West Virginia Legislative Brief: Commentary from Gil White 2/1/19

Friday, February 1, 2019

My View from the Capitol:

This week will undoubtedly be remembered as the week the West Virginia State Senate made history. SB 451, the Omnibus Education Reform Bill, was acted upon in a seldom used parliamentary procedure. The State Senate met as the Committee of the Whole, a procedure used only three times in the State's history, resulting in the formation of a 34-member super committee to discuss and take action on the bill.

The bill was originally supposed to go to the Senate Finance Committee after passing the education committee last Friday. Two members of finance - Bill Hamilton, (R-Upshur), and Kenny Mann, (R-Monroe) - expressed through social media and media reports that they are opposed to the bill, meaning the finance committee did not have enough votes to pass the bill. Senators passed the broad-ranging education bill by a vote of 18-16. Republican Senators Kenny Mann and Bill Hamilton voted with the minority.

The bill now goes to the full Senate, which went ahead with the first of three required readings on Thursday setting the stage for the second reading, amendment stage, in the Senate today. The bill will be up for final passage in the Senate on Monday. Its destiny in the House of Delegates is unknown.

On a different note, SB 266, introduced on behalf of the Governor’s office, creates an intermediate appeals court underneath the West Virginia Supreme Court of Appeals. The governor's version of the bill would create two three-judge panels and divides the state into two districts. The committee substitute shrinks that to one panel covering the entire state.

If created, the intermediate judges would be appointed by the Governor with guidance by the Judicial Vacancy Advisory Commission for 10-year terms at a salary of $130,000. The intermediate appeals court would handle cases such as civil cases; family court appeals and issues involving child custody; decisions made by administrative law judges, and decisions made by the Workers’ Compensation Review Board.

Notably, the Senate Judiciary committee amended the bill to provide that the proposed intermediate court would not have jurisdiction over, inter alia, “judgments or final orders issued in a civil action involving a dispute between a surface owner or royalty owner and an oil, gas, or natural gas well operator or developer regarding property rights.”

Legislative Calendar - Important Days to Remember

First Day - January 9

20th Day - January 28 - Submission of Legislative Rule-Making Review Bills due

35th Day - February 12 - Last day to introduce bills in the House

41st Day - February 18 - Last day to introduce bills in the Senate
47th Day - February 24 - Bills due out of committee in house of origin to ensure three full days for readings

50th Day - February 27 - Last day to consider bills on third reading in house of origin. Does not apply to the budget bill or supplemental appropriation bills.

60th Day - March 9 - Adjournment at midnight

Legislative Action by the Numbers:

788 bills introduced in the House of Delegates

510 bills introduced in the State Senate

44 bills have passed the House of Delegates

40 bills have passed the State Senate

4 bills have passed both Chambers and awaiting signature of the Governor

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