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1,200 bills on table

Random drug tests for school staff among legislation

BY DAVID BEARD The Dominion Post

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CHARLESTON — A tattoo artist would have to warn you that your tattoo could interfere with an MRI.

Texting while driving would be illegal, and you could get pulled over for driving without a seat belt.

School employees would be subject to random drug tests, and new hires would be tested before they could start work.

Those things could happen if bills before the Legislature pass by March 13.

At the end of the day Friday, the House had 872 bills on its plate — 708 from last year and 164 new ones, including bills Gov. Joe Manchin sent following his State of the State Address.

The Senate had 339 — 212 from last year and 127 new ones, including twin bills from the governor.

Given that just a hair more than 10 percent of the 2,113 bills considered last year made it through both chambers, only a smattering of the 1,211 on the table this year will survive.

But here are some of the highlights — bills of general interest and bills sponsored by area legislators.

The tattoo bill, HB 2503, is a carryover sponsored by Delegate Mitch Carmichael, R-Jackson. It would require artists to inform clients of all possible complications, including interfering with the reading of MRI studies. It's sitting in the Judiciary Committee.

Previous efforts to ban texting and cell phone use failed. This one makes the use of a nonhands-free wireless communication device a misdemeanor. It would ban texting and cell phone use except in certain instances.

There are several versions of the bill floating out there, said Delegate Nancy Guthrie, D-Kanawha. Some make texting a secondary offense.

But the only one that will be considered, she said, is a Senate version to be introduced by Sen. John Unger, D-Berkeley. It was crafted during the interims and makes texting a primary offense — one you could get pulled over for — and cellphone use a secondary offense.

Driving or riding without a seat belt is now a secondary offense. Delegate Barbara Evans Fleischauer sponsored this bill, HB 4005 (House bills that begin with a 4 are new this session) to make it primary. This one and the texting bill are in the Roads and Transportation Committee.

Delegate Mike Caputo, D-Marion, is among the eight sponsors of the 911 bill — HB 4152. Making more than three 911 calls for nonemergency health issues would be a misdemeanor carrying a \$50 fine. Upon the fourth call, EMS crews would still respond, but wouldn't have to take the patient to a hospital. This bill is before the House Judiciary Committee.

The optometry bill pitted optometrists against ophthalmologists last summer, as they debated what kind of surgeries optometrists are qualified to perform. Ophthalmologists — including a number from Morgantown and WVU — testified to an interim committee that they feared optometrists would be allowed to perform major surgeries without medical degrees, under a proposed 2009 bill.

Optometrists, on the other hand, simply wanted the freedom to do what they're trained to do, said Chad Robinson, spokesman for the West Virginia Optometric Association.

This new bill, HB 4131, would permit optometrists to perform minor surgeries in an exam room, in a "clean field" with or without

topical or local anesthesia.

It would prohibit surgeries requiring a sterile field, in an operating room, with or without general anesthesia. It would also prohibit optometrists from doing cataract surgery or removing foreign objects from certain parts of the eye.

This bill is before the House Government Organization Committee.

More bills to come

Sen. Dave Sybolt, R-Preston, has sponsored 15 bills so far, including two new ones. One he's most concerned about is SB 26, requiring the state Board of Education to create a drug safety program.

It would require drug testing for all individuals before they're hired, promoted or transferred in a school. It would also require random drug testing for all current employees.

Sybolt said this was inspired by the case of James DeGasperin, a former Preston County teacher who said in court that he used marijuana regularly and pain pills at times, and was sentenced to 92-100 years for murdering his girlfriend and her two children — one of them unborn.

Sybolt said he also plans to introduce a bill to allow school boards to enter into lease-purchase agreements with private companies in order to build new facilities. This is especially important in Preston, he said, where two buildings — Central Preston Middle and South Preston — have been forced to close.

Fleischauer has sponsored 42 bills; 15 of them are new this year. More bills are coming.

She has an interest in Alzheimer's disease research, she said, and will introduce a bill that will require the Blanchette Rockefeller Neurosciences Institute in Morgantown to develop a five-year plan to become a national leader in Alzheimer's and traumatic brain injury research and treatment.

She said BRNI is studying more than 20 compounds that have the potential to slow damage and restore nerve connections. She wants BRNI, state medical schools and other stakeholders to be enabled to stage clinical trials.

A jobs bill will require agencies to compare money spent to jobs created, to see which programs are working.

Fleischauer sits on the Veterans Affairs Committee and has sponsored HB 4145, which would require higher education institutions to develop "veteran friendly" programs.

