

The Legislature

West Virginia School Boards Association



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Bill Edition

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Fourth week's bills reviewed

By Howard M. O'Cull, Ed.D.

The following W. Va. Senate and House of Delegates bills were introduced Feb. 2-6, 2004, the third full week of the 2004 regular legislative session. Thursday (Feb. 12) is the 30th day of the regular session. Bill reviews are included in two primary categories—"Public Education" and "Education-Related" bills. Other measures of interest are included in the categories of "Miscellaneous" and "Briefly." Senate proposals are listed first.

If you want to receive a copy of any bill, please contact me: hocull@wvsba.org or 304.346.0571.

A total 74 education and education-related bills are reviewed in this issue.

— O'Cull is W. Va. School Boards Association executive director.

PUBLIC EDUCATION

County Boards

Auditor would fix audit times

Senate Bill 456. Revised §6-9-7 would grant the state Auditor, as the chief inspector, flexibility in determining when to conduct audits of local governmental offices, instead of allowing the agencies to contract for audits.

Current law says the Auditor, as the state's "chief inspector," is to perform audits "at least once every three years."

There are other provisions.

NOTE: This law was amended a few years ago to allow Certified Public Accountants to conduct county board audits.

Sponsored by Sen. H. Truman Chafin (D-Mingo). Introduced Feb. 3. Referred to Senate Government Organization Committee, then Senate Finance Committee. A fiscal note is requested.

(Similar proposals have been introduced in past sessions.)

Bill would revise fuel tax

House Bill 4341. This bill has several provisions, relating to the state's Motor Fuels Excise Tax, one section of which would repeal the minimum purchase requirement by governmental entities to qualify for the exemption.

The bill would amend a section of current law so that fuels purchased for use in vehicles or equipment owned by various agencies of government (including county boards) had to be "purchased for delivery in bulk quantities of (500) gallons or more."

There are numerous other provisions.

Sponsored by Del. Harold Michael (D-Hardy). Michael is House Finance Committee Chairman. Introduced Feb. 6. Referred to House Finance Committee.

A related bill, addressing some of the **HB4341** bill provisions, is **Senate Bill 420**. It is sponsored by Sen. Edwin J. Bowman (D-Hancock). Introduced Feb. 3. Referred to Senate Finance Committee.

School Personnel

Substitutes' days would be set

Senate Bill 453. Revised §18A-2-3 would allow substitute teachers to work an unlimited number of days per year. (This section of law relates to "expanded use" of retired teachers to substitute teach, the specific provision of statute having expired June 30, 2003.)

Sponsored by Sen. Vic Sprouse (R-Kanawha). Introduced Feb. 5. Referred to Senate Education Committee, then Senate Finance Committee. Sprouse is Senate Minority Leader.

(Similar proposals have been introduced in past sessions.)

Nationally-certified pay plan

Senate Bill 466. Proposed §18A-4-2b would provide each professional employee who holds "a nationally recognized board certification in their education discipline from a nationally accredited board (to be paid) annually the same salary bonus on the same basis as is paid to classroom teachers with national board certification (National Board of Professional Teaching Standards)..."

NBPTS teachers currently receive a \$2,500 bonus for up to 10 years.

Sponsored by Sen. Karen L. Facemyer (R-Jackson). Introduced Feb. 5. Referred to Senate Education Committee, then Senate Finance Committee.

The Legislature provides county board of education members, state policymakers, school administrators, and others information, opinion and commentary regarding West Virginia legislative issues. This publication does not necessarily reflect the official views, opinions or policies of the WWSBA, unless specifically stated.

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(Similar proposals have been introduced in past sessions.)

Nurse ratio would be set

Senate Bill 473. Revised §18-5-22 would require county boards to employ one school nurse for every 1,300 students (net enrollment). Additionally, the legislation would allow county boards to enter into agreements with "other counties to employ school nurses on a shared time basis in each cooperating county so that the ratio (of one nurse per 1,300 students) is provided in each participating county."

Current law provides for one school nurse per every 1,500 students (net enrollment).

The bill has two additional sections. One requires the Commissioner of the Bureau of Public Health to promulgate legislative rules for implementation of this statute, and the other requires the same of W. Va. Board of Education officials.

There are six Senate sponsors, including lead sponsor Sen. Larry A. Rowe (D-Kanawha). Introduced Feb. 6. Referred to Senate Education Committee, then Senate Finance Committee.

(Similar proposals have been introduced in past sessions.)

Service worker pay hike sought

House Bill 4279. Revised §18A-4-8a would provide a pay increase for school service personnel, including additional pay for service employees who hold various higher education degrees. (The bill adds pay for "comparable" post-secondary education acquired from "a trade or vocational school as approved by the [W. Va. Board of Education].")

There are five House sponsors, including lead sponsor Del. David Perry (D-Fayette). Introduced Feb. 3. Referred to House Education Committee, then House Finance Committee. The bill requests a fiscal note.

Also refer to **House Bill 4323**. It would establish the job classification, "administrative assistant," which would be defined as those "personnel assigned to the county board of education office who perform administrative duties either independently or with minimal supervision by an administrator." (The position would be Pay Grade 'H,' the highest pay grade.)

There are seven House sponsors, including lead sponsor Del. Perry. Introduced Feb. 5. Referred to House Education Committee, then House Finance Committee.

(Similar proposals have been introduced in past sessions.)

Counties could set test sites

House Bill 4297. Revised §18A-4-8e would allow county superintendents to designate the places where school service personnel competency tests are to be given.

