



WRAP-UP

The Newsletter of the West Virginia Legislature

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Volume XVIII, Issue 3 | January 31, 2007

Yesterday and Today: 75 Years Under the State Capitol Dome

by: Alicia Leonoro

The State Capitol has been located continuously in Charleston since 1932, and this July will mark the 75th Anniversary of the first meeting of the West Virginia Legislature under the dome.

The Capitol building itself, while operational for legislative sessions in 1932, was not fully architecturally complete. But, like the laws that govern our state, the building continues to be upgraded and maintained to ensure it stands as a source of pride for West Virginians.

Some 75 years ago, the Senate and House Chambers housed black walnut desks upon which each Senator and Delegate conducted their business. Lawmakers continue to conduct their business upon those same walnut desks except today they have the added benefit of laptop computers, wireless access and an electronic voting system.

But beneath this truly impressive integration of art and engineering, the hustle and bustle of the lawmakers and politicians still draw most of the attention.

The House and Senate Journals of 1932 quoted the 18th Governor of the state, William Conley, as he called the Legislature into an Extraordinary Session to take place on July 12th of that year, "You are indeed singularly honored to be the members of the first legislature to assemble in West Virginia's new Capitol building," he said. "It is my sincere belief that the same vision, thought and inspiration that guided those in planning and providing the



Rotunda & Grand Hallway Activity

Each day, numerous groups gather at the Capitol to share information about their respective causes. Lawmakers, staff and citizens can be found viewing booths throughout the rotunda as they make their way to legislative sessions and committee meetings.

photo: Martin Valent

funds for the erection of this magnificent edifice will guide you in your deliberations to the end that the legislation enacted by you will stand as a monument of relief to our citizens in similar manner as this building stands as a monument to the efforts of those who have made it possible."

Despite the stretch of time, bills introduced today are similar to bills from many years ago. Roads and transportation were of common discussion, and legislation through the sessions has led to the interstate systems of today.

The same holds true for education. In 1932, members from the North-Central region of the state were focused on advancing our first land grant higher education institution, West Virginia University. Today, the Mountain State hosts 11 publicly funded colleges and universities that share the same ideals, practices and programs to ensure West Virginia scholars are equipped to meet the demands of the 21st Century.

Specific items on the agenda of the 1932 Extraordinary Session included delinquent land sales, fees for "feeding and keeping prisoners" and an emergency revenue measure to balance the state budget, and to "raise an additional sum of \$500,000... to be applied to the relief of unemployment over a specified period."

See **Under the Dome**, pg. 4



In the House

As of 4:00 p.m., Wednesday, January 31, 2007, the 22nd day of the 2007 Regular Session, 777 bills have been introduced in the House of Delegates. Of those, a total of 11 have passed the House and will now go to the Senate for its consideration. Bills passed this week include:

House Bill 2332 would clarify that magistrate courts have concurrent juvenile jurisdiction with the circuit court with regard to enforcement of laws prohibiting the possession or use of tobacco or tobacco products by minors. The bill would also give concurrent juvenile jurisdiction to municipal courts.

House Bill 2526 would allow acupuncturists to form professional limited liability companies (PLLCs). By code members of PLLCs are not liable for debts, acts, claims or omission of the PLLC or of the other members. The members must all be licensed professionals of the same or compatible practices, and the boards that license the members must promulgate a legislative rule to provide for procedures for the formation and approval of PLLCs.

House Bill 2698 would allow the Board of Barbers and Cosmetologists to increase fees for one year. No increased fee may exceed \$100.

A Sampling of Bills Introduced In the House

House Bill 2435 would prohibit the possessing, importing, selling or offering of candy or fruit-flavored cigarettes in this state, provided the prohibition does not include menthol or regular tobacco cigarettes.

House Bill 2533 would create a Special Revenue Fund to be used for urban and rural mass transportation. The creation of the fund would increase the daily tax to be collected on rental cars, provided that 66 percent of the tax collected on rental cars would be deposited in the Special Revenue Fund.

House Bill 2541 would allow county commissions to adopt an ordinance to allow a single board of directors for emergency and fire services. The commission would have to determine the board of directors who would provide services in the best interest of the county citizens. The board would have all the powers, duties and responsibilities of providing fire and emergency medical services.

House Bill 2548 would authorize the Supreme Court of Appeals to promulgate rules to establish and implement a uniform bail schedule. If a person would utilize the uniform bail schedule to post bond and obtain a release, the person would have to appear before a magistrate on the next judicial day. Failure to appear before a magistrate will result in forfeiting the posted bond and other penalties prescribed by law.

House Bill 2549 would create the Purchasing Improvement Fund to receive a share of rebates received from purchasing card vendors. The fund would allow the use of purchasing cards for regular routine payments, travel and emergency purchases.

