



WRAP-UP

The Newsletter of the West Virginia Legislature

For information about
your State Legislature,
visit our Web site:
www.legis.state.wv.us

Volume XVI, Issue 1 | February 17, 2005

State Lawmakers Taking Steps in the Battle Against Obesity

According to a study conducted by the Research Triangle Institute and the Centers for Disease Control (CDC), medical expenditures linked to obesity reached \$75 billion in 2003. Researchers estimate that approximately half of these costs are subsidized by taxpayers through Medicare and Medicaid. Recognizing this as an issue of both fiscal and physical significance for all West Virginians, state lawmakers have decided to get moving.

The intertwining concrete walkways surrounding the State Capitol Complex and the marble halls within the building are routinely alive with activity. Throughout the course of an average day, many state employees and local citizens take time to leisurely walk around the Capitol or jog through the courtyard. For some, using a few minutes of their lunchtime to lace up their tennis shoes and get their heart rates pumping has become a daily ritual - and state lawmakers are following in stride.

Embracing this commitment, lawmakers are working to promote increased physical activity and heighten public awareness on the problem of obesity. Members of both the West Virginia House of Delegates and State Senate have pledged to take part in the "West Virginia on the Move" program - an initiative dedicated to helping individuals and communities across our state make positive changes to improve West Virginians' health and quality of life.

Why is promoting activities such as walking important in the Mountain State? In addition to its financial implications, legislators also recognize the negative effect obesity has on West Virginians' health. According to the CDC and Prevention's Behavior Risk Factor Surveillance System, West Virginia is ranked first in the nation with 27.6 percent of its population being obese. Furthermore, it has been reported that 28.4 percent of West Virginians report no leisure-time physical activity.

Studies have shown a direct correlation between several morbid diseases and obesity. Those who are obese are more at risk



Tracking the number of steps they take daily, lawmakers and staff will be wearing these pedometers throughout the Session as they participate in the "West Virginia on the Move" program. *photo: Martin Valent*

to develop heart disease, diabetes, hypertension, gallbladder disease, osteoarthritis, sleep apnea and other breathing problems, as well as some cancers, such as uterine, breast, colorectal, kidney, and gallbladder.

The combination of poor eating habits and physical inactivity have played major roles in the levels of obesity in the state. And according to the "West Virginia on the Move" program, to be successful in creating sustainable individual behavior change there must be a focus on larger environment and community support of healthy eating and active living. By reaching individuals where they live, work, learn, and play, communities can make a difference.

To further promote the program and an active, healthy lifestyle, members and staff of the House and Senate, along with the Governor's Office, will be competing for the first annual "Leaders on the Move" award. The entity that "walks the walk" and takes the most steps over the course of the 60-day Legislative Session, which will be measured by individual pedometers, will be declared the winner and the award will be displayed in either the Speaker's Office, the President's Office or the Governor's Office.

If you would like to get involved and begin making a change in your communities, "America on the Move" recommends taking an additional 2,000 steps each day - something that can be achieved by walking up the stairs instead of taking the elevator, parking further away from work or simply walking to your neighbor's house rather than calling them on the phone.

Addressing the issue of obesity and the serious medical complications that accompany this epidemic has become a priority of the West Virginia Legislature. Although a sweeping answer cannot be established overnight, promoting programs that encourage individuals to take notice of the problems regarding obesity is a major step in the right direction toward tackling this statewide concern.



In the House

As of 4:00 p.m. Feb. 16, 2004, the eighth day of the Regular Session, 449 bills have been introduced in the House of Delegates. Of those, four have passed the House and will now go to the Senate for its consideration.

House Bill 2015 would provide employer immunity from civil liability for job-related information disclosed regarding former employees. It also would provide that information given is presumed to be in good faith. However, if the employer provides information that is knowingly false, deliberately misleading or malicious, then the employer immunity is lost. Too, all information provided must adhere to job-related activities.

House Bill 2102 would make tongue splitting a crime unless performed by a licensed physician or osteopath. Tongue splitting is the cutting of a human tongue so it is no longer one continuous piece but rather split into two or more connected segments. Any person guilty of violating the proposed law would be guilty of a misdemeanor, and if convicted, would be fined \$50 to \$500 or would spend not more than one year in jail, or both.

House Bill 2128 would authorize the Executive Director of the West Virginia Regional Jail and Correctional Facility Authority to establish an inmate furlough program—a program that allows a prisoner temporary leaves of absence from the prison. The leaves of absence are granted for reasons such as attending funerals or hospital visits to terminally ill family members. The Executive Director would have the authority to determine which inmates are not a risk to public safety.

House Bill 2129 would create a misdemeanor offense for unlawfully using a recording device to record a motion picture in a motion picture theater. A person in violation of this law would be guilty of a misdemeanor, and if convicted, the person would be fined \$100 to \$500 for each offense. Other provisions in the measure would authorize the theater owner to detain an offender without liability until a law enforcement officer arrives upon the scene. Exemptions to this law would include security, personnel protective services or any investigative agency.

or private, primary or secondary education for their children. The tax credit would be available at a rate per child of \$500 for home schooling and \$1,000 for private schooling.