Sponsored by Del. Perry and two other Delegates. Introduced Feb. 4. Referred to House Education Committee. A fiscal note is requested.

(Similar proposals have been introduced in past sessions.)

Service workers may get bonus

House Bill 4284. This legislation has been approved by the House Education Committee, setting the early retirement bonus service

workers could receive at \$250. The current bonus professional educators receive is \$500.

(Refer to Issue 6 of *The Legislature* for details.)

There are seven House sponsors, including lead sponsor Del. Randy Swartzmiller (D-Hancock). Introduced Feb. 3. Referred to House Education Committee, then House Finance Committee.

The United School Service Workers Association, a Northern Panhandle-based school service personnel organization, supported introduction of this legislation.

HB4284 has been referred to the House Finance Committee.

Armed assault would be felony

House Bill 4315. Proposed §61-2-15b would make armed assault or conspiracy to commit armed assault upon school property, or against school personnel or pupils who are on school property, a felony. Those convicted could receive a 25-year prison sentence and a \$10,000 fine.

There are three House sponsors, including lead sponsor Del. Mike Caputo (D-Marion). Introduced Feb. 5. Referred to House Education Committee, then House Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

School Transportation

Hazardous roads could be cited

Senate Bill 424. Proposed §7-1-14 would require county commissions to implement a “Hazardous Road Program” that would allow citizens to submit information on roads within the county that are “in need of repair or improvement by construction to reduce or eliminate a road hazard or hazardous condition.”

Information submitted would have to include a description of the road hazard, including “why the hazard needs to be corrected and where on the road the hazard is located.”

County commissions are to review the information and “compile a prioritized list of roads in need of repair or improvement,” submitting that list quarterly to the state Division of Highways.

Sponsored by Sen. Herb Snyder (D-Jefferson). Introduced Feb. 3. Referred to Senate Transportation Committee.

Intersections would be clear

House Bill 4278. Revised §17C-8-5 would allow “local authorities” to require property owners to keep “property adjacent to intersections clear of obstacles for the line of sight of operators of motor vehicles for up to (100 feet).”

There are five House sponsors, including lead sponsor Del. Perry. Introduced Feb. 3. Referred to House Roads and Transportation Committee, then House Judiciary Committee.

Bus time would be limited

House Bill 4319. Proposed §18-5-46 would make the following statutory provisions relating to school transportation:

1. County boards, by the 2004-'05 school year, are to provide transportation services “to and from school for each school child in the county that needs or desires transportation.”

2. County boards, beginning next school year, would be re-

quired to “establish, maintain and adhere to schedules for the transportation of students to and from school.” Schedules must delineate the “times for picking-up and dropping-off students.”

3. Various travel-time restrictions are established, including 30 minutes for elementary school students; 45 minutes for middle school students; and, 60 minutes for high school students.

There are seven House sponsors, including lead sponsor Del. Barbara E. Fleischauer (D-Monongalia). Introduced Feb. 5. Referred to House Education Committee, then House Finance Committee.

(Similar proposals have been introduced in past sessions.)

Students

Bill relates to immunization

Senate Bill 439. Revised §16-3-4 would make a number of changes in a statute relating to compulsory immunization of school children. It would create a standardized certificate of immunization, and adds three common childhood diseases to the list of those for which immunization is required: Mumps, chickenpox, and Hepatitis B. Additionally, the common name “measles” has been substituted for “rubeola.”

The bill allows public and private providers to deliver vaccine preventatives, and increases penalties for those parents or guardians who fail to have their children immunized or for falsifying immunization records. (Fines would increase from \$10 to \$100.)

Lastly, the bill add representatives of the W. Va. Department of Education, school nurses and the American College of Physicians to the “Immunization Advisory Committee,” whose scope is expanded to include adults as well as children.

Sponsored by Sen. Roman W. Prezioso Jr. (D-Marion). Introduced Feb. 4. Referred to Senate Health and Human Resources Committee, then Senate Finance Committee.

(Similar proposals have been introduced in past sessions.)

Asthma meds: self-administered

Senate Bill 441. Revised §18-5-22a would allow pupils to self-administer medication given via a metered-dose inhaler such as for asthma or other potentially life-threatening respiratory illness. County boards could allow the practice, but certain conditions would have to be met, including written parental authorization (must be accompanied by a written medical history), physician certification that the pupil has asthma or other such illness and that the pupil is capable of administering the medication, and board notification that it or any employees are not “liable for injury arising from the self-administration of medication by the pupil, absent any (negligence by the board or its employees or agents).”

Parents and guardians must sign a release stating they will not find the board liable for any injuries arising from the self-administration of medication, including indemnification of the board from claims that may arise from self-administration of the medication.

One Year

Permission for self-medication is good for one year only, and may be renewed.

The pupil would be permitted to maintain possession of the asthma inhaler.

A final bill provision says the board and its employees or agents aren't liable for “any injury arising from the self-administration of

medication by a pupil...absent any negligence by the board, its employees or its agents or as a result of providing all relevant information...to the school nurse, absent any negligence by the board, its employees or its agents, or in the absence of the nurse, to the school principal.”

Sponsored by Sen. Vic Sprouse (R-Kanawha). Introduced Feb. 4. Referred to Senate Education Committee, then Senate Judiciary Committee.

A related bill is **House Bill 4271**. It would require the W. Va. Board of Education to allow self-administration of asthma medication by students with asthma.

It provides a definition for “medication,” and for “self-administration.” The latter would be defined as a “student’s discretionary use of prescribed asthma medication.”

