



# WRAP-UP

The Newsletter of the West Virginia Legislature

For information about your State Legislature, visit our Web site: [www.legis.state.wv.us](http://www.legis.state.wv.us)

Volume XXI, Issue 4 | February 10, 2010

## Census, Redistricting Office, Ensure Equal Representation in Government

BY CHRIS MARSHALL

The Redistricting Office of the West Virginia Legislature is a Joint Committee office serving both the Senate and the House of Delegates. In order to fully understand its purpose, one must first have a scope of the history of the census and how the census process works.

Once every 10 years across the country, Americans are called upon to be accurately counted. This is a process by which citizens let the government know that they intend to be represented and have a voice in the critical decisions that affect their lives. This is done through the U.S. Census Bureau, a division of the U.

S. Department of Commerce that conducts the decennial census and issues population numbers.

The first census was taken in 1790. Article 1, Section 2 of the U.S. Constitution established that the apportionment of the U. S. House of Representatives be based upon a national census. While the decennial census has played a critical role in the apportionment of Congress for over 200 years, it is only in the last 35 years that the Census Bureau has played

a major role in the redistricting process at the state level.

U. S. Supreme Court decisions handed down in the 1960s clarified the Constitution's intention to provide

defined population counts to the governor, legislative leaders and state liaisons.

Once the data is received, legislative leadership forms redistricting committees, which are charged to work with the

Redistricting Office analysts to draw new geographic boundaries for Congressional, State Senate and House of Delegate Districts to ensure equal representation within West Virginia.

Once the initial plans are completed, the Redistricting Office generates the reports and maps needed for the formation of the Redistricting Bill. This normally takes place during a special session the year following the census.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

### Census Takes Center Stage

Redistricting Analysts Jo Vaughn and Teresa Burns examine their work as they prepare to gear up for the increase in activity brought about by the 2010 Census.

equal government representation for all Americans. These decisions increased the states' need for geographically detailed and accurate census information in the redistricting process.

This is where the Redistricting Office comes in. In a census year such as this, data is collected based on the residence of the population on April 1st. At the state level, by April 1st of the year following the census, in this case 2011, the Census Bureau Director will provide geographically

Once the bill is signed into law, the Redistricting Office sends the new geographic district boundary information to the U.S. Department of Commerce and the Census Bureau, as well as West Virginia counties so they can realign their magisterial districts and voting precincts, respecting the Congressional and State Legislative District boundaries as defined by state law. The Redistricting Office helps counties as much as possible with the data needed to reapportion their districts.



# In the House

As of 4:00 p.m., Wednesday, February 10, 2010, the 29th day of the 79th Legislature's 2nd Regular Session, 1,145 bills have been introduced in the House. Of those, 45 passed and have been sent to the Senate for its consideration. The bills passed include:

**House Bill 2503** would require licensed tattoo artists to inform patrons, prior to performing the tattoo procedure, of the potential problems that a tattoo may cause in relation to the clinical reading of magnetic resonance imaging (MRI) studies. It would also require the State Department of Health to prepare written forms pertaining to the potential problems.

**House Bill 2663** would expand the power of municipal parking authority officers by allowing them to ticket all parking violations, not just expired meters.

**House Bill 2773** would increase the monetary penalties for selling tobacco products

to minors. Currently the fine for first-time offenders is \$25, which would be raised to \$100. Also, providing tobacco products to minor may be grounds for dismissal by an employer.

**House Bill 4128** would adopt recent amendments to the National Association of Insurance Commissioners (NAIC) model regulation concerning the standards to be considered by the West Virginia Insurance Commissioner in determining whether an insurer is in hazardous financial condition. It would also revise the corrective actions the commissioner may require of an insurer.

**House Bill 4134** would remove non-utilized code sections from the West Virginia Code. The bill repeals code sections related to the continuation of certain boards and agencies that are now superfluous as result of the provisions of the West Virginia Performance Review Act.

**House Bill 4140** would reorganize and update the law governing the practice of physical therapy. It would increase the number of board members from 5 to 7, where one of the new members must be a licensed physical therapist assistant and the other must a citizen member. Also, it would increase the number of years a member must be licensed from 3 to 5 years. Additionally, it defines terms, clarifies powers of the board and lists unlawful acts.

**House Bill 4166** would expand the age a currently employed, paid firefighter can seek appointment. The current statute prevents individuals from being employed as firefighters if they are under the age of 18 or over the age of 35 at the date of his or her application. This amendment would allow firefighters over the age of 35 to transfer to a different station without violating state law.

**House Bill 4194** would put the Division of Criminal Justice Services under the oversight of the Department of Military Affairs and Public Safety.

**House Bill 4247** would provide counties the discretion to accompany an electronic poll book with a printed poll book. The bill changes language in the law to say, "a printed poll book may accompany the electronic poll book to each precinct," instead of "shall."

## A Sampling of Bills Introduced In the House

**House Bill 4340** would protect academic speech of professional educators. The bill states a West Virginia public school employee cannot be disciplined or denied employment based on his or her speech, writing, or research relating to public issues.

**House Bill 4341** would authorize the electronic collection of tolls by the West Virginia Parkways, Economic Development and Tourism Authority. It would also establish penalties for nonpayment or damage to the facilities.

**House Bill 4356** would allow a nonresident to have an additional 10 days to pay his or her fine before the magistrate court sends notice to the Department of Motor Vehicles (DMV). The bill would allow 90 days following the date the citation was issued. This applies to any motor vehicle violation.

