



WRAP-UP

The Newsletter of the West Virginia Legislature

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Media Coverage Essential in Delivering Government to Citizens

by Justin M. Weaver

Reporting the actions of the West Virginia House of Delegates and the State Senate is a crucial part of the legislative process. Getting information across the ridges and through the valleys of West Virginia's geographic hurdles is essential to the public interest. As such, media representatives throughout the state join forces with the Capitol press corps in Charleston to ensure full disclosure in line with democracy's ideals of a checks and balances system.

Legislators use a variety of sources for disseminating information during a Session, while the public has options in selecting its news programs.

There are approximately 330 media outlets available to the citizens of West Virginia including newspapers, radio and television stations, as well as college publications. Many of these news entities take advantage of Associated Press (AP) services to strengthen their hometowns' connections to legislative issues.

The Associated Press is the largest and oldest news organization in the world. News outlets that cannot send their own staff to the Capitol use materials provided by the Associated Press, which maintains staff in the Capitol press room.

Papers from the more populous areas of the state also send their political beat reporters to cover issues relevant to local concerns, as well as matters affecting the state in its entirety.

In addition to the print media, broadcasters for both television and radio stations and networks find a place in the House and Senate Chambers during floor sessions.

Unlike other states throughout the nation, the West Virginia Legislature provides floor privileges for members of the media. In the House, members of the media are



Media representatives station themselves in areas best suited for following the action at the Capitol. Television, newsprint and talk radio bring the news from the Statehouse to the public in various formats.

— photos: Martin Valent & Shane Evans

located at a table in front of the Clerk's desk. In the Senate, seats are reserved in the rear of the Chamber. Television cameras may be situated on the floors or in the galleries; however, legislative approval may be required because of space limitations.

Public television broadcasts throughout each week during the 60-day session, while a radio news broadcasting agency transmits weekly news and talk shows. Their proximity to lawmakers and other government officials and state leaders associated with the legislative process facilitates West Virginia's representative democracy by bringing the news into citizens' cars, offices and living rooms.

"Educate and inform the whole mass of the people... They are the only sure reliance for the preservation of our liberty." — Thomas Jefferson

News gathering is not restricted to the Chambers, but is permitted and encouraged to occur in committee meeting rooms and offices throughout the Capitol. Microphones and memo pads are as prevalent with the press corps as are the cell phones and briefcases carried by lawmakers and lobbyists.

Throughout the Statehouse, legislators and the media meet at a crossroads to communicate key ideas of legislation which are being produced, introduced or passed by lawmakers. Their collaboration succeeds in sustaining the open forum that not only conveys legislators' messages to citizens, but also encourages the public to use its voice.



In the House

As of 4:00 p.m. Wednesday March 9th, 2005, the 29th day of the Regular Session, 958 bills have been introduced in the House of Delegates. Of those, 26 have passed since March 3rd and have been sent to the Senate for its consideration. Some of these were:

House Bill 2174 would require the Department of Health and Human Resources to develop a procedure to notify licensed professionals who are mandated to report child abuse and neglect of the disposition of the investigation into the report by January 1, 2006.

House Bill 2189 would authorize West Virginia law enforcement officials to deputize out-of-state police officers. The out-of-state law enforcement agency would be able to enter into a multi-jurisdictional task force agreement, but would first have to permit the West Virginia agency to deputize its officers. The out-of-state officers' duties would be limited to those of the multi-jurisdictional task force. Also, the head of the West Virginia law-enforcement agency would have to notify the Governor's Committee on Law Enforcement Training that out-of-state officers have been deputized.

House Bill 2244 would make the state's criminal and penalty laws which apply to the use and display of beer and alcoholic beverages in motor vehicles conform to federal law. This measure is intended to avoid federal sanctions that could be imposed on the state resulting in the loss of federal-aid highway construction funds.

House Bill 2350 would make a technical correction to the West Virginia Code dealing with the awarding of teaching certificates in West Virginia. The bill would add to existing requirements for receiving a teaching certificate in West Virginia that candidates must possess the minimum of a bachelor's degree or hold a certificate of eligibility issued by another state that certifies that he or she meets all of the requirements of the state for full certification.

House Bill 2368 would increase the fee for vaccinating cats and dogs for rabies from \$4 to \$8. The increase would only apply to animal clinics established by a county commission, such as those at a town hall or community center. In all other situations, the veterinarian would set a reasonable fee at his or her own discretion.

