



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## During Session, Per Diem Staff Helps Power the Legislative Engine

by: Erin Loucks

For most of the year, the Statehouse is empty and quiet, footsteps echoing off the marble walls. There are 200 employees who work year round for the West Virginia Legislature, but come January the number doubles. Per diem employees fill half of the jobs needed to make the legislative sessions run smoothly. Some of these employees have developed a passion for the legislative process, making it a memorable part of their year.

One office that consists entirely of per diem employees is the Journal Room. The House and Senate Journal Rooms combined employ 19 people during the busy session in a room filled with wooden cabinets and cubby holes that looks more like a mail room than the heart of bill dispensing. These dedicated workers have come back year after year to do a job they look forward to each January. Even with technology becoming part of the system, the Capitol could not do without these employees to disseminate copies of legislation and information to anyone who desires it.

Some have been working in the Journal Room for decades, but they continue to practice their civic duties because over the years they have become a family and appreciate the knowledge they gain from working at the Capitol. Most of the Journal Room staff is retired and their annual return gives them a chance to meet with their friends for a few months of the year, earn some extra money and share their knowledge with people new to the lawmaking system.

"It's like coming home to a second family," one employee commented.

They converge from different parts of the state for a few months out of the year and after the session is adjourned, return home to be homemakers, grandparents and retirees.

According to the per diem staff, their duties are sometimes tedious. However, their responsibilities are crucial to everyone housed in the Capitol.

Every other year, the House has carryover bills that are reintroduced in the next session. The employees arrived a week prior to the start of the session to reprocess carryover bills, 646 this year, and to start renumbering. Thousands of old bills are removed from the



### Senate Journal Room

Every day during the 60-day Legislative Session, the Senate Journal Room staff busily sorts through newly delivered bills and daily journals. Though many of their duties are time-consuming and tedious, the employees are well aware of the importance of quickly disseminating copies of legislation and journal information.

photo: Shane Evans

bins and recycled after all enrolled bills are taken to the clerks office two weeks after session has adjourned. The Journal Room clerks process all of the new bills, originals and copies of all of them. They also put the House Journals together every day, stock 200 and send the others to Delegates' mailing lists. Abstracts of introduced bills by number are published daily and then set on tables so the public can keep up-to-date on the actions of the Legislature. The abstracts also make it easier for visitors to know which bills they want pulled.

The Senate bill clerks' duties include collating the rule making bills and filling the floor books for all 34 Senators each morning. The floor books contain readings, status sheets and bills on the calendar. These books allow the Senators to receive all the information they need on a daily basis.

As the bills change and take on different forms, the Journal Room staff constantly updates the shelves so that the most current versions of the bills are on top. The clerks also are in charge of the lobbyists' paid boxes and stock them daily with all of the bills introduced that day. The House has 40 boxes to stock and the Senate has 60, with 20 going to committees. The Journal Room sends out thousands of bills and journals to mailing lists each week.

The bill clerks' mornings in the Journal Room are always busy because the new bills arrive and must be sorted and placed into their own cubby hole, 250 copies of each bill to be exact. Like any other job, it has its spurts of excitement and down time. The final two weeks of session receive the most traffic this office will see because it brings the end of bill introduction. Journal Room clerks must stay a few weeks after session has ended to organize all the enrolled bills and get rid of old bills, but to them, that just means more time to spend working with old friends before it's all over.

See **Journal Room**, pg. 4



# In the House

As of 4:00 p.m., Wednesday, February 8, the 29th day of the 2006 Regular Session, 1,104 bills have been introduced in the House of Delegates. Of those, 42 bills have been passed by the House and sent to the Senate for its consideration. Some of the bills that have passed this week are:

**House Bill 4112** would extend the time for the County Commission of Mineral County to meet as a levying body, set the levy rate and certify its actions to the Tax Commission until May 16, 2006.

**House Bill 4133** would give magistrate courts concurrent juvenile jurisdiction with circuit courts in enforcing the laws prohibiting the possession or use of tobacco or tobacco products by minors. The measure also gives concurrent juvenile jurisdiction to municipal courts.

**House Bill 4239** would continue the West Virginia Division of Unemployment Compensation. The purpose of the division is to administer unemployment compensation services through the collection of employer contributions and the payments of benefits to eligible people.

**House Bill 4308** would limit the definition of conviction for purposes of administrative license revocation proceedings for individuals driving under the influence of alcohol, controlled substances or drugs.

**House Bill 2607** would add sickle cell anemia and congenital adrenal hyperplasia to newborn screening requirements.

**House Bill 4106** would correct the special one-day license provisions for the sale of wine by a distributor to be for a non-retailer, such as a non-profit organization.

**House Bill 4008** would authorize existing city and county housing authorities to merge to form a regional housing authority. This merger would be authorized through the creation of a joint resolution that includes transfer of assets and liabilities, membership of authority and adoption of plan of the merger.

**House Bill 4096** relates to the amount of an appeal bond. The measure would limit bond amounts, consolidate multiple judgements for bonding purposes and provide exceptions to bonding limitations.

**House Bill 4353** would require law enforcement officers to have a valid complaint, signed by a magistrate or municipal judge, with showing of probable cause before reporting said offense to the Commissioner of the Department of Motor Vehicles.

**House Bill 4392** would continue the West Virginia Conservation Agency. The purpose of the agency is to coordinate statewide conservation efforts, which include controlling floods, conserving West Virginia's natural resources and wildlife, and protecting public lands.

**House Bill 4296** would provide an employer immunity from liability for disclosing job-related information concerning an employee or former employee to a prospective employer. The measure also would require written disclosure of the job-related information and provide for the correction of false or misleading information.

**House Bill 4368** would allow the Alcohol Beverage Control Agency Commissioner to investigate and impose penalties against licensed wine sellers for violations. The measure also would allow for the assessment of optional penalties in addition to revocation or suspension of a license. However, if the violation is willful, the license would be revoked.

## A Sampling of Bills Introduced In the House

**House Bill 4357** would make it a misdemeanor to lie to a deputy sheriff or municipal police officer who is conducting an investigation of a felony. An individual who is convicted of this misdemeanor would be fined no more than \$500 and/or confined in jail for no more than one year.

**House Bill 4370** would authorize volunteer and part volunteer fire departments to create a fund to recognize their volunteers with an award for their years of service.

**House Bill 4389** would require county clerks to notify property owners of the existence of a lien filed against their property. The measure further requires a fee of \$1 for filing a lien and if a county clerk fails to notify an individual of the lien, he or she is liable for the amount of any injury the person may receive because of the failed notice. The injured individual also may choose to recover \$50 from the clerk or justice.

**House Bill 4394** would designate April 1 of each year as "Coal Miners Memorial Day" and make it a state holiday.

**House Bill 4406** would remove the requirement to evaluate classroom teachers who have five years experience and no unsatisfactory evaluations for at least three years. This measure also would allow these teachers to only be evaluated when the principal determines it is necessary or if the teacher wants to be evaluated.

**House Bill 4444** would permit land grant university researchers performing research to plant ginseng seed and to dig, collect or gather ginseng on state public lands while providing exceptions to the permit requirements for growing and digging the herb. This measure also creates an expiration date for ginseng dealer permits.

**House Bill 4455** would prohibit any person who deals in children's products from re-manufacturing, retrofitting, selling, contracting to sell or otherwise placing in the stream of commerce, unsafe children's products. This measure also would require the Bureau of Public Health to provide an updated list of children's products considered to be unsafe as well as a list of presumptions of certain children's products. An individual who violates the provisions in this measure would be guilty of a misdemeanor and fined between \$100 and \$500 if convicted. A second or subsequent offense would result in being fined between \$500 and \$1000 if convicted.

### The West Virginia Legislature's Reference and Information Center

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# In the Senate

As of 4:00 p.m., Wednesday, February 8, the 29th day of the 2006 Regular Session, 539 bills have been introduced in the Senate. Thirty-one bills have been passed by the Senate and sent to the House for further consideration. The following 13 bills were passed by the Senate since Thursday, February 2:

**Senate Bill 57** would allow a county commission or municipality to request the Commissioner of Highways to designate and operate a traffic control signal as a flashing signal. The Division of Highways would review the request and either grant the request or deny the request in writing. If the request is approved, the county commission or municipality initiating the request would be responsible for the costs incurred by the Division of Highways.

**Senate Bill 174** would clarify the earnings information required for the State Police Death, Disability and Retirement Fund. This bill would require that the board annually examine any information available from the State Tax Commissioner as it relates to recipients' disability benefits. Also, the provisions of this bill would provide for the termination and recovery of benefits for misrepresentation.

**Senate Bill 364** would continue the West Virginia Jobs Act and require that the Division of Labor file annual reports. The Division of Labor would have to compile the information and submit it annually to the Joint Committee on Government and Finance by October 15.

**Senate Bill 441** would, for the most part, prohibit public display of autopsy photographs allowing publication only in situations when an authorized individual has provided written authorization for the public display of the autopsy photograph. If violated, this bill would allow plaintiffs to seek civil action and recover monetary damages for violations.

