



WRAP-UP

The Newsletter of the West Virginia Legislature

Volume XIV, Issue 7

February 26, 2003

Heavier Workload Requires Increased Deliberation

by: John Mulvaney

As the close of the Regular 60-day Session in Charleston draws near, some West Virginians may not be fully aware that much of the hard work put forth by lawmakers may not result in the passage of legislation until the closing days of the Session.

Lawmakers and their staff must work at a frenzied pace during the 60-day Regular Session in order to develop legislation that is palatable to the greatest possible majority. Due to the checks and balances required for an efficient state government to operate, an average of only 14.3 percent of bills introduced every session eventually become law. In 1988, only seven percent of the bills introduced were passed into law. In 1995, 17.8 percent of the bills introduced eventually passed into law. This was the highest percentage of bills passed in the past 15 years. As of Wednesday, 24 bills have passed both houses but as in recent years, the number of bills passed will increase exponentially in the last few days of the Session. Between both houses, a total of 1,833 bills have been introduced this Session. Over the last 15 years, an average of 1,690 bills have been introduced each Regular Legislative Session. With 143 more bills introduced than the average Session, lawmakers have had a heavier workload to consider this year.

The Regular Session of the 76th Legislature has required lawmakers to deal with challenges not encountered in recent years. Complicated issues, which are vital to West Virginia's future prosperity, include but are not limited to: Medical Malpractice Liability Insurance, the unfunded liability of Workers' Compensation and the State Budget. The Legislature is continuing to work on all bills up for consideration. The issues of Medical Malpractice and Worker's Compensation have



Committee meetings provide a forum for a variety of discussions and debates regarding specific legislative issues.

photo: Martin Valent

already passed both bodies and have been sent to Conference Committee for consideration by representatives of both the House and Senate. Many issues considered by the Legislature this Session are also made more challenging by the current economic hardships experienced by both the state and nation. Lawmakers have been given charge to develop innovative new solutions to many difficult problems because of these obstacles. As West Virginia works with complicated issues, surrounding states will look to see how the Legislature confronts issues they are facing.

Due to the complexity and importance of these issues, nearly every citizen has concerns he or she wishes to express to their elected representatives. Because of technological advancements in communication, it is easier for more West Virginians to communicate with members of the Legislature than ever before. Citizens have instantaneous access to the legislative process and the status of proposed legislation through the use of the Internet.

Because of this improved communication between elected officials and constituents, lawmakers are presented with more options by those they represent. As legislators receive more input on every bill up for consideration, they require more time to deliberate on these issues, collaborate with colleagues and develop legislation to benefit the best interest of their constituents and the state. This deliberation is done through the committee and amendment processes. These processes are designed to give every member of the Legislature an opportunity to appropriately represent their constituents on each bill they encounter.

As of 4:00 PM Wednesday, February 26, 2003, the 50th day of the 2003 Regular Legislative Session, 653 bills have been introduced in the Senate. Of those, 60 bills were passed this week and will be sent to the House of Delegates for its consideration. Among those passed were:

Senate Bill 430 would provide additional restrictions on outdoor advertising. Restrictions in the bill apply mainly to billboards and advertisements with a surface area of more than 300 square feet. Provisions would restrict multiple advertisements using one billboard structure and limit structures to one per location.

Senate Bill 112 would allow farm wineries to manufacture, serve and sell certain wines. The bill would require wines to have been matured in a wooden barrel or cask and have an alcohol content of no more than 22 percent by volume.

Senate Bill 205 would change the criminal intent for animal cruelty crimes. The bill would mandate that anyone who intentionally, knowingly or recklessly kills or poisons a companion animal be charged with a misdemeanor carrying a fine between \$300 and \$500. Provisions in the bill would exempt the person who kills or injures an animal that attacks a person or his or her pet.

Senate Bill 338 would establish a Medicaid buy-in program for certain individuals with disabilities. Competitively employed disabled individuals between 16 and 64 years of age who meet certain income requirements would be able to buy into the Medicaid program for \$50.

Senate Bill 395 would grant temporary grandparent visitation during divorce action. To receive visitation rights, the bill would require grandparents to submit an application or petition to Family Court during the divorce proceedings.

Senate Bill 354 would impose penalties for operating or attempting to operate a secret drug laboratory. The bill would make such operations a felony and would mandate a fine between \$5,000 and \$25,000 and a prison sentence between one and five years.