House Bill 2450 would allow a mother to breast feed her child in any private or public location.

House Bill 2456 would ratify the National Crime Prevention and Privacy Compact to streamline the transfer of criminal history records for non-criminal purposes between states that also ratify the compact. The Superintendent of the West Virginia State Police would execute, administer and implement the compact on behalf of the state and may adopt necessary rules, regulations and procedures for the national exchange of criminal history records for noncriminal records purposes.

House Bill 2466 would eliminate provisions of the West Virginia Code that created unlawful classifications based on race for county boards of education, and it would update obsolete provisions noting Bluefield State College would be under the authority of the Higher Education Policy Commission.

House Bill 2471 would establish a financial responsibility program for inmates by requiring wardens to deduct a portion

Bills Passed Both Bodies

As of 4:00 p.m. on March 9th, 2005, five bills have been passed by both the House and Senate and sent to the Governor for his approval. Of those, the following two measures have completed legislative action since March 2nd:

House Bill 2483 repeals an archaic section of the State Code (§28-5-26) that authorized wardens to offer monetary rewards for the apprehension and return of escaped convicts.

Senate Bill 269 supplements and amends existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways Fund for the fiscal year ending on June 30, 2005.

of inmates' earnings for the purpose of paying child support and legitimate court-ordered financial obligations. The Division of Corrections would work with inmates to determine a financial plan.

House Bill 2476 would revise the parole law to keep certain persons who have been released on parole three times and had their parole revoked from being eligible for further release on parole. It also would authorize the Parole Board to hire hearing examiners and authorize the Commissioner of the Division of Corrections to issue subpoenas for persons and records necessary to prove a violation of a parolee's parole.

House Bill 2478 would remove the prohibition against beer brewers requiring distributors to submit profit and loss statements, balance sheets or financial records as a requirement to retain its franchise.

House Bill 2497 would provide that a truck with four axles in combination with a trailer with two axles is limited to a max gross weight of 80,000 pounds with a tolerance of 10 percent. If the truck were to operate within the tolerance range, then it would be considered to be operating at the gross weight for which it is registered and the registered weight would include the 10 percent tolerance.

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In the Senate

As of 4:00 p.m. Wednesday, March 9th, 2005, the 29th day of the 2005 Regular Session, 500 bills have been introduced in the Senate. Of those, 12 have been passed by the Senate since March 3rd and sent to the House for its consideration. Some include:

Senate Bill 19 would eliminate the currently dormant Advisory Board for the Secretary of the Department of Health and Human Resources and add the Office of Inspector General. The Inspector General would report directly to the Secretary. Neither the Secretary nor any employee of the Department would be able to prevent, inhibit or prohibit the Inspector General or his/her employees from initiating, carrying out or completing any investigation, quality control review or other oversight of public integrity.

Senate Bill 78 would expand the Route 2 and Interstate 68 Authority to include 26 members, adding Cabell, Mason and Jackson Counties to the authority. Wood, Pleasants, Tyler, Wetzel, Marshall, Ohio, Brooke, Hancock, Marion and Monongalia counties are already covered. The Authority was established to promote economic development and tourism along West Virginia Route 2 between Huntington, Parkersburg and Chester and also Interstate 68 between Moundsville and Morgantown.

Senate Bill 101 would allow a county commission or municipality to request the Commissioner of Highways to designate and operate a traffic control signal as a flashing signal. If the request is approved, then the county commission or municipality making the request would be responsible for costs incurred by the Division of Highways.

Senate Bill 107 would remove criminal penalties for a person whose dog, without the person's direction or encouragement, travels onto the fenced, enclosed or post-

ed land of another in pursuit of an animal or wild bird. The person retrieving the dog would not be permitted to take game from the land, kill domestic animals or fowl or cause other damage to the land.

Senate Bill 152 would allow county commissions to designate one day, which is not currently a legal holiday, as a legal holiday. The chosen day would be substituted for one of the regularly scheduled legal holidays, but the same day would not be permitted to be substituted two years in a row. The current legal holidays are New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, Memorial Day, West Virginia Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day and any day on which a general, primary or special election is held.

Senate Bill 226 would require child protective service workers, adult protective service workers, law-enforcement officers and humane officers to share information and coordinate efforts for suspected child abuse or neglect, suspected abuse or neglect of incapacitated or elderly adults, suspected animal cruelty or inhumane treatment. The bill would outline specifications for the cross-referencing of abuse claims because of the belief that a person who abuses animals has a propensity to abuse humans.

