



WRAP-UP

The Newsletter of the West Virginia Legislature

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Crossover Deadline Guides Floor Activity: 60th Day Nears

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It is important to create detailed, efficient and deliberate laws. Crossover Day, the deadline that occurred on the 50th day of the Legislature, is a perfect example of the types of deadlines that ensure quality legislation.

According to Joint Rule 5b, this day during each session is the deadline for all bills and joint resolutions to be considered on third reading in their house of origin. In 2003, an amendment passed to change the deadline from the 53rd day of the session to the 50th day, to afford both houses more time to consider bills approved by either the Senate or House.

During this session, the deadline was April 1. This deadline is a catalyst for the members of the Legislature to focus on a limited number of bills concerning specific issues. Those bills not making the calendars may either be carried over next year, have some provisions inserted into active bills or die.

On Wednesday, members of the Senate repeatedly voted to suspend the Constitutional rule that requires bills to be read on three separate days, because they needed to advance bills from first reading to be presented on third reading before the close of the deadline. The only way to suspend the Constitutional rule is by a four-fifths vote of members present. Several bills were advanced to the House for consideration in this manner as well.

Members can consider some bills on third reading after this deadline passes,



Chamber Activity at its Prime on Crossover Day

To date, 175 bills have been passed by the House of Delegates with 35 meeting approval on April 1st. In the Senate, of the 205 measures passed, 69 advanced on the last day each body could address bills in their house of origin. In total, the West Virginia Legislature has handled 2,110 individual pieces of legislation this session.

photos: Martin Valent & Max Hunt

but only if the bills relate to supplemental appropriations and the Budget Bill or by the adoption of a concurrent resolution. It is required that a two-thirds vote by both chambers take place to obtain permission for a new bill to be considered. According to the clerks of each body, however, this only happens in the case of a state economic or natural emergency.

Legislators take several facets of each bill into account before they pass it on to the other house. They consider how it will affect their constituents presently and in the future. They look at every possible view of the bill in order to make educated decisions about the possible impact on current state law and the changes they would have to make. They also consider how much money it will take to implement the bill and they discuss ways to improve the measure. After that, the legislators carefully amend and pass the bill to the other house. Legislation meet all deadlines to be considered by the other body, in order for those bills to eventually become law.

Finally, following the usual procedure does not always suffice. In any situation where there is more than one person involved in creating something, disagreements are bound to follow. Conference committees are requested when differences in a bill are apparent.

Conference committees are created when one chamber of the legislature makes amendments to a bill that has already passed in the other body and the original chamber that passed the bill does not approve of the newer amendments. The main goal of a

conference committee is to settle the dispute. Generally, conference committees are made up of five members of the House and the Senate and they can deliberate up until the 60th day of the session, according to Joint Rule 3. This allows lawmakers more time to perfect changes to a bill, the deadline has been changed in recent years from 6:00 p.m. to 9:00 p.m.



In the House

As of 5:00 p.m., Wednesday, April 1, 2009, the 50th Day of the 79th Legislature's 1st Regular Session, 1,340 bills have been introduced in the House of Delegates. Of those, 175 have passed and have been sent to the Senate for its consideration. Some of bills passed this week were:

House Bill 2133 would increase the penalties for littering. The minimum fine for depositing less than 100 pounds of litter would increase from \$50 to \$100. The Supreme Court would be required to increase the mandatory community service sentence from eight to 16 hours. If the offender deposits over 100 pounds of litter, the Supreme Court would be mandated to sentence the person to 24 to 40 hours of community service.

House Bill 2415 would identify salvia divinorum as a hallucinogen and add it to the list of controlled substances. This bill is in response to a recent upswing in the use of the hallucinogenic leaf. Any person who possess a material, compound, mixture or preparation intended for human consumption which contains salvia divinorum would be guilty of a misdemeanor

and jailed up to six months and/or fined \$1,000.

House Bill 2464 would authorize a county commission to designate locations for early voting other than the county courthouse or annex. Currently, only the courthouse is used for early voting.

House Bill 2621 would prohibit the use of cell phones and text messaging devices while operating a motor vehicle, except when using a hands free device or in the case of an emergency. This would be a secondary offense, and persons in violation would be charged with a misdemeanor and fined up to \$25.