House Bill 2550 would ensure the members of the West Virginia State Police, who are called back to work when off-duty, are compensated for those hours, and would guarantee a minimum of two hours pay or actual hours worked pay, whichever is greater.

House Bill 2557 would provide a two-tiered personal income tax credit for parents who provide home or private schooling for their children. A tax credit would be placed against the parent's personal income tax of \$500 per child for providing home schooling and \$1,000 per child for providing private schooling.

House Bill 2565 would prohibit the delivery or distribution of illegal drugs to students

inside of or within 1,000 feet of a West Virginia school. Violators would be found guilty of a felony and may receive a one to five year sentence in a state correctional facility.

House Bill 2567 would allow a political candidate to place campaign signs within highway rights-of-way, provided the sign is in the candidate's political district, temporary, lightweight and meets a certain measurement requirement. The sign would be displayed 45 days prior and seven days after an election.

House Bill 2572 would allow the Commissioner of Health to prohibit the establishment of new methadone treatment programs and clinics after July, 1 2007, except those operated by comprehensive community mental health centers.

House Bill 2584 would dedicate a portion of the receipts from the tax food products to be distributed equally to each district of the Division of Highways. Effective July 1, 2007, the bill would allow secondary road maintenance including but not limited to: road repair, tar, chipping, gravel replacement, ditch cleaning and brush removal.

House Bill 2699 would provide inspections of primary and secondary schools by local boards of health may be reported to the principal of the school, county superintendent and president of the county school board. The bill would also provide inspections be reported to people of like responsibility in the case a private, parochial or church school is inspected. Inspection standards would be established by the Commissioner of the Bureau for Public Health.

House Bill 2700 would permit magistrates to carry concealed handguns without a permit. Under current code, circuit judges and prosecuting attorneys are allowed to carry concealed handguns without a permit.

House Bill 2718 would authorize table gaming activities in West Virginia at existing pari-mutuel racetracks if voted on and passed in local option elections.

House Bill 2756 would require any person incarcerated in jail to reimburse the county for costs incurred during the first five days of their jail stay.

House Bill 2764 would establish criminal history checks and fingerprint records for applicants of insurance producer licenses.

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In the Senate

As of 4:00 p.m., Wednesday, January 31, 2007, the 22nd day of the 2007 Regular Session, 416 bills have been introduced in the State Senate. Of those, 14 have passed the Senate and will now go to the House for its consideration. Some of the bills passed in the Senate and sent to the House this week are:

Senate Bill 148 would provide that breast-feeding is not considered public indecency. Previously, there was no such exception; under the letter of the law, breast-feeding would have been considered indecent exposure, punishable by a 90-day jail sentence and/or up to a \$250 fine.

Senate Bill 205 would clarify language relating to domestic protection orders. The bill would include as any unwanted, non-physical communication with a protected person or child a violation of a protective order. This definition would cover phone, voice mail, e-mail and any other means of communication.

Senate Bill 217 would extend the time for the Piedmont City Council to meet as a levying body. The bill would allow the council to meet as such a body from March 7 to 28 and from April 17 to May 31.

Senate Bill 218 would make supplementary appropriations of federal funds to various state entities. Specifically, this bill would make appropriations to the Secretary of State's Election Fund (\$2.5 million), the Division of Motor Vehicles (\$2,334,857) and the Supreme Court of Appeals (\$400,000).

A Sampling of Bills Introduced In the Senate

Senate Bill 215 would provide tax deductions for interest paid on student and automobile loans. One may use the amount paid in interest on a loan for higher education or an automobile for personal use to reduce their federal adjusted gross income.

Senate Bill 334 relates to the employment of athletic or extracurricular activities' coaches. Persons employed in the public schools as

athletic or extracurricular activities coaches, but who are not regular professional employees, would continue to be employed in the same position without the position being posted if they have served in the position for three years and received satisfactory evaluations.

Senate Bill 338 would expand the number of newborn disease screenings from eight to twenty-nine, which is recommended by the March of Dimes and America Academy of Pediatrics. This expansion would be phased in over a two-year period.

Senate Bill 340 relates to procedure for authorizing branch banks. The Board of Banking and Financial Institutions and the Commissioner of Banking would determine whether a bank has a significant supervisory concern or raises a significant legal or policy issue before making the decision to establish a bank branch. The West Virginia Board of Banking and Financial Institutions and the Commissioner of Banking must apply standards that are similar to federal bank regulators.

Senate Bill 344 would require employees who sell alcoholic beverages to take alcohol awareness courses. Any employee who is hired on or after July 1, 2007, would be required to participate in the education and alcohol management program (TEAM), or other similar alcohol awareness education programs provided or approved by the commissioner, within 60 days of employment and every three years thereafter. Employees already employed must participate in the program by July 1, 2008.

Senate Bill 348 relates to mine trip cars used to transport miners to a working section. These would have to be maintained at the working section and would have to have sufficient capacity to transport all miners out of the working section in the event of an emergency.

