



WRAP-UP

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The Great Seal: A Symbol of West Virginia Sovereignty

by: Rachel Sargent

The Constitution of West Virginia, Article 2, Section 7, provides that: "The present seal of the state, with its motto 'Montani Semper Liberi,' shall be the Great Seal of the State of West Virginia, and shall be kept by the secretary of state, to be used by him, officially as directed by law."

The West Virginia State Seal symbolizes the history and foundation of our state. West Virginia entered into the Union on June 20, 1863, and shortly after, on September 26, 1863, the Legislature adopted the joint resolution that made the state seal official.

The Great Seal of West Virginia promotes the state's natural resources, economic potential and the resolve of its people through the symbols. The front, or obverse, side of the seal is centered around a large boulder meant to symbolize the strength, steadfastness and stability of the state and its citizens. Etched in the stone is the date "June 20, 1863" and in front of the boulder are two hunter's rifles with a Phrygian cap, or cap of liberty, resting at the cross of the rifles. The liberty cap is also featured on the state seals of New Jersey and New York, as well as the official seals of the U.S. Army and United States Senate.

There are two men on either side of the boulder, each representing an important facet of the state's economy. A farmer, promoting agriculture, stands with his ax and plow before a cornstalk while a miner, personifying industry, shoulders his pickax before an anvil and sledgehammer.

Bordering the Great Seal, the words "State of West Virginia" and the state's motto "Montani Semper Liberi", a Latin phrase meaning "Mountaineers Always Free", express the independent spirit inherent in all West Virginians.

The reverse side of the state seal serves as the Governor's Official Seal. The seal has a wreath border composed of laurel



The Great Seal in the House and Senate Chambers

Speaker of the House Richard Thompson and Senate President Earl Ray Tomblin are shown in their respective chambers where the Great Seal of West Virginia is proudly displayed behind the podiums. Both seals were commissioned by C.A. Blankenship during his tenure as Clerk of the House of Delegates, April 1954 - December 1982. In 1995, current House Clerk Greg Gray added a hand carved relief by master woodworker Frank Inesso of Pittsburgh, Pa to the seal in the House Chamber.

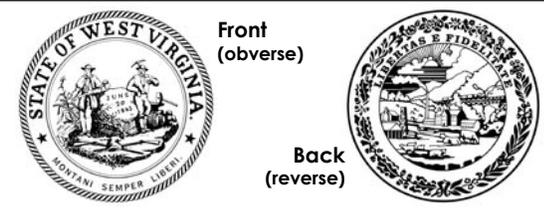
photos: Martin Valent

and oak leaves, signifying valor and strength as well as fruits and grains, which are prominent agricultural products of the state.

Presiding over the pastoral vista of wooded hillsides and farm animals below, the words "Libertas E Fidelitate" (Freedom and Loyalty) recall our state motto while imbuing the scene with a sense of pride and accomplishment represented by the artist's rendering of the Baltimore and Ohio Railroad, one of the greatest engineering triumphs of its day.

The man behind the seal is Joseph H. Diss Debar, a French native who became an influential pioneer for the state of West Virginia. Diss Debar was born on March 6, 1820, in Strasbourg, France. He came to the United States in 1842 and moved to Parkersburg, WV, in 1846 to work as a land agent. Diss Debar resided in Parkersburg and St. Clara, a Doddridge County Swiss-German immigrant colony he founded and named for his wife, Clara Levassor.

The Great Seal of West Virginia



Shortly after achieving statehood, West Virginia's first Legislature created a committee to oversee the formation of a state seal. Peter G. Van Winkle, head of the committee,



In the House

As of 4:00 p.m., Wednesday, February 28, 2007, the 50th day of the 2007 Regular Session, 1,276 bills have been introduced in the House of Delegates. Of those, 159 bills have been passed by the House and sent to the Senate for its consideration. Some of these bills include:

House Bill 2027 would allow victims of identity theft to receive an award from the Crime Victims Compensation Fund. A person would have to file a police report and be a West Virginia resident to qualify. Also, as with other crimes eligible under the fund, a victim of identity theft would have to have a tangible economic loss.

House Bill 2059 would provide a salary increase for state conservation officers. It would bring these officers' salaries in line with those of State Police officers. The raises would be phased in two stages, the first on July 1, 2007, and then on July 1, 2008.

House Bill 2181 would allow state agencies to file their annual reports in electronic form. The electronic reports would be considered as having satisfied the filing requirement; no print version would be necessary. The copy could be provided on CD-ROM or other media or be sent via the Internet. If a state

entity does submit its report electronically, it would have to provide a copy to the legislative manager.

House Bill 2309 would make several changes to the tourism development tax credit. Under current law, certain tourism development projects qualify for this credit, in which the maximum amount of credit is equal to 25 percent of approved costs over a 10-year period. If the project is on or next to an abandoned coal mine, the maximum credit is increased to 50 percent. However, the total amount of credit provided by the state currently cannot exceed \$1.5 million per fiscal year. The bill would remove this limit but lower the tax credit for former mines to 35 percent. It would also create a tourism development expansion tax credit for existing tourism projects, which would be capped at a statewide total of \$1.5 million per year. The bill would also explicitly exclude parimutuel racetracks and limited video lotteries from either tax credit.

