



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## State Legislature Salutes Veterans For Their Uncommon Valor

by Kacie Daniels

In recognition of the extreme sacrifices made by the men and women of the United States Military, members of the Legislature deemed Monday, Feb. 22 Veterans' Visibility Day to honor the state's sons and daughters who dedicated themselves in service to this country... and ultimately to each West Virginian.

While many young people associate our country's defense with the September 11, 2001, terrorist attack on the World Trade Center and the Pentagon, few remember the sacrifices made by the generations who paved the road to freedom. Because of their valor, courage and sense of loyalty to the United States, America has become a great nation.

As such, both the House and Senate introduced and adopted resolutions commemorating West Virginia veterans of all wars and conflicts in special floor ceremonies. In attendance were individuals representing the Veterans of Foreign Wars, Order of the Purple Heart, Vietnam Veterans of America, Korean War Veterans Association, the West Virginia Veterans Coalition, the Barboursville Veterans' home and the West Virginia Marine Corps, to mention a few of the groups participating. Of the 25 million veterans currently alive, nearly three of four veterans have served during a war or an official period of hostility, which is about an eighth of the nation's population.

Aware of the sacrifices made by service personnel, lawmakers acted on measures designed to support, acknowledge and address some specific issues facing these men and women.

As a result of overwhelming support from citizens in approving an amendment to the State Constitution entitled the Veterans Bonus Amendment of 2004, lawmakers passed a measure which will allow a funding stream to provide cash bonuses to veterans of the Kosovo, Afghanistan and Iraq conflicts in line with prior support for West Virginia soldiers of all wars and conflicts.



Members of various state veterans' organizations look on as lawmakers recognize West Virginia veterans and current military service personnel during West Virginia Veteran's Visibility Day, held every year to commemorate the service and valor of these men and women. photo: Martin Valent

House Bill 2285 will provide a bonus of \$400 or \$600, depending on whether a veteran fought inside or outside a combat zone.

Another bill passed this week relates to the time-honored tradition of playing Taps. In 1874, the playing of Taps was officially recognized by the United States Army and soon thereafter became a somberly routine occurrence at military funerals. For many throughout the years, the notes played by lone buglers stirred profound memories and evoked strong, long standing emotions. And today, Taps lingers as one of the most easily-recognizable and historically-significant melodies in American history.

**"There is something singularly beautiful and appropriate in the music of this wonderful call. Its strains are melancholy, yet full of rest and peace. Its echoes linger in the heart long after its tones have ceased to vibrate in the air."**

- Master Sergeant Jari A Villanueva, Military Bugler and Brass Historian speaking in reference to the playing of Taps.

Sadly though, qualified musicians for military funerals have become increasingly scarce in recent years. Recognizing and embracing the long and rich tradition of Taps, state lawmakers passed a bill intended to fill this regrettable void. House Bill 2286 encourages and rewards West Virginia students to play Taps at military funerals.

The State Board of Education will work with county school boards and state colleges and universities to implement programs in schools designed to train students in this most distinguished service. Students could receive community service hours and excuses from school for any time spent at a funeral during school hours.



# In the House

As of 4:00 p.m. Feb. 23, 2005, the 15th day of Regular Session, 623 bills have been introduced in the House of Delegates. Of those, 12 have passed the House and will now go to the Senate for its consideration. Some include:

**House Bill 2444** would make a DUI conviction dependent upon the finding of guilt or a no contest plea. The bill also would require anyone who is convicted of more than one DUI during a 10-year period to participate in the Motor Vehicle Alcohol Test and Lock Program for Repeat Offenders. The program would order a Breathalyzer device in any vehicle the person drives and would keep the vehicle from functioning if the device detects any alcohol. The person also must blow into the device intermittently while driving. Existing law revokes the person's license for growing periods of time with each conviction.

**House Bill 2328** would allow written advisory opinions and rulings from the West Virginia Ethics Commission Committee to be used as an absolute defense in certain criminal actions and to set precedence for similar rulings. This bill would strengthen the rulings of the Commission Committee and reduce duplicate decisions.

**House Bill 2177** would establish a new state license plate to designate city or municipality law enforcement officers. Each municipality would be required to submit a list of law enforcement vehicles to the Commissioner along with a \$10 fee for each vehicle.

**House Bill 2333** would establish a program that limits liabilities which could arise for a landowner during the reclamation of land or the curtailing of water pollution. The bill would allow exemptions from liability for persons who provide reclamation equipment. These measures are being proposed to encourage the voluntary reclamation of lands that have been negatively affected by mining, aid in the protection of wildlife, decrease soil erosion, aid in prevention, lessen the pollution of rivers and streams, protect and improve the environmental values of citizens and to eliminate health and safety hazards.

