



WRAP-UP

The Newsletter of the West Virginia Legislature

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Increased Session Employment Helps Legislature Run Smoothly

BY KRISTEN FOOTO

Every year, on the second Wednesday of January, committee rooms, chambers and hallways are filled with more than 150 part-time employees who arrive for the start of the regular session.

During session, employment numbers more than double to take on the extended workloads. According to the Senate Payroll Office, per diem, or “day-to-day,” employees outnumber full-time employees 89 to 40. House employment is similar with 67 per diem employees to 51 full-time employees.

The sudden surge in work and employees is nothing new; in fact, many per diem employees come back from year to year to fill the void. Workloads in departments such as Clerks’ Offices, Bill Drafting, Duplicating and the Journal Room grow to be so large that it would be impossible to accomplish the work without additional help.

A variety of legislative positions are open to individuals interested in working during the 60-Day Regular Session. Following interviews, potential per diem employees are recommended to the Senate President or the Speaker of the House by committee chairmen or department heads. Upon approval, the per diem staffer is assigned a placement.

“All new and returning per diem employees are required to submit an application with my office each year to be considered for employment,” Senate Clerk Darrell Holmes said. “Employment with the Senate is conditional and all Senate personnel serve at the will and pleasure of the President of the Senate.”



MAX HUNT WEST VIRGINIA LEGISLATURE

History Comes Alive At the State Capitol

February 18 marked History Day at the Capitol as state and local historical societies displayed their wares. **Pictured:** Jack Coles and John Sauer, members of the West Virginia Society of the Sons of the American Revolution (WVSSAR) share thoughts with legislative counsel Brian Casto, who also serves as treasurer for the state chapter.

Although per diem employment by recommendation is how most positions are filled, there are exceptions. The Sergeants-at-Arms and Head Doorkeepers are elected by lawmakers in their respective chambers. The duties of the Sergeants-at-Arms include maintaining order in the hall, lobby, or galleries, and see that the chamber has proper upkeep. The Head Doorkeeper, and his appointed assistant doorkeepers, are responsible for helping the Sergeant-at-Arms maintain decorum and exclude all guests lacking floor privileges.

For many per diem employees, the concept of leaving and returning has become natural. Once the regular session ends, the jobs of per diem

workers conclude until they are needed again.

Bill Drafting employs 13 per diem workers whose jobs are to proofread, track and rewrite bills – also, five per diem attorneys are hired to assist in legal processes.

“They do a lot of the grunt work,” Ralph Kent of Bill Drafting said. “They help with the immense amount of bills that come through here every day.”

Many per diem employees in Bill Drafting are able to draw from a wealth of experience. One per diem employee has been in the department for more than 33 years – and it does not stop here – another part-time employee of the



In the House

As of 4:00 p.m., Wednesday, February 17, 2010, the 36th day of the 79th Legislature's 2nd Regular Session, 1,234 bills have been introduced in the House. Of those, 56 passed and have been sent to the Senate for its consideration. The bills passed include:

House Bill 4034 would give municipalities the authorization to implement programs for the purpose of registering vacant properties. The bill would also give municipalities the authority to include a registration fee as part of such programs.

House Bill 4143 would strengthen the authority of the Office of Emergency Medical Services. The bill would require applicants for certification to allow the West Virginia State Police access to personal background information.

House Bill 4157 would remove outdated sunset language from existing code.

House Bill 4176 would establish a state-wide credentialing verification organization in relation to credentialing for health-care practitioners.

House Bill 4179 would remove the language providing a termination date for the Equal Pay Commission. The current expiration date is July 1, 2010.

House Bill 4198 relates to the Oil and Gas Inspectors' Examining Board. The bill would extend the expired term of a member until the member's successor is appointed.

House Bill 4210 would require the Public Employees Insurance Agency Finance Board to have a five member quorum present at all public hearings.

House Bill 4220 would require that the Board of Medicine accept certifications from both the American Registry of Radiologic Technicians and the Certification Board for Radiology Practitioner Assistants for qualifications as a radiologist assistant.

House Bill 4248 would establish the definition for "audit" in relation to charitable funds as "the systematic examination of records and documents and the securing of other evidence by confirmation, physical inspection, or otherwise, that includes a written assurance that financial statements and reports are fairly presented in conformity with generally accepted accounting principles."

House Bill 4281 would replace the terms "mentally retarded" and "mental retardation" in state law with the terms "intellectually disabled" "individual with intellectual disability" and "intellectual disability."

House Bill 4355 would add probation officers and parole officers to existing law relating to disarming law enforcement officers. The bill would make disarming or attempting to disarm a probation or parole officer a felony offense.

A Sampling of Bills Introduced In the House

House Bill 4458 would authorize county commissions, municipalities, and boards of education that receive lottery revenues to issue bonds to construct public projects. Lottery revenues would secure the bonds. These public projects could include new buildings, demolishing old buildings, environmental remediation, and other projects.

House Bill 4472 would prohibit the use of a handheld communication device to engage in text messaging or other technology while operating a motor vehicle. The offense would be considered a misdemeanor and would be punishable by a \$250 fine.

House Bill 4478 would require a child be placed with a relative, where possible, when removed from the home of a parent. The bill would establish an adult family member as first placement preference, followed by a family friend who meets foster care licensing requirements.

