



Providing Association Management and Government Relations for Over 25 Years



February 17, 2011 Legislative Report

The legislature is more than half way finished with its regular session. This week, committees have been active discussing, amending and passing bills. There have been several public hearings on controversial issues such as the death penalty, raising the tobacco tax and Marcellus Shale.

Governor Names Marcellus Shale Task Force

Acting Governor Earl Ray Tomblin announced the formation of a task force to assist in the research and development of the potential economic opportunities relative to Marcellus Shale. The Governor feels that the State can not only benefit from the manufacturing of ethane but from other by-products. The task force will consist of industry, labor and government leaders.

Tobacco Tax Increase?

A public hearing held this week gave state residents the opportunity to speak about a bill that would raise the tax on cigarettes by a \$1.00 per pack and would increase the tax on the wholesale price of smokeless tobacco from 7 percent to 50 percent. West Virginia's current price of 55 cents per pack is one of the lowest in the country. The proposed use of the money is to go to smoking cessation programs and drug and alcohol treatment efforts.

Additions to State's Ethics Law

Senate President Kessler is confident that the Senate will follow in the footsteps of the House and approve a bill that will add language to the state's ethics law. The bill requires more financial disclosure from state officials and their spouses. Additionally, it would require those that left state government to wait a year before registering to be a lobbyist.

Bill Expands Language Relative to Eligibility of a Guardian for a Protected Person

The purpose of HB 2885 is to allow a guardian or conservator, which is appointed by the court, to be employed by or have an employment contract with a behavioral health provider to provide care to the protected person. The guardian or conservator may be appointed by the court if payment for services provided under the contract or agreement is made pursuant to the waiver program, the person is related to the protected person by blood, marriage or adoption, the contract or arrangement is disclosed in writing to the court and the court finds that the appointment is in the best interests of the protected person. The bill is on the House of Delegates calendar for passage.

Health Related Professionals Can Get a Volunteer Certification

HB 3061 gives authorization to professional licensing boards to create a volunteer certification so that a health or mental health professional may provide volunteer services in this state without having to have a license issued by this state. The Bill now moves to the House Government Organization Committee passing the House Health Committee unanimously.

Energy Tax Credit Legislation Moving

HB 2890 establishes a tax credit for new construction or renovation of buildings for the owners who apply for and meet the criteria for the Federal Energy Star Credit. It was debated and passed from the House Committee on Energy, Industry and Labor, Economic Development and Small Business and is referred to the Finance Committee. The Senate version, SB 201 is awaiting action in the Finance Committee.

Compromise Green Building Standards Bill Introduced

Senator Unger has introduced SB 510 that will require new state, county and municipal buildings to be designed and constructed in compliance with the International Code Council 2009 International *Energy Conservation Code and the ANSI/ASHRAE/IESNA Standard 90.1-2007*. It is referred only to the Finance Committee.

Key Meth Ingredient to Become a Prescription?

A bill that would make pseudoephedrine, a key ingredient in making meth, available only by prescription passed the House Health Committee. HB 2946 now moves to the House Judiciary Committee. Moving the drug to a prescription will take away the sales tax as prescriptions are not taxed. Some lawmakers are concerned about the potential loss of revenue the State may incur as prescription drugs are not attributable to sales tax. There obviously would not be as much pseudoephedrine solely for stuffy heads because folks would not be able to buy as much if a prescription is required...thus potentially vastly reducing the production of illegal meth in West Virginia.

Drop-Out Prevention Pilot Program to be Formed?

As part of a joint meeting, members of the Senate Education and Judiciary Committees heard from Chris Rutherford, Director of Attendance/Home Services at Wood County Schools and Mark Plantz, Kanawha County Prosecuting Attorney regarding dropout prevention programs. The guests were invited to speak to educate committee members about programs that are currently in place and to further explain SB 228, a bill that would create a Local Solutions Dropout and Prevention pilot program to reduce the number of high school dropouts in the State. Mr. Rutherford explained that h program has been in place for approximately 5 years and statistics show a 35% reduction in their dropout rate. Both counties take action once a student has five unexcused absences. Both presenters explained their goal is to not take people to court to invoke jail time but to identify red flags and to help families make adjustments. Both counties are working with DHHR as they are assisting in helping to identify specific programs or services a family and/or student may need.

Read and Follow Legislature on Line

Visit the Legislature website and explore. You can read and track bills by typing in the number of the

bill (do not use HB or SB) and hit submit. Then scroll down the page and hit “introduced version”. If the bill has a number of amendments, open the one on the top of the list to see the most current version. <http://www.legis.state.wv.us/index.cfm>

The memberships of legislative committees have changed and are available on the Legislature’s website. New lawmakers have been added to committees and many veteran members have shifted committee assignments. Some committees, especially in the Senate, have new chairpersons and vice chairpersons. For Senate committees, go to: <http://www.legis.state.wv.us/committees/senate/main.cfm>. For the House of Delegates committees, go to: <http://www.legis.state.wv.us/committees/house/main.cfm>

2110 Kanawha Blvd. East - Suite 220 | Charleston, WV 25311 | 304-345-6808 | info@tonkinmanagment.com

[\[unsubscribe\]](#)

Copyright (C) Tonkin Management Group, All rights reserved.