House Bill 2832 would require the State Board of Education to adopt proficiency standards in reading, language arts and mathematics for students in the third and eighth grades. Each student in those grades would be evaluated on those standards. Students who meet the standards would be eligible for promotion and those who do not would be required to enroll in an after-school or summer critical skills instructional support program. Counties would be required to establish the programs based on a model and curriculum established by the State Board. Students who do not successfully complete the program may not be promoted.

House Bill 2868 would create and maintain the West Virginia Autistic Children's Trust Fund. It would also create a tax credit (equal to an amount paid into a trust) for contributing to the future support of an autistic minor.

House Bill 2885 would streamline the credentialing process for health care providers by establishing a uniform credentialing application, and creating a single Credentialing Verification Organization (CVO).

House Bill 2894 would provide individual and commercial users of the West Virginia Turnpike with a tax credit. Individuals would receive a \$300 maximum credit and residents of Summers County along with several others, could receive a presumptive \$25 credit. If the tolls paid exceed the maximum credit, individuals would be allowed to deduct the excess as an ordinary business expense.

House Bill 2957 would develop a program to collect the name, longitudinal and lati-

Completed Legislative Action (Week of March 25 - April 1, 2009)

House Bill 2795 would create a free special hunting and fishing license for persons with a life-threatening condition who are under 21 years of age.

tudinal data of all cemeteries within West Virginia through the county cooperative extension services. Once implemented, extension workers, along with members of local 4-H organizations, would collect the data with GPS devices and provide it to the Director of the Historic Preservation Section of the Division of Culture and History.

House Bill 2986 would authorize municipalities to impose an excise tax of \$50 for every transfer of real estate in which the property is valued at more than \$25,000. The funds must be put into a special account and only used for demolishing abandoned buildings.

House Bill 2967 would encourage teachers who have achieved a National Board for Professional Teaching Standards certificate to renew their NBPTS certifications, which are valid for 10 years. The bill clarifies that the \$3,500 bonus would be paid to teachers with a renewed certificate in each year it is valid. It also authorizes a reimbursement of the renewal certification fee (currently \$1,150) for teachers who complete renewal.

House Bill 3051 would provide immediate family members and funeral directors with veterans' death certificates at no cost.

House Bill 3134 would require the Secretary of State to establish a voting by mail pilot program. The Secretary of State would select five municipalities to participate and all registered and other qualified voters would be eligible.

House Bill 3192 would require all reports to the Governor from state officers, boards, commissions, departments and institutions to be made available electronically.

House Bill 3197 authorizes municipalities that have adopted anti-litter ordinances to appoint special litter prevention officers. These officers would have authority to issue citations, summonses and sign complaints.

The West Virginia Legislature's Reference and Information Center

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In the Senate

As of 3:00 p.m., Wednesday, April 1, 2009, the 50th day of the 79th Legislature's 1st Regular Session, 767 bills have been introduced in the Senate. Of those, 183 have passed and have been sent to the House for its consideration. Some of those bills passed were:

Senate Bill 63 would increase the amount deposited each year from the State Excess Lottery Revenue Fund to the Higher Education Improvement Fund, increasing it from \$10 million to \$15 million.

Senate Bill 78 would authorize the Division of Motor Vehicles to create and issue a number of new special registration plates. These registration plates would include a special registration plate bearing the inscription "In God We Trust," a special license plate for registered nurses and licensed practical nurses, volunteer firefighters, Charleston Area Medical Center (CAMC) Women's and Children's Hospital and for "Friends of Coal." The bill would also create and issue a special license plate for the Patriot Guard Riders. Patriot Guard Riders are a group who attend the funerals of law enforcement officers, fire department personnel, and any active duty member or veteran of the U.S. Armed Forces and help shield mourning family and friends from interruptions created by protestors. The bill would authorize the DMV to assess a special initial application fee and a special annual fee for the license plates.

Senate Bill 84 would authorize municipalities to provide free parking for certain veterans. The municipalities would be able to provide, by ordinance, free parking to disabled veterans, prisoners of war, survivors of the attack on Pearl Harbor, recipients of the Distinguished Purple Heart Medal, the Navy Cross, the Distinguished Service Cross, the Distinguished Flying Cross, the Air Force Cross, the Bronze Star Medal and the Silver Star Medal. To be eligible for free parking, a person would have to display a special registration plate featuring one of the various criteria.

