



# WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

For information about your State Legislature, visit our Web site: [www.legis.state.wv.us](http://www.legis.state.wv.us)

Volume XXIII, Issue 4

February 8, 2012

## Capitol Provided Health & Safety Assurances by In-house Security Force

BY ROCHELLE NEELY

On any given day when the West Virginia Legislature is in during the Regular Session, over 10,000 citizens and employees may inhabit the state Capitol. School children circle around the rotunda as teachers inform students of the accomplished individuals who have graced the Capitol halls. However, many people are unaware of the services currently being provided in the Capitol by some of the hardest working and most experienced individuals West Virginia has to offer.

As part of the Division of Protective Services, employees and citizens are extremely fortunate to share a building with the high functioning State Capitol Police Force.

Prior to 1998, the Capitol was not provided the privilege of having an in-house police department, but it was decided through Senate Bill 170 that visitors, persons conducting business, and employees of the complex should be as safe and secure as possible.

Deputy Director, Kevin Foreman, said that most people don't realize the importance of the department. "People don't understand that we're a small police department," explained Foreman. "Some of the most experienced people I've ever worked with are here, and you won't find any police department in the state that has more experienced people."

Some people may also be surprised to learn that the State Capitol Police Force has been very beneficial to the Charleston



STEVE BRIGHTWELL WEST VIRGINIA LEGISLATURE

*Holly Smith, RN, carries out her daily duties at the Capitol. Officer Mark Swecker stands on duty.*

Police Department throughout the years, and they have reciprocated in assistance. One such incident that required the aid of the Capitol Police involved a hit and run near Greenbrier Street that was caught by one of the many cameras surveying Capitol grounds. "After the incident occurred, we were contacted by Charleston P.D. to review video, and sure enough, you could see the car hit the individual," explained Division of Protective Services Director, Randy Mayhew. "We were able to get copies of the video to the Charleston P.D. and they had the individual in custody by that evening."

The Capitol Police also monitors metro traffic 24 hours a day through the command center. Lieutenant Mark Neal ex-

plained that with the help of 11 telecommunicators and dispatchers, they are able to capture any unusual events occurring within the area surrounding the Capitol. "We've had incidents in the past where (the Charleston Police Department) has been looking for individuals and we've been able to locate them and communicate with the command center to lead them into where they were," said Neal.

In addition to the service they provide to the surrounding community, the Capitol Police have been very occupied this session with health emergencies, saying that it seems like they've had an incident occur nearly everyday.



# In The Senate

As of 4:00 p.m., February 8, 2012, the 29th day of the 80th Legislature's 2nd Regular Session, 545 bills have been introduced in the Senate. Of those, 12 have passed the Senate this week. 11 will move on to the House for further consideration and one has completed legislative action. Bills passed by the Senate this week include:

**Senate Bill 54** would prohibit minors under the age of 16 from obtaining a tattoo. In order for minors age 16 to 18 to obtain a tattoo, the bill would require a parent or legal guardian be present at the tattoo studio. Photo identification as well as written consent also would be required.

**Senate Bill 191** would provide for the protection of nonfamily or nonhousehold members who do not qualify for protection under the domestic abuse statute. It would establish procedures for filing petitions and

would provide for hearings, entry of orders and contents of orders statewide. It would also establish means of service of process, make proceedings confidential and make rules of evidence applicable to proceedings.

**Senate Bill 211** relates to cell phone use while driving and would create a secondary offense of operating a motor vehicle while using a wireless communications device without hands-free technology, and a primary offense of texting while operating a motor vehicle.

**Senate Bill 360** would grant a personal property purchaser at a foreclosure sale the right of disposal with the provision that proper notice has been given to the original owner.

**Senate Bill 414** would add more professions to the definition of "medical services applicant" under the Volunteer for Non-profit Youth Organizations Act. Additional professions would include practitioners of podiatry, chiropractors, nurse practitioners, occupational therapists, practitioners of optometry, pharmacists, professional counselors, practitioners of psychology, radiologic technologists, and social workers.

**Senate Bill 427** would amend the corrections law relating to the exhaustion of administrative remedies for inmates' complaints as a way to bring it into compliance with Federal laws and court opinions.