There are four House sponsors, including lead sponsor Del. Dan Foster (D-Kanawha). Introduced Feb. 3. Referred to House Education Committee.

NOTE: This legislation has been introduced in response to a WVBE policy regarding administration of medicines in the public schools.

(Similar proposals have been introduced in past sessions.)

W.Va. Department of Ed.

Bill relates to agency grantee

Senate Bill 456. Revised §12-4-14 would require state agencies administering funds or grants to notify grantees of various audit reporting requirements. The bill relates to organizations, including not-for-profit and for-profit associations, receiving grants in the amount of \$15,000 or more to file an audit with the legislative auditor’s office detailing disbursement of the funds. The report is to be made by a Certified Public Accountant.

Grantees who fail to file the report within the two-year period would be barred from receiving subsequent funds or grants until the grantee has filed the audit or is otherwise in compliance with statute.

Sponsored by Sen. Bowman. Introduced Feb. 5. Referred to Senate Government Organization Committee.

History checks would be made

Senate Bill 476. Revised §18A-3-10 would require criminal history checks for persons not employed by county boards of education, but who work directly with children in Grades K-12 on “school property.”

Sponsored by Sen. Tracy (D-Lincoln). Introduced Feb. 6. Referred to Senate Education Committee, then Senate Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

The Legislature

FOR THE LATEST ON EDUCATION LEGISLATION.

EDUCATION-RELATED

Alcohol

Statutory ‘clean-up’ proposed

House Bill 4286. This bill would repeal a section of law relating to coverage for alcoholic treatment because it is superseded by another statute.

Sponsored by Dels. H. Keith White (D-Mingo) and Lidella W. Hrutkay (D-Logan). Introduced Feb. 3. Referred to House Judiciary Committee.

The bill addresses a section of law relating to mental health parity in West Virginia.

Another .08 bill introduced

House Bill 4346. The purpose of this legislation—one of several bills introduced on this subject—is to reduce the blood alcohol content threshold for Driving Under the Influence (DUI) from 0.10 to 0.08 of one percent of body weight.

There are six House sponsors (all Republicans), with House Minority Leader Charles V. Trump IV (R-Morgan) being the lead sponsor. Introduced Feb. 6. Referred to House Judiciary Committee.

NOTE: The Legislature has approved this type legislation, which has been a legislative issue since at least 1994.

(Similar proposals have been introduced in past sessions.)

Child Welfare

Bill covers abuse reporting

Senate Bill 435. Revised §49-6A-2 would require W. Va. Department of Human Services Child Protective Service employees to report to professional referral services matters regarding the status of a child abuse and child neglect referral if the professional referral service were to make such a request.

Sponsored by Sen. Sprouse. Introduced Feb. 4. Referred to Senate Judiciary Committee.

False reporting fine proposed

Senate Bill 437. Introduced in past legislative sessions, this measure would provide a \$250 to \$1,000 misdemeanor fine (or a 10-day to six month jail term) for a person convicted of falsely reporting child abuse to any “law enforcement agency or to any Child Protective Services (representative).”

Sponsored by Sen. Sprouse. Introduced Feb. 4. Referred to Senate Judiciary Committee.

The bill would create a new Code section, §61-8D-10.

(Similar proposals have been introduced in past sessions.)

Abuse appeals change sought

Senate Bill 472. Revised §49-6-6 would disallow modification of child abuse or neglect dispositional orders when the period for appeal has expired. Current law says such modifications can’t occur

“after the child has been adopted.”

Sponsored by Sen. Rowe. Introduced Feb. 6. Referred to Senate Judiciary Committee.

Bill would overhaul GCCF

Senate Bill 474. This measure would make several changes in the operation of the Governor’s Cabinet on Children and Families. These are among changes:

1. The cabinet board would be expanded to include three members of a GCCF advisory board, which the bill creates, in addition to the Secretary of Military Affairs and Public Safety (or designee).

(Current designees include the Secretary of Health and Human Resources, The Secretary of Administration, the State Superintendent of Schools, the Attorney General, one Delegate and one Senator.)

Advisory Council

The advisory council, created in newly proposed section §5-26-2a, would be comprised of 12-30 members, with members having expertise in serving children and families in regard to housing; health promotion and disease prevention; education; transportation; reading and literacy; food and nutrition; clothing; utilities; job training/employment; child care; child protection; early intervention and crisis intervention; assessment and diagnosis; home-based family development, preservation and reunification; financial planning; mental health and counseling; substance abuse prevention counseling and treatment; addiction awareness training; and, pregnancy prevention and information, referral and placement.

The council would have several duties, including providing a forum for discussing issues facing children and families; promoting best practices regarding provision of services to children and families; making policy recommendations to the GCCF; “connecting government officials who make decisions with the families affected by their decisions”; and, “assuring that community and family voices are heard by the [GCCF],” among other duties.

FRN Provisions

In regard to family resource networks, the bill would add a new section, §5-26-2b, which would require FRNs, at the operational level, to involve various representatives of local government, including representatives of the “county school district.”

FRNs couldn’t provide “direct services, (defined as meaning) to provide programs or services directly to children and families,” but FRNs must agree to engage in “activities to improve service systems for children and families within the community” through “service coordination, needs and resource assessment, planning, and community mobilization and evaluation...”

The cabinet’s duties are revised with an emphasis on developing a multi-year state plan, concentrating on articulating “core results desired by the state for its children and families,” determining how to measure success, establishing various baseline data or measuring progress, developing “selected strategies” to achieve the core mission, and “shifting focus from process to core results.”