Senate Bill 391 would reduce training requirements for certain State Police Cadets. The bill would allow the State Police Superintendent to reduce training requirements for cadets who have previously served at least three years as law-enforcement officers and were laid off.

Senate Bill 162 would remove certain vehicle license information for 19 year olds. The measure would prevent any third parties from receiving records of license suspensions, denials or revocations due to school attendance.

Senate Bill 342 would limit the time driver's licenses may be issued to certain noncitizens. The bill would allow licenses

Bills Passed Both Bodies

House Bill 2763 allows auxiliary roof mounted lighting on motor vehicles only when it comes as original equipment. These lights must be off and covered while the vehicle is driving upon the highway.

Senate Bill 170 creates the "Women's Right to Know Act". The purpose of this bill is to require that pregnant women be provided certain information in a prescribed form prior to undergoing an abortion. This bill requires a physician to obtain the voluntary and informed consent of a female prior to performing an abortion. It requires a physician or the physician's agent to provide certain specified information to meet this standard, except in the case of a medical emergency. The information must be provided by the physician either over the phone or in person at least 24 hours before the abortion procedure. The female is required to certify in writing, prior to the abortion that she has received the required information.

Senate Bill 182 relates to child passenger safety seats, booster seats and safety devices. This bill requires that every driver transporting children less than nine years of age in certain motor vehicles must maintain and secure the child in a child passenger safety seat or booster seat or other safety device meeting federal motor vehicle safety standards.

Sunset Bills Passed Both Bodies

Senate Bill 163 continues of Driver's Licensing Advisory Board until the first day of July, 2009, pursuant to the West Virginia Sunset Law.

Senate Bill 165 continues the Commission for National and Community Service until the first day of July, 2009, pursuant to the West Virginia Sunset Law.

Senate Bill 416 continues the Massage Therapy Licensure Board until the first day of July, 2015, pursuant to the West Virginia Sunset Law.

Senate Bill 418 continues the West Virginia Investment Management Board until the first day of July, 2005, pursuant to the West Virginia Sunset Law.

Bills Signed By The Governor

Senate Bill 215 makes a supplementary appropriation to Department of Health and Human Resources, Health Care Authority.

Senate Bill 281 continues the Department of Environmental Protection until July 1, 2004, pursuant to the West Virginia Sunset Law.

WRAP-UP
is a publication of:
The West Virginia Legislature's
Reference and Information Center
State Capitol Complex
Building 1, Room MB 27
Charleston, WV 25305
(304) 347-4836

Charlene Glagola
Director

Drew Ross
Jessica Stanton
Bill Thomas
Information Representatives

Dave Martin
Webmaster

Randy Cain
Apprentice Webmaster

Dee Spelock
Office Manager

Martin Valent
Max Hunt
Photographers

John Tice
Graphic Designer

Wes Arnold
Justin Hale
Perley Isaac Reed School of Journalism

Elizabeth Lee
John Mulvaney
W. Page Pitt School of Journalism

As of 5:00 PM, Wednesday, February 26, 2003, the 50th day of the 2003 Regular Legislative Session, 1,196 bills have been introduced in the House of Delegates. Of those, 54 bills were passed by the House this week and now will go to the Senate for its consideration. Among those passed were:

House Bill 2240 would provide an opportunity for persons purchasing or renewing hunting or fishing licenses to donate to the "Hunters Helping the Hungry Program." It would require every application for hunting and fishing licenses to contain a provision notifying the applicant of the option to donate to the program; authorize the collection of donations by issuing authorities; and require donations to be deposited in a special account to be used exclusively to support the program, including the payment of fees related to the butchering of game carcasses.

House Bill 2359 would allow all of the fees collected for required inspections done by the Office of the State Fire Marshal and for license fees for electricians and electrical inspectors to be kept in the special revenue account, instead of having 10% of the fees transferred to the General Revenue Fund. It also would require that the tax on insurance companies, which provide insurance against the hazard of fire, be deposited in that account.

House Bill 2477 would permit a homestead exemption and Class II property classification to continue on a home or residence, when an otherwise qualified property owner is no longer residing at the property and is either living with other family members, or is living in a nursing home, rehabilitation center, personal care home or similar facility, due to illness, accident or infirmity. Additionally, the filing and review deadlines for a claimed homestead exemption would be revised to give more time to file a request for an exemption and to give the Tax Department an opportunity to respond to the requests.

