professional licensing boards. The bill would modify who has the authority to call meetings and administer oaths; and provide that persons who report violations in good faith are not subject to civil damages. The bill would also permit these boards to issue notices of cease and desist and to apply to the circuit court for appropriate relief.

House Bill 4072 relates to county board of education meetings, covering regular and special meetings, public hearings on budgets, member compensation and membership in the WV School Boards Association. The bill would remove the requirement for county boards to meet on the first Monday of July every year, but retain the requirement that it meet upon any other dates as provided by law. The specific provision that county boards must meet on the first Monday of July following each biennial primary election is not affected.

House Bill 4078 would extend certain deadlines mandated actions regarding higher education personnel.

House Bill 4097 would create a hair stylist license. The bill would add a definition of

“hair styling” and “hair stylist.” The hair stylist license would be independent of existing barber or cosmetology licenses.

A Sampling of the Bills Introduced in the House

House Bill 4124 would make online impersonation for the purposes of harming, intimidating, threatening or defrauding a criminal offense. The bill would define any person who knowingly and without consent impersonates another person on an Internet website or by other electronic means, for any of the purposes previously listed, as guilty of a misdemeanor. Those guilty would be fined \$250-\$1,000, confined in jail up to a year or both fined and confined.

House Bill 4127 would designate August 7 as a special memorial day to be known as Purple Heart Recognition Day. The day would serve to honor all West Virginians who were wounded or killed in action while serving for the United States Armed Forces.

House Bill 4246 seeks to create the “West Virginia Companion Animal Protection

Act,” which would generally govern the manner in which animals are to be treated by sheltering agencies and rescue groups. The bill would provide animal care standards, including humane treatment and killing of animals; requires record keeping; and among other things, provides for court mandate procedure to compel compliance with animal care standards.

House Bill 4249 would reduce utility rates for low-income residential customers. The bill would provide reduced utility rates for any residential customer receiving Social Security supplemental security income (SSI), temporary assistance for needy families (TANF), temporary assistance for needy families-unemployed parents program (TANF-UP), assistance from the supplemental nutrition assistance program (SNAP) or Social Security disability insurance (SSDI).

House Bill 4260 would elaborate upon and clear up a similar bill passed during the 2011 regular session relating to insurance coverage for individuals with autism spectrum disorders, which requires insurers

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West Virginia Legislature's Web site

The online **West Virginia Code** has been enhanced to show bills that have become law (under the chapter of the code affected) but have yet to be incorporated in the online version. <http://www.legis.state.wv.us/WVCODE/Code.cfm>

Bill Tracking has been improved to allow users the ability to prioritize bills and add personal notes. Users can also now sort and view their bills by multiple criteria. http://www.legis.state.wv.us/billstatus_personalized/persbills_login.cfm

The legislative blog **Today in the Legislature** is a daily synopsis of legislative floor activities, complete with photos and daily committee meeting schedules. http://www.legis.state.wv.us/daily_sum/today.cfm

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HB 4086 - from Pg. 1

plan to pay down this debt,” said President Kessler. “West Virginia is on the verge of great things, and it is our responsibility with the opportunities before us to remain fiscally responsible in order to guarantee our success for generations to come.”

The Legislature has roughly three-fourths of the session before them and will continue meeting in committees and on the floor before the final gavel is dropped on the 2012 Regular Session.

“With several weeks left in the session, there are countless other issues the Legislature will tackle related to business, health, education, and our justice system. Then there is the state budget, which could be a challenge to balance,” said Speaker Thompson. “I think it will continue to be a busy and productive session.”

SENATE - from Pg. 2

commission, clerk of the circuit court, prosecuting attorney, sheriff, or assessor and surveyor.

Senate Bill 370 would protect the transport and storage of legal firearms or ammunition in private vehicles including: any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, or any other vehicle required to be registered under state law when operated on the highways of this state.

Senate Bill 425 would allow for nonprofit community health care organizations to operate a nursing home if certain restrictions were met. The bill would also exempt the organizations from nursing home moratorium and certificates of need requirements.

HOUSE - from Pg. 3

to provide coverage for the treatment of autism.

House Bill 4265 would require flowback plans for all work on oil and gas wells and would regulate the proper disposal of drilling and mud. Plans would include a flowback tank with a closed loop system that prevents the release of volatile organic compounds and fugitive pollutants into the environment. It would regulate the use of flowback pits.

House Bill 4290 would create the “Keep Jobs in West Virginia Act.” The bill would prohibit public agencies from awarding contracts to vendors working outside the United States and would require vendors to certify that all future work will be performed within the United States.