The GCCF also would be required to employ results-based budgeting and to rely on innovation and incentives to achieve results. Various reporting to the Legislature is outlined, including reports of financial transactions, meeting minutes, and other activities.

The cabinet would be subject to “sunsetting” in 2007.

There are other provisions.

There are seven Senate sponsors, including lead sponsor Sen.

Bowman. Introduced Feb. 6. Referred to Senate Government Organization Committee, then Senate Finance Committee.

The companion bill is **House Bill 4259**. It has seven sponsors, including lead sponsor Del. Tim Ennis (D-Brooke). Introduced Feb.

2. Referred to House Government Organization Committee, then House Finance Committee.

NOTE: Sen. Bowman and Del. Ennis serve as chairman of the Senate Government Organization Committee, and Vice Chairman of the House Government Organization Committee, respectively.

(Similar proposals have been introduced in past sessions.)

Psychologist liability limit

House Bill 4250. Proposed §55-7-21 would limit liability of court-appointed licensed psychologists when these individuals are conducting child custody evaluations if such evaluations are done in “good faith,” meaning the evaluations have to be conducted in regard to standards recommended by the American Psychological Association’s guidelines.

A parent or guardian could file legal action against court-appointed psychologists (upon approval of the presiding judge). If the psychologist is found liable for any of his or her actions, he or she is responsible for court costs and attorney fees for the claimant, as may be ordered by the court. If the psychologist is exonerated, the claimant pays court fees.

Immunity

Immunity isn’t provided for disclosing false information with malice or willful intent to injure any party.

There are other provisions.

There are five House sponsors, including lead sponsor Del. Bonnie Brown (D-Kanawha). Introduced Feb. 2. Referred to House Judiciary Committee.

College not to alter support

House Bill 4251. The purpose of this legislation is to stipulate that college attendance by a non-custodial parent may not be used or considered as a “change in circumstances for purposes of modifying a child support order.”

There are six House sponsors, including lead sponsor Del. Dale Manuel (D-Jefferson). Introduced Feb. 2. Referred to House Judiciary Committee.

Courts could name guardians

House Bill 4273. Revised §44-10-3 would allow family courts—currently county commissions—to appoint guardians for minors.

There are four House sponsors, including lead sponsor Del. Foster. Introduced Feb. 3. Referred to House Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

Support time may expand

House Bill 4275. Revised §38-3-18 would extend the period to execute child support judgments from 10 years to 25 years.

Sponsored by Del. Greg Howard (D-Cabell) and two other delegates. Introduced Feb. 3. Referred to House Judiciary Committee.



Spouse murder custody outlined

House Bill 4285. Proposed §48-28-1 would provide that custody of a child or children of a parent murdered by his or her spouse is to be with the most suitable member of the victim's family.

There are three House sponsors, including lead sponsor Del. Rusty Webb (R-Kanawha) (by request). Introduced Feb. 3. Referred to House Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

Consumers Sales Tax

Equipment would be exempt

House Bill 4311. Revised §11-15-9h would exempt farm equipment from consumers sales tax.

Sponsored by Del. Richard Thompson and Don C. Perdue (both D-Wayne). Introduced Feb. 5. Referred to House Agriculture and Natural Resources Committee, then House Finance Committee. A fiscal note has been requested.

(Similar proposals have been introduced in past sessions.)

Classroom items may be exempt

Senate Bill 4334. Revised §11-15-9(51) would exempt sales tax on items teachers purchase exclusively for use in their classrooms.

Sponsored by Sen. Michael Oliverio (D-Monongalia). Introduced Feb. 4. Referred to Senate Education Committee, then Senate Finance Committee.

(Similar proposals have been introduced in past sessions.)

Service provider tax addressed

House Bill 4339. Revised §11-15-8 would impose consumers sales tax on purchases of taxable services and tangible personal property used or consumed by professionals.

Sponsored by Del. Harold Michael (D-Hardy). Introduced Feb. 6. Referred to House Finance Committee.

(Similar proposals have been introduced in past sessions.)

Tax usage would be clarified

House Bill 4340. Revised §11-15-2 would clarify that the consumers sales tax exemption for various purchases made by transmission businesses and transportation businesses doesn't apply to other businesses engaging in transmission or transportation activities for themselves and not for others.

(As used in this section, the legislation would address natural gas transmission and commercial transportation of goods or passengers.)

Sponsored by Del. Michael. Introduced Feb. 6. Referred to House Finance Committee.

Insulin would be tax exempt

House Bill 4342. Revised §11-15-9 would exempt prescription drugs and insulin from consumers sales tax when sold to patients. The bill also would delete the exemption from sales tax of motor homes to be used as a principal residence.

Sponsored by Del. Michael. Introduced Feb. 6. Referred to House Finance Committee.

Bill would remove food tax

House Bill 4344. Revised §11-15-9h would gradually reduce the consumers sales tax on food by July 1, 2006.

There are six House sponsors (all Republican Delegates) including lead sponsor Del. Trump. Introduced Feb. 6. Referred to House Finance Committee. A fiscal note has been requested.

(Similar proposals have been introduced in past sessions.)

Controlled Substances

Substance abuse act proposed

Senate Bill 419. This bill has several sections relating to establishment of Substance Abuse Prevention Act, one purpose of which is to establish a public advertising campaign to educate state citizenry about dangers of substance abuse. One of its provisions establishes mandatory costs to be collected from persons convicted of criminal offenses involving substance abuse or for violating of other criminal laws relating to substance abuse. The bill also establishes a Substance Abuse Prevention Commission which is directed to work in tandem with the Partnership for a Drug Free West Virginia, a program under the auspices of the W. Va. Prevention Resource Center. The Center is located at the Marshall University Graduate College. There are other sections.

