



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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VETERANS BILLS

House Legislation Honors and Assists Those Who Have Served

The House of Delegates' recognition of February 17 as Veterans Appreciation Day marked the beginning of a week that resulted in the passage of five bills that legislators hope will assist and honor those who have served. The session started with a citation presented by House Speaker Tim Miley (D-Harrison) to honor West Virginians who have served our nation. The House went on to pass bills pertaining to death certificates, POW/MIA, licensure, and veterans' assistance.

See **VETERANS LEGISLATION**, page 2



Medal of Honor recipient Hershel Woodrow "Woody" Williams along with other veterans were recognized in the Senate Feb. 17th for Veterans Visibility Day.

MARTIN VALENT, WEST VIRGINIA LEGISLATURE

SENATE HONORS VETERANS & MEDAL OF HONOR RECIPIENT

Senate Resolution Also Recognizes Those Currently Serving Around the World

On Monday, February 17, 2014 the Senate adopted *Senate Resolution 31*, recognizing that day as Veterans Visibility Day.

Many veterans were in attendance to show the importance and strength of veterans in West Virginia, a state that has had more men and women per capita serve in the military than any other state. The Senate honored those who have served and those who are currently serving.

The resolution stated, "...The Senate is proud to honor those currently serving in harm's way in Iraq, Afghanistan and in other countries all over the world to protect democracy from the threat of terror..."

There was one veteran in attendance, Hershel Woodrow "Woody" Williams, who the Senate specifically recognized. In 1945

Williams was presented with a Medal of Honor by former President Harry S. Truman. Williams is a Fairmont, W. Va. native who enlisted in the Marine Corps Reserves in 1943. He received his Medal of Honor for his bravery at the Battle of Iwo Jima.

Williams is one of seven still living Medal of Honor recipients that served in World War II and the last surviving Medal of Honor recipient from the Battle of Iwo Jima. While presenting the resolution in the Senate, Senator Erik Wells read the same citation President Truman read while presenting the Medal of Honor to Williams over half a century ago.

In the Citation, President Truman spoke in detail of Williams' courageous acts that played an important role in defeating the Japanese stronghold in the battle of Iwo

Jima. "Quick to volunteer his services when our tanks were maneuvering vainly to open a lane for the infantry through the network of reinforced concrete pillboxes, buried mines and black, volcanic sands, Corporal Williams daringly went forward alone to attempt the reduction of devastating machine-gun fire from the unyielding positions." The citation goes on to say that Williams is an exemplary Marine, who's extraordinary determination was instrumental in defeating the Japanese and helping his regiment reach its goal.

Recognizing the importance of protecting West Virginia veterans, *Senate Bill 523* was read for a first time last week after passing out of the Finance Committee. The bill assists West Virginia's aging veteran population and an 150 person waiting list at the veterans nursing home in Clarksburg, by proposing another veterans nursing home in Beckley. ■

House Bill 2165 was the first to pass. This bill would allow the State Registrar to supply up to two certified copies of death certificates at no charge to the veteran or active member's estate. The request for the copies would have to be made within 30 days of the death.

House Bill 2895 was passed in honor of prisoners of war and those missing in action. Courthouses and other government buildings would be required to display the POW/MIA flag at the standard size defined by U.S. Code, alongside the United States flag and West Virginia's state flag, daily. The concept of a POW/MIA flag came about when Mary Hoff, spouse of the missing in action Michael Hoff, approached the advertising agency Annin and Company's vice president Norman Rivkees about creating a symbol for these soldiers. The agency created a concept that received approval from the National League of Families and began manufacturing and distributing it.

A bill was passed in an effort to ease the licensure process for military members and their spouses. **House Bill 4151** would allow for the licenses of service members to remain in good standing without having to meet continuing education requirements and paying fees. This would remain in effect for up to six months after discharge. If the spouse of an active duty military member moves into the state, he or she would receive a temporary license on an expedited manner. A waiver of application fees would be provided for certain spouses.

Delegates overwhelmingly supported **House Bill 4268**, which relates to transportation for West Virginian veterans. This bill states that the Secretary of the Department of Veterans' Assistance can award grants to provide for the transportation of veterans and removes the per diem rate for van drivers. The organizations that provide the

transportation service would administer the program and manage the expenses with grant funds.

House Bill 4350 would create the West Virginia Veterans Medal and the West Virginia Service Cross to honor those who have served in the military. The Veterans Medal would be awarded to any state resident who served in a federally-recognized military service for at least 30 days during armed conflict. The Service Cross would be awarded to any recipient of a federal achievement medal, commendation medal, meritorious service medal, or medal of valor. He or she would have to meet the criteria for the Veterans Medal as well. Those serving in the National Guard would be awarded medals as well if they meet the criteria.

Each bill is now waiting on consideration from Senate committees. House Bill 2165 will go through the Senate Military Committee and the Government Organization Committee. House Bills 2895, 4151 and 4268 have been sent to Government Organization. ■

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As of 4:00 p.m., Thursday February 13, 2014, the 37th day of the 2nd session of the 81st Legislature, 1239 bills have been introduced in the House. Of those, 60 have passed and have been sent to the Senate for further consideration. Among those:

House Bill 4149 would allow members of the Board of Public Works to be represented by designees and to vote by proxy.

House Bill 4188 would update the authority and responsibilities of the Center on Nursing. It would permit the administration of financial aid and higher education scholarship programs by the Higher Education Policy Commission, move the Center for Nursing special revenue account to the Higher Education Policy Commission, and update provisions on the account. It would also give them the responsibility to establish a statewide strategic plan to address West Virginia's nursing shortage, establish and maintain a website, evaluate the capacity for expansion of nursing programs, and administer the financial aid program. The board of directors would be reorganized.

House Bill 4257 would make it a misdemeanor for a person, firm, corporation or association to willfully spread false information during a state of emergency, including using an automated telephone call to do so.

House Bill 4298 would change the experience requirements of composition of the members of the West Virginia Ethics Commission. It would change certain aspects, requiring one member to have served in the West Virginia Legislature, one member employed to have been employed in a full-time elected or appointed office in state government, one member to have served part time as a member or director of a state, county or municipal board, commission or public service district, and seven members from the public at large.

IN THE HOUSE - CONT

House Bill 4301 would allow the reciprocal use of migratory bird hunting and fishing licenses with the Commonwealth of Kentucky on the Big Sandy and Tug Fork Rivers.

House Bill 4302 would allow the use of county election officials to conduct elections and designate the county commission as the board of canvassers to canvass the returns of all elections for public school purposes.

House Bill 4309 would allow a person to keep a firearm in his or her vehicle on State Capitol Complex grounds if the vehicle is locked and the firearm is out of normal view.

House Bill 4343 would create the West Virginia Project Launchpad Act. The Governor would designate 10 "launchpads" that would meet the criteria where certain businesses and individuals are eligible for certain tax benefits.

House Bill 4347 would create an affirmative defense to a mechanics' lien if a payment has been made to the contractor or subcontractors. This would only apply to work on owner-occupied, single-family dwelling units.

House Bill 4349 would clarify that retirement dependent child scholarship and burial benefits of deceased uniformed service officers are not subject to division or payable to another payee under a Qualified Domestic Relations Order.

House Bill 4384 would require teachers of students with exceptional needs to be present at an individualized education program meeting or read and sign a copy of the program plan.

House Bill 4394 would change the process for employing highly qualified professional personnel in public schools. It would ensure that positions filled by retirees and not fully qualified teachers are posted statewide and easily available to new graduates, reducing

force teachers seeking employment, allow capable teachers to easily obtain certification in additional content areas, ensure teachers and principals consider applicant qualifications, and limit the movement of personnel to other counties when instruction in an assigned position is about to or has begun.

House Bill 4431 would clarify that possession of a firearm, hunting dogs or other indications of hunting does not also require a hunting license.

House Bill 4453 would make Supplemental Security Income exempt from being considered income for child support awards purposes. It would also increase the percentage variance used for determining when a motion to modify child support should be filed from 10 percent to 15 percent.

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IN THE SENATE

As of 4:00 p.m., Thursday, February 13th, 2014, the 37th day of the 2nd session of the 81st Legislature, 630 bills have been introduced in the Senate. Of those, 77 passed and have been sent to the House of Delegates for consideration.

Senate Bill 6 would require a prescription for medications that contain drugs used in the production of methamphetamine. The bill makes ephedrine, pseudoephedrine and phenylpropanolamine schedule IV controlled substances. Products that are tamper resistant, and cannot be used in the production of meth will still be sold over-the-counter.

Senate Bill 15 would remove certain billing limitations for HIV or STD testing by public health agencies. This proposal would make the person getting tested, or their healthcare provider, responsible for the testing costs regardless of if the testing is done at a private facility or public healthcare department.

Senate Bill 100 would change the limitations of low-speed vehicles. This legislation would allow a low-speed vehicle to operate on roads with a speed limit of 35 miles per hour, rather than 25 miles per hour, which is the current law.

Senate Bill 307 would authorize community corrections programs to operate pretrial release programs to reduce regional jail costs. Defendants would pay a fee, \$7 a day or \$30 a month for supervision and evaluation while in the program.

Senate Bill 315 would expand the list the West Virginia Military Authority is allowed to accept money from. The proposal would allow the military authority to accept funds from any state, federal or U.S. territory agencies.

Senate Bill 327 would update terms in the West Virginia Corporation Net Income

IN THE SENATE - from pg. 3

Tax Act. The meaning of “federal taxable income” would be updated, among other terms. This legislation would update the terms to bring them to conformity with the Internal Revenue Code’s definitions.

Senate Bill 376 would require certain construction workers to complete an OSHA safety program. The safety program would only needed to be completed once at little to no cost to the construction worker.

Senate Bill 416 would clarify that appraisals done by the State Tax Commissioner of natural resources applies to all oil and natural gas property and all reserve oil and natural gas property.

Senate Bill 427 would update the current motor vehicle insurance verification and penalties to reflect the electronic insurance verification program that has been previously

authorized by the Legislature. One provision would remove the requirement that insurance companies have to notify the Department of Motor Vehicles when a policyholder’s insurance is canceled.

Senate Bill 457 would require the same programs offered in regional jails be available in state correctional facilities. Overcrowding has caused many inmates who would normally be in a regional jail, be transferred to a correctional facility. This legislation would ensure that the inmate would have the same programs available.

Senate Bill 576 would construct a state-wide, fiber-optic broadband infrastructure network that would be purchased by the state. The network would be called the broadband middle mile. The bill also provides provisions for bonds to fund the construction of the broadband middle mile.

Senate Bill 610 would require health insurance providers to cover costs for certain non-narcotic pain relief treatment systems. This legislation would allow alternative medicine for pain relief.

Senate Bill 616 would allow the Division of Energy to accept and use contributions, donations and gifts. These gifts, donations and contributions would be in addition to federal funds the Division of Energy receives.

Senate Bill 623 would require mining company employers to notify the Director of the Office of Miner’s Health, Safety & Training if an employee’s drug or alcohol test is positive. The bill also requires an employer to notify the director if an employee refuses to submit a sample, possesses a substituted sample, submits a substituted sample, possesses an adulterated sample or submits an adulterated sample.