House Bill 2165 would give an employee the right to decline to work more than 40 hours in a workweek. However, an employee could work more than 40 hours in a workweek as long as compensation is received for employment in excess of 40 hours per week at a rate of at least one and one-half times the regular rate of pay.

House Bill 2194 relates to the ethical standards of public officials and employees. The bill would modify the confidentiality provisions relating to proceedings before the Ethics Commission. The bill says that all investigations, complaints, reports, records, proceedings and other information received by the Commission and related to complaints made to the Commission or investigations conducted by the Commission are confidential and may not be knowingly and improperly disclosed by any current or former member or employee of the Commission or the Review Board. Any person in violation of these requirements is subject to public reprimand, cease and desist orders, orders of restitution, fines not to exceed \$5,000 per violation or reimbursement to the Ethics Commission for the actual costs of investigating and prosecuting a violation. Any money collected by the Commission for this reimbursement must be deposited into a special revenue account. The Commission may also recommend to the appropriate governmental body that a respondent be terminated from employment or removed from office. Finally, the Commission may institute civil proceedings in the circuit court of the county in which a violation occurred for the enforcement of sanctions.

House Bill 2214 would require county school boards to train all school personnel in cardiopulmonary resuscitation (CPR) and blood precaution. Blood precaution is training in techniques and measures designed to avoid and prevent the transmission of or contamination by blood-borne pathogens.

House Bill 2233 would provide a tax credit to small businesses that have an annual payroll of less than \$1.5 million or annual

Bills Introduced In the House

House Bill 2008 would increase the rate of tax on cigarettes from 55 cents to \$1.55 and reduce the consumer sales tax on food sold for home consumption from six percent to three percent. The bill also states that the first \$5 million collected from the cigarette tax is to be given to the Department of Agriculture for crop transition programs.

House Bill 2009, also known as the West Virginia Residents' Tax Relief Act of 2005, would eliminate the consumer sales tax on clothing and footwear. This does not include watches, watchbands, jewelry, handbags, handkerchiefs, umbrellas, scarves, ties, headbands or belt buckles. The state Tax Commissioner would have the authority to propose further rules related to the bill.

House Bill 2047 would prohibit insurers from increasing motor vehicle insurance rates or adding surcharges to those policies for simple minor traffic violations.

House Bill 2134 would provide a two-tiered personal income tax credit to parents or legal guardians who provide home

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

Bill Thomas
Assistant Director

Drew Ross
Jessica Stanton
Lee Ann Vecellio
Information Representatives

Dave Martin
Randy Cain
Webmasters

Dee Spelock
Resource Manager

Martin Valent
Shane Evans
Photographers

John Tice
Graphic Designer

Justin Weaver
Intern - West Virginia University

Ann Ali
Kacie Daniels
Justin Dearing
Interns - Marshall University



In the Senate

As of 4:00 PM, Wednesday, February 16, 2005, the eighth day of the 2005 Regular Session, 207 bills have been introduced in the Senate.

Of those, **Senate Bill 146** has been passed by this body. This measure would establish the Unborn Victims of Violence Act which recognizes an embryo or fetus as a distinct unborn victim of certain crimes of violence. Exceptions to this include the instance to which the pregnant woman, or a person authorized by law to act on her behalf; also exempted are medical, health care personnel or scientific research personnel while performing lawful procedures involving embryos that are not in a stage of gestation. The bill will now go to the House for its consideration

Bills Introduced in the Senate

Senate Bill 7 would provide for criminal history checks for people not employed by county boards of education, but who work directly with children in schools from kindergarten through 12th grade.

Senate Bill 10 would make the destruction of a landlord's residential property for a criminal offense. The bill states that damage greater than \$300 but less than \$1,000 would constitute a misdemeanor and damage greater than \$1,000 would constitute a felony.

Senate Bill 16 would exempt veterans' organizations from certain sales tax provisions. The measure would exempt the sale of goods or services by any corporation or organization with a primary goal of promoting, supporting or publicizing military veterans' causes, interests or affairs on behalf of and for the benefit of veterans, veterans' organizations or veterans' groups from consumer sales and service tax.

Senate Bill 25 would establish a social workers' code of ethics. The provisions of the Code would include: promoting the general welfare of society, facilitating informed participation by the public in shaping social policies and institutions, and providing appropriate professional services in public emergencies to the greatest extent possible.

Senate Bill 48 would add the Equitable Compensation Act to Code language pertaining to salaries, wages and other benefits. It would establish a state minimum salary supplement for professional personnel holding a nationally recognized professional certification. The legislation would state that national professional certification is a valuable professional credential for both public and private employment.

Senate Bill 134 would give a tax credit to employers who provide or pay for child day care services for their employees' dependent children. The credit would be assessed to both the employer's personal income and corporate net taxes.