Sponsored by Sens. Earl R. Tomblin (D-Logan) and Chafin. Introduced Feb. 3. Referred to Senate Judiciary Committee, then Senate Finance Committee. A fiscal note has been requested.

Ephedra would be banned

Senate Bill 477. The purpose of this legislation is to ban the sale of Ephedra, which has been linked to some athlete deaths. The drug would become a Schedule I controlled substance. It is used for weight maintenance and loss.

Sponsored by Sen. Prezioso. Introduced Feb. 6. Referred to Senate Health and Human Resources Committee, then Senate Judiciary Committee.

Crimes

Insurance questions off limits

House Bill 4268. According to the bill note, the purpose of this legislation is to prohibit law-enforcement officers from asking crime victims if they have insurance coverage to cover losses caused by the criminal activity being investigated.

The bill note states that law-enforcement officers may be less inclined to solve crimes and recover lost property when they believe insurance coverage exists to compensate a victim.

Additionally, the bill excludes criminal investigations in which law enforcement officers have reasonable suspicion to believe that a crime has been staged or falsely reported.

Sponsored by Del. Craig P. Blair (R-Berkeley). Introduced Feb. 3. Referred to House Judiciary Committee.

Property destruction: Felony

House Bill 4306. Revised §61-3-30 would make it a felony to destroy property worth more than \$5,000, increasing penalties for such. There are four House sponsors, including lead sponsor Del. Howard. Introduced Feb. 5. Referred to House Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

Higher Education

Grant coverage expanded

Senate Bill 410. The purpose of this bill is to include children of deceased U.S. Armed Forces members or members of reserve components who were called to active duty by the President in the Educational Opportunities Appropriation, which now goes to other war orphans.

(The amount is \$5,000 per year while the child is attending an institution of higher education.)

There are five Senate sponsors, including lead sponsor Sen. Jon Blair Hunter (D-Monongalia). Introduced Jan. 30 (Originating in Senate Military Committee).

Bill relates to PROMISE

Senate Bill 436. Revised §18C-7-3 would include “nationally-accredited educational institutions” as institutions of higher education eligible to participate in the PROMISE Scholarship program.

Sponsored by Sen. Sprouse. Introduced Feb. 4. Referred to Senate Education Committee.

(Similar proposals have been introduced in past sessions.)

Soft drink tax would go

Senate Bill 438. The purpose of this legislation is to repeal the tax on soft drinks. (That tax aids W. Va. University’s medical school, and has been in place since the 1950s.)

Sponsored by Sen. Chafin. Introduced Feb. 4. Referred to Senate Finance Committee.

(Similar proposals have been introduced in past sessions.)

Bills rename colleges

Senate Bill 445. This measure would rename Concord College as Concord University, Fairmont State College as Fairmont State University, Shepherd College as Shepherd University, and West Virginia State College as W. Va. State University.

The bill is sponsored by Sen. Anita Skeens Caldwell (D-Mercer). Introduced Feb. 4. Referred to Senate Education Committee.

The House companion is **House Bill 4289.** It has seven House sponsors, including lead sponsor Del. Carrie Webster (D-Kanawha). Introduced Feb. 3. Referred to House Education Committee, then House Finance Committee.

A related measure, **House Bill 4288,** would change the name of Shepherd College to Shepherd University.

There are seven House sponsors (all Eastern Panhandle Delegates), including lead sponsor Del. John Doyle (D-Jefferson). Introduced Feb. 3. Referred to House Education Committee, then House Finance Committee.

Also refer to **House Bill 4317.** It would change the name of Fairmont State College to Fairmont State University.

There are three House sponsors, including lead sponsor Del. Caputo. Introduced Feb. 5. Referred to House Education Committee, then House Finance Committee. This measure requests a fiscal note.

(Similar proposals have been introduced in past sessions.)

Med. school license bill

Senate Bill 483. The purpose of this legislation is allow W. Va. University Medical School faculty who have a valid license to practice medicine and surgery from other countries to be issued a limited license to practice medicine and surgery without examination, providing the countries from which these persons received licenses have equivalent licensing requirements.

Sponsored by Sen. Prezioso. Introduced Feb. 6. Referred to Senate Health and Human Resources Committee.

Bill addresses couch-burning

House Bill 4269. Revised §61-3-5a would establish the crime of setting fires in public rights-of-way, making it arson in the fifth degree. There are various fines.

There are seven House sponsors, including lead sponsor Del. Fleischauer. Introduced Feb. 3. Referred to House Judiciary Committee.

NOTE: Known by some persons as the “Morgantown couch-burning” bill, this measure has been approved by House Judiciary. The city has received notoriety for W. Va. University student couch- and furniture-burnings following or in reaction to football games.

There is no companion Senate bill.

Classified workers salary bill

House Bill 4287. This measure has been adopted by the House Education Committee. It relates to classified employee salaries.

There are seven House sponsors, including lead sponsor Del. Margaretta R. Leach (D-Cabell). Introduced Feb. 3. Referred to House Education Committee.

(Refer to Issue 7 of *The Legislature*.)

(Similar proposals have been introduced in past sessions.)

Bonds would be tax-exempt

House Bill 4295. The purpose of this legislation is exempt state bonds from taxation, defined as all bonds of the state, a state agency or state authority. Bonds would be exempt from all state, county and municipal taxes.