**Senate Bill 429** would expand the definition of Class A vehicles to include larger pickup type trucks registered between 8,000-10,000 pounds and would allow these vehicles to display special license plates and would also allow sheriffs to renew these registrations in their offices. Additionally, the bill would designate class farm trucks as "Class X".

**Senate Bill 436** would facilitate and encourage collaboration between the public school system and public higher education in order

## Completed Legislation

**Senate Bill 165** would provide that any employee of the Division of Corrections, the Division of Juvenile Services and the Regional Jail and Correctional Facility Authority who engages in sexual intercourse, sexual intrusion or sexual contact with an inmate, with or without consent, would be guilty of a felony and confined for 1-5 years.

to promote programs of study and seamless curricula. The bill would also establish the West Virginia EDGE initiative and the Collaboration Degree Completion Program.

**Senate Bill 470** would require teachers to undergo a medical examination showing that they are mentally or physically totally incapacitated for service and that the disability is likely to be permanent in order to be eligible for retirement allowance. This procedure is consistent with current practice by the Consolidated Public Retirement Board.

## A Sampling of the Bills Introduced in the Senate

**Senate Bill 494** would conform West Virginia code to federal requirements for the provision of Presidential office ballots to registered voters moving from the state.

**Senate Bill 518** would prohibit certain persons from being elected or appointed to positions under the laws of the State of West Virginia, adding definitions of "felony" and "under conviction."

**Senate Bill 519** concerns the suspension or revocation of driver's licenses. The bill would reduce the periods of driving suspension from 90 days down to 30 days for all offenses, with the exception of driving under the influence.

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

Building 1, Room MB 27  
State Capitol Complex  
Charleston, WV 25305  
(304) 347-4836

Charlene Glagola  
Director

Drew Ross  
Deputy Director

Jaelyn Jett  
Chris Marshall  
Public Information Officers

Randy Cain  
Web Developer

Dennis Loudermilk  
Web Engineer

Dave Martin  
Web Administrator

Dee Spelock  
Resource Manager

John Tice  
Graphic Designer

Martin Valent  
Photographer

Steve Brightwell  
Per Diem Photographer

Eden Adkins  
Maribeth Smith  
Katie Wise  
Interns - Marshall University

Rochelle Neely  
Intern - West Virginia University



## In The House

As of 4:00 p.m., February 8th, 2012, the 29th day of the 80th Legislature's 2nd Regular Session, a total of 1160 bills have been introduced in the House. The bills passed by the House this week include:

**House Bill 4271** would require the electronic submission of reports relating to the business and operations of licensed mortgage lenders, brokers and servicers as established through the Nationwide Mortgage Licensing System and to release the Commissioner of Banking from the duty to publish an aggregate analysis of the information contained in said reports annually.

**House Bill 4314** would require that when a vacancy occurs in the office of magistrate, a person of the same political party as the former officeholder must be appointed. The bill states the judge of the circuit court, or the chief judge when there is more than one judge of the circuit court, shall fill the vacancy by appointment.

**House Bill 4356** would create a misdemeanor offense of child neglect creating a substantial risk of bodily injury. Punishment would be a fine of no more than \$1,000 or up to 1 year in jail or both.

### A Sampling of the Bills Introduced in the House

**House Bill 4392** would require that all magistrates, magistrate assistants, magistrate court clerks and deputy clerks be paid equally. The bill would also eliminate the two-tier system.

**House Bill 4396** would permit a \$50,000 death benefit to the families of law-enforcement officers who have passed away while performing their duties. The bill also adds law-enforcement officers to firefighters and EMS personnel who already qualified for survivor benefits.

**House Bill 4397** would make it a crime to interfere with or prevent a person from reporting a crime or seeking assistance arising from the commission of a crime.

**House Bill 4403** would require any eligible person seeking to be elected by write-in votes to an office to file a write-in candidate's certificate of announcement. The bill would exempt delegates in the national convention, which would be filled in a primary, general or special election. The purpose of this bill is to ensure the filing deadline for certified write-in candidates is done sufficiently early to support the required transmission deadline of absentee ballots to voters covered by the Uniformed and Overseas Citizens Absentee Voting Act of 1986.

