



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## Visitor Experience Forges Connection with State Government

by Ann Ali

Although the Capitol dome is undergoing a restoration for the next two years, West Virginia's statehouse continues to serve as an incubator for inspiration. Housing the offices of the Governor, the Supreme Court of Appeals, the Constitutional Officers and the Legislature, the architectural wonder belongs to the citizens of West Virginia. As such, the road to the Capitol is never long.

During the year, visitors come from throughout the world, nation and state to photograph and experience the work of Cass Gilbert, the Capitol's architect who is noted for his simplicity, just proportions, beauty and refinement.

Throughout the year, residents come to the Capitol to conduct business or to seek assistance in one form or the other. During the Legislative Session, people come to be heard.

Although letters and telephone calls are taken seriously during the Interim, the volume of a collective voice of like-minded people is amplified for 60 Days of the Regular Session during the first three or four months of each year.

As voters have become more politically aware in the past few years, more citizens come to the Capitol to participate in the democratic process. For a first time visitor, the trip can be daunting, yet always exhilarating...and maybe frustrating.

To further encourage citizen participation, a few tips on taking the road to Charleston may be helpful to interested parties.

First and foremost, plan an arrival date. Because some days are set aside for specific legislative actions, it may be difficult to contact a lawmaker. For instance, Mar. 21st is the last day for the Senate to introduce bills in the State Senate and Mar. 25th is the deadline for the House of Delegates. Members of both bodies will more than likely be holding day-long sessions to ensure bills



photo: John Tice

**"Public buildings, and especially the State Capitol, constitute the best evidences of the character of material, success and solidity, culture and civilization of the state..." - Cass Gilbert, Architect**

they are sponsoring make it to the hopper. In addition, Mar. 27th is the last day for bills to move from committees and Mar. 30th is the last day for bills to be addressed in their house of origin. Again, long sessions are expected.

Also, let representatives know when you are planning to travel to the Capitol. This will allow them to set aside time or to let you know they may be carrying out their legislative responsibilities and time may not be an option.

Plan an agenda and know your bearings. An information packet may be downloaded from the Legislative Web site which details a Capitol map with legislative office locations. The identification of Senate and House district representatives can be made easier by obtaining a Directory of the 77th Legislature from the Public Information Office or by reviewing district maps on the legislative Web site. The information packet also provides locations of handicapped entrances and restroom facilities.

If observing a floor session is on the itinerary, a pattern has emerged in recent years whereas the membership may be required in their Chambers at 11 a.m. There is no set length of time for floor proceedings so full debate may be conducted. Committee meetings generally occur in the afternoon or in the late evenings.

Because of the volume of people coming to the Capitol during the Legislative Session parking is always an obstacle. While parking spots are readily available throughout the year, the amount of traffic arriving during session, too, is amplified. Sharing a ride takes on a whole new meaning during this deliberative time.

Free parking is available at Laidley Field, located West of the Capitol Complex and shuttle buses travel to and from the Capitol every 15 minutes. Many organizations charter buses while school children are brought by their familiar ride, the school bus.

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# In the House

As of 4:00 p.m. March 16, 2005, the 36th day of the Regular Session, 1074 bills have been introduced in the House of Delegates. Of those, 11 have been passed by the House since March 9 and have been sent to the Senate for further consideration.

**House Bill 2002** would create a system of bail bond forfeiture procedures. The bill would require an arrest warrant for any defendants receiving to bail and then failing to appear in court. The court would allow 90 days for the underwriter to produce the defendant.

**House Bill 2078** would require the spaying or neutering of dogs or cats adopted from humane shelters or county animal shelters. Persons could only adopt animals if they have previously been spayed or neutered; if a veterinarian performed the procedure at the shelter; or, if the person signs a document promising to have the animal spayed or neutered within 30 days of adoption. Nothing in the bill would authorize an agency to spay or neuter a dog or cat if the dog or cat is claimed by and returned to its owner within five days of being captured.

**House Bill 2150** would expand the locations where one could file a child abuse or neglect petition. Current law requires the complaint to be filed in the county where the child resides, but this bill would expand the sites to the county where the offender resides, or where the abuse or neglect occurred. However, a petition may not be filed in more than one county if it is based on the same set of facts.

**House Bill 2227** would prescribe minimum standards for municipal judges by requiring them to continue their education by attending training sessions at least twice during their term. It also would require those applying for municipal judgeships to undergo a criminal background check conducted by the West Virginia State Police. If the applicant were guilty of committing a misdemeanor or a felony involving a crime reflecting bad character, or corruption, he or she would not be eligible to become a municipal judge.