NOTE: This measure also would apply to the School Building Authority of West Virginia.

There are four House sponsors, including lead sponsor Del. Samuel J. Cann (D-Harrison). Introduced Feb. 4. Referred to House Finance Committee.

Bill covers savings plan use

House Bill 4318. Revised §11-21-12f would impose personal income tax on funds withdrawn from a prepaid college tuition contract

or other college savings plan and used for other purposes.

There are seven sponsors, including lead sponsor Del. Kevin J. Craig (D-Cabell). Introduced Feb. 5. Referred to House Finance Committee.

Private school police powers

House Bill 4343. Proposed §18B-4-5b would grant campus police officers law-enforcement powers at private institutions of higher education in West Virginia.

There are six House sponsors, including lead sponsor Del. Perry. Introduced Feb. 6. Referred to House Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

Land Use

Land use may be modernized

Senate Bill 454. The purpose of this 109-page bill is to modernize land use planning in West Virginia. Most provisions are of indirect interest to county boards, although the bill does address building and construction in “flood-prone areas.”

The bill ostensibly relates to county commissions and municipalities.

There are seven Senate sponsors, including lead sponsor Sen. Bowman. Introduced Feb. 5. Referred to Senate Government Organization Committee, then Senate Judiciary Committee.

The House companion is **House Bill 4331.** There are seven House sponsors, including lead sponsor J.D. Beane (D-Wood). Introduced Feb. 6. Referred to House Government Organization, then House Judiciary Committee.

The bill is recommended for passage this session by the Joint Committee on Government Organization.

Beane is House Government Organization Committee chairman.
(Similar proposals have been introduced in past sessions.)

Language Designation

English: Official state tongue

Senate Bill 425. Proposed §2-2A-2 would establish the English language as the official language of the state.

Among bill findings is the statement that “...(T)he common thread binding individuals of differing backgrounds (in the U.S. and West Virginia) has been the English language.”

The bill also says “command of the English language is necessary to participate in and take full advantage of the opportunities afforded by American life.”

There are several similar findings, and the conclusion that the state has the power to declare the English language as the official language of West Virginia.

Sponsored by Sen. Larry J. Edgell (D-Wetzel). Introduced Feb. 3. Referred to Senate Judiciary Committee.

Edgell is Senate Education Committee Vice Chairman.

The House companion is **House Bill 4321.** There are seven House sponsors, including lead sponsor Del. Bill Hamilton (R-Upshur). Introduced Feb. 5. Referred to House Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

Motor Vehicles

Education car tag suggested

House Bill 4338. Revised §17A-3-14 would establish a special fee for motor vehicle registration plates promoting public education. (Some states, including neighboring Kentucky, have such license plates.) A special fee for the registration plates would be used to fund transportation for school trips for academic purposes.

Sponsored by Del. Mezzatesta. Introduced Feb. 6. Referred to House Roads and Transportation Committee, then House Finance Committee.

Nurses

Center for nursing proposed

Senate Bill 443. Under terms of this legislation, a center for nursing would be established, one of whose purposes is to “establish a strategic plan to address the nursing shortage in West Virginia.

The bill would authorize a supplemental licensure renewal fee of \$10 per year, to be paid by each licensed registered nurse and each licensed practical nurse, to fund the center and to provide loan repayment and scholarship programs.

There are several other provisions.

The center would not include a representative of school nurses per se, as the bill has been introduced.

Sponsored by Sens. Snyder and Hunter. Introduced Feb. 4. Referred to Senate Government Organization Committee, then Senate Finance Committee.

(Similar proposals have been introduced in past sessions.)

Personal Income Tax

Charity deduction: \$4,000

Senate Bill 462. The purpose of this legislation is to create the “West Virginians Give Act,” which would allow state residents to make up to a \$4,000 deduction for charitable contributions.

(This provision would apply to contributions made to various county board and school foundations as well as student scholarship contributions.)

Sponsored by Sen. Steve Harrison (R-Kanawha). Introduced Feb. 5. Referred to Senate Finance Committee. A fiscal note is requested.

(Similar proposals have been introduced in past sessions.)

Property Taxation

Bill relates to assessed values

Senate Bill 412. This legislation would create a presumption, during county commissions’ review and equalization meetings, that the value of property as assessed by the assessor is correct, except where there is clear and convincing evidence to the contrary.

Sponsored by Sen. Shirley Love (D-Fayette) and two other Senators. Introduced Feb. 2. Referred to Senate Government Orga-

nization Committee, then Senate Finance Committee. A fiscal note is requested.

(Similar proposals have been introduced in past sessions.)

Homeowner exemption planned

Senate Bill 413. The purpose of this legislation is to exempt from taxation streets or rights-of-ways used for ingress or egress in a subdivision when the streets or rights-of-way have been conveyed to an incorporated homeowners' association.

Sponsored by Sens. Love and Prezioso. Introduced Feb. 2. Referred to Senate Judiciary Committee, then Senate Finance Committee.

(Similar proposals have been introduced in past sessions.)

Plan relates to mobile homes

Senate Bill 467. This bill has several sections, one of which would impose a \$20 fee on the transfer of real property in addition to the excise tax presently imposed as well as other fees related to the certificate of title by the Division of Motor Vehicles for transfer of mobile homes. These funds then would be dedicated to the W. Va. Affordable Housing Trust Fund.

There are other provisions.

Sponsored by Sens. Brooks F. McCabe Jr. (D-Kanawha) and Rowe. Introduced Feb. 5. Referred to Senate Finance Committee. A fiscal note is requested.

(Similar proposals have been introduced in past sessions.)

Public Employees Insurance

Retirees may buy plan options

House Bill 4280. This bill would allow retired PEIA members to purchase optional dental, vision, audiology and hearing-aid services, as are available to current PEIA members.

There are four House sponsors, including lead sponsor Del. Perry. Introduced Feb. 3. Referred to House Finance Committee.

Religious Freedom

Religious freedom policy set

Senate Bill 486. The purpose of this bill is to establish state policy regarding religious freedom.

Accordingly, the bill says it's the policy of the state to condemn violations of religious freedom, and to "promote and to assist other (foreign) governments in the promotion of, the fundamental right to freedom of religion."

The bill also declares that the state must be "vigorous and flexible, reflecting both the unwavering commitment of the (U.S. government) to religious freedom and the desire of the (U.S.) for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations."

There are other similar provisions, including a call for "standing for liberty and standing with the persecuted to use and implement appropriate tools, including diplomatic, political, commercial,

charitable, educational and cultural channels, to promote respect for religious freedom by all governments and peoples."

The bill makes reference to the Universal Declaration of Human Rights.

Sponsored by Sen. Snyder. Introduced Feb. 6. Referred to Senate Judiciary Committee.

There is no House companion measure.

Science

'Science Act' would be created

House Bill 4312. Proposed §4-9-2 and proposed §4-9-3 would allow the public, under the state Freedom of Information Act, to request and receive access to any purported scientific data used as the basis of a proposed legislative rule or other statutory enactments.

Sponsored by Del. Ron Walters (R-Kanawha) (by request). Introduced Feb. 5. Referred to House Education Committee, then House Judiciary Committee.

Teachers Retirement System

CETA time may earn credit

House Bill 4252. Revised §18-7A-17 would allow repurchase of up to four years CETA time for Teachers Retirement System purposes. CETA stands for a Carter-era program, the Comprehensive Employment and Training Act.

Sponsored by Del. Mezzatesta. Introduced Feb. 2. Referred to House Pensions and Retirement Committee, then House Finance Committee. A fiscal note is requested.

(Similar proposals have been introduced in past sessions.)

COLA proposed for retirees

House Bill 4305. Proposed §18-7A-26t would provide a Cost of Living Adjustment to TRS retirees who are at least age 60 and who have been receiving a TRS annuity for at least five years.

There are other related bills.

Sponsored by Dels. Craig and James H. Morgan (D-Cabell). Introduced Feb. 5. Referred to House Pensions and Retirement Committee, then House Finance Committee. A fiscal note is requested.

A related bill is **House Bill 4316.** Under its provisions, retirees would receive a five percent increase in retirement benefits over the next three years. (It also applies to retired state employees.)

Sponsored by Dels. Caputo and Tim Manchin (D-Marion). Introduced Feb. 5. Referred to House Pensions and Retirement Committee, then House Finance Committee. A fiscal note is requested.

(Similar proposals have been introduced in past sessions.)

Technology

Group to set technology policy

Senate Bill 422. The purpose of this legislation is to establish the Legislature's Joint Technology Commission, which would include 14 legislators and four non-legislative members.

The group would meet during interim legislative meetings.

The commission's primary focus is to establish an "overall technology policy" for the state with respect to application of technology to "free state employees from repetitive tasks so the employees may focus on more important tasks"; to increase information flow and information management to achieve a "faster response time to users of government services, including businesses, individuals and intergovernmental users," and to "minimize transaction costs (meeting) the demands of constituents for use of technology."

The legislation also pays heed to the state's technology industries, which "(requires), as a public purpose, a continuing effort toward the promotion and development of (this) industry."

The formal name of the group would be the Joint Legislative Commission on Technology and Advanced Communications.

The bill has several sections.

Sponsored by Sen. Prezioso. Introduced Feb. 3. Referred to Senate Rules Committee.

The House companion is **House Bill 4334**. It has seven House sponsors, including lead sponsor Del. Thomas Campbell (D-Greenbrier). Introduced Feb. 6. Referred to House Government Organization Committee.

(Similar proposals have been introduced in past sessions.)

Vital Statistics

Vital statistics act proposed

Senate Bill 463. The purpose of this 63-page bill is to rewrite and consolidate statutes relating to vital statistics.

If adopted the legislation would require the W. Va. Bureau of Public Health to create a section relating to Vital Statistics, which would be the "only system of vital statistics throughout this state."

The bill has numerous sections. Among other things, it would:

1. Create the position of registrar of vital statistics who would be responsible for directing the work and activities of the Vital Statistics Section within the Bureau of Health.

2. Allow the W. Va. Registrar of Vital Statistics to appoint local registrars of vital statistics and deputy registrars.

3. Update laws relating to paternity, adoption, and marriage in terms of their recordation.

4. Require a notation on the birth certificate of any missing child.

5. Enact a section of law relating to infants of unknown parentage, especially records regarding the discovery of such an infant. (Other sections detail custody of such an infant.)

6. Require various reports regarding fetal death.

7. Specify the registration of the names of minors born with certain birth defects, including Spina Bifida, cleft palate, Down's Syndrome, and Sickle Cell Anemia, among others.

8. Implement methods by which vital statistics records could be acquired.

There are numerous other provisions.

There are seven Senate sponsors, including lead sponsor Sen. Bowman. Introduced Feb. 5. Referred to Senate Government Organization Committee, then Senate Judiciary Committee, then Senate Finance Committee.

The House companion is **House Bill 4330**. It has seven House sponsors, including lead sponsor Del. Beane. Introduced Feb. 6. Referred to House Government Organization Committee, then House Judiciary Committee. *(Similar proposals have been introduced.)*

MISCELLANEOUS

Abortion

CHIPS would cover unborn

Senate Bill 427 would provide Children's Health Insurance coverage to "unborn children." The sponsor is Sen. Andy McKenzie (R-Ohio). Introduced Feb. 3. Referred to Senate Health and Human Resources Committee, then Senate Finance Committee.

(Similar proposals have been introduced in past sessions.)

No state coverage for RU-486

House Bill 4296 would prohibit the state from paying for the abortifacient RU-486.

Sponsored by Del. Tom Louisos (D-Fayette). Introduced Feb. 4. Referred to House Health and Human Resources Committee, then House Judiciary Committee.

(Similar proposals have been introduced in past sessions.)

Partial-birth crime created

House Bill 4347 would create the crime of "partial birth infanticide." It has several sections which describe what has come to be known as the "partial-birth" abortion procedure. Congress has outlawed this practice, but the matter is the subject of federal litigation.

There are four House sponsors, including lead sponsor Del. Larry Border (R-Wood). Introduced Feb. 6. Referred to House Health and Human Resources Committee, then House Judiciary Committee.

There is no corresponding Senate bill.

(Similar proposals have been introduced in past sessions.)

BRIEFLY

Senate Bill 415/House Bill 4264 relate to disposition of surplus state property, allowing cannibalization of commodities under certain instances. That term is defined as "...the removal of parts from one commodity to use in the creation or repair of another commodity..." **Senate Bill 418** would allow persons employed by the sheriff to serve civil process to carry "deadly weapons..." **Senate Bill 426** prohibits human cloning... **Senate Bill 433** would increase the salaries of magistrates equal to Class I and Class IX circuit and county clerks... **Senate Bill 442** would establish consistency in fee amounts charged by county clerks, creating a single statute for referral to the correct fee(s) to be charged, according to the Bill Note... **Senate Bill 451** would allow municipalities to purchase land at tax sales... **Senate Bill 458** relates to voting in Primary Elections... **Senate Bill 460/House Bill 4335** would regulate surveyors, including underground surveyors... **Senate Bill 475/House Bill 4322** would create a state trail authority...

North Central Authority

...**House Bill 4270** would create the North Central West Virginia Regional Trails and Recreation Authority... **Senate Bill 481** would add retirement income of conservation officers to modifications re-

ducing federal adjusted gross income tax...**Senate Bill 482** would reclassify juvenile detention and corrections facility employees as being in the classified service rather than classified-exempt service...**House Bill 4256** would create a municipal pension plan funding standard...**House Bill 4292** would allow the state Consolidated Public Retirement Board to administer the Emergency Medical Services Retirement System...**House Bill 4300** would make changes in the deputy sheriffs retirement system multiplier...**House Bill 4324** would increase pensions for police and firefighters...**House Bill 4249** would make changes in the state purchasing card program. There are other bills addressing this

issue...**House Bill 4260** would create a publicly-funded campaign program for state elective offices...**House Bill 4272** would relate to registration of all-terrain vehicles used off of private property. The registration would be through the Division of Motor Vehicles...

No ATV Registration

...**House Bill 4310** would exempt ATVs from annual registration, license plates and related fees...**House Bill 4327** would increase salaries for magistrate clerks, magistrate assistants and magistrate deputy clerks...**House Bill 4328** would create a W. Va. Public Defender Indigent Defense Fund...**House Bill 4345** would phase out the business franchise tax by June 30, 2005.

W V S B A ' s WINTER CONFERENCE

Thursday, February 12, 2004

Please use afternoon for individually arranged board/superintendent visitations with legislators.

6:00 p.m. WVSBA Executive Board Meeting

7:45 -9:30 All Association Cracker Barrel Session

Friday, February 13

8:00 a.m. Continental Breakfast

8:45 a.m. Legislative visitations (individually arranged) / buses depart for Capitol

1:00 p.m. FIRST GENERAL SESSION
You Cannot Do This Alone: Building Support for West Virginia's Public Schools
Jamie Vollmer, President – Vollmer and Associates, Fairfield, Iowa

3:00 Exhibits

4:15 FY05 Annual Business Meeting

5:30 Buffet Dinner

7:15 -9:00 *A Session With Invited Gubernatorial Candidates*

Saturday, February 14

8:15 a.m. Breakfast

8:45 SECOND GENERAL SESSION
Emergent School Facilities Policy in West Virginia
Dr. Clacy Williams, Executive Director, School Building Authority of West Virginia and various panelists

11:15 Workshops

a. *Monongalia Co. Bond Issue Strategies*
Stephen Cook, member Monongalia County Board of Education and Dr. Sarah Etherton, Associate Professor, Institute for Labor Studies & Research – W. Va. University.

b. *Kids Hope USA: A Proven Mentoring Program for At-Risk Youth*
Jill Carden, Director – Project Hope, North Parkersburg Baptist Church; Drew Pierce, Director of Church Recruitment, Kids Hope USA, Holland, Michigan

c. *No Child Left Behind: Latest Details and Information*
Steven Paine, Ed.D., Deputy State Superintendent of Schools/Other Possible W. Va. Department of Education representatives

12:45 p.m. Adjournment

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W V S B A ' s
**WINTER
CONFERENCE**

February 13/14
Charleston Marriott
See program on page 11

The Legislature

West Virginia School Boards Association
PO Box 1008
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