



What a Difference a Week Makes?

Last week there wasn't a clear consensus between the House and Senate on how to proceed forward with the Supreme Court's decision prompting an election before November 15, 2011. Now, after daily coverage by the media, pressure from gubernatorial hopefuls, and warnings from Acting Governor Earl Ray Tomblin of the possible disenfranchising of absentee voters and troops overseas, there seems to be a race to see who can pass their primary election bill *first*. The Senate version, [SB 261](#), has made it to the floor of the Senate and could be voted as early as today. The Senate bill calls for the primary election on June 20, with a general election on October 4, 2011. Conversely, [HB 2853](#) will be reported to the House floor this morning and calls for a primary election on May 14, with a general election on September 13, 2011.

Only recently has the Speaker of the House of Delegates, Richard Thompson (D - Wayne) expressed a preference for a primary election. Last week Speaker Thompson indicated he would be open to the possibility of a party convention where delegates from each party select a candidate to appear on the general election ballot. In such a process, party rules would govern the selection process with no oversight from the West Virginia Secretary of State.

In the event the Legislature fails to create a special election primary procedure with modified dates for candidate filings, write-in ballots, and other required deadlines, then a party convention would result by default.

Additionally, the controversy over the creation of the position of Acting Senate President

continues. Former Senate Majority Leader, Senator Truman Chafin (D – Mingo), has indicated he may file a petition with the West Virginia Supreme Court of Appeals to address concerns about the constitutionality of creating the new position and what effect, if any, that position will have on the validity of any bill passed this year. The first “enrolled bill” (meaning a bill that has completed the legislative process and is ready for gubernatorial action) was sent to Acting Governor Tomblin yesterday. Senator Chafin made reference to that bill in a floor speech stating that the topic – fixing a parole hearing glitch – could cost the state millions in unnecessary appeals because the Supreme Court could rule that the “fix” was invalid.

NASW Bills of Interest:

(Click the bill number below for the latest version of the complete text. The text MAY not include amendments made in committee.)

[HB 2525](#) - Social Work Licensure Bill. On January 27, HB 2525 passed the House of Delegates and has been reported to the Senate. In fact, on final passage in the House of Delegates, House Government Organizations Committee Chairman Jim Morgan (D – Cabell) noted the cooperation of all parties and suggested all parties, “joined hands and sang Kumbayah together.” The bill has been referred to Senate Health and Human Resources Committee and then to Judiciary. The DHHR, the Board of Social Work Examiners, and NASW, continue to work together on successful passage of this important legislation.

[SB 278/HB 2864](#) - “Celina’s Law” creating the misdemeanor offense of “unlawful restraint” to deprive a person of their liberty using threats or duress. On January 31, House Judiciary debated HB 2864 and expressed concerns over the definition of the term and the specific conduct that would constitute the offense of unlawful restraint. The bill has been referred to a subcommittee for revisions. NASW supports this bill.

[SB 218/HB 2693](#) - Requiring insurance coverage for autism spectrum disorders. No movement on the Senate version, but the House version passed the Judiciary Committee on January 26 and is now in the possession of House Finance where significant opposition from the insurance industry is expected.

[HB 2052](#) – Creating a program for student loan forgiveness of up to \$5,000 per year for

social workers and other professions who are practicing in a particular field where there is a critical shortage. No action since the bill was introduced on the first day of session.

[HB 2161/SB 17](#) - Creating the Herbert Henderson Office of Minority Affairs within the Governor's Office. The House version was approved by the House Government Organization Committee and is now in the possession of House Finance. NASW-WV strongly supports this bill. There has been no further action by House Finance at this point.

[HB 2558](#) - Establishing the powers and duties of the Office of Child Advocacy including the ability to investigate and monitor the Division of Child Protective Services and Division of Juvenile Services. Passed Judiciary on January 26, and sent to House Finance.

[SB 226/HB 2045](#) - Prohibiting discrimination in employment and housing based upon sexual orientation. This bill has successfully passed the Senate two years in a row only to die in the House. This year, no action on the bill has occurred in either the House or Senate since filed.

[HB 2362](#) – Increasing fines and period of incarceration for financial exploitation of an elderly person or incapacitated adult. The bill appeared on the House Judiciary Committee agenda last week but was subsequently pulled from the agenda and has not reappeared.

[HB 2439](#) - Requiring insurance coverage of spouses and dependents for pregnancy and contraceptive services. Introduced on January 13, and referred to House Banking and Insurance followed by Judiciary.