Senate Bill 147 would limit access to certain chemicals used in the production of methamphetamines. The bill would require that any person purchasing a substance that could be used in the production of methamphetamines to produce a photo ID and sign a form noting the date of the transaction and the individual's signature. The measure also would limit the amount of medicines sold that could be used to make methamphetamines without a prescription from a physician.

Senate Bill 159 would allow for the formation of metro governments. Metro governments would be created by the consolidation of political and corporate functions of a county and a municipality or municipalities located in that area. This bill would allow for the consolidation of smaller governing bodies to merge with other governing bodies for more efficiency.

Senate Bill 167 would create a tax incentive for the creation, construction or enlargement of tourism attractions or amenities. The credit would operate to allow the taxpayer to recover up to 25 percent or, in the case of bed and breakfast facilities, 50 percent of qualified investments in a tourism attraction by offsetting up to 80 percent of consumers sales and service tax collected by the taxpayer from customers over a period of either five or 10 years.

Senate Bill 171 would create a bill of rights for foster parents. Some of these rights would include training and support for the purpose of improving skills in providing daily care and meeting the special needs of the child in foster care along with assessing needs related to foster care providers.

Senate Bill 179 would divide the Department of Health and Human Resources into two departments, the Department of Health and the Department of Human Resources. The bill would be made effective on July 1, 2005.

Senate Bill 190 would allow Supreme Court Justices to be elected on a nonpartisan ballot. An election for the purpose of electing a Justice or Justices of the Supreme Court of Appeals would be held on the same date as the general election, as provided by law.

Senate Bill 193 would systematically arrange the creation of a multi-disciplinary citizen panel to review the policies, procedures, and when appropriate, specific cases handled by Child Protective Services. The proceedings and records of the citizen review panel would be confidential and privileged and may not be subject to subpoena.

Senate Bill 199 would look to encourage the improvement of land adversely affected by mining, oil and gas extraction and to aid in the prevention and abatement of the pollution of rivers and streams. The act also would promote the environmental values of this State by limiting the liability which could arise as a result of the voluntary reclamation or clean up of abandoned lands or water sources. The bill also provides a procedure for the Department of Environmental Protection to approve projects.

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>

Bills Introduced In the House (con't)

gross sales of less than \$5 million. The tax credit would be equal to any guaranty fee the business pays to the Small Business Administration in order to obtain SBA financing, or, as an alternative, a tax credit equal to two percent of any loan received by the small business from any other financial institution authorized to make business loans in West Virginia. The tax credit would be a one-time credit.

House Bill 2234 would provide that all taxpayers paying a state income tax would receive a reduction of five percent across the board in their income tax rates. The Legislature included findings in the bill that declared tax policy is a legitimate instrument to utilize in efforts to stimulate small business; that the level of poverty in this state is among the highest in the country while per capita income is the lowest and reducing the personal income tax would serve to reverse those troubling statistical trends; that any reduction in income taxes must be accompanied with a commensurate reduction in the state budget; and, that the cutoff of five percent would significantly stimulate the growth of small

business, help toward the creation of jobs and render relief to those citizens of this state who are in need of financial relief.

House Bill 2238 would provide a criminal penalty for transmitting bulk electronic mail messages which are unsolicited. Anyone in violation of the law would be guilty of a misdemeanor, and if convicted, would have to pay a fine of \$300 to \$600.

House Bill 2242 would establish a Child Internet Protection Act that aims to protect children from obscenity, child pornography and other harmful materials. The act would give public schools and libraries the authority to establish and enforce Internet-use policies.

House Bill 2322 would create an income tax deduction for taxpayers who volunteer 200 or more hours to a charitable organization. The amount of hours worked would have to be verified in writing by the organization to the Department of Tax and Revenue. Those guilty of violating the proposed bill would be liable for a civil fine of \$1,000 or less.

House Bill 2326 would create a forensic dental office to provide an authoritative re-

source to identify unknown individuals by means of dental records. The director of the office must be licensed to practice dentistry and have advanced knowledge about forensic dentistry. The director of the office would be appointed by the Governor.

House Bill 2334 would prohibit out-of-state placements of juvenile offenders unless out-of-state treatment or service is in the best interests of the child or that the needed treatment or service is not available in the state.

This is the first issue of Wrap Up for the 2005 60-Day Session of the West Virginia Legislature.

So that we can maintain an accurate mailing list or reduce duplicative mailings, we would greatly appreciate your calls to 1-877-565-3447 letting us know if you do not wish to continue receiving your copy, or by e-mailing us at: cglagola@mail.wvnet.edu.

Copies of Wrap-Up are available online at: www.legis.state.wv.us

The West Virginia Legislature's Office of Reference & Information

Room MB-27, Building 1, State Capitol Complex, Charleston, WV 25305-0591

**PRESORTED
STANDARD
U.S. POSTAGE
PAID
PERMIT NO. 1100
CHAS., WV 25305**