Senate Bill 142 would create a tax incentive, not to exceed \$500,000 annually, for the development, construction or improvement of tourism attractions or amenities. The credit would allow the taxpayer to recover up to 25% or, in the case of bed and breakfast facilities, 50% of qualified 80% investment in a tourism attraction or amenity by offsetting up to 80% of con-

sumers sales and service tax collected by the taxpayer from customers over a period of either five or 10 years at the election of the taxpayer.

Senate Bill 297 would create the Alternative and Renewable Energy Portfolio Act. Under this act, by the year 2025 at least 25% of the electric energy sold to retail customers in West Virginia would be required to be generated from alternative and renewable energy resources. The bill would require the Public Service Commission to establish a credit system to monitor and track the generation of electricity from alternative and renewable energy resources.

Senate Bill 333 would base the ratio of school nurses to students on total enrollment instead of only kindergarten through seventh grade enrollment. This bill would expand nursing coverage to all school levels, making the ratio one nurse to every 750 students from the previous 1,507 students, and eliminate the county's ability to contract out nursing services.

Senate Bill 336 would change the offense of a failure to wear a seatbelt from a secondary to a primary offense. This bill would also reduce the fine for offenders from \$25 to \$15, and no longer take away points from the offender's license.

Senate Bill 373 would make a number of changes to the PROMISE Scholarship in-

cluding dissolving the PROMISE Scholarship Board and transferring its powers and duties to the Higher Education Policy Commission and under the oversight of the Vice Chancellor for Administration. The annual award for the Promise would now be equal to but unable to exceed the cost of tuition, or \$4,750 and the Higher Education Policy Commission would be authorized to provide greater annual awards under certain circumstances if funds are available.

Senate Bill 419 would create within the Governor's Office of Health Enhancement and Lifestyle Planning (GOHELP) a program in restaurants to bring awareness to healthy menu choices. It would require all chain restaurants with more than 15 national locations to post caloric content on the menu board at the point of purchase. Short-term menu items (less than 30 days) are not required to be listed. There is also a provision for posting at drive-through windows.

Senate Bill 483 would establish the Caregivers Consent Act, allowing for a caregiver who is not a parent, legal custodian or guardian of a minor, to consent to health care for a minor through an affidavit.

Senate Bill 485 would require all children entering a public school, whether it be in kindergarten or first grade, to provide adequate proof of having undergone a dental examination by a licensed dentist.

See **In the Senate**, pg.4

West Virginia Legislature's Website

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

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

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

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

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

Crossover Day - from Pg. 1

Many major laws come into existence through the use of conference committees, since there is a need to carefully decide the course of action to take and to perfect the precise language involved in making amendments resulting in agreement of both houses. This form of conflict resolution is the best course of action to concisely review a piece of legislation.

Though the 2009 Regular Session comes to an end on April 11, if the Budget Bill is not finalized, the lawmaking process is not complete. The State Constitution requires the passage of a Budget Bill, often resulting in an Extended "Budget" Session. This allows each body additional time to review and estimate every monetary aspect of the state for the current and next fiscal year. Due to its complexity, the Budget Bill always goes to a conference committee so that both the Senate and the House can resolve differences and submit a balanced budget. ■

In the Senate - from Pg. 3

Senate Bill 488 would require parental or legal guardian consent for minors age 14 - 17 to use a tanning device. Minors under the age of 14 would have to be accompanied by a parent or legal guardian.

Senate Bill 575 would update the law to conform the operations of video lottery and authorized games of chance at a historic resort hotel and the operations of video lottery and table games at the pari-mutuel racetracks. It would also change the distribution of net gaming receipts from gaming at a historic resort hotel to be more parallel to the distribution for licensed racetracks. It would establish a Human Resource Benefit Fund to benefit all employees of the historic resort hotel licensee. State revenues from both types of venues would come from the application of identical percentages to the video lottery and table game income.

Senate Bill 648 would require the county commission to select an individual precinct to manually count during the tallying

of ballots rather than 5% of the precincts ballots to be manually counted. If a discrepancy between the manual count and the electronic tabulation is greater than 1% or the outcome of a race or ballot issue would be changed, 5% of the precincts would have to be manually counted. If the discrepancy persists, all of the ballots would be manually counted.

Senate Bill 715 would establish the Chesapeake Bay Restoration initiative, which would protect the Chesapeake Bay watershed and aid nutrient reduction projects.

Did You Know?



The chandelier in the rotunda of the Capitol weighs 4,000 pounds and is composed

almost entirely of beveled crystal. It hangs from a gold chain fifty-four feet in length.