



WRAP-UP

The Newsletter of the West Virginia Legislature

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Website Links Public to the Legislative Process

Access to the political process is a key component of our nation's representative democracy. The increasing use of computers as a source of gathering and obtaining information provides legislative resources via the internet, thereby becoming an important part of linking citizens of this state with the West Virginia Legislature.

The West Virginia Legislature's official website, located at www.legis.state.wv.us, contains valid and detailed information which is valuable in engaging the public in the legislative process.

When a user arrives at the website - there is a waiver for the visually impaired. With the advancement of computer programs that allow the visually impaired to access information on the website, it is provided in a "no frames" format.

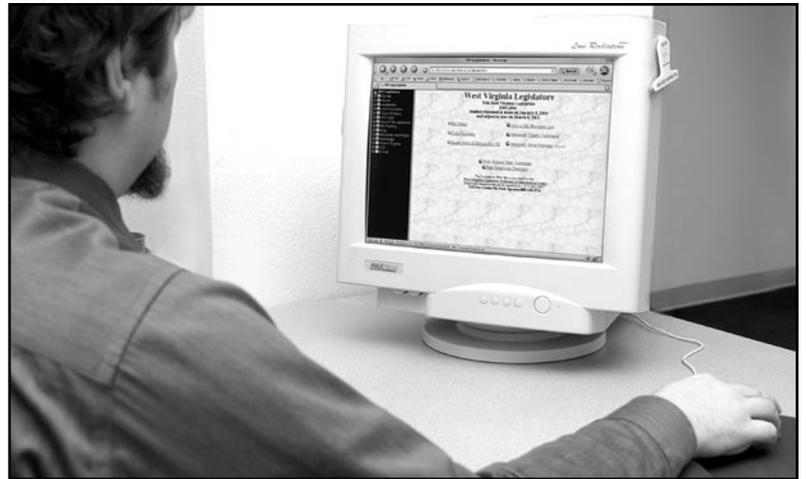
If you are not visually impaired, please click CONTINUE to reach the homepage.

There are various points of interest on the West Virginia Legislature's website. The most frequently used are: Bill Status and the Legislative Bulletin Board. The Bulletin Board features House and Senate Journals as well as the Daily Calendars.

The following is geared to assist the user in locating the above information.

Bill Status - The Bill Status option on the website allows an individual to find full text of current and past legislation along with a history of its legislative actions.

To access Bill Status, simply select this link on the homepage. Select the year in which the legislation was introduced. The website provides the bill history and bill status from 1993 to the present session. Once the year is selected, access to various options concerning status of legislation will become available. A person may search by selected sponsor, affected Code section, short title,



The West Virginia Legislature's official website provides the public with up-to-date information regarding the workings of the Legislature.

topical subject, and actions first-to-last or last-to-first. Listings of all bills introduced, all bills passed by either the House or the Senate, all bills passed by both bodies, actions by the Governor on passed legislation, and all resolutions introduced are options.

There is also an option, for the year 2000 and beyond, to obtain bill text - which is the actual print version of the legislation. Follow directions on the screen to the "Bill Status On The Web" link. The user has the option of downloading legislation using Corel WordPerfect or opening an HTML version from the internet. Open either Senate or House bills and select the folder containing the bill number sought.

Legislative Bulletin Board - The Legislative Bulletin Board is also a valuable tool in obtaining additional information regarding the Legislative session. Access to the Senate and House calendars, listings of bills introduced, listings of bills to be introduced, abstracts, committee schedules, and topical indexes is offered. This information is obtained by clicking the link labeled "Legislative Bulletin Board" located on "Bill Status On The Web".

The West Virginia Legislature's Official Website gives citizens the opportunity to access their government 24 hours-a-day, 365 days-a-year. With these basic navigational directions, the information obtained from this internet site brings the legislative process and the workings of state government home.

As of 4:00 PM, Wednesday, January 22, 2003, the 15th day of the 2003 Regular Legislative Session, 212 bills have been introduced in the Senate. Of those, the following eight were passed by the Senate this week and will now go to the House of Delegates for its consideration:

Committee Substitute for Senate Bill 4 would require that any default judgement handed down in a magistrate court be sent via registered mail to the last known address of the defendant in the case. The certified mail would be taxed as a cost of court proceedings.

Senate Bill 52 would eliminate the \$100 bond required to be paid to the clerk of a circuit court before a summons is issued in order to sue out-of-state defendants involved in automobile accidents in West Virginia.

Senate Bill 93 relates to violence against public employees. This bill would create new penalties for assault or battery against a public employee if the employee was assaulted or

battered while participating in the scope of his or her duty. The penalties would be: assault - fine of \$50 to \$100 and jail, not less than 24-hours or more than six months; battery - not less than 24-hours or more than 12 months of jail time plus \$100 to \$500 fine.

Senate Bill 82 would extend the time period for the study of the state system of Orphan Roads and Bridges to January 30, 2004. By that date a proposal would be required for submission to the Legislature that would formulate an Orphan Roads and Bridges policy. As such, this bill would extend the Orphan Roads and Bridges acquisition and maintenance program to December 31, 2005.