**House Bill 2449** would allow the West Virginia Board of Manufactured Housing Construction and Safety to continue until July 1, 2011. The Board, with six members and a Commissioner each appointed by the Governor, oversees manufacturer licenses, dealers and manufactured home installers that conduct business in the state. The Board also revokes or suspends licenses in accordance with set standards, and sets the amounts of license fees and bonds.

## Fire Fighting and Prevention

**House Bill 2513** would increase a surviving spouse's death benefits under a municipal police officer's or firefighter's pension from 60 to 80 percent of the member's pension. The surviving spouse or dependents of any member who dies from service rendered through the member's duties would receive the same death benefits as a member who has been in continuous service for more than five years. This would be regardless of the length of the member's service, or whether that member was receiving disability pension or temporary disability payments at the time of his or her death.

## Food and Food Services

**House Bill 2580** would implement a plan to phase out the consumer sales tax on food over a 10-year period. If passed, beginning July 1, 2005 and each following year, the general consumer sales and service tax on food would be reduced by the same amount of the increase over last year's revenue collections of the tax.

## Funds

**House Bill 2506** would create the West Virginia Military Family Relief Fund. The Department of Tax and Revenue would place a provision on West Virginia personal income tax returns for taxpayers to designate a portion or all of his/her tax refund to the West Virginia Military Family Relief Fund. The Department of Military Affairs and Public Safety, with the advice of the Adjutant General, would have the power to make grants from the Fund to families of members of the West Virginia National Guard and to residents of this state who are members of the reserves of the Armed Forces of the United States who have been called to duty since Sept. 11, 2001. Funds paid into the account also would be derived from interest to the account, or any gifts, grants, transfers or other donations which may be received from any governmental entity or any person, firm, foundation or corporation. Any interest or other earnings would remain in the Fund at the end of any fiscal year and would not revert to the General Fund.

## Legislature

**House Bill 2003** would restrict legislative members' expense claims the following ways: Current interim compensation would be reduced; only "reasonable and

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### A Sampling of Bills Introduced In the House

#### Education

**House Bill 2461** would require county superintendents of schools to maintain a database of each student who drops out of school before completing his or her degree. At the end of each semester, the County Superintendent would report the names and mailing addresses of students who have dropped out of school to the State Superintendent of Schools and the Director of the Mountaineer Challenge Academy.

**House Bill 2463** would allow the State Superintendent to designate a geographical area a "School Choice Zone" if multiple school district transfer appeals were received from the same area. Any student residing in the "School Choice Zone" would be able to attend school in a neighboring county if they so chose.



# In the Senate

As of 4:00 PM, Wednesday, February 23, 2005, the 15th day of the 2005 Regular Session, 269 bills have been introduced in the Senate. Of those, five have passed the Senate and will now go to the House for its consideration. Some include:

**Senate Bill 153** would change the provision in Senate Bill 1003 that was passed during the first Extraordinary Session of 2005 which relates to the confidentiality of Ethics Commission proceedings. It would provide for and modify the penalties for breaching confidentiality and submitting false information. Anyone found disclosing confidential information is subject to sanction, which would prohibit future complaints from being filed from the violator. As well, anyone found giving false information or coercing someone to give false information could be sanctioned by the Commission.

**Senate Bill 213** would continue the Oral Health Program until July 1, 2007. Created within the Bureau for Public Health in 2002 with the passage of the Oral Health Improvement Act, it focuses on prevention and detection programs for oral cancer.

**Senate Bill 214** would continue the West Virginia Acupuncture Board until July 1, 2008. It was established in 1996 with the passage of the Acupuncture Act. Its purpose is to protect consumers by controlling the licensing and regulation of acupuncturists. It reviews all applicants to ensure only qualified individuals are permitted to practice acupuncture in West Virginia.

**Senate Bill 215** would continue the West Virginia Board of Accountancy until July 1, 2007. It became a state agency in 1959 to administer and enforce the provisions of the West Virginia Board of Accountancy Law. The Board issues and renews certificates, registrations, permits and administers the Certified Public Accountant (CPA) Examination.

## A Sampling of Bills Introduced In the Senate

### Acts

**Senate Bill 239** would establish a Joint Legislative Oversight Commission of Flooding, State Flood Protection Planning Council and a State Flood Protection Planning Advisory Committee. Duties of these committees and council would revolve around the prevention and cleanup of flood affected areas, as well as the planning of protocol for such an event.

### Banks and Banking

**Senate Bill 258** would require that the minimum monthly payment on credit cards be set at an amount equal to the monthly interest accrued on the outstanding balance. It is meant to protect the cardholder from going further in debt when paying only the minimum payment.