House Bill 2461 would provide all employees, both public and private, with the right to inspect their employee personnel file. An employee would also be allowed two copies of the file per calendar year, unless the employee has been fired or laid off, in which case the employee would be able to request another copy. The employer would be allowed to charge \$0.10 per page per copy. The request for a copy must be made in writing.

House Bill 2558 would create a program allowing state agencies to donate used personal computers to public schools and low-income school children. The bill would require the state's Chief Technical Officer to establish such a program. However, the refurbished computers would have to be four years old or less. These computers would not be subject to current laws dealing with state surplus equipment.

House Bill 2583 would expand the required number of tests performed on newborns to 29. In addition to the current four tests, newborns would have to be tested for congenital adrenal hyperplasia, cystic fibrosis and biotinidase deficiency starting in July 2007. Beginning July 1, 2008, several additional tests would be required, including ones for maple syrup urine disease and carnitine uptake deficiency. Positive results from any of these tests would have to be reported to the Bureau for Public Health.

House Bill 2709 would require the installation of fire hydrants at least once every 2,000

House Joint Resolution 14 would request a statewide vote to change the state's constitution. The proposed amendment, called the Active Duty Armed Services Motor Vehicle Property Tax Amendment, would exempt active duty military personnel from paying the annual property tax on motor vehicles. In order to qualify for this exemption, a person would have to be a West Virginia resident who is serving out of the state on the day the tax is assessed.

feet on all new water mains. This provision would not apply if there were no businesses within 1,000 feet of where the hydrant would otherwise be required. Existing water mains and ones constructed before July 1, 2007, would be exempted from this requirement.

House Bill 2764 would require applicants for insurance provider licenses to undergo a background check before receiving the license. The state Insurance Commissioner would be authorized to require fingerprints from applicants, which could then be sent to the FBI for processing and returning the criminal background check. Any records retrieved from this would be treated with strict confidentiality and could not be used in any civil law suit. Current license holders would not be subject to the check, except if applying for an additional line of authority.

House Bill 2775 would exempt new state residents from paying the motor vehicle privilege tax. This is a 5 percent tax paid on the value of a car at the time it is registered in the state. In order to apply for this exemption, a new resident would have to: prove he or she was not a West Virginia resident at the time the person got the car, present evidence the vehicle was titled in the person's previous state, be able to show West Virginia residency, properly report the vehicle to the county assessor, and makes application for registration within 30 days of establishing residency. A three-month amnesty period would be established, as well, during which new residents would be able to transfer their titles to West Virginia without penalty. The bill would also eliminate the privilege tax altogether on July 1, 2008, at which time it would be replaced by a 5 percent sales tax.

House Bill 2796 would allow a tax deduction for donations to public colleges and universities in West Virginia. Donations to

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In the Senate

As of 4:00 p.m. Wednesday, February 21, 2007, the 50th day of the 2007 Regular Session, 757 bills have been introduced in the Senate. Of those, 210 have passed the Senate and will now go to the House for its consideration. They include:

Senate Bill 100 would require school employees to be reimbursed for mileage costs when they use their personal vehicle for school business. School employees would be given the same reimbursement that state employees receive when they use their personal vehicles for work-related matters.

Senate Bill 107 would revise current law to include threatening the use of a firearm as robbery in the first degree. This proposed change would charge a robber with first-degree armed robbery for visibly possessing a firearm.

Senate Bill 165 would give funding to certain public elementary schools that adopt school uniform policies. Each school approved by the state board of education to participate in the school uniform pilot program would receive a \$10,000 grant. The school's faculty senate and local school improvement council would decide the distribution of the money. The grant money could be used for the purchase of uniforms, computers and technology, to refurbish playgrounds, to enhance student behavior, to improve school safety, to increase academic achievement and to address the problems of at-risk students.

Senate Bill 376 would allow the Director of the Division of Natural Resources to charge a fee for wildlife that is killed, captured or kept in captivity for the use of scientific studies. The previous law had no charge for a permit to collect these animals.

Senate Bill 388 would establish the procedures for allocating the costs of medical support between the responsible parties in a child support order. This bill also would provide guidelines for setting the medical support, including premium costs.

Senate Bill 479 would allow county commissions to use county money to repair or

improve orphan roads after the roads have been declined for repair by the Department of Administration or the Division of Highways. Once a county commission has made improvements or repairs to a road the commission may then apply to the Division of Highways for ownership of the road.

Senate Bill 510 would allow State Board of Education members to participate in the public employees insurance program. The bill would consider these appointed members "employees" during their term in office. The board members would be required to pay the entire premium cost if he or she chooses to be covered by the insurance plan.

