



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## Teamwork Demonstrates Perseverance, Grit & West Virginia Pride

by Kacie Daniels

Regardless of their allegiance to a particular college or university, citizens of West Virginia came together to celebrate the success of the extraordinary West Virginia University men's basketball team and its coach John Beilein, as well as the post-season journey of the women's team. Some already refer to the Regular 60-day session of the Legislature as "March Madness," but with the continued accomplishments of these teams, a different wave of anticipation swept over the Capitol.

In order to recognize the extreme success achieved by both the men's and women's basketball teams at WVU and to thank the players for the unification and attention they garnered in this great state, both the House of the Delegates and the Senate will be introducing resolutions and presenting them to the teams on April 9, the final day of the Regular Session.

In its battle for a national championship, the WVU men's basketball team evoked a unified spirit that had long been subdued in this state. A collective sense of pride flowed throughout West Virginia with citizens rallying around the team as they powered their way beyond anyone's expectations. This support had no exception within the state's Capitol. Lawmakers expressed their team spirit by donning flashing WVU pins and giving motivational remarks on the floor pledging their faith in this seemingly unstoppable team.

The state cheered as the Mountaineers advanced quickly through the National Collegiate Athletic Association (NCAA) championship tournament, starting among 65 other teams and advancing all the way to the Elite Eight. These players captured the state's and the nation's hearts with their unexpected success in a classic Cinderella story.

Their first round game against Creighton displayed the Mountaineers' never-say-die attitude. With only seconds

remaining, the WVU's defense held strong, blocking a Creighton shot that led to the game-winning slam dunk. Many thought the team's tournament run would end in the second round. However, the Mountaineers rallied from a 13-point halftime deficit against the region's #2 seeded team, Wake Forest, to win in double overtime. In its Sweet 16 match-up against Texas Tech, WVU again persevered, defeating a talented team and one of the NCAA's most accomplished coaches.



By the Elite Eight, with only one win between WVU and the coveted Final Four, all West Virginians, including state lawmakers, believed that anything was possible. However, Mountaineer fans stood in shock as the team's lead, which had climbed to 20 points following a barrage of three-point baskets in the first half, began slipping away during overtime of its final

game against Louisville. When the game was eventually lost, Final Four dreams were shattered, but no one stood displeased with the team's efforts.

**"I'm so proud of those guys and what they've done for us on a national basis. Finally the state is being recognized for the tremendous quality of life in WV."**

-Sen. Roman W. Prezioso (D - Marion)

**"Obviously it makes us a very proud state that these young athletes have put us on the map in the athletic arena. We just want to show our appreciation and our gratitude for their great display of their wonderful athletic abilities."**

-Del. Scott Varner (D -Marshall)

Including their improbable run in the Big East Conference tournament, the Mountaineer men played eight phenomenal games in a mere 13 days. Their perseverance, grit and teamwork provided hope and a sense of pride to West Virginia.



# In the House

As of 4:00 p.m. Wednesday, March 30, 2005, the 50th day of the 2005 Regular Session, 1,362 bills have been introduced in the House of Delegates. Of those, 100 have been passed by the House since March 23rd and sent to the Senate for its consideration. These include:

**House Bill 2866** would allow members of the West Virginia National Guard who are receiving payments for tuition and fees and are discharged from the military service because of wounds or injuries received in the line of duty, to continue to receive these payments as if he/she were still a member of the West Virginia National Guard.

**House Bill 2816** would create the Healthy Lifestyles Office that would be a part of the Department of Health and Human Resources. This office would establish physical activity goals in schools and encourage the use of healthy beverages in the vending machines that are located on school property. This bill also would create the Healthy Lifestyles Fund. This special revenue account would consist of all appropriations made by the Legislature for the Healthy Lifestyles Office and would be an interest bearing account.

**House Bill 2852** would create the Office of the Pharmaceutical Advocate. This office would have the sole responsibility of purchasing prescription drugs for all state entities and agencies that pay for prescription drugs. This bill also would transfer most of the responsibilities of the West Virginia Pharmaceutical Cost Council to the Office of the Pharmaceutical Advocate. The Pharmaceutical Advocate would negotiate prescription drug cost with pharmaceutical companies in line with the Federal Supply Schedule (FSS), which provides an initial 30 percent discount. This bill also would require pharmaceutical companies to report their yearly advertising cost to ensure that cost of prescription drugs are not high due to elevated advertising costs.

