



WRAP-UP

The Newsletter of the West Virginia Legislature

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Varied Demographics of Legislature Reflect Diverse Citizenry

by Ann Ali

Representatives gather every January under the state's Capitol dome in Charleston to take part in West Virginia's democratic process; each individual earning his or her respective seat by a margin of victory through an election by the people. A glance at the members of the West Virginia Legislature returns no striking observation, but upon closer examination, that collective body is a reflection of the diverse citizenry it is sent to represent.

A vibrant picture of West Virginia's residents is reflected through the analysis of the professions pursued by members of the Legislature. Being a legislator is more than attending legislative sessions and voting on proposed laws. State legislators spend large amounts of time assisting constituents, studying state issues during the interim and campaigning for elections, but West Virginia's Legislature is considered a part-time citizen Legislature, since the members hold jobs outside politics throughout the year.

This type of citizen Legislature is traditionally found in more rural states with smaller populations, such as Vermont and Kansas. The legislators found most commonly in this year's session are attorneys and businessmen and women. Eighteen members are retired, from such various fields as nursing, education, business ownership and broadcasting and 12 members are current educators. Three members claim farming as their business along with three bankers. There are members who are pharmacists, physicians, professional drivers and public relations specialists.

Most religions are represented through this Legislature as well. Forty members are Methodist, 26 Catholic, 14 Protestant and 13 are Presbyterian. There are members who are also Jewish, Mennonite, Wesleyan, Serbian Orthodox and members of the Church of Jesus Christ of Latter Day Saints.



On Wildlife Diversity Day at the Capitol, lawmakers, employees, school children and visitors had the unique opportunity to learn about, observe and interact with some of the Mountain State's most extraordinary native wildlife. Inhabiting the Rotunda for a day were eagles, hawks, owls, snakes, fish, insects and an opossum. Also, interactive educational displays were provided by various groups that work to manage and preserve West Virginia's wildlife.

photo: Shane Evans

A 2003 U.S. Census Bureau estimate of West Virginia's population is 1,810,354. At 134 members, the Legislature represents a tiny fraction, but is very representative through the convergence of each member's individuality. Only 3.2 percent of West Virginia's population in 2000 consisted of African American persons and 14.8 percent of West Virginians held a Bachelor's Degree or higher; two members of the Legislature in 2005 are African American and 121 of the 134 members hold a Bachelor's Degree or higher, by comparison. Of those members, 32 received that degree from an institution outside the state.

Membership in various organizations is also represented through the members of the WV Legislature, including 24 members of the National Rifle Association and 35 members who served in the U.S. Military. Eleven members are also Masons, and many members belong to the Lions Club, Moose Club, and Veterans of Foreign Wars.

Members of the Senate often get a start by serving in the House of Delegates first. Fourteen of the current 34 Senators were Delegates first, and an interest in politics could have been cultivated even earlier for the six members of the Legislature who had a parent or grandparent in the Legislature. Eighteen members were appointed to a position in the Legislature at some time and 25 of the current membership were born outside of West Virginia.

No population would be complete without interesting quirks and the Legislative members are no different. Some member belong to the Harley Owners Association, are former WVU Football stand outs, Herndon Interns, delegates to the Peoples Republic of China, Hunter's Safety Class instructors, Civil Air Patrol members, Knights of Columbus,



In the House

As of 4:00 pm, Wednesday, March 23, 2005, the 43rd day of the 2005 Regular Session, 1,181 bills have been introduced in the House of Delegates. Of those, 19 have been passed by the House since March 16th and sent to the Senate for its consideration. These include:

House Bill 2229 would provide for the temporary detention of juveniles who are named in an emergency domestic violence protective order. Created in response to situations in which a juvenile is accused of domestic violence and magistrates are unwilling to detain the accused, this legislation would provide that a law enforcement official could take custody of a juvenile who is named in an emergency protective order by the juvenile's parent or guardian. The detaining officer would be required to notify the Department of Health and Human Resources immediately and could detain the juvenile only in a non-secure or staff-secure facility.

House Bill 2522 would permit the operation of mini-distilleries, establishments that produce less than 20,000 gallons of alcoholic liquor annually, in West Virginia. The bill would require that at least 25 percent of the ingredients used to make the

product are grown on the premises and would provide that no more than 25 percent of the ingredients used originate outside of the state. Under this legislation, mini-distilleries would be treated similar to farm wineries by allowing distillers to offer samples of and sell their products at the distillery, provided that sales are for off-site consumption only.

House Bill 2619 would provide that funds from revenues allocated to volunteer and part volunteer fire companies and departments may be expended for the payment of dues to national, state and county associations.