House Bill 2511 would provide special license plates for members of the Nemesis Shrine, volunteers and employees of the American Red Cross, individuals who have received the Combat Infantry Badge or Combat Medic Badge, members of the Knights of Columbus and former members of the Legislature. The bill also would allow volunteer firefighters to have unlimited plates and their plates would cost an additional \$10.

House Bill 2529 would change the term polygraph to psychophysiological detection of deception device and would establish two different classes of licensure for these examiners. A Class I license would authorize an individual to offer these tests for all purposes which are permissible under the provisions of this article and other applicable laws and rules. A Class II license would authorize an individual who is a full time employee of law enforcement agencies to administer tests to its employees or prospective employees only.

House Bill 2749 relates to the reciprocal licensure of physical therapists from other states or countries. Reciprocity would only extend to therapists whose licensing state allows West Virginia therapists the same courtesy.

House Bill 2847 would make the law-enforcement agency that arrests an individual responsible for his/her transportation to a regional jail. In so doing, the bill would encourage transportation agreements between a county and the other law-enforcement agencies.

House Bill 2868 would authorize the Alcohol Beverage Control Commissioner (ABCC) to enter into contracts for the sale, licensing or promotion of scanner technology that has been developed by the agency. Scanner technology is defined as devices that are designed to capture information on the back of driver's licenses which verify the age of the person purchasing alcohol. The ABCC

has received a trademark on technology that several other states have expressed interest in licensing. This bill would allow these contracts.

House Bill 2882 would remove the ability of the Surface Mining Board to grant a stay or suspension of an order based on the grounds that it will cause "unjust hardship" upon the permittee. The Office of Surface Mining has objected to this provision in the state program and has requested that West Virginia make this change to the statute.

House Bill 2984 would provide a one year window for a teacher who was receiving Workers' Compensation as a result of a work related injury to purchase up to five years service credit for the time the teacher was recovering. The injury and related time off must have occurred between 1988 and 1998. This would open a one year period of time for this purchase, which is FY2004. Finally, the bill would provide that a teacher who purchases the service time would receive a one year increment credit for each year purchased.

House Bill 3031 would allow a child receiving home instruction to take public school courses for credit, which are available over the Internet. The child would be counted in enrollment for the number of hours required for the course. Any textbooks and other curricular materials provided to public school students would be provided to the student. Also, a child enrolled for at least three credit hours (four if the school isn't on a block schedule), meets the minimum grade point average and takes all statewide assessment tests required, would be authorized to participate in extracurricular activities that the public school provides.

House Bill 3188 would define the period of driver's license suspension for a student who withdraws from school. It would prohibit the Division of Motor Vehicles from reinstating the license before the end of the semester following the semester in which the withdrawal occurred. Under current law, withdrawal is defined as more than 10 consecutive or 15 total days unexcused absences during a school year.

Locating Bill Status

The Legislature's website has implemented 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.)

to be issued only to cover the time the person is authorized to reside in the United States. The bill would impose a five year limit on such licensing.

Senate Bill 95 would increase the allowable length and width of motor homes, travel trailers and truck campers. The bill would require the Department of Highways Commissioner to publish annually the various maximum vehicle lengths with an official map of highways.

Senate Bill 399 would require criminal history checks for persons working with children on school property. The bill would require persons not employed by County Boards of Education but who work directly with children in grades K-12 to be fingerprinted by the West Virginia State Police. The fingerprints would then be run through a database to determine criminal history, if any.

Senate Bill 90 would increase the number of certain volunteer group sales exempted from consumers sales tax. Under the bill,



With over 1600 bills introduced each legislative session, the committee process serves as the foundation for future actions by both bodies.

photo: Martin Valent

volunteer fire departments and volunteer school support groups would be allowed to hold fundraisers up to 18 times a year as long as those fundraisers do not exceed a consecutive 84-hour period.

Senate Bill 107 would create a Back-To-School Sales Tax Holiday for school supply

purchases. The Tax Holiday would begin on the first Friday of August, 2003 and end the following Sunday. This would apply to items such as clothing, shoes, pens, binders and other school supplies costing less than \$100 each. Computer purchases up to \$750 would be exempt from taxation during this period as well.

**The West Virginia Legislature's
Reference & Information Center**

MB-27, Building 1, State Capitol Complex, Charleston, WV 25305-0591

**PRESORTED
STANDARD
U.S. POSTAGE
PAID
PERMIT NO. 1100
CHAS., WV 25305**