Sunset Bills Passed by the Senate:

Senate Bill 163 would continue the Drivers' Licensing Advisory Board.

Senate Bill 164 would continue the Office of Coalfield Community Development.

Senate Bill 165 would continue the Commission for National and Community Service.

Senate Bill 166 would continue the Oil and Gas Inspectors' Examining Board.

A Sampling of Bills Introduced in the Senate:

Acts

Senate Bill 168 would establish a state minimum salary supplement for certain professional personnel holding a nationally recognized professional certification; for instance, professional educators who hold a certification in their fields of expertise.

Senate Bill 175 would reduce the threat of bio-terrorism by authorizing the Secretary of Health and Human Resources to establish a certification process for facilities or other entities that have a legitimate need to possess potentially dangerous biological agents and toxins, by limiting lawful possession and transfer of these agents and toxins to certified entities, and by establishing criminal and civil penalties for violations.

Communications

Senate Bill 184 would make it illegal to "engage in a call" on a mobile phone while operating a motor vehicle. There are provisions in the bill which would allow the operation of a vehicle while using a hands-free-phone. The bill also allows for the use of a mobile phone in emergency situations.

A Sampling of Senate Standing Committee Reports....

Senate Finance Committee on Agriculture: The Senate Standing Committee on Agriculture met this week and was presented with a report covering many issues regarding the Department of Agriculture's budget. The main problem discussed during the committee meeting was the projected difficulties should a major crisis arise, such as a virus outbreak or livestock contamination. Concerns addressed covered the loss of man power and the lack of proper equipment. Another issue was in regard to the Special Revenue account. A representative from the Department of Agriculture requested more funding to be allocated to staff.

Judiciary: The committee met and considered several legislative measures, including **Committee Substitute for Senate Bill 170**, which was approved and moved to the Senate Finance Committee. This measure would create the Women's Right to Know Act. The bill would require that pregnant women be provided certain information in a prescribed form prior to undergoing an abortion. This is also referred to as "Informed Consent" and would create a minimum period of delay (24 hours) between when a woman decides to have an abortion and when she undergoes the procedure. The physician would have to give the woman considering the abortion certain information, which include: the name of the physician who is performing the procedure, any medical risks involved with having the abortion, the probable gestational age of the unborn child, and the medical risks involved if she should carry the child to term. **Senate Bill 186** was also presented to the committee counsel. The bill defines "aggrieved persons" for purposes of judicial review regarding a decision of the board of zoning. An aggrieved person is a person who is denied the relief sought or will suffer a peculiar injury, prejudice or inconvenience beyond which other residents of the county or municipality may suffer. The bill was sent on to the Senate with the recommendation that it pass.

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As of 4:00 PM, Wednesday, January 22, 2003, the 15th day of the 2003 Regular Legislative Session, 498 bills have been introduced in the House. Of those, 10 were passed by the House this week and will now go to the Senate for its consideration:

Committee Substitute for House Bill 2054 would require county clerks to record a disclaimer of unenforceable restrictive covenants based on race, color, religion, ancestry, sex, familial status, blindness, handicap or national origin. This would void any restrictions in deeds from the county clerk that include the designations listed previous.

Committee Substitute for House Bill 2052 would include nationally accredited institutions in the definition of eligible institution for purposes of the In-State Excellence Scholarship Program. The bill also would add to that definition any state allied health or hospital-based training program leading to state licensure.

Committee Substitute for House Bill 2154 would provide for the establishment of five instructional student development and professional teacher development days during the school year. The bill would mandate that these days occur during the months of October, December, February, April and June.

House Bill 2224 would require the privatization, closure or merger of at least two of the State's 16 higher education institutions by 2007. The bill named no specific institutions and left reorganization decisions to the discretion of the Higher Education Policy Commission.

House Bill 2300 would establish an education performance audit panel to strengthen focus on improving student, school and school system performance. The panel would consist of the State Board President, a state board member, the State Superintendent and several ranking Education Department employees. The panel would be responsible for submitting reports to the State Board of Education for review and action.

House Bill 2323 would establish a Division of School Personnel within the State Department of Education by July 1, 2003. The division would be responsible for developing a uniform standard of employment, advising counties in personnel matters and answering questions relating to hiring, employment, seniority and certification.

House Bill 2402 would strike language allowing counties to establish kindergartens for children younger than age five but would encourage enrollment in early childhood education programs. The bill would mandate that such programs be made available. Also the bill would give county education boards the authority to approve head starts and other early childhood education programs in the county. Those programs, however, would have to meet standards set forth by the State Board of Education.

Committee Substitute for House Bill 2122 would reduce the cap on medical malpractice non-economic loss claims from \$1 million to \$250,000 and require claimants to prove at least a 50 percent chance of recovery or survival had the physician administered alternative treatment. The bill also would establish a three-person compensation plan board responsible for proposing funding options for awards exceeding the \$500,000 cap on malpractice non-economic loss incurred during trauma care. To monitor physicians, the bill would place any physician receiving three or more disciplinary actions within a five year period under the supervision of another physician for an undetermined amount of time.

