

The Year in Wasted Legislation

When a legislature finishes a session, we usually focus on what bills passed and became new law. It's important to do so—after all, these are the new laws or modifications to existing laws that will differ in the future. I've focused on the good completed legislation that the 2008 West Virginia Legislature enacted, like reducing the net corporate income tax and phasing out the business franchise tax, and the bad as well, such as regulating the state's financial industry.

But not every minute of a legislator's day is spent working on bills that ultimately become law. Many well-intentioned bills simply don't get enough support to make it out of committee or receive the necessary support should the bill make it to a vote on the House or Senate floor. That's the legislative process; nobody expects every introduced bill to end up in the state code.

But let's also not make the mistake that every bill introduced into the West Virginia Legislature is of the utmost urgency. There are a lot of bills that your representatives spend time composing, researching and discussing that might seem frivolous compared to some of the issues facing our state. In the interest of getting a fuller view of the actions of your representatives, I'd like to take a light-hearted look at some of the bills that were debated in place of, say, significant structural improvements to our judicial system or oppressive business climate.

I do not want to imply that the following bills are useless. Every bill will have an impact on someone. However, given the fact that West Virginia's legislative sessions are short—two months may sound lengthy and may be longer than a number of other states, but there is always a push to complete legislation before the deadline—these bills concerning minor issues could be crowding time away from more pressing concerns.

Some of these measures hint at the absurdity in existing law; others simply add to it. (If government breeds more government, do ridiculous laws spurn ridiculous bills to modify them?) Nonetheless, here is a short compilation of your representative's efforts:

- The Legislature was really concerned about license plates. Ten different bills were introduced concerning specialty license plates—everything from extra plates for disabled veterans to plates for pharmacists and enthusiastic pet owners. A robust state economy can wait...but fancy license plates can not.

- House Bill 4243 and Senate Bill 405 concern the activities of the Board of Hearing Aid Dealers.

- West Virginia now has an official state fossil! House Concurrent Resolution 12 designated *Megalonyx jeffersonii* as the Mountain State's fossil of choice. I've come to understand that's a giant ground sloth, which is actually quite befitting of our economic vitality.

- Upon entering West Virginia via roadway for the last few years, visitors or returning residents were greeted with ironic "Open for Business" signs. HCR 27 looked to change them to "Almost Heaven – West Virginia – Wild and Wonderful" but failed.

(We received an email a little while ago that nicely combined all three slogans: “West Virginia: Almost Open for Business. Wonderful.”)

- West Virginia’s legislators are also very concerned with recognizing certain days of the year with particular designations. January 28 of this year was “Rural Health Day.” January 31 was “Animal Appreciation Day.” In response to my childhood inquiries into why there was a Mother’s Day and a Father’s Day yet no Children’s Day, my mother always told me that “every day is Children’s Day.” Well, she didn’t grow up in West Virginia—Children’s Day happened this year on February 13. All in all, the House chipped in 11 days and one month of designation, and Senate added 12 more days of their own.

- HCR 29 allowed for an adaptation of the West Virginia Shawl to become the Official Tartan of the State of West Virginia.

- In yet another attempt to legislate morality, and following the lead of restricting alcohol sales at certain times during the week, SB 621 looked to prohibit the sales of lottery tickets at certain times during the week.

- Legislators looked to have the definition of “antique motor vehicles” to include antique trucks (SB 631), as well as “all-terrain vehicle” to include all-terrain utility vehicles (SB 679). And in the spirit of getting the names right, HB 4560 looked to change the Division of Veterans Affairs to the Department of Veterans Assistance. These three measures together especially impacted those veterans with antique all-terrain utility vehicles.

- And finally, in the “we know how to run your business better than you do” category, HB 3235 required that any adjoining optometrists and opticians have an interior door to each other’s facilities.

Sadly, this is just the tip of the iceberg. I encourage you to go and see for yourself—the website for the West Virginia State Legislature is www.legis.state.wv.us. Legislatures, after all, aren’t entirely tax code and regulation—there are a lot of license plates and official state tartans too.

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