



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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SPRINGTIME AT THE CAPITOL

Warmer weather brings flowering dogwoods into bloom around the Capitol Complex, as the Legislature heads into the busy final days of the 2013 Regular Session.

MARTIN VALENT, WEST VIRGINIA LEGISLATURE

COMPLETE STREETS

Passage of Legislation Aims to Make Roads Safer for All.

BY LANE HORTER

The streets of West Virginia will now be a safer place for motorists, cyclists, and pedestrians. The Complete Streets Act completed legislative action Thursday and is currently awaiting the Governor's signature.

The Act is what lead-sponsor Senator Robert Beach (D-Monongalia) calls a "mind set." The bill wouldn't mandate

- See **COMPLETE STREETS**, pg 4

LEGISLATURE PASSES PRIMARY OFFENSE SEATBELT LAW

After 9 Years, Legislature Comes Together to Join 33 other States in Making Failure to Wear a Seatbelt a Primary Traffic Offense

BY MALAK KHADER

The slogan "Click it or Ticket" now has a more strict implication. In an attempt to protect West Virginia's citizens, the legislature has passed a bill that would make operating a vehicle without wearing a seatbelt a primary offense. House Bill 2108 officially completed legislative action as of April 10, 2013.

The legislation will make failure to wear a seatbelt a primary offense and will forbid the denial of insurance coverage for using a prohibited electronic device while operating a vehicle. Failure to abide by this law will result in a \$25 fine; points will not be added to the driver's record and court fees will not be established. This not only applies to the driver of the vehicle, but also the front seat passenger and anyone else in the car under the age of 18.

Senator Corey Palumbo first introduced the idea for this bill in 2004 when he was a delegate in the WV House. For the first five years following its introduction, it barely made it through its assigned House committees. By the year 2010, it had finally passed the House but failed to be taken up in the Senate. After nine years of consideration, debate, and revision, the bill has finally been passed and will be made law.

Wearing a seatbelt has been a requirement of the state since 1993. However, it has only been regarded as a secondary offense until this recent bill was passed. Before, a person could not be pulled over for simply not being restrained by a seatbelt. If a person had been detained by an official for probable cause for another violation of the law, only then could they enforce this violation.

The first seat belt law to ever take effect was a federal law. It required that all vehicles, with the exception of buses, to be equipped with proper seat restraints. This law has since been changed and revised. West Virginia is currently one of 34 states in the nation to enforce this law, the first state being New York in 1984. According to the national Governor's Highway Safety Association, West Virginia will be given up to \$1.5 million a year in additional federal highway safety funds for implementing this new law.

"This has been an incredibly long process but I am happy it is finally being pushed through and becoming a law. I truly believe this law will save lives and prevent serious injuries," Senator Palumbo said. "This experience has been quite frustrating because it has been so difficult, but that is the process." ■



THE LEGISLATIVE RECORD

As of 4:00 p.m., Thursday, April 11, 2013, the 58th day of the 81st Legislature's 1st Regular Session, 1,164 bills have been introduced in the House, 665 in the Senate. Of those bills, 66 have completed legislation in both chambers and either have or await the Governor's signature. A sampling of these completed bills includes:

Senate Bill 80 requires certain central office administrators and supervisors to substitute teach on at least three instructional days each school year. Superintendents and those who have never held a valid teaching certificate or administrative certificate are exempt from the requirement.

Senate Bill 145 will add language permitting persons complaining of alleged violations of the federal Help America Voting Act, an Act created by the federal government to ease the general process of voting,

Senate Bill 158, called the "Complete Streets Act", will encourage the Division of Highways to use the latest and best design standards that apply to bicycle, pedestrian, transit and highway facilities. This is expected to improve facilities and ease the commuting process for citizens.

Senate Bill 183 will provide that for tax year 2012, the meaning of terms in the West Virginia statutes relating to corporate net income taxes will have the same meaning as those terms have under federal statutes as amended between January 1, 2012 and January 3, 2013. This is the annual corporate net income tax update bill that incorporates changes in federal tax law enacted between January 1, 2012, and January 3, 2013, into the state corporate net income tax statutes for purposes of determining tax liability for tax year 2012.

Senate Bill 383 will authorize family court judges in family court contempt cases to appoint counsel if the indigent litigant faces jail time. Currently, an attorney who gives representation to someone appointed by a circuit or supreme court are immune from potential liability arising from the representation of that person, with this bill, family court is now also included.

Senate Bill 412 requires conservation district supervisors to be removed from office in the same manner in which other elected county officials are. This creates conformity among the removal process among elected officials but does not include judges due to their own specific procedures.

Senate Bill 421 will amend the state code to permit the Parkersburg South High School Patriot to carry its official musket onto school property when in acting in his or her own official capacity. West Virginia

law already gives this same courtesy to the West Virginia Mountaineer.

Senate Bill 430 adds a definition for the term "employment term" as it pertains to the "Teacher's Defined Contribution Retirement System."

Senate Bill 431 makes any participating employer, its transferee, successor or assignee liable for the payment of all employer and employee retirement contributions, delinquency fees and charges or costs related to participation in the public retirement system. It also allows the Consolidated Public Retirement Board to file a lien in the amount owed the Board, which the Board may enforce once any amount owed is more than 60 days past due. The Board may also recover costs of enforcing the lien.