Committee Substitute for House Bill 2121 would establish the "All-Terrain Vehicle Safety Act," which would regulate ATV operation on public property. The bill would prohibit unlicensed individuals under the age of 18 from operating an ATV on public lands and create free operation training programs available through the Department of Motor Vehicles. The bill also would make it illegal, with few exceptions, to operate an ATV on paved roads with centerlines.

(HOUSE, pg. 4)

A Sampling of House Standing Committee Reports....

Banking and Insurance: The House Banking and Insurance committee reviewed several pieces of legislation this week. The following bills were reported out with recommendation that they do pass:

House Bill 2366 would provide for the issuance of uniform prescription drug cards. Committee members amended the bill so that it would exclude the Children's Health Insurance Program and give the State Insurance Commissioner until Jan. 1, 2004 to prepare regulations. The bill would require insurance companies to issue cards in order to practice in the State.

House Bill 2441 would increase from \$1 million to \$4 million the capital stock and surplus needed to bank in the State. The committee moved the bill to House Judiciary.

House Bill 2443 would change language mandating yearly assessments, which the Division of Banking uses as funding. The bill was moved to House Judiciary.

Veteran's Affairs and Homeland Security: A representative from the office of Military Affairs and Public Safety (MAPS) delivered an overview of what the department has done and will continue to do to ensure the safety of West Virginia's infrastructure. The representative said MAPS coordinates among 11 different offices and agencies in order to ensure that homeland protection and tragedy response are maintained at maximum readiness. The office is prepared to respond to threats against the state with appropriate action. The office coordinated responses to several Anthrax threats following September 11, 2001 and now has equipment in place to respond to equally dangerous situations. The office has deployed Mass Casualty Trailers as well as a Mobile Communications Center and has placed them strategically throughout the state. The trailers contain mobile hospitals and decontamination equipment for potential situations which may involve weapons of mass destruction. The representative said the trailers also could easily be used for aid and relief in instances of natural disasters. The representative stated all states are in the midst of Homeland Security reorganization and he felt some states could look to West Virginia for a positive model to follow.

Locating Bill Status

The Legislature's website is preparing to implement full bill content and bill status. To track legislation electronically, use www.legis.state.wv.us and click on bill status.

For those of you who may know someone who would like to receive a copy of legislation in braille, the Legislature can now accommodate this request. Use the toll-free line to request a copy of a bill at 1-877-56-LEGIS (1-877-565-3447)

(SENATE, cont.)

Education

Senate Bill 181 would remove the requirement that a home-school teacher have formal education of at least four years higher than the most academically advanced child they are instructing.

Motor Vehicles

Senate Bill 171 would modify seat belt and child restraint requirements and change the offense of failure to wear safety belts to a primary offense. The bill would require all vehicle occupants to wear seatbelts, and would prohibit children under the age of 16 from riding in an open or closed cargo area of a passenger vehicle, van, pickup truck or uncovered open bed trailer.

Taxation - Consumer Sales Tax

Senate Bill 173 would exempt the sale of United States Flags from the consumers sales tax.

(HOUSE, cont.)

Committee Substitute for House Bill 2120 would eliminate the Workers' Compensation Second-Injury Compensation Fund and require claimants to prove 50 percent whole-body disability, an increase from 40 percent required by current legislation. The bill also would address the Workers' Compensation Fund deficit by providing \$20 million from

the tobacco settlement fund and by cutting weekly average wage compensation from 70 percent to 66 percent.

A Sampling of Bills Introduced in the House:

Civil Rights

House Bill 2474 would add "sexual orientation" to the categories covered by the Human Rights Act and the Fair Housing Act. The bill would make it illegal to discriminate on the basis of sexual orientation in hiring, public access and housing access. The bill would define sexual orientation as disclosed or perceived homosexuality, heterosexuality or bisexuality.

Crimes-Alcohol and Drugs

House Bill 2384 would provide criminal penalties for negligently or carelessly shooting and wounding or killing a human being while hunting under the influence of alcohol or drugs. The bill would include controlled substances in its definition of drugs and would specify a blood alcohol content of ten hundredths of a percent or more as under the influence of alcohol. Wounding a person would mandate a misdemeanor, while killing him or her would mandate a felony offense.

Crimes-Felonies

House Bill 2379 would provide the death penalty for the murder of law enforcement

officers on active duty. The bill would apply only to first and second degree murder cases.

Education

House Bill 2521 would establish the school psychologist internship program. The bill would require collaboration between the State Department of Education and an institution of higher education for national certification of school psychologists.

Motor Vehicles

Licenses, Registration and Inspection

House Bill 2391 would authorize specialized motor vehicle registration plates bearing the logo "PRO LIFE." The bill would mandate an annual fee of \$15 per plate from plate-owners. A \$10 dollar fee would be charged for the initial application and subsequent applications for duplicate plates. There are currently 18 different types of specialized motor vehicle registration plates.

Redistricting

House Bill 2476 would alter the apportionment of the membership of the House of Delegates by changing certain districts. The bill would divide the 14th delegate district into two single-member districts and create a 59th delegate district. The changes would affect certain areas of Mason and Putnam counties.

**The West Virginia Legislature's
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