**House Bill 2492** would establish a funding mechanism for teen court programs throughout the state. Teen courts are alternative sentencing programs based on the philosophy that a youthful offender does not continue to offend when a peer jury decides punishment. The teen court program has pilot programs throughout the state. This bill would authorize counties to adopt a mandatory fee when a county elects to institute a teen court program.

**House Bill 2950** would require electronic voting machines to generate a paper copy record of an individual's vote when cast during an election. The paper records would be stored and used for recounts if an election is contested or to check the accuracy of the machine. Paper records of votes cast would be automatically kept within a storage container that is locked and closely attached to the electronic voting machine. The voter could examine the paper copy visually. If visually impaired, the voter would be provided with headphones for an audio read out of the vote. Voters would then have the power to accept or reject the printed copy.

**House Bill 2111** would allow paramedics to assist in hospital emergency rooms. This would only take place under the supervision of a registered professional nurse.

**House Bill 2184** would create criminal penalties against individuals who wound or kill a person or persons while hunting under the influence of drugs or alcohol.

## A Sampling of Bills Passed Both Bodies

**Senate Bill 222** relates to the membership of the Workforce Investment Council. The legislation provides that the business representatives on the Council include business owners, Chief Executive Officers, business executives, representatives of business organizations and trade associations, as well as representatives of businesses with employment opportunities in West Virginia. Additionally, the bill adds the Chancellor of the West Virginia Council for Community and Technical College Education and the Chancellor for Higher Education to the membership.

**Senate Bill 229** repeals and amends certain reporting requirements for banks and credit unions. The bill, providing certain regulatory relief, repeals the section of state law that mandates banks to submit an annual report to the Division of Banking containing office locations, amount of deposits per office and amount of loans per office. The measure removes similar requirements for credit unions but still mandates each credit union report the amount of deposits and shares held.

**House Bill 2129** makes it a felony to record a motion picture in a theater without the express written permission of the theater owner. A first conviction would be punishable by a fine of between \$500 to \$1000, confinement in a state correctional facility for one to 10 years, or both. Upon subsequent convictions of this crime, the person could be fined between \$1,000 to \$5,000, sentenced in a state correctional center for two to 15 years, or both.

The owner or lessee of a motion picture theater is not required to post a notice of this law. Other provisions of this bill authorize theater owners to detain offenders of this measure without liability until the pertinent law enforcement arrives on the scene. Also, it exempts security individuals, personnel protective services and investigative agencies acting as part of lawfully authorized investigative, protective, law enforcement or intelligence gathering activities from this measure.

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

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## In the Senate

As of 4:00 p.m. Wednesday, March 30, 2005, the 50th day of the Regular Session, 197 Senate bills have passed the Senate and have been sent to the House for its consideration. Ninety-five bills have passed the Senate since March 16 and some of these include:

**Senate Bill 245** would limit large contributions and limit campaign expenditures and also require independent expenditures to include a clear obvious public notice which identifies the name of the person paying for the expenditure and states that the communication is not authorized by the candidate or his or her committee. The bill also would prohibit any individual, committee, association, political organization or any other organization or group of individuals, who have received any payment from a corporation to make any payment for the costs of producing and airing election communication. Political organizations or political action committees, except for a political committee of a candidate or a political party, that participate in either clearly supporting the election or defeat of a clearly identified candidate for statewide office or the Legislature would be prohibited from accepting contributions of more than \$1,000 from a single source, political committee or political party.

**Senate Bill 290** would require each county's board of education to hold public hearings to discuss implementing school uniforms. The counties would not be required to enforce uniforms in public schools, but rather summarize the comments received during the public hearing and submit the report to the Legislative Oversight Commission on Education Accountability.

**Senate Bill 418** would eliminate unfair court claims filed by third parties in the state court system against insurance companies and expand funding and powers for the

Office of Consumer Advocacy. The bill also would provide remedies for third parties by allowing them to appear before the Insurance Commissioner and provide more penalties for unfair claim settlement practices. Insurers would be limited in the expenses included in base rates and certain insurers would be required to provide biannual rate filings.

**Senate Bill 439** would allow the Regional Solid Waste Authority to designate an exemption from certificate of convenience requirements for certain county or regional solid waste motor carriers in counties where the population has increased by 15 percent or more as shown in the 2000 state census. The vehicles and drivers would be subject to the safety and insurance rules of the Public Service Commission, and the vehicles would be required only to collect and transport solid waste.

**Senate Bill 455** would authorize the Public Service Commission to consider and issue a "financing order" to certain electric companies to permit emission control facilities at West Virginia's electric generating facilities.