Senate Bill 458 will allow the Public Employees Insurance Agency (PEIA) director to operate health benefit plans on a calendar year basis provided it is financially advantageous to the state. This gives more flexibility to the director and still allows financial plans to operate on a fiscal year basis.

Senate Bill 463 will increase the cap on fees charged for licensing gas transmission on pipelines from \$315,000 to \$400,000 in order to pay for at least one more pipeline inspector for the PSC. The increased fee will give more money on a volume/mile basis to pipeline owners.

Senate Bill 496 relates to finding and declaring certain claims against the state. The bill will direct payment of certain claims made by those who have provided commodities and services to state agencies who have not been paid because those claims would have put the agency over the allotted appropriation. These claims are subject to approval by the Legislature.

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THE LEGISLATIVE RECORD

Senate Bill 638 will terminate the severance tax exemption for production of natural gas or oil. The bill eliminates exemption from oil and natural gas severance taxes as it applies to horizontal wells that applies to all natural gas or oil produced from any well which has not produced marketable quantities for five consecutive years.

House Bill 2108 makes the failure to wear a seat belt in West Virginia a primary offense, rather than the previous secondary offense. Penalties for the crime will remain at \$25, with no court costs or points on driver's licenses.

House Bill 2314 allows family court judges to order that a child be taken into the emergency custody of the Child Protective Services Division of the Department of Health and Human Resources in instances when the child's physical well-being is in imminent danger and there are no other reasonable available alternatives to the custody order.

House Bill 2361 includes those who have served honorably or who were discharged because of service connected disabilities in the National Guard and Reserves in the definition of veterans eligible for preference in employment training and employment.

House Bill 2463 repeals an outdated article in the WV Code which permits guardians or care takers of a person who has been judicially ruled mentally incompetent to petition the court to have the person sterilized.

House Bill 2521 gives the prosecuting attorney of a county or a duly appointed special prosecutor additional procedures for forfeiture of contraband property involved in the trafficking of controlled substances.

House Bill 2553 permits the Secretary of State to shut down a limited liability company, a corporation, a nonprofit corporation or a foreign corporation corporate entity if a required professional license has been revoked or the entity is in default with the Bureau of Employment Programs.

House Bill 2729 allows schools to maintain epinephrine auto-injectors, also known as EpiPens, for emergency situations involving an anaphylactic reaction. Physicians will prescribe schools orders and protocols for the use of the EpiPens. School Nurses and other personnel will be required to receive training before being certified to administer the EpiPens.

House Bill 2858 corrects an incorrect internal reference in the WV Code relating to consumer relief bonds. It is purely technical in nature and simply corrects a reference to a subsection in WVC §24-2-4f.

House Bill 2923 provides an alternative way to meet the residency requirement for West Virginia-chartered banking institution's board members. Currently, a majority of board members must be West

Virginia residents. Under the bill, a board member may meet the legal requirement if he or she resides in West Virginia or within 100 miles of a physical office of the bank.

House Bill 2940 require a meeting in each Regional Education Service Area (RESA) of all superintendents and county board members in the RESA every other year to identify administrative, coordinating and other county level services and functions that may be shared between or among the county boards, especially when resignations, retirements, staffing realignments or similar events may occur.

House Bill 2992 eliminates duplicative reporting requirements on distributors of tobacco products regarding imported cigarettes.

House Bill 3003 requires tobacco product manufacturers not participating in Tobacco Master Settlement Agreement who want to do business in West Virginia to post bond.

House Bill 3028 expands the number of hours a state employee can work in a temporary position each year from ninety days to one thousand hours.

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

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

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the Department of Highways to make any changes to their current policies, but instead urges the department to consider the many different forms of transportation other than automobiles when constructing roads in the future.

The bill would also establish the "Complete Streets Advisory Board." This board would be made up of 16 members, including members of the Department of Highways and citizens appointed by the Governor.

Laws similar to the one that just passed the West Virginia Legislature have been passed in over 20 other states and over 200 municipalities all across the United States. These acts are all part of a grow-

ing effort across the country to ensure all who travel roads in America are safe. This movement started in 1971, when the Oregon Legislature passed a bill known as the "Bike Bill" which required all roads built by the Oregon Department of Transportation in the future to accommodate bicycles and pedestrians. This bill was the first of its kind, starting a movement that continues to this day.

Last year, a similar proposal was introduced in the West Virginia House of Delegates by Delegate Nancy Guthrie (D-Kanawha), first as a bill, then later as a House Concurrent Resolution. Neither bill made it out of their respective committees. This session, an identical House Bill (HB 2494) was introduced by Dele-

gate Margaret Staggars (D-Fayette) along with the Senate version (SB 158) that passed both chambers Wednesday.

In the last seven years, 206 pedestrians and cyclists were killed by vehicles while over 3,000 people were injured in West Virginia, according to a study conducted by West Virginia University. Lawmakers supporting this bill hope it would not only help save lives but also save the state medical costs by reducing the number of these injuries.

Virginia and Maryland, along with six regions in West Virginia, have adopted measures that include complete street-type policies. ■

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