



WRAP-UP

The Newsletter of the West Virginia Legislature

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Advances Made While History Preserved in Legislative Chambers

STAFF

In their effort to honor the tradition and historical significance in the chambers of the West Virginia Senate and House of Delegates, legislative leaders, along with the respective clerks offices, have made significant strides in recent years to enhance architect Cass Gilbert's original vision for the legislative Chambers within the State Capitol. Knowing how important the Capitol is to the citizenry of West Virginia, both as a symbol of our democracy and a meeting place for their elected officials, the renovations have served to preserve the history of the Legislature for generations to come while also forging ahead into the future.

The Senate Chamber has undergone several structural repairs over the last few years under the direction of the Senate President and the Senate Clerk to stabilize the walls, restore the heating and cooling systems and fix the skylights and leaks in the ceiling. The carpet, which had been installed in 1962 in preparation



Senate Chamber

Not seen since 1962, the bare floor of the Senate Chamber stands in stark contrast with the newly refinished desks and patterned carpet - a return to Cass Gilbert's original vision.

photo: Martin Valent



A view of the new electronic voting board in the House Chamber.

photo: Max Hunt

of the Centennial celebration of West Virginia statehood, was recently removed and replaced with a pattern closer to the original design. When installing the new carpet, wires and outlets were incorporated underneath for future use of technology in the Senate Chamber.

The chairs at the members' desks, all original furniture, were often being repaired but were in bad shape and in danger of falling apart. Rather than continue to repair the aging chairs, new chairs were ordered, designed and impressed with the Seal of the West Virginia Senate in time for the start of the 2009 Regular Session. The Clerks' Desk also was removed so it could be refinished and returned to better working order.

Senate President Earl Ray Tomblin played a critical role in refurbishing the Senate Chamber and oversaw the renovation efforts on a near daily basis.

"This building is the crown jewel of the state and a source of pride for all West Virginians. I am honored to have been able to oversee

efforts to renovate this beautiful Chamber," said Senate President Tomblin. "Serving within this body, knowing the history and traditions witnessed by this Chamber, recognizing the joy on visitors faces as they look about this building at the architecture, made this worth preserving."

In the House Chamber, the Speaker and the House Clerk have worked together managing recent structural upgrades to prevent further damage after years of neglect. When the chamber was painted a few years ago, the colors were matched to the original colors selected by Cass Gilbert and new chairs to complement those colors were purchased.

The sound system has been updated, and a state-of-the-art voting board has just been installed prior to this session making the members names and votes more readable, emphasizing the openness and communication this current House leadership has evoked. "Push" technology, such as flat screen televisions outside the chamber and in the East Wing provide the updated



In the House

As of 4:00 p.m., Wednesday, February 18th, 2009, the eighth day of the 79th Legislature's 1st Regular Session, 654 bills have been introduced in the House of Delegates. Of those, 2 have passed and have been sent to the Senate for its consideration. Those bills passed were:

House Bill 2305 would revise appointment and compensation provisions of the Supreme Court Clerk and his or her staff. The bill would allow justices to appoint a clerk and any other full-time and part-time professional and clerical assistants. The justices would establish the salary of the clerk and the persons employed within the clerk's office. The Justices of the Supreme Court of Appeals would establish the salary of the clerk and persons employed within the clerk's office.

House Bill 2306 would add motor vehicles to the definition of impersonating a public official or employee. Vehicles that falsely display an official emblem or other marking indicating government sponsorship would fall under impersonation.

A Sampling of Bills Introduced In the House

House Bill 2043 would require anyone insured whose automotive liability insurance contract or policy has been canceled or not renewed provide proof of valid insurance for a vehicle covered under that policy within 30 days notice from the Division of Motor Vehicles. Failure to provide proof of insurance within the 30 days would render any vehicle under the canceled or non-renewed insurance policy invalid. Any person driving a vehicle with an invalid registration plate would be found guilty of a misdemeanor and fined.

House Bill 2066 would prohibit fractional pricing in the retail sale of gasoline. The bill would also define such pricing as an unfair or deceptive practice.

House Bill 2090 would provide a housing supplement for members of the State Police who reside in a county in which the average monthly mortgage payment exceeds \$700. The payments would be made in equal monthly installments and would be considered part of the state minimum salaries for members of the State Police.