**House Bill 4408** would provide an electronic voter registration system allowing for better utilization of the Statewide Voter Registration System (SVRS). This would allow for use of a designated address for voter registration purposes for participants in the Address Confidentiality Program; establish an offense and related penalty for tampering with or copying voter registration information collected

by third-party registration drives; delete obsolete language related to manual voter registration systems; shorten the period of time during which county clerks may enter voter history data into the statewide, centralized voter registration database; clarify certain record-keeping requirements related to confirmation mailings required by the National Voter Registration Act of 1993; and restrict the public release of voter e-mail addresses.

**House Bill 4413** would require an investigation of an incident resulting in a death or other serious injury caused by a municipal law-enforcement officer or deputy sheriff. The bill would require the incident be investigated by another agency of the state criminal justice system instead of the agency involved in the incident.

**House 4423** would create the "West Virginia Winner" program which help would promote healthy living and improve lifestyles. The bill hopes to increase longevity of West Virginia residents by competing in various athletic and cultural events in the fifty-five counties. The bill provides that

SEE HOUSE, PAGE 4

### West Virginia Legislature's Web site

The online **West Virginia Code** has been enhanced to show bills that have become law (under the chapter of the code affected) but have yet to be incorporated in the online version. <http://www.legis.state.wv.us/WVCODE/Code.cfm>

**Bill Tracking** has been improved to allow users the ability to prioritize bills and add personal notes. Users can also now sort and view their bills by multiple criteria. [http://www.legis.state.wv.us/billstatus\\_personalized/persbills\\_login.cfm](http://www.legis.state.wv.us/billstatus_personalized/persbills_login.cfm)

The legislative blog **Today in the Legislature** is a daily synopsis of legislative floor activities, complete with photos and daily committee meeting schedules. [http://www.legis.state.wv.us/daily\\_sum/today.cfm](http://www.legis.state.wv.us/daily_sum/today.cfm)

Visit the **Legislature's Homepage**: <http://www.legis.state.wv.us>

**Find us on Facebook:**  
<http://www.facebook.com/wvlegislature>

**Follow us on Twitter:**  
<http://twitter.com/wvlegislature>

**DPS** - from Pg. 1

Holly Smith, RN, who took over the Dispensary last year, works with the Division of Protective Services in responding to emergencies throughout the Capitol. She said even though the incidents fortunately have not been of serious concern, they have kept them busy.

Smith also explained the importance of the programs run out of her office such as the Doctor of the Day program and Informational Lunch and Learn sessions.

Ultimately, Officer Foreman would like individuals to know that the department's number one priority is preserving the safety and peace of mind of the people throughout the Capitol and in the community. "People should take comfort in knowing that if they have a request for service, they're going to get it," he said. ■

---

**SENATE** - from Pg. 3

**Senate Bill 522** would create the Shale Research, Education, Policy and Economic Development Center at West Virginia University in order to improve efficient development of shale resources, generate and document best practices covering environmental, safety, business and health practices, advance environmental performance and develop effective outreach and engagement of affected communities.

**Senate Bill 528** would create the Scrap Metal Theft Prevention Act and would prohibit the possession of stolen or unlawfully obtained scrap metal and would also hold scrap metal dealers accountable by prohibiting the purchase of certain items of scrap metal without proof of lawful possession.

**Senate Bill 541** would require proof of U.S. citizenship as one of the prerequisites to obtaining a state license to carry a concealed weapon.

---

**HOUSE** - from Pg. 3

the program be administered by the Office of Healthy Lifestyles, and declares who may participate in the events together with participation fees to be paid.

**House 4432** would prohibit declination or termination of property insurance based solely upon an applicant's or home owner's possession of a certain breed of dog. The bill provides an exception if the dog has a history of biting people.

**House Bill 4434** would require carbon monoxide detectors to be installed in apartment buildings, condominiums, one and two family dwellings and cabins intended to be rented or leased, dormitories, bed and breakfasts and rooming and lodging facilities. The bill also requires that the smoke detectors and sprinkler systems meet state fire code requirements.

---