Senate Bill 353 would reduce state vehicles' petroleum-based fuel consumption through improvements in fleet fuel efficiency, the use of alternative fuel vehicles and the use of alternative fuels. The bill would see a goal to reduce fuel consumption for state-owned

vehicles to 80 percent of their 2006 level by 2010 and for state subdivisions to 80 percent of their 2007 levels by 2015.

Senate Bill 356 would require licensing of plumbers and fire protection workers. The intent is to protect the health, safety and welfare of the public as well as public and private property by assuring that those who perform plumbing and fire protection are licensed by the State Fire Marshal.

Senate Bill 359 would allow public employees to have certain paid leave as a volunteer firefighter. State employees who are members of volunteer fire departments would receive paid leaves of absence during times when they are required to respond to emergencies during their regular work hours. The bill would allow up to 25 hours of paid leave in one calendar year.

Senate Bill 360 would extend the time that local levying bodies may meet. Each local levying body must hold a meeting or meetings between March 7th and 28th for business transactions. During the primary election, consideration for extending the meeting time will be on the ballot and will be voted on.

Senate Bill 368 would enact the Food Security Act. This act would provide a tax credit for qualified donations, bargain sales of fee interest in real property or a conservation easement, located in West Virginia, by a landowner taxpayer to a public or private conservation agency.

Senate Bill 371 would exempt certain professional services from the consumer sales and service tax. These exemptions would apply to selling tangible personal property, custom software and the furnishing of all services, except professional and personal services.

Senate Bill 372 would provide automatic court-ordered transfers of marital property titles upon divorce. The court-ordered transfer would have to be filed with the county clerk who would then attach it to any applicable legal title to property.

Senate Bill 379 would establish criminal history checks for people applying to be a home state insurance producer. This bill would authorize the Insurance Commissioner to establish and collect fees and require applicants to submit fingerprints. The Insurance Commissioner could then transmit fin-

West Virginia Legislature's Web site

Designed to strengthen your connection to West Virginia's legislators and the laws that govern this state, the West Virginia Legislature's Web site provides you with access to various resources, including contact information, legislation and educational materials. The Legislature's online Bulletin Board maintains prompt information during legislative sessions through the Legislature's Calendars, Meetings, Abstracts, Indexes and Journals. Citizens also can view the entire West Virginia Code, interactive district maps, committee agendas and membership information at: <http://www.legis.state.wv.us>

Under the Dome - continued from pg. 1

In comparison, the same issues addressed in the 1932 Special Session continue to be fine-tuned today. Presently, the 2007 Regular Session has already seen four bills introduced concerning property taxation, 23 measures introduced covering the state's correctional system, two bills introduced regarding unemployment compensation, the state's budget bill as well as 1,163 other pieces of legislation.

In essence the State Capitol Complex is not only a beautiful place, but ongoing development of West Virginia is also progressing there each day of the session. As the saying goes, the more things change, the more they stay the same. However, West Virginia's foundation is being maintained and enhanced by today's lawmakers who sit in the same chambers as those who served 75 years ago but who come equipped with 21st Century ideas.

In the House - continued from pg. 2

The bill would authorize the Insurance Commissioner to establish fees, collect fees and submit applicant fingerprints to the State Police and Federal Bureau of Investigation. Certain records would have to be kept confidential.

House Bill 2773 would establish a recycling program for beverage containers to reduce litter across the state. The bill would require a dealer who regularly sells beverages in a returnable container to collect a 10-cent deposit, and in turn submit the deposit to the Department of Environmental Protection on a monthly basis.

House Bill 2777 would provide a 2.5 percent pay increase for teachers and school service employees for the 2007-2008 school year. The bill would also increase the annual bonus paid to classroom teachers who are nationally board certified from \$2,500 to \$3,500. The pay increase for service personnel will only occur if the person was employed by a county board of education Jan. 1, 2007 and still employed by Sept. 30, 2007.

In the Senate - continued from pg. 3

gerprints to the State Police and Federal Bureau of Investigation. Certain records would be kept confidential.

Senate Bill 388 would establish the procedures for allocating the costs of medical support between the responsible parties in a child support order. This bill also would provide guidelines for setting the medical support, including premium costs.

Senate Bill 390 would provide a criminal penalty for a parent who engages in the manufacture, possession or distribution of a controlled substance while a child is present in the home. Any person who engages in this activity would be guilty of a felony and, upon conviction, would be imprisoned in a state correctional facility for 10 to 35 years.

Senate Bill 400 would create additional circuit judgeships consistent with recommendations from the National Center for State Courts. The judicial circuits that would be affected include: the 5th, 9th, 10th, 13th, 19th, 22nd, 23rd, 24th, 26th, 27th and 30th.

The West Virginia Legislature's Office of Reference & Information

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