House Bill 2100 would establish a system of extended involuntary treatment for individuals addicted to drugs and alcohol. Only parents, close family or a friend could file the petition for the involuntary commitment and would be responsible for the payment of treatment costs. Those individuals filing for petition would request involuntary commitment for 60 or 365 days. An individual could not be held involuntarily unless they; suffer from alcohol and other drug abuse, present an imminent threat of danger to themselves or others or could reasonably benefit from treatment.

House Bill 2109 would increase the exemption on retirement income from taxation on individuals 65 years and older, or their surviving spouse from \$8,000 a year to \$15,000 a year.

House Bill 2139 would establish a volunteer litter reporting program that would utilize trained volunteers to report and collect information necessary in enabling the county sheriffs to issue citations to individuals violating the state's

litter laws. Duties of a trained volunteer would include: reporting the motor vehicle registration plate number, date, time and location of a person observed littering; collecting other evidence such as taking photographs at the request of the county sheriff, providing testimony in court proceedings relating to litter violations observed, and providing other assistance in litter enforcement as requested by the county sheriff. In no event could a volunteer participate in the direct apprehension or arrest of a litter violator.

House Bill 2335 would require West Virginia public colleges and universities to participate in the federal Yellow Ribbon G.I. Education Enhancement Program established under the new G.I. Bill. The program would provide eligible veterans additional funding toward the cost of college tuition and fees. Educational benefits to certain veterans would equal the cost of in-state tuition at the most expensive public university or college in the state. The federal Secretary of Veterans Affairs would cover fifty percent of any additional costs over and above in-state tuition costs in exchange for a matching contribution from the college or university the veteran would attend.

House Bill 2338 would eliminate the six-month waiting period for those in the Teachers Retirement System to receive disability retirement benefits.

House Bill 2341 would require the State Board of Education to create a school drug safety program. The program would include drug testing of individuals prior to being hired, transferred or promoted within a school. This bill would also include random drug testing for anyone employed at a school.

House Bill 2354 would create the Traumatic Brain Injury Services Commission. The Commission would assist military veterans and other West Virginians with traumatic brain injuries. The Commission would provide services to help the injured regain as much quality of life and productivity as possible.

House Bill 2361 would require lobbyists and lawyers when performing lobbying services to collect consumer sales and service tax.

The West Virginia Legislature's Reference and Information Center

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In the Senate

As of 4:00 p.m., Wednesday, February 18, 2009, the eighth day of the 79th Legislature's 1st Regular Session, 292 bills have been introduced in the Senate. A sampling of bills introduced include:

Senate Bill 5 would further protect whistle blowers for reporting unsafe working conditions in mines. It would protect miners or a representative of a miner from termination or discrimination if he or she notified a director of a violation or testified in court.

Senate Bill 7 would specify that gambling and lottery winnings are taxable and gambling and lottery losses are tax deductible. The bill would require the taxpayer to keep detailed records showing losses.

Senate Bill 29 would allow employees to use paid accumulated sick leave for paid family leave to care for a family member.

Senate Bill 31 would absolve the landowner, tenant or agent of the landowner from any civil liability for injuries to any persons hunting, trapping or fishing on the landowner's land with or without written permission.

Senate Bill 34 would establish the West Virginia Volunteer Firefighter Length of Service Act, which would provide a retirement pension of \$400 a month to volunteer firefighters for length of service.

To be eligible, recipients must be at least 60 years of age and have at least 20 years of active service credit as a volunteer firefighter.

Every fire department or home county would contribute \$2,000 to a fund annually for five years, or \$10,000 total, before disbursements are made.

Senate Bill 47 would authorize each higher education governing board to increase fees of students taking more hours

of course work than the number of hours of course work defined as full-time.

Senate Bill 58 would allow penalties collected under the Department of Environmental Protection's blasting program to be deposited in the Special Reclamation Fund.

Senate Bill 63 would increase the amount from the State Excess Lottery Revenue Fund to the Higher Education Improvement Fund, increasing it from \$10 million to \$15 million.

Senate Bill 83 would prescribe minimum requirements relative to tethering or chaining animals, including the length and weight of chains or tethering devices, as well as other requirements, all of which are intended to protect animals from cruel treatment.

