



HB4001 and higher education issues dominate **Session Enters Into Last Few Days**

By Howard M. O’Cull, Ed.D., and Jason B. Keeling

Refer to “Active Bills” on page 3.

As the 2004 regular legislative session enters its last week – today (March 8) is the 55th day of the session – several education matters have yet to be resolved. Of course, there is the state budget, which is traditionally finished a week or so after the session. Based on our count, the House Education Committee has yet to act on one Senate public education bill, and four higher education measures. As stated last week, 32 additional HEC measures have been referred to the Senate Education Committee (including higher education bills).

Under new House/Senate rules which went into effect this year, the House and Senate literally will have up until Midnight Saturday (March 13) to consider bills having originated in the other body. (That 2003 rules change was designed to provide both bodies additional time to consider measures originating the opposite chamber.)

Thus, expect a flurry of House/Senate activity throughout the week, especially between split sessions as committees work on legislation.

These are a few of the public education bills yet to be considered by a committee:

Senate Bills

- **Senate Bill 196.** Eliminates the mandatory order of activities on Instructional Support and Enhancement Days. The Senate passed the bill early in the session, but the House Education Committee has yet to consider the measure. The HEC did address school calendar legislation, but that legislation, which included these provisions, died in subcommittee.
- **Senate Bill 240.** Stipulates that governmental bodies having less than seven members don’t require a second for a motion unless their governing rules specify otherwise. Referred to House Judiciary Committee. An identical measure died last year.
- **Senate Bill 408.** Provides that increases in property taxes in “growth counties,” as defined by the bill, can be used for school facility purposes. The House has never adopted this type legislation. It has been referred to the House Finance Committee.

House Bills

- **House Bill 4001.** As introduced, this was the governor’s “teacher empowerment bill.” This measure, pending in an SEC subcommittee, is to be considered by the full Senate Committee March 9. This likely will be the major legislative bill of the year. The omnibus bill addresses several issues, including accountability, standards, Office of Education Performance Audits matters, paperwork, W. Va. Board of Education rules and regulations and several other issues.
- **House Bill 4018.** Grants waivers to sparsely populated counties. The fate of this legislation is unknown. Some provisions could be addressed by House/Senate budget conferees.
- **House Bill 4039.** Relates to non-educator coaches. The Senate is reportedly cool toward this legislation. It has garnered opposition from teachers’ organizations.
- **House Bill 4044.** Concerns bonding of county superintendents. This measure and a related bill regarding posting of superintendent vacancies could be melded into one measure. The latter bill is **House Bill 4081**.
- **House Bill 4053.** Changes manner of compensation of W. Va. Board of Education members, moving from a per diem method of pay to \$500 monthly. In that the Senate has made a commitment to no pay increases, this bill may not be considered. House Education sources say it’s revenue neutral.
- **House Bill 4116.** The “Taps” bill. There was no corresponding Senate legislation.
- **House Bill 4130.** Relates to substitute teachers for employees who attend W. Va. Department of Education-related functions. There appears to be little Senate support for this measure.
- **House Bill 4271.** Concerns students’ self-administration of

Overview

STATS

Day of Session:	55
Days Remaining:	5
Bills Introduced (including House carryover bills):	2102
Education Bills (WVSBA count):	427

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QUOTE

“We’ve said we’re not going to do any [salary] increases or any pay raises for anyone. We’ve got a tough year, and it’s unfortunate, but we have to be diligent in our work on the budget...” – *Senate Education Chairman Robert H. Plymale (D-Wayne) discussing the House of Delegates’ proposed teacher increment pay increase. The SEC voted March 4 to remove those bill provisions.*

asthma medication. Again, no corresponding Senate bill.

- **House Bill 4284.** Relates to bonuses for notification of early retirement for service personnel. This measure may not be considered if the Senate holds the line on pay increases.
- **House Bill 4290.** Addresses WVBE rules and regulations, creating a framework to avoid imposition of policies and practices on the public schools that “distract from a thorough and efficient education.” There is no corresponding Senate legislation. In the past, the Senate has been reluctant to consider these type measures.
- **House Bill 4297.** Clarifies “where” school service personnel competency tests can be given.
- **House Bill 4478.** Lengthens the time period for which county boards have to publish a year-end financial statement.