**House Bill 2271** would eliminate conflicting provisions found in the West Virginia Code concerning the award of expert fees in child neglect and abuse proceedings. The bill would strike the language that says the court of order shall provide for the payment of expert witnesses.

**House Bill 2523** would make it a misdemeanor for a former inmate to contact any employees of the Department of Corrections without specific written consent. It also would require that inmates be informed of this law upon release. Any persons guilty of violating this law would be subject to a maximum fine of \$500.

**House Bill 2525** would remove a provision from the West Virginia Code that requires the State Board of Education to contract with an independent agency to evaluate the results of character education and report these results to the Legislative Oversight Commission on Education.

**House Bill 2527** would authorize employees of multi-county vocational schools to administer performance tests for service personnel in the counties served by the school. Current law allows only employees of the county board of education to administer the tests.

**House Bill 2813** would remove the requirement that a public utility must first obtain a certificate of public convenience

## Bills Passed Both Bodies

**Senate Bill 146** would establish the Unborn Victims of Violence Act. The bill would recognize an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person, and it would establish that the pregnant woman and the embryo or fetus she is carrying in the womb constitute separate and distinct victims. Exceptions to the bill include: acts committed during a medical abortion; acts or omissions by medical or health care personnel as a result of medical services; acts or omissions by medical or health care personnel in performing lawful procedures involving embryos that are not in a state of development in utero; acts involving the use of force in lawful defense of self or another, but not an embryo or fetus; and, acts or omissions of a pregnant woman in respect to the embryo or fetus she is carrying.

**House Bill 2495** would repeal the section of the West Virginia Code regarding jail inspection. Currently the code states that at least once every year the circuit court of each county must appoint three persons including a physician, to inspect the jail. These individuals are to inspect the jails and report its condition. This bill will repeal this section.

and necessity from the Public Service Commission before it can apply for other necessary licenses and permits.

**House Bill 2869** would allow corporations in this state to convert to limited liability companies. The corporation's Board of Governors would lay out a plan of conversion and approval of the implementation would require an affirmative vote from each shareholder. If the measure were approved by shareholders, then the Secretary of State would issue a certificate of conversion.

## A Sampling of Bills Introduced In the House

**House Bill 2815** would expand the use of a child passenger restraint device or a

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# In the Senate

As of 4:00 p.m. Wednesday March 16th, 2005, the 36th day of the Regular Session, 563 bills have been introduced in the Senate. Of those, three have been passed by the Senate since March 9th and sent to the House for its consideration. These were:

**Senate Bill 222** would define business members for the purpose of the state's Workforce Investment Board. The state's Workforce Investment Board consists of 39 members who are appointed by the Governor with advice and consent from the Senate. Since the members must be representatives of business in the state, this bill clarifies who is considered to be a "business representative."

**Senate Bill 235** would allow the Commissioner overseeing the actions of West Virginia's participation in the United States Department of Agriculture's National Animal Identification System to propose rules to govern the collection of data. This bill also would exempt animal identification data from disclosure under the Freedom of Information Act.

**Senate Bill 413** would allow the Commissioner of Banking to create an application and approval process for state-chartered banking institutions. The bill also would afford the opportunity for state-chartered banking institutions to become equally competitive with federally chartered institutions and other financial services providers operating in West Virginia.

## A Sampling of Bills Introduced In the Senate

**Senate Bill 505** would create the Indigent Defense Commission. This eight-member commission, would advise the executive director who has the power to reduce or reject vouchers and, with the consent of the commission, may remove certain board members of corporation for negligence.

## 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>

**Senate Bill 506** relates to the salaries of rehabilitation counselors. The bill would require rehabilitation counselors employed by the Division of Rehabilitative Services to be paid equal to public school counselors.

**Senate Bill 510** would establish the Infection Control Act of 2005. This act would allow for the creation of the Infection Control Advisory Panel, which would promote a voluntary program to control and prevent infections in hospitals and other health facilities in the state.

**Senate Bill 517** would waive the one-year residency requirement for filing a name change for certain individuals. The exemption would apply to people who have lived in this state longer than anywhere else, but who have moved to another state and have not yet established residency.

**Senate Bill 521** would establish a study on flood insurance. The study would focus on the possibility of requiring flood insurance and /or general property insurance on all buildings owned by a county board as well as the contents of those buildings.

**Senate Bill 523** would allow for certain children to be exempt from mandatory immunizations. This would apply to children whose parents do not want the immunization on the basis of moral or religious beliefs. The parents of the children would have to state their beliefs in an affidavit and complete an informed consent form provided by the Bureau of Public Health.

**Senate Bill 527** would require insurance companies to provide information to people who were denied homeowners' insurance. This would only be done upon the request of the applicant and with payment of a processing fee.

**Senate Bill 532** would revise the West Virginia Public Employees Retirement Act. The addition would allow state employees who were unable to convert accumulated sick leave, due to illness, into credited service for retirement to have the option to purchase it back by having withholdings taken from future pay checks.

**Senate Bill 534** would specify which items should not be delivered or possessed by individuals who are being held in a state jail, correctional facility or juvenile center. The bill also establishes criminal penalties for transporting certain items onto the grounds or aiding in an escape.

**Senate Bill 539** would allow the Board of Dental Examiners to immediately suspend or revoke the license of a dentist if the board determines it should protect the public from an immediate danger.

**Senate Bill 543** would give tax incentives to non-residential owners of managed timberland. The tax break would be granted to allow the general public to use the land for recreational purposes, such as hunting, fishing, hiking, and photography.

**Senate Bill 547** would allow the Division of Motor Vehicles to create and sell sports' compact license plates. The license plate can bear the logo or trademark of any sporting team or franchise for which the commissioner has obtained consent.

**Senate Bill 552** would make it a misdemeanor to sell an unstable horse. An unstable horse is defined in the bill as any riding horse that is more than two years old that exhibits dangerous qualities, of which the seller is aware, such as kicking, biting or lunging.

**Senate Bill 563** would protect consumers from financial losses due to the fraudulent activities of individuals selling vehicles. The bill would require a salesperson to receive a license from the Division of Motor Vehicles. The bill also adds authority for the Division to do a background check.

## West Virginia on the Move Program

Current total steps as of 4:30pm  
Wednesday, March 16, 2005:

House of Delegates - 20,779,123

Senate - 11,925,831

Governor's Office - 5,681,350

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The Capitol Cafeteria also sees its capacity stretched to its limit. Expect lines and plan accordingly. Some visitors take advantage of the time spent in Charleston to experience local restaurants while others grab a bite at nearby fast food establishments.

Oftentimes people ask what clothes are appropriate. Citizens have the luxury to come as they are within reason but coat racks are not available. It is recommended to lighten purses and wear comfortable walking shoes since marble flooring is not forgiving.

The Legislature is in its remaining 23 days of session as of March 17th. For those citizens who do not make it to Charleston in 2005, each is encouraged to visit during 2006.

The citizens of the State maintain the State Capitol. Voters select who will serve as their representative voices. With this authority, people are welcome to come home at any time, since the road is never long.

**In the House** - continued from pg. 2

booster seat from four to six years of age and from 40 pounds to 60 pounds.

**House Bill 2816** would create the West Virginia Healthy Act of 2005. The bill would establish that soft drinks sold through vending machines would not be permitted in areas accessible to students in an elementary school or middle/junior high school. In addition, senior high schools offering soft drinks in vending machines must offer the same amount of healthy beverages. The bill also would require minimum amounts of physical activity for students in grades K through 12.

**House Bill 2992** would include the participation in the operation of a clandestine drug lab involving destructive devices, explosive materials or incendiary devices as a crime of wanton endangerment.

**House Bill 3040** would provide maximum time limits for one-way bus transportation for any new bus route created to transport students if their particular schools were closed or consolidated. The limitations

could only be dismissed if a separate vote by a county board, the School Building Authority and the State Board of Education approved.

**House Bill 3047** would add the use of any substance or object to produce methamphetamines as a misdemeanor in the West Virginia Code. It goes further to note if any person produces more than 10 pounds of methamphetamines in 24 hours, then he/she would be guilty of a felony and would be jailed for at least 26 years and fined anywhere from \$100,000 to \$1 million dollars. The bill also notes that if a person operates or attempts to operate a methamphetamine laboratory in the presence of a child under the age of 18, then he/she is also guilty of a felony. Offenders would not be eligible for parole until the minimum term was served.

**House Bill 3049** would add a new section to the Code regarding reckless actions relative to starting a fire. Any person who creates carelessly and without provocation a substantial risk of death or serious bodily injury to another, is guilty of a felony. If convicted, the person will be sentenced from two to 10 years and fined up to \$10,000.

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

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