House Bill 2626 would allow active-duty military personnel stationed in West Virginia to hunt, fish or trap in the state without a license. The Director of the Division of Natural Resources would propose rules to verify that applicants qualify and to determine the type of identification required to be carried in place of a license while hunting, fishing or trapping.

House Bill 2783 would authorize the Director of the Division of Rehabilitation Services to allow school groups and other youth or civic organizations to use state vocational rehabilitation facilities. The Director also would be responsible for charging and collecting reasonable rent, provided that this money would be used exclusively for the maintenance of these buildings.

House Bill 2837 would charge the State Board of Education with prescribing personal finance instruction in secondary schools. The instruction would be integrated into the curriculum of appropriate existing courses for all students in secondary schools. This legislation is intended to provide students with a basic understanding of personal finances to prepare them for the future because, as outlined in the findings of the bill, individuals who have an understanding of personal finance are better equipped to manage money.

House Bill 2885 would reduce the number of tuberculosis skin testing required by school personnel, thereby reducing the cost and burden of repeated testing for these employees. Under current law, skin testing is required every other year and according to the findings in the bill,

Bills Passed Both Bodies

Senate Bill 153 relates to ethical standards of public officers and employees. The bill will modify confidentiality provisions in relation to complaints filed with the Ethics Commission. A provision that requires persons filing a complaint to not disclose any information regarding the complaint during an investigation by the Ethics Commission will be removed. The bill also will prohibit the submission of false information and provide penalties for providing such information.

Senate Bill 411 will extend the time given to the Tyler County Commission to submit for approval or rejection by the Tyler County voters an excess levy that will finance vital public services.

Senate Bill 413 will encourage competitive equality for state-chartered banking institutions with federally chartered institutions and other financial services providers in West Virginia. The process will be regulated by the West Virginia Commissioner of Banking.

Senate Bill 476 will allow hunters to use a red-colored artificial light when hunting coyotes. Current law allows for the usage of only amber-colored lights.

House Bill 2478 will remove provisions from current law mandating brewers of nonintoxicating beer to require distributors to submit certain balance sheets or financial records. Mandating these records are currently required for brewers to retain their franchise.

House Bill 2869 will allow a domestic corporation to convert to a domestic limited liability company. The corporation's Board of Governors will be required to submit a plan for conversion to the company's shareholders and adoption of such a plan will require approval from each shareholder.

House Bill 2510 will allow some public sector monies to be used to meet the requirements of the Workforce Development Initiative, a program that encourages working partnerships between educational institutions and the business community. This measure was drafted during the Interims and proposed by the Legislative Oversight Commission on Workforce Development for Economic Development.

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In the Senate

As of 4:00 pm, Wednesday, March 23, 2005, the 43rd day of the Regular Session, 740 bills have been introduced in the Senate. Of those, 30 have passed since March 17 and have been sent to the House for its consideration. These include:

Senate Bill 30 would discontinue the use of a prior approval system for insurance rate and form filing. It also states that policy terms, which require a policyholder to repair or replace fire-damaged structures, are valid.

Senate Bill 121 would allow a West Virginia citizen to renew his or her hunting license or stamp by providing a State of West Virginia resident or nonresident hunting license from the previous hunting season that displays a certificate of training.

Senate Bill 147 would require that drugs which contain as their single active ingredient ephedrine, pseudoephedrine, or phenylpropanolamine be sold behind a pharmacy counter and be dispensed only by a pharmacist or pharmacy technician. This measure is designed to limit access to drugs used in the manufacturing of methamphetamines.

Senate Bill 159 would authorize a city, county or metropolitan government to form a consolidated local government with another city, county or metropolitan government. Citizens of the affected area would have to vote to approve the measure before consolidation could take place

Senate Bill 166 would authorize the Secretary of Administration to sell 2.25 acres of land on Buffalo Creek in Logan County. Money from the sale of the property would be deposited into a special fund within the Department of Administration and would be used to improve or renovate the State Capitol Complex.

Senate Bill 191 would authorize the state

Supreme Court and the Department of Health and Human Resources to set up mental hygiene programs in a limited number of counties. People who have been hospitalized twice for a mental illness within the last 24 months or convicted of a violent crime where mental illness played a significant role could be temporarily ordered to take a prescribed medication, be hospitalized or participate in other treatments.

Senate Bill 253 would allow the Insurance Commissioner to waive or reduce a penalty against an insurer for filing a late tax return.

