



WRAP-UP

The Newsletter of the West Virginia Legislature

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West Virginia's Revered Son Recognized For Historic Service

STAFF

On November 18, 2009, the House and Senate adopted resolutions honoring Senator Robert C. Byrd as a distinguished public servant and dedicated statesman, and designating that day as "The Honorable Robert C. Byrd Day." On that day, already the longest serving U.S. Senator, Robert C. Byrd became the longest-serving member of the United States Congress with 56 years, 320 days of continuous service.

Senate President and Lieutenant Governor Earl Ray Tomblin, said, "It has been one of my greatest honors to work with Senator Byrd throughout my legislative career. An impassioned defender of the Constitution and fighter for West Virginia, his contributions to both the nation and our Mountain State are simply unrivaled - and forever exemplary. I believe we, as a state, will always be better because of his service. And I wish him, our West Virginian of the 20th Century, the very best on this historic day."

The event ended with the Governor issuing an executive proclamation marking each Nov. 18th as "The Honorable Robert C. Byrd Day".

"Old School" would be the best description of this child from the coalfields. Reared by his Aunt and Uncle following the death of his mother, who died from influenza in 1918, Robert C. Byrd was raised in a full-faith Christian household. Values imparted upon him were a strict sense of love of country, the good character of working hard, and a drive to achieve the ultimate advantage of a good education.



MARTIN VALENT WEST VIRGINIA LEGISLATURE



West Virginia's Senator

TOP: Hundreds gather in the Capitol rotunda to honor Byrd as Congress's longest serving member. **LEFT:** The statue honoring Senator Byrd as "West Virginian of the 20th Century" is housed in an alcove of the rotunda.

Ultimately, religion, education, hard work and love of country were the four cornerstones of Byrd's life foundation.

Byrd was valedictorian of Mark Twain High School and, in 1937, he married his high-school sweetheart, Erma Ora James. He eventually attended Beckley College, Concord College, Morris Harvey College, and Marshall College, all in West Virginia. While serving in Congress, Byrd spent 10 years earning his law degree from the American University in 1963.

Being recognized in his community as a natural leader, he was encouraged to seek a seat in the WV House of Delegates. Byrd picked up his fiddle and proceeded to charm West Virginians throughout his district. The love of music and his fiddle followed him throughout his career.

Speaker Richard Thompson also was on hand for "The Honorable Robert C. Byrd Day" in November and noted, "Senator Byrd's roots in public service



In the House

As of 4:00 p.m., Wednesday, March 3, 2010, the 50th day of the 79th Legislature's 2nd Regular Session, 1377 bills have been introduced in the House. Of those, 137 passed and have been sent to the Senate for consideration. The bills passed include:

House Bill 2542, the Jason Flatt Act of 2010, would require teachers, principals and school service personnel having direct contact with student to successfully complete at least two hours of suicide prevention education every school year.

House Bill 4161 would create an Office of Minority Affairs within the governor's office. This office would be a forum to discuss issues and make recommendations regarding programs and services for West Virginia's minorities. It would also award grants, loans and loan guaranties for minority affair programs and activities in the state.

House Bill 4177 would give five percent of coal severance tax to the county in

which the coal originated. The money generated could be used by the county commissions for economic development, infrastructure, job creation and road repair.

House Bill 4207 would make it illegal to send obscene, anonymous, harassing and threatening communications by digital means. The first and second offenses would be misdemeanors and the third offense would be a felony. Upon conviction, the felony would be punishable by up to two years in prison and a \$5,000 fine.

House Bill 4387 would establish the Flexible Leave Act. Under this act, employees would be able to use paid sick leave to care for ill members of their immediate families. It would prevent employers from giving disciplinary action when employees must stay home to take care of immediate family members.

House Bill 4521 would create a gun and ammunition tax holiday for the first weekend of October. The holiday would be known as "The Second Amendment Appreciation Act" and would exempt all firearms from sales tax throughout that particular weekend.

House Bill 4534 would increase the criminal penalty for failing to stop and assist after a motor vehicle accident. This legislation, called "Erin's Law," would create a mandatory one to three year imprisonment as well as a fine up to \$5,000 upon conviction.

House Bill 4557 would require the Legislative Oversight Commission on Health and Human Resource Accountability to review Department of Health and Human Resources' requests for proposals and change orders valued at \$500,000 or more.

House Bill 4646 would require corporations to allow their shareholders to vote on financial decisions regarding political expenditures. It would also require that

Completed Legislative Action (Week of Feb. 25 - March 3, 2010)

Senate Bill 477 will establish a centralized filing system for reports required to be filed with the Legislature, Legislative Manager, Legislative Auditor, the President of the Senate and the Speaker of the House of Delegates, or the Joint Committee on Government and Finance and require the reports to be filed electronically.

Senate Bill 548 will extend the time for the Board of Education of Boone County to meet as a levying body to present to the voters of Boone County the question of renewing an excess levy for schools.

House Bill 4037 will allow the State, any political subdivision of the State, and any other authorized governmental entity to issue "federal subsidy bonds." A "federal subsidy bond" is financial aid given by the government, which will be exempt from taxes. The bill includes within the definition of federal subsidy bonds certain "Build America Bonds" authorized under the American Recovery and Reinvestment Act of 2009.