Senate Bill 98 would authorize the Alcohol Beverage Control Commissioner and certain employees to have arrest powers. The bill would authorize the carrying of a concealed weapon while performing his or her official duties.

Senate Bill 100 would allow school districts flexibility in hiring substitutes for critical need areas and would provide county superintendents with authority over hiring and placement of these substitutes.

Senate Bill 113 would cancel state financial assistance from students who receive two or more citations for an open container violation, DUI, underage consumption, public intoxication or contributing to the delinquency of a minor.

Senate Bill 115 would prohibit smoking tobacco products in vehicles if children 14 years old or under are present.

Senate Bill 120 would increase the maximum weight amount for trucks equipped

with six axles and two additional brakes to 97,000 pounds.

Senate Bill 131 would prohibit the use of handheld cellular telephones while driving and would provide a penalty for violations. Under the bill, a person may be fined for a violation, but no points may be assessed against his or her driver's license.

Senate Bill 142 would create the Small Tourism Business Development Act. The act would provide a tax incentive for the creation, construction or enlargement of tourism attractions.

Senate Bill 146 would allow DNA samples to be taken from arrested persons and would provide a database of persons arrested for felonies to aid in solving crimes.

Senate Bill 237 would allow the DEP to establish a program to recycle beverage containers and reduce litter. The bill would require the use of returnable containers for many beverages and would require the use of a ten-cent deposit.

Senate Bill 239 would permit the voters of Kanawha County to decide by majority vote in an election to decide upon a metro government and charter.

Senate Bill 240 would repeal an article in State Code, enacted in 1996, banning the construction of nuclear power plants in West Virginia.

Senate Bill 249 would require the start of the instructional school term on August 21. The bill would provide greater flexibility for county school boards to meet the requirement of 180 instructional days in the annual school calendar. The bill would also provide for the scheduling of an additional non-instructional day prior to the commencement of the instructional term.

Senate Bill 265 would authorize a tax credit for new teachers in critical needs areas. It would require the State Board of Education to define "critical needs areas" in both subject and geographic areas.

Senate Bill 273 would create incentives for West Virginia workers to obtain the GED and incentives for West Virginia employers to allow their employees to study for and obtain a GED.

West Virginia Legislature's Web site

Designed to strengthen your connection to West Virginia's legislators and the laws that govern this state, the West Virginia Legislature's Web site provides you with access to various resources, including contact information, legislation and educational materials. 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>

History Preserved - from Pg. 1

House schedule and alerts for both the membership and the general public.

“The changes we’ve made help members participate in the process more efficiently and keep the public outside the chamber better informed, but there also were aesthetic concerns. This is a beautiful, grand piece of history that must be protected,” Speaker Richard Thompson said. “Modernization and historical preservation can co-exist, but it is a delicate balance.”

Tying both Chambers’ renovation projects together, the House and Senate chandeliers were each taken down and removed piece by piece for cleaning and repair. Missing pieces of crystal were replaced by the original company in the Czech Republic.

And although, as the adage says, beauty is in the eye of the beholder, the results speak for themselves. The citizens of West Virginia can now better appreciate

Cass Gilberts’ vision of our Capitol being a priceless piece of art thanks to the efforts by lawmakers to carry on the traditions of the past while shepherding the Legislature into the future.

In the House - from Pg. 2

House Bill 2386 would define gross income for purposes of determining child support and would provide that certain employment-related expenses are excluded from gross income.

House Bill 2402 would require the instructional school term to begin on August 21. It would also provide for county school boards to meet the mandatory 180-day instructional days in the annual school calendar. If needed, an additional non-

instructional day prior to the beginning of the instructional term may be scheduled.

House Bill 2404 would authorize the West Virginia Regional Jail and Correctional Facility Authority to assess charges against inmates for medical services. The bill permits a reasonable co-payment to be deducted directly from an inmate’s trustee account for non-emergency medical treatment.

House Bill 2513 would provide a \$2,000 pay incentive to teachers who teach in their core field degree.

House Bill 2568 would require background checks on applicants for residents in nursing homes and assisted living facilities. The bill would provide applicants who are sex offenders or certain convicted felons with other arrangements.

House Bill 2583 would require health care providers to release unemancipated minor’s medical records for drug testing to a parent or legal guardian without written consent from the minor.