Senate Bill 256 would require insurance companies to inform policyholders upon issuing or renewing a fire insurance policy if flood damage is not covered. In addition, information on flood insurance from the insurer's agent or the National Flood Insurance Program would have to be provided. It also adds a new section that would specify that the Insurance Fraud Prevention Act apply to Farmers' Mutual Insurance Companies.

Senate Bill 262 would provide that a member of the State Police Retirement System, who is partially disabled, could still receive benefits if he or she is employed in an administrative law enforcement position only, such as Sheriff or Chief of Police. Also, newly hired law enforcement employees would receive a physical examination that would be placed in their file upon entry into the system. As well, the bill would provide that employees may use unused leave at the end of retirement to acquire additional credited service but may not use it to purchase Public Employee Insurance Agency (PEIA) insurance until the age of 55.

Senate Bill 264 would make it mandatory for those eligible for the Teacher's Defined Contribution Retirement System to par-

ticipate in the system. Also, contributions that are withheld by the employer would have to be paid into the system within 15 days at the end of a pay period. Permanent total disability would be redefined for new hires after July 1, 2007.

Senate Bill 270 would increase from 10 to 30 days the amount of time an insurance company, health care corporation, examined rating organization or advisory organization has to prepare any rebuttal to findings contained within a report by the Insurance Commission examining the company or corporation's financial records or organization's relevant books and records. The number of required examinations is reduced from once every four years to once every five years.

Senate Bill 278 would require any bank holding company which controls a state banking institution to maintain a list of all stockholders who own or control more than five percent of the company's outstanding shares.

Senate Bill 425 would clarify that all deputy sheriffs' credited service from the Public Employees Retirement System (PERS) was transferred to the Deputy Sheriff Retirement System when it was created. It also would establish the procedures and payments for an employee and employer when a member has another job that requires membership in another retirement plan under the Consolidated Public Retirement Board (CPRB).

Senate Bill 433 would increase the membership of the Environmental Protection Advisory Council from seven to nine council members. It also would allow a meeting to be called at the written request of four council members.

Senate Bill 456 would define a cure offer as an offer of one or more items of value sent from a merchant or seller by certified mail to a consumer that claims to have suffered a loss as a result of a consumer transaction. A consumer would have 20 days to respond and 10 days to accept or decline.

Senate Bill 467 would authorize the Director of the Division of Protective Services to assess, charge and collect fees for the Division to provide safety and security to the State Capitol Complex and other state property.

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>

Demographics - continued from pg.1

horse trainers, Amateur Radio Club members, volunteer fire fighters, lay preachers and sons and daughters of the American Revolution.

Each member relocates for 60 days out of the year to participate in the very public service of serving in the Legislature. Members leave homes, families, jobs and other lives; the true definition of a citizen legislature. Each individual's experience and perspective is brought to the bargaining table as an ensemble which wholly represents the population who have elected these citizens to make the best decisions for the state.

In the House - continued from pg. 2

records show that this group of people has been a low-risk population for tuberculosis. Additionally, it would allow a physician or local health officer to seek an individualized course of treatment for people with tuberculosis, which would reduce their risk of developing multi-drug resistant tuberculosis.

House Bill 2914 would restrict actions against doctors who are board certified in reproductive endocrinology and infertility for in-vitro fertilization attempts that fail to result in live birth. Doctors would not be held liable in these situations, unless there is evidence of willful actions or gross neglect against the doctor.

House Bill 2936 would establish certain standards for the advertising of dental services by licensed dentists to prohibit false or misleading information. Among other provisions, the standards would ensure that the dentist's licensing is clearly communicated in the advertisement and require general dental practitioners to disclose that they practice general dentistry. Any licensed dentist in West Virginia failing to comply with the new provisions would be subject to disciplinary action.

House Bill 3018 would designate the Mountaineer Challenge Academy, which is operated in Preston County by the Adjutant General, as a special alternative education program for students who are at risk of not succeeding in conventional schooling. Under this legislation, the State Board of Education would enact

rules applicable only to this Academy that would, among other provisions, set precedence for National Guard policies and procedures in the program; provide that students participating in the special alternative education program at the Academy would be at full enrollment status in the county; and, provide for consideration of General Education Development (GED) eligibility in special circumstances.

House Bill 3105 would create a special revenue fund for the operation of the Occupational Safety and Health Program within the Division of Labor. The Commissioner of Labor would make expenditures from the fund to obtain federal money for the management of this program under contract with the federal Department of Labor.

West Virginia on the Move Program

Current total steps as of 4:30pm
Wednesday, March 13, 2005:

House of Delegates - 25,637,588
Senate - 14,317,092
Governor's Office - 7,836,876

The West Virginia Legislature's Office of Reference & Information

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