House Bill 4128 will adopt recent amendments to the National Association of Insurance Commissioners (NAIC) model regulation concerning the standards to be considered by the Insurance Commissioner in determining whether an insurer is in hazardous financial condition and to revise the corrective actions that the Commissioner may require of an insurer.

all expenditures be clearly reported to all shareholders.

The West Virginia Legislature's Reference and Information Center

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In the Senate

As of 4:00 p.m., Wednesday March 3, 2010, the fiftieth day of the 79th Legislature's 2nd Regular Session, 701 bills have been introduced in the Senate. Of those, 189 passed and have been sent to the House for consideration. The bills passed include:

Senate Bill 81 would create the West Virginia Official Prescription Program. The bill would establish prescription rules and requirements, including the requirement for all prescriptions to be written on an official tamper-proof form. The bill would require that prescription pads with tracking numbers be authorized to practitioners.

Senate Bill 118 would establish a requirement of parental consent for minors wishing to use tanning devices. Minors under the age of 14 must be accompanied by a parent or guardian when using a tanning device and minors ages 14 to 18 must have parental consent in the form of a signed statement before using a tanning device.

Senate Bill 130 would make the offense of failing to wear a safety belt a primary offense. The bill would lower the fine for committing this offense.

Senate Bill 175 would change the law relating to the purchase, sale, possession and use of fireworks. Among changes, the bill would provide for no local government regulation over consumer fireworks but instead be overseen by the State Fire Marshall who also would establish a Fireworks Safety Fund.

Senate Bill 219 would establish a Fleet Management Office within the Department of Administration. The bill would remove agency exemptions from the rules of the department relating to traveling. The department would also authorize emergency rules.

Senate Bill 225 would create the Spay Neuter Assistance Fund. This fund would

be a special revenue account created in the State Treasury and would consist of gifts, donations and any additional appropriations by the Legislature. The money would be used to fund spay neuter programs throughout the state.

Senate Bill 394 would allow the Division of Motor Vehicles to use an electronic insurance verification program for the purpose of identifying uninsured motor vehicles. The bill would establish an online verification program that would apply to all non-commercial vehicles.

Senate Bill 398 would prohibit the landfill disposal of certain electronic devices. These devices would include computers, monitors and televisions. If passed, the bill would take effect January 2, 2011. The Solid Waste Management Board is to determine proper disposal procedures.

Senate Bill 446 would clarify that surviving spouses and dependents of deceased public employees are entitled to participate only in comprehensive group health insurance plans.

Senate Bill 457 would repeal many outdated laws, including prohibiting wearing hats in theaters, displaying red or black

flags and cohabitation. The bill would also repeal the prohibition of engaging in certain labor activities on Sundays and swearing in public.

Senate Bill 507 would provide a tax credit to coal companies that purchase approved innovative safety technology. This list of technologies would be compiled by the Mine Safety Technology Task Force and approved by the director of the West Virginia Office of Miners' Health, Safety and Training. The bill would also establish criteria for what qualifies technology to be approved

Senate Bill 518 would create a Governor's Commission to Seize the Future of Energy for America. The commission would work with the President of the United States to research and create strategies in relation to utilizing the resources of West Virginia. The commission would be responsible for articulating West Virginia's position on a solution for energy sources for the United States.

Senate Bill 574 would establish December 7 as "Pearl Harbor Day" to honor all West Virginia veterans who fought in World War II.

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

On the **Bill History** page, sponsors, subjects and code affected are now all hyperlinked to related bills. It is now possible to sort bills by date, step, status or committee, and direct links to the history and text of the bills is now available. The effective date of bills that have become law has also been added. http://www.legis.state.wv.us/Bill_Status/bill_status.cfm

The new 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

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

are here in these halls, in our very own House chamber - where he first came to serve after his mountain music touched the hearts of so many in Southern West Virginia. His beginnings are humble and inspirational, his knowledge is vast and unmatched, and his service is faithful and historic. I congratulate him on this extraordinary milestone." (longest serving member in the United States Congress)

Robert C Byrd was elected to the West Virginia House of Delegates in 1947. Byrd's first floor speech concerned a bill that would increase workers' compensation benefits for widows from \$30 per month to \$40 per month. Because of Byrd's eloquence in comparing the human element to the value of the dollar, the bill did pass and his speech was printed in the Appendix to the House Journal by unanimous consent. However, the bill

did not pass the State Senate and did not become law.

He advanced to the State Senate in 1951 but resigned when elected to Congress and began his service in the House of Representatives in 1953. In 1958, he was elected to the United States Senate. From there, he spent his career rising to top positions in that body.

While he did serve as Secretary of the Senate Democratic Conference, Majority Leader, Minority Leader and President pro tempore through the years, his position as Chairman on the Committee on Appropriations helped bring West Virginia into the 21st Century.

Although no final tally is available regarding the billions of dollars Robert C. Byrd brought home to his Mountain State, more than 40

projects bear his name. From science centers, hospital research facilities, highways, schools, to veterans' clinics, the child from the coalfields did all he could to help West Virginia thrive and prosper.

According to excerpts from his book "*Child of the Appalachian Coalfields*", the Senator took great pains in preparation for any project in which he was interested. He became a scholar of the United States Constitution and carried a copy of it on him constantly.

Robert C. Byrd worked diligently throughout his career to ensure his mountain home and its people were given equitable opportunities to compete within the global arena. In return, West Virginians respect and honor this statesman, who started his legislative career in the West Virginia House of Delegates. ■