Licensure Revocation

- **House Bill 4552.** Relates to revocation of teacher licenses. Has considerable education interest group support.
- **House Bill 4553.** Concerns out-of-state teacher certification.
- **House Bill 4573.** Creates (within the school curricula) a program relating to personal finance.
- **House Bill 4576.** Relates to a voluntary checkoff for literacy. Has a second reference to the Senate Finance Committee.
- **House Bill 4626.** Grants a salary supplement to providers of Medicaid eligible services in the public schools. Again, could fall victim to any Senate imposition of no pay increases.
- **House Bill 4669.** The pilot demonstration schools project. This measure is likely to clear both houses. Whether or not the bill will be amended on the Senate side isn’t known. The bill also has a second reference to the Senate Finance Committee. It had no second reference in the House.

- **House Bill 4737.** Provides option for members of the Teachers Retirement System to make contributions for periods of temporary total disability.
- **House Bill 4738.** Creates two new school service personnel classifications—administrative assistant and Cook IV, both of which would be paid for from local funds.

In addition to these issues, the Legislature is likely to consider the Teachers’ Retirement Equity Act, which would combine the two teacher retirement systems, based on employee affirmative votes.

Several higher education bills are pending as well, including measures relating to a state community and technical college system, Higher Education Policy Commission rules and higher education spam electronic mail.

Although a topic of considerable discussion just a few days ago, the fate of legislation to increase compensation of the state superintendent of schools – **House Bill 4044** – is not known. These provisions, as with the WVBE pay proposal, could be inserted into other bills, as some suspect they may be, depending on the fate of the community and technical colleges bill. Or, the Senate may hold to no pay increases.

The HEC has reduced the pay of the HEPC chancellor from \$252,500 to \$200,000, that is if the Senate concurs with the legislation. The pay for the director of the community and technical college boards would be set at 80 percent of the chancellor’s salary, which is the \$252,500 figure currently.

For more information, please refer to the expanded “Active Bills” listing. It has been categorized around public education, higher education, retirement, education-related and miscellaneous bills.

— *O’Cull is W. Va. School Boards Association executive director and Keeling is owner, Keeling Strategic Communications.*

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 WVSBA, unless specifically stated.

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Active Bills

The following is an expansive listing of education and education-related bills, with action current through March 5. For information on any bill, or to receive a copy of the legislation, please contact WVSBA Executive Director Howard M. O’Cull, Ed.D., or visit the Legislature’s Web site at www.legis.state.wv.us.

Senate

Senate Bill 100. Prohibiting state and political subdivisions from contracting with vendors owing debt. Passed Senate 1/27/04. Referred to House Government Organization Committee. First Reading, House Consent Calendar 3/8/04.

Senate Bill 125. Permitting solicitation of certain state employees for contributions to certain campaigns in local or county elections. Passed Senate 2/13/04. Referred to House Judiciary Committee.

Senate Bill 196. Eliminates the mandatory order of activities regarding Instructional Support and Enhancement Days. Originated in and passed Senate Education Committee 1/15/04. Passed Senate 1/21/04. Referred to House Education Committee.

Senate Bill 240. Providing certain public governing bodies need not require second to motion. Passed Senate 2/17/04. Referred to House Judiciary Committee.

Senate Bill 296. Continuing Center for Professional Development Board. Passed Senate 1/30/04. Referred to House Government Organization Committee. Third Reading, Consent Calendar 3/5/04. Completed legislative action 3/5/04.

Senate Bill 408. Relating generally to levies by county boards of education and expenditure of property taxes collected. Passed Senate Education Committee, as amended 2/25/04. Adopted by Senate Finance Committee, as amended 2/27/04. Referred to House Finance Committee.

Senate Bill 425. Establishing English as official state language. Passed Senate 2/18/04. Referred to House Judiciary Committee.

Senate Bill 439. Relating to compulsory immunization of school children; exemptions. Passed Senate 2/25/04. Referred to House Health and Human Resources Committee. House Health and Human Resources Committee rejected 4/5/04.