### Domestic Relations

**Senate Bill 208** would establish a marriage license discount for applicants who have completed a previously approved marriage counseling class. The courses would be four hours of instruction and cover conflict management, communication skills, financial responsibilities and children and parenting responsibilities.

### Education

**Senate Bill 212** would allow higher education professors to be eligible for incremental pay and also the annual increment increase awarded for experience that other state employees already enjoy. Those eligible would be any employee of a state institution of higher education, the Higher Education Policy Commission or the Council for Community and Technical College Education.

**Senate Bill 243** would require each county Board of Education to employ at least one full-time school nurse for every 1,500 students in grades kindergarten through 12.

Current law requires a nurse for students in grades kindergarten through seven.

### Floods

**Senate Bill 256** would require insurance companies to inform policyholders when their policies do not cover flood damages. It also would provide that policyholders be able to contact their agents or the National Flood Protection Program administered by Federal Emergency Management Agency (FEMA) to find out how to obtain coverage.

### Health

**Senate Bill 236** would require all staff at facilities providing services to residents in a care facility such as a nursing home to complete basic Alzheimer's disease and dementia training. The training would include a basic understanding of dementias, communication approaches, techniques, activities and programming appropriate for those with Alzheimer's or dementia. The curriculum would require information packets to be presented to and reviewed with staff and two hours per year of Alzheimer's disease and dementia training.

### Military Affairs

**Senate Bill 227** would allow active duty members in the United States Military an exemption from ad valorem taxes, better known as property taxes, specifically for a motor vehicle. The tax exception would be applied each to taxable year the person is in the military on active duty.

### Municipalities

**Senate Bill 237** would allow municipalities to increase the rate of the imposed hotel occupancy tax to no more than six percent. A municipality must hold a public hearing about a proposed increase before enacting it. At least 50 percent of the net revenue must be used for the promotion of conventions and tourism. The rest may be used for arenas, auditoriums, civic centers and convention centers; the payment of principal or interest or both on revenue bonds issued to finance convention facilities; the construction, operation or maintenance of public parks, tourist information centers and recreation facilities; the promotion of the arts, historic sites, beautification projects; or medical care. The bill would provide a misdemeanor penalty for those who use the funds collected from the tax for purposes not specified in the bill.

## West Virginia Legislature's Web site

Over the past year, the Legislature's Web site has undergone many changes to strengthen your connection to West Virginia's legislators and the laws that govern this state. By navigating the Legislature's Web site, you will discover how to contact your lawmakers, read bills online and track the status of specific legislation. 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>

**Veterans** - continued from pg. 1

Lawmakers also are working to honor other servicemen and women in a bill that was introduced in the Senate last week. The service of many of West Virginia's military personnel involves the National Guard, the oldest component of the Armed Forces of the United States and one of the nation's longest-enduring institutions.

Currently, there are roughly 6,100 West Virginians serving in the National Guard. More than 850 guardsmen are presently mobilized for active military operations, according to the Department of Military Affairs and Public Safety (MAPS).

The National Guard provides states with immediate resources and trained responses to disasters and equips the United States military with soldiers ready to protect the ideals of freedom and democracy. Understanding the importance the National Guard has on all aspects of West Virginians' lives, members of the Legislature introduced Senate Bill 252.

The measure, if passed by both bodies

would provide reimbursement for those Guardsmen who pay premiums to the federal Servicemembers' Group Life Insurance program, a group life insurance policy available for active duty servicemembers, ready reservists, cadets and midshipmen of the four service academies and members of the Reserve Officer Training Corps in an amount of up to \$250,000.

The bill would pay back the \$20 monthly premiums paid by those enrolled in the program as a way to recognize and support the efforts of our servicemen and women. The bill makes specific reference to the extended periods of active duty our National Guard members are facing, sometimes adding unintended financial burdens to their families. An appropriation of \$1.2 million is estimated to fully fund this program.

Recognizing the commitment of West Virginia veterans and members of the military has always been a top priority of the Legislature. Lawmakers continually work to pass legislation to lighten the burdens West Virginia soldiers are bearing daily in order to restore freedom throughout the world and to ensure West Virginia remains a safe, yet wild and wonderful place to call home.

**In the House** - continued from pg. 2

necessary" expenses from members would be repaid; receipts would have to be presented by legislative members to make expense claims; legislative members, with some exceptions, would not be able to receive a "per day" payment for more than three days during an extension of the Regular Session solely for budget consideration; travel expenses would be restricted to the continental United States; with certain exceptions, no more than five members of each house would be reimbursed for travel to any one event; and, a legislative member would not be eligible for travel more than once a year.

**West Virginia on the Move Program**

Current total steps as of 2:00pm  
Wednesday, Feb. 23, 2005:

House of Delegates - 4,716,089  
Senate - 3,799,956  
Governor's Office - 1,242,437

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