Senate Bill 268 would change current state law to conform to federal requirements by providing that possession of beer and liquor by a person under the age of 18 would be considered a status offense instead of a misdemeanor. Status offenses are considered crimes that only a juvenile could commit, such as truancy or underage possession of alcohol. Any person under 18 who purchases, consumes, sells, possesses or serves beer would be guilty of a status offense and upon conviction, would be referred to the Department

of Health and Human Resources for services, instead of the current jail time and monetary penalties.

Senate Bill 280 would remove payment of registration fees of a licensing board or commission of the state. State licensing or registration requirements would be suspended during a period of absence for active duty for any member of the Armed Services of the United States or the National Guard, or other reserve component of the Armed Forces until 60 days after the member's return from active duty.

Senate Bill 411 would allow the Tyler County commission to meet as a levying body for the purpose of presenting an election to the voters of the county. The election would be on the question of authorizing an excess levy for vital public services in Tyler County between March 27 and 28 until the second Monday of April 2005.

A Sampling of Bills Introduced In the Senate

Senate Bill 465 would establish the Food Tax Relief Act, eliminating the consumer sales tax on food and food products sold in grocery stores over a three-year period. On and after January 1, 2006, the food tax would be reduced from six percent to four percent and after January 1, 2007, the tax would then be reduced to two percent.

Senate Bill 470 would prohibit the use of handheld cellular telephones while driving and provide a penalty for violations. A person would be fined for a violation, but no points would be assessed against his/her driver's license. Any person violating the provisions would be guilty of a misdemeanor and upon conviction would be fined up to \$100. If there is a second conviction within one year, the fine would be up to \$200; and, upon a third or subsequent conviction, the fine would be no more than \$500.

Senate Bill 477 would require a paper copy of a voter's votes when using an electronic voting system; provide that the paper copy could only be used for a random count of precincts or if an election is contested; and, to provide that the Secretary of State may enforce rules. This bill

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>

In the House - continued from pg. 2

House Bill 2510 would allow public money to be used to fulfill the matching requirements of the Workforce Development Initiative grant application process beginning in Fiscal Year 2006. The public partner providing the money, however, could not be eligible for a Workforce Development Initiative grant unless the amount of funding provided by the Legislature that year exceeds \$650,000. In that case, only half of the amount could be qualified to an eligible applicant.

House Bill 2607 would expand screenings required for newborns by adding sickle cell anemia and adrenal hyperplasia.

House Bill 2663 would modify and update laws relating to digging, growing,

West Virginia on the Move Program

Current total steps as of 4:30pm
Wednesday, March 9, 2005:

House of Delegates - 15,574,350
Senate - 9,271,562
Governor's Office - 4,895,133

harvesting and selling Ginseng. The bill would shorten the digging season to run from Sept. 1st to Nov. 13th. The bill also would require that seeds be planted after a root is dug and that all roots be at least five years old before being harvested. In addition, the bill also would establish a penalty of \$500 to \$1,000 for violating any sections of the provision.

House Bill 2764 would allow the Board of Medicine to re-issue a license to a physician convicted of certain drug related offenses. Once a physician who has had his or her license revoked due to a drug related felony conviction applies for a new license, the Board would be able to issue a new license if it determines the physician is, except for the underlying conviction, qualified to practice medicine. A license could not be issued until the physician has completed any sentence of confinement, parole, probation or other court-ordered supervision and until any fines, judgments, or other fees imposed by the sentencing court are fulfilled. The Board also would be able to place upon a licensed physician whatever terms, conditions or limitations it finds appropriate.

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would look to ensure voter confidence in the electronic voting system.

Senate Bill 482 would allow a member of the West Virginia National Guard who is receiving payments for tuition and fees and is discharged from the military service due to wounds or injuries received in the line of duty, to continue to receive payments as if he/she were still a member of the West Virginia National Guard.

Senate Bill 484 would lower the normal retirement age for State Police officers; specify starting date of annuity; eliminate any reduction in the benefit of a State Police officer who is disabled on the job; define month of service and years of service; and, specify the starting date of retirement payments. Members would be able to retire with full benefits upon either attaining age 50 and completing 25 or more years of service or attaining the age of 52 and completing 20 or more years of service. A member who is less than age 50 would be able to retire upon completing 25 or more years of service.

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