Senate Bill 561 would discontinue the exemption that allowed salvage yards built before 1988 to not use screens. The bill would now require all salvage yard owners that are within 1,000 feet of a private residence or 5,000 feet of a residential community to use screens to mask the scrap yard.

Senate Bill 613 would prohibit the transport of a loaded crossbow in a vehicle and would clarify the proper ways to transport the weapon. The bill also would allow a person to hunt with a crossbow only if they have a class Y hunting permit.

Senate Bill 631 would give contractors a refund essentially equaling the sales tax on materials, services, machinery or supplies bought for the construction, alteration, repair or improvement of buildings or structures that are used by people or groups that have exemptions from paying sales taxes.

Senate Bill 667 would establish the Andrew J. Trail Purple Heart Recipient College Bill of Rights Act of 2007. This would allow every resident of the state who has been honorably discharged from any branch of the US Military and has received a purple heart to attend a state college or university without paying tuition or fees for eight semesters. After the eight-semester limit has been met, the recipient will be required to pay the full tuition for any additional semesters.

Senate Bill 738 would require the West Virginia Parkways, Economic Development and Tourism Authority to report any proposed toll or toll revisions to the Joint Committee on Government and Finance. The bill would then require the Legislature to vote on the proposed toll or toll revision.

Senate Bill 750 would reduce the rate of the corporation net income tax from 8.75 percent to 6.5. This reduction would be phased in over the course of three years. For the tax year 2008 the tax would be 7.5 percent and by January of 2009 the tax will be lowered to 7 percent.

Completed Legislative Action (Week of February 21-28, 2007)

Senate Bill 96 will allow fire departments to use flashing yellow or amber lights on their vehicles for the purpose of safety. This bill also stipulates which vehicles are permitted to use red flashing lights, the list includes: ambulances, fire-fighting vehicles and hazard material response vehicles, among others.

Senate Bill 148 will exempt breastfeeding in public from being considered indecent exposure.

Senate Bill 169 will require that insurance companies obtain the title to a totaled vehicle when they pay a claim to the claimant in question. The bill also updates the definition of a totaled vehicle to include damage particular to flooding.

Senate Bill 412 establishes penalties for minors using cell phones while driving. The first transgression will result in a fine of \$25; the second, \$50; and from the third on, \$75.

Senate Bill 591 will set the monetary allowances for the State Road Fund to the Department of Transportation for Fiscal Year 2007.

House Bill 2791 will eliminate jail time as a penalty for violating a peace bond, which is an agreement between a defendant and a judge that the defendant will refrain from threatening or harassing another person. A defendant who fails to keep the peace can be fined up to \$250, or if he or she is unable to pay the fine, the judge can order that the defendant's property be seized.

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>

appointed Diss Debar to prepare drawings for an official seal for the state. Diss Debar submitted a variety of drawings and sketches accompanied with explanations of each to the Legislature. From these drawings, the House of Delegates approved the concept with only a few changes on September 23, 1863, and three days later the Senate approved what is now the Great Seal of West Virginia.

Diss Debar continued working in state government by representing Doddridge County as a member of the House of Delegates in 1864. That same year he was appointed by Governor Arthur Boreman to serve as the first Commissioner of Immigration, where he worked to recruit labor and landowners from abroad.

Joseph Diss Debar died on January 13, 1905, at the age of 84 in Philadelphia. However, his imprint remains through the proliferation of his contribution prominently displayed on all official state documents, both legislative chambers and the state flag.

certain non-profit organizations that support these schools would also be deductible. The deduction would apply only to state personal income taxes, and the amount of the deduction would be capped at 50 percent of federal adjusted gross income.

House Bill 2842 would place restrictions on the sale of soft drinks at public schools. Soft drinks would be completely prohibited in elementary, middle and junior high schools. Only healthy drinks – defined as water, drinks with at least 20 percent real fruit or vegetable juice, and reduced or low-fat milk – would be allowed. High schools would be allowed to sell soft drinks during the school day except during breakfast and lunch hours. High schools would also have to provide at least the same amount of healthy beverages as they do soft drinks.

House Bill 2918 would allow county boards of education to pay up to \$500 to a school service employee who announces his or her retirement or resignation. This is similar to an existing bonus available to classroom teachers. In order to be eligible, written

notice of the employee's intent would have to be given to the board on or before February 1st of the year he or she is leaving.

House Bill 2931 would pay tuition and fees for members of the Army or Air National Guard who are enrolled in graduate school. The bill would only cover the cost of obtaining a single Master's degree. It would expand a current program providing tuition and fees for Guardsmen taking undergraduate courses.

House Bill 3093 would provide a combined form for medical power of attorney and living will. If there are any directions in the combined form that are found invalid, the rest of the form would still be considered valid and the two functions would be considered separable.

House Bill 3228 would prohibit home confinement officers from engaging in sexual acts with a person who is incarcerated. Violation of this provision would be a felony punishable by one to five years in jail or up to a \$5,000 fine. Similar laws already apply to parole officers and correctional officers working in jails and prisons.

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