**House Bill 4374** would establish the Caregiver's Consent Act. This bill states that unless minors are placed in the custody of the Department of Health and Human Resources (DHHR), a caregiver who possesses and presents a notarized affidavit may consent on behalf of a minor to permit medically necessary health care and treatment.

**House Bill 4380** would provide eligibility for a license to teach in public schools for candidates who are not United States citizens. Candidates may be granted a permit to teach after obtaining a satisfactory score on a test of English language proficiency, providing evidence of a resident alien card and meeting other requirements established by the state board.

### 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**

Drew Ross  
**Deputy Director**

Jaelyn Jett  
Chris Marshall  
**Public Information Officers**

Randy Cain  
**Webmaster**

Dave Martin  
**Web Administrator**

Dee Spelock  
**Resource Manager**

John Tice  
**Graphic Designer**

Martin Valent  
**Photographer**

Max Hunt  
**Per Diem Photographer**

Kerissa Bennett  
Kristen Footo  
Amanda White  
**Interns - Marshall University**

Andrew Stacy  
**Interns - West Virginia University**



## In the Senate

As of 4:00 p.m., Wednesday, February 10th, 2010, the 29th day of the 79th Legislature's 2nd Regular Session, 535 bills have been introduced in the Senate. Of those, seven have passed and have been sent to the House for its consideration. The Bills passed this week were:

**Senate Bill 380** would prohibit the use of any animal in animal fighting ventures and expands the application of felony criminal penalties to include additional activities carried on for the purpose of supporting animal fighting.

**Senate Bill 381** would prevent employees and officials of the Division of Banking from taking regulatory action involving financial institutions with whom they may have outstanding extensions of credit or pending applications for credit.

**Senate Bill 420** would authorize the superintendent of the State Police to refuse a request to carry a handgun made by a retired trooper who does not live in West Virginia.

**Senate Bill 499** would change the names of certain community & technical colleges.

### A Sampling of Bills Introduced In the Senate

**Senate Bill 465** would eliminate the requirement of the Public Service District or municipality from accepting payment, or knocking on the door, at the premises prior to termination of service for a delinquent water or sewer bill.

**Senate Bill 468** would permit retirees receiving benefits from the West Virginia Consolidated Public Employees Retirement System to be employed by a county or municipality without a decrease in their annuity payments.

**Senate Bill 474** would create the Green Buildings Act. If passed, this bill would require all major facility projects of public agencies be designed and constructed with the minimum LEED (Leadership in

Energy, Environment and Design) standards included in the design process.

**Senate Bill 482** would create the Long-Term Care Facility Safety Act. This bill would require the Secretary of the Department of Health and Human Resources to propose legislative rules. These rules include a policy for regulating access, a formal process to identify applicants to the facility who are subject to the Sex Offender Registration Act and a method for providing that information to residents.

**Senate Bill 484** would limit landowners' civil liability for injuries that may occur to person or property on the landowner's property or surrounding property caused while hunting.

**Senate Bill 485** would require a humane officer to notify the magistrate court when the officer has taken into custody an animal that has been abandoned or neglected.

**Senate Bill 495** would require magistrates to possess at minimum a bachelor's degree, or alternatively, an associate's degree in criminal justice.

**Senate Bill 502** would require the Department of Environmental Protection

final actions for coal mine permits be completed within six months after the applicant provides all information required to make a final decision.

**Senate Bill 507** would create the Innovative Mine Safety Technology Tax Credit Act. This act would provide a tax credit for coal companies that purchase innovative safety technology that is compiled by the Mine Safety Technology Task Force and approved by the Director of the West Virginia Office of Miners' Health, Safety and Training.

**Senate Bill 516** would allow the Division of Natural Resources to issue permits for public shooting ranges to recover the costs of maintenance and to create additional public shooting ranges. The bill also provides penalties for violating the rules of public shooting ranges.

**Senate Bill 529** would create the Surface Owners' Rights Recognition Act. This bill would protect the rights of surface owners' of property where an oil or gas well is to be located. The bill also requires operators to give notice of planned work and its impact upon the property before entry is made.

### 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](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](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](http://www.legis.state.wv.us/daily_sum/today.cfm)

Visit the **Legislature's Homepage**: <http://www.legis.state.wv.us>

The census and the task of redistricting is a constantly evolving process that begins anew as soon as the last redistricting process is over.

The census goes through a development process in the intermittent years. This involves gathering and updating geographic data about the state for the formation of new Federal TIGER (Topologically Integrated Geographic Encoding and Referencing) maps, collecting political boundary information from counties and cities and working with the Census Bureau so West Virginia is as completely geographically defined as possible.

The Redistricting Office uses GIS (Geographic Information System)

mapping software that allows this process to be handled in a very precise manner. The office produces and prints maps of varying detail and selected areas as requested.

According to Redistricting and Demographic Computer Analyst Jo Vaughan, this GIS system can be used to map out any number of things for use by lawmakers.

“This mapping data allows members to very precisely see the needs of their districts in specific areas,” Vaughan said.

Being that it is a census year, it is important for all citizens in West Virginia to actively take part. While the census gives citizens fair and equal representation in

government, the use of the census data is extremely far-reaching.

“So much depends on the citizens of West Virginia mailing this critical information back,” Vaughan said.

The condition of roads, the state of local hospitals, the quality of area schools and even the types of products found in local stores are influenced by the census and all Americans will soon be called upon to stand up, be counted and make a difference. ■

**West Virginia District Maps**

[www.legis.state.wv.us/districts/df.cfm](http://www.legis.state.wv.us/districts/df.cfm)

**U.S. Census Bureau**

<http://2010.census.gov/>