House Bill 4482 would require applicants and recipients of temporary assistance for needy families cash benefits participate in a random drug testing program. An applicant or recipient would have 60 days to pass a drug test before being deemed ineligible to receive benefits. The bill would also require legislators to be required to participate in a drug testing program.

House Bill 4498 would prohibit smoking throughout the entirety of the State Capitol. The bill would include all offices and hallways.

House Bill 4510 would require the Department of Environmental Protection make a final decision in regard to coal mining permit applications within six months of all required information to complete the application process and come to a decision.

The West Virginia Legislature's Reference and Information Center

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In the Senate

As of 4:00 p.m. Wednesday, February 17, 2010, the 36th day of the 79th Legislature's 2nd Regular Session, 599 bills have been introduced in the Senate. Of those, 18 have been passed and have been sent to the House for its consideration. The bills passed this week were:

Senate Bill 38 would make the federal Servicemembers Civic Relief Act a state law. The act is designed to relieve certain civil responsibilities from servicemembers entering active duty or being deployed.

Senate Bill 89 would allow elected police chiefs and deputy chiefs to be assigned to their previously held position within the force at the end of their term.

Senate Bill 218 would make certain inmates eligible for early parole, upon successful completion of a rehabilitation program. Inmates who had committed violent crimes or crimes against children would not be eligible for accelerated parole, as well as inmates who had level one or two disciplinary action 120 days prior to parole consideration.

Senate Bill 236 would create the Aquaculture Development Act in order to promote aquaculture in the state. Aquaculture is defined as the breeding, raising and/or use of aquatic species in controlled environments for commercial purposes including food production, recreation and research.

Senate Bill 350 would add recycled energy to the list of renewable energy resources. This includes exhaust heat from commercial or industrial processes, waste gas, mechanical energy resulting from pressure drops, and other forms of recycled energy.

Senate Bill 354 would update the terms and reporting procedures for traffic crashes. The word "accident" would be replaced with "crash," and the investigating law-enforcement officer would be required to submit a report electronically

or in writing within 24 hours of the incident. If the officer could not complete the investigation within 10 days of the crash, a preliminary report would be required on the tenth day and a final report would be required within 24 hours of the completed investigation.

Senate Bill 382 would authorize the preparation and submission of geological reports incidental to oil and gas drilling. It would also require that logs and other valuable information be given to the state Geological and Economic Survey.

Senate Bill 391 would require that candidates for county boards be citizens of the county in which the board serves.

Senate Bill 397 would create a single dwelling residential housing index that would annually compile the costs of all single dwelling residential housing in the state. The index would be made available to the Joint Committee on Government and Finance as well as the public.

Senate Bill 436 would replace the Latin "haec verba, viz" with the English equivalent "these words verbatim" in the West Virginia code.

A Sampling of Bills Introduced In the Senate

Senate Bill 541 would increase penalties for passing a stopped school bus that is either picking up or dropping off children. The fine for a first offense would increase from a minimum \$50 to \$150, while the maximum fine would increase from \$200 to \$500.

Senate Bill 550 would establish a driver's license restoration program for people who have their license cancelled, suspended or revoked. The program would be responsible for providing information and educational services to assist people in having their license reinstated.

Senate Bill 552 would create the Office of Child Advocacy. The office would investigate and monitor the Department of Health and Human Resources Division of Child Protective Services and the Division of Corrections.

Senate Bill 586 would require county school boards of underachieving schools to notify parents of school

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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>

PER DIEM - from Pg. 1

House Clerk's Office has been coming back for 18 years.

"Due to the nature of what we do, the constraints we have, rules and deadlines, it is critical we have a good team of staff," House Clerk Greg Gray said.

As Journal Room employee Delores Baker stated, "We couldn't do it without them." The jobs of Journal Room employees range from distributing legislation, to copying bills, to preparing legislators' bill books.

Approximately 2,500 bills are introduced each Session and the Journal Room prints roughly 250 bills a day. They also send bills through the mail, by fax and via e-mail. A workload this size could not be done without the nine additional sets of helping hands.

Per diem employees act as a safety net for the legislative session, ensuring that all obligations are met and all tasks are completed. An ancient African proverb states: "It takes a whole village to raise a child." If that stands true, then it can also be said that it takes a per diem staff to keep the West Virginia Legislature afloat. ■

In the House - from Pg. 2

House Bill 4514 would eliminate the sales tax on food items by July 1, 2012.

House Bill 4520 would prohibit healthcare providers from discriminating against patients based upon the manner in which the patient became sick or was injured. The bill would also prohibit healthcare providers from refusing to treat patients for the same reason.

In the Senate - from Pg. 3

choices for the next school year. School boards would be required to notify parents within five days of receiving the schools failure to produce satisfactory results by the testing service.

Senate Bill 590 would create an energy related public relations campaign focused on educating the Washington D.C. area and federal government about West Virginia coal and its positive impact. The Division of Energy would design and develop the campaign.

Senate Bill 599 would make it a felony offense to recklessly transfer HIV or AIDS. Punishment would include incarceration of up to 10 years. If a consenting adult knew the risks before engaging in sexual activity, the transfer of the virus could not be prosecuted.