**Senate Bill 442** would change the requirements for obtaining a graduated driver's license by changing the expiration date of

level one and level two licenses. A level one instruction permit applies to an applicant who is 15 years old and is valid until 30 days after the date the applicant turns 18.

**Senate Bill 444** would require that each person occupying a residence or operating a business should use a solid waste collection service and pay the fees established for disposal of solid waste as a defense to a violation of disposal law. Also, this bill would require that those disposing of waste provide proper proof that they have properly disposed of solid waste at least once within every 30-day period. Upon conviction, he or she is subject to a fine of \$50- \$1,000 in addition to the unpaid fees for every year that a fee is not paid.

**Senate Bill 461** would require that issues of water supply apply to both surface and underground mining operations. If passed, the operator conducting a mining operation would be required to provide an emergency drinking water supply within 24 hours, provide temporary water supply within 72 hours and, within a 30 day period, begin to establish a permanent water supply or submit a proposal outlining the measures and timetables to be utilized in establishing a permanent supply.

**Senate Bill 479** would expand the funeral expense payment benefit to include all probation officers killed in the line of duty. With the previous passage, the provisions of this bill applied to any safety or emergency worker killed on or after the January 1, 1999, while carrying out his or her official duties.

**Senate Bill 480** would increase the amount of time that defendants have to pay costs of criminal proceedings. A defendant who has been involved in criminal proceedings for which he or she has served time in jail or prison would not be held liable for the fines and court costs until 180 days after the completion of a jail or prison term.

**Senate Bill 481** would allow any protective order issued by a court of this state, which is served outside the boundaries of this state, to carry the same force and effect as

if it had been personally served within this state's boundaries.

**Senate Bill 483** would provide that records of guardian proceedings that involve minors would not be disclosed to any person who is not a party to the proceeding, counsel involved or person presiding over the proceeding. This bill would aim to ensure confidentiality of circuit court records involving guardianship of minors.

**Senate Bill 484** would authorize the use of community corrections programs in pre-trial supervision. If passed, counties and municipalities would have the ability to establish and operate community corrections programs to be used prior to trial as a condition of bond in circuit and magistrate courts. The chief judge would be required to certify that the community corrections facility is available for use in connection with the imposition of pretrial bond conditions.

**Senate Bill 539** would increase the professional qualifications required for the position of Director of the Office of Miners' Health, Safety and Training. The requirements for the position would require that the candidate be a citizen of West Virginia with a demonstrated interest and five years' education, training or experience in underground coal mining safety.

## A Sampling of Bills Introduced In the Senate

**Senate Bill 475** would require routine inspections of acupuncture facilities to be conducted by the West Virginia Acupuncture Board. If the board were to find that a person has violated a rule promulgated under the provision of this bill, the board would be able to take action against the acupuncture facility as if a written complaint had been filed against the person with the board. That person would have 20 days to file a written response to the complaint. Thereafter, the board would investigate the issues.

**Senate Bill 490** would exempt the Excise Tax on gasoline or special fuels sold to county aging programs as defined by the Older Americans Act and designated by the Bureau of Senior Services.

**Senate Bill 521** would allow the Natural Resources Commission to promulgate rules to permit and regulate the hunting of white-tailed deer in any state park. To do so, the Natural Resources Commission would have to protect the ecological integrity of the area.

## 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>

## Journal Room - continued from pg.1

The Senate and House Journal Rooms were at one time separated and located next to their respective chambers. The rooms were much smaller, making it more difficult to stay organized. The introduced bills were in tall metal cabinets that could only be accessed by one person at a time by ladder. Other bills had to be stored in a closet with dividers, and when someone needed to find a bill they would have to crawl on the floor to retrieve the bill. Now it is much more automated and efficient for the journal clerks to find what they need. With more space in a larger room that combines House and Senate bills, the staff has a better system to store and number the bills without having to dig through the stacks.

Many people come to the Journal Room before they go anywhere else to collect bills, but the number has dropped since the bills have become available on the Legislature's Web site.

Computers also have allowed bill drafters to work at a quicker pace. Changes in bills become easier and the new versions reach the journal room in a more timely manner. While computers have made the search for bills much easier and convenient, some believe there is no substitute for hard copies.



### House Journal Room

House Journal Room staff refill bill boxes with the most recent versions of bills.

photo: Shane Evans

A portion of the population does not have access to the Internet and many citizens rely on having a bill in hand while visiting their lawmakers. The Journal Room acts as a depot for lobbyists, citizens and lawmakers

to obtain hard copies of these valuable informational materials. And, like all Per Diem staff hired during legislative sessions, the Journal Room employees are a crucial piece of the legislative process.

## The West Virginia Legislature's Office of Reference & Information

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