**Senate Bill 526** would allow a personal income tax credit for taxpayers who contribute to community foundations. A taxpayer would be allowed a credit of 50 percent of the amount the taxpayer contributes during the taxable year to an endowment fund of a community foundation, if the contribution to the foundation is tax deductible for the taxpayer under the Internal Revenue Code.

**Senate Bill 603** would provide flexibility measures for West Virginia University and Marshall University to work together more efficiently. The bill would allow electronic payments to the state from both schools,

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## Bills Passed - con't from pg.2

**House Bill 2333** establishes a program to encourage voluntary reclamation of lands to reduce water pollution caused by mining activities. The Legislature found that many landowners, citizens and other groups that do not have the legal responsibility to reclaim lands are interested in engaging in reclamation efforts, but are hesitant because of possible liabilities. Under this legislation, an individual can submit a written reclamation or water abatement plan to the Division of Environmental Protection, which will give prior approval of all plans and can provide recommendations and advice to those participating.

**House Bill 2764** grants the discretion to the Board of Medicine to consider applications of physicians who have had their licenses revoked because of a drug related felony conviction. Under current law, the Board is prohibited from considering any application of a physician who has had his license revoked in this or another state because of a felony drug conviction. This bill allows the Board to consider the application and grant a license if the Board deems it appropriate. The applying physician has to have completed all sentence conditions associated with the conviction, and the Board can place whatever limitations it deems appropriate upon the re-licensed physician.

**House Bill 2783** authorizes the Director of the Division of Rehabilitation Services to allow school, youth and civic groups and organizations to use state vocational rehabilitation facilities. Additionally, the Director could charge a reasonable rent, provided that this revenue is used exclusively for the cost, maintenance, repair or replacement of the facilities.

**House Bill 3347** extends the time in which the Pocahontas County Commission may meet as a levying body from March 28th to May 2, 2005. The extension allows the Commission to continue its general business and particularly to act upon laying the regular county levy in order to maintain and provide for a county budget.

### 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>

**Teamwork** - continued from pg. 1

Sportscasters from New York to Los Angeles dubbed the Mountaineers "America's team" and the phrase "Pittsnogled" became a frequently used verb during the tournament to describe unexpected triumphs. Even after its defeat to Louisville, the story of WVU was highlighted by many media outlets as one of the tournament's most inspiring.

The Mountaineer women's basketball team also enjoyed great success in their post-season endeavors. The team is currently participating in a post-season tournament for the second consecutive year. The women are soaring through the 2005 Women's National Invitation Tournament, having defeated Kentucky in Lexington in double overtime to advance to the championship game against perennial power Southwest Missouri State. At the time of this publication, the championship game had not yet been played.

Inside the Capitol walls, lawmakers recognized the positive impact the teams were having and even during one of the busiest months for lawmakers, they unified under the common goal of WVU suc-

cess. In the midst of heated debates and approaching deadlines, lawmakers from all regions of the state set aside differences and cheered for the Mountaineers. The state came together with resounding support and delighted in the amount of national attention WVU had received.

The Cinderella story does not end here. The Mountaineers not only gave the state positive national attention, but also they highlighted the strong work ethics that are so dear to our state. These athletes may have opened the door to future students looking to attend a college or university in West Virginia. Thanks to them, institutions of higher learning in West Virginia could see an increase in enrollment. In addition, three weeks of consistent public attention to a national audience may have extreme benefits for the state's tourism industry. The ability to showcase not only athletic talent, but also a strong will to succeed and an unwavering commitment may change any negative perceptions of West Virginia some residing outside the Mountain State might hold.

March is always a time of madness at the State Capitol. The lawmakers and staff members will be forever grateful to the 2004-2005 West Virginia University

basketball teams, who produced a spirit and a success that made this the most memorable March Madness to date.

**In the Senate** - continued from pg. 3

allow the State Commission on Higher Education to transfer the title for certain property to each school's board of governors and also require both schools to implement a policy for course credit earned at a community and technical college transfer for program credit at any other state institution of higher education.

**Senate Bill 616** would award legislative members and legislative employees in other states the same legislative priority privileges which members of the West Virginia Legislature and legislative employees enjoy, only if those other states award West Virginia Legislature members and staff the same priorities.

**Senate Bill 638** would give the Secretary of State the authority to publish in state newspapers the names of any candidate, financial agent or treasurer of a political party committee who fail to file campaign finance reports in a timely manner.

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

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