Resolutions

Senate Concurrent Resolution 12. Declaring December, 2004, “Legislators Back to School Month.” Adopted by Senate 1/23/04. Referred to House Rules Committee.

Senate Concurrent Resolution 32. Relating to federal No Child Left Behind Act. Passed Senate 2/9/04. Referred to House Rules Committee.

Higher Education

Senate Bill 165. Simplifying state higher education tuition and fee system. Passed Senate 2/25/04. Referred to House Education Committee, then House Finance Committee.

Senate Bill 410. Providing opportunities to certain children of deceased military; removing in-state requirement. Passed Senate 2/24/04. Referred to House Veteran Affairs and Homeland Security Committee, then House Finance Committee.

Senate Bill 448. Relating to higher education advisory boards generally. Passed Senate 2/10/04. Passed House 2/18/04. Senate amended bill 3/5/04, requesting House to concur in amendment.

Senate Bill 512. Authorizing rules of Higher Education Policy Commission. Passed Senate 3/2/04. Referred to House Education Committee, then House Judiciary Committee.

Senate Bill 633. Relating to electronic mail addresses protected in higher education institutions. Passed Senate 3/3/04. Referred to House Education Committee, then House Judiciary Committee.

Senate Bill 721. Relating to centers for economic and technology advancement. Passed Senate 3/3/04. Referred to House Education Committee.

Retirement

Senate Bill 502. Relating to members of Teachers Defined Contribution Retirement System. Passed Senate 2/20/04. Referred to House Pensions and Retirement Committee, then House Finance Committee. Referred to House Finance Committee 3/5/04.

Senate Bill 636. Relating to employment of members of the Teachers Defined Benefit Retirement System. Passed Senate 3/3/04. Referred to House Education Committee, then House Finance Committee.

Education-Related

Senate Bill 67. Requiring agency, department or board to submit statement of compliance to legislative auditor within certain time. Passed Senate 3/2/04. Referred to House Government Organization Committee.

Senate Bill 208. Allowing state police to engage in certain political activities (including campaigning for and being elected to public office) while off duty and out of uniform. Passed Senate 2/10/04. Referred to House Judiciary Committee.

Senate Bill 231. Authorizing county commissions to establish flood plain enforcement agency. Amended and passed Senate Government Organization Committee 1/29/04. Passed Senate 2/4/04. Referred to House Political Subdivisions Committee.

Senate Bill 224. Correcting reference to article concerning adoption of abandoned child. Passed Senate 1/27/04. Referred to House Judiciary Committee.

Senate Bill 319. Relating to centers for housing young adult offenders. Passed Senate 2/9/04. Referred to House Judiciary Committee.

Senate Bill 449. Relating to elections generally. Passed Senate 2/9/04. Passed House 2/23/04. Has completed legislative action. Governor approved 3/2/04.

Senate Bill 456. Requiring state agencies administering funds or grants to notify grantee in certain cases. Passed Senate 3/3/04. Referred to House Government Organization Committee.

House Bill 536. Relating to claims against the state. Passed Senate 3/3/04. Referred to House Finance Committee.

Senate Bill 579. Relating to sex offender registration. Passed Senate 2/24/04. Referred to House Judiciary Committee.

Senate Bill 596. Concerning powers and duties of Board of Directors of W. Va. Board of Risk and Insurance Management. Passed

Senate 3/2/04. Referred to House Judiciary Committee.

Senate Bill 605. Relating to Child Fatality Review Teams. Passed Senate 3/2/04. Referred to House Health and Human Resources Committee, then House Judiciary Committee.

Senate Bill 624. Requiring criminal and driving record checks for public employment and certain other individuals. Passed Senate 3/3/04. Referred to House Judiciary Committee.

Senate Bill 694. Establishing Fairness in Competitive Bidding Act. Passed Senate 3/2/04. Referred to House Finance Committee.

Senate Bill 696. Providing that counties using voting machines may count absentee ballots on Election Day. (There are other provisions.) Passed Senate 3/2/04. Referred to House Judiciary Committee.

Miscellaneous

Senate Bill 229. Expanding counties covered by Route 2/Interstate 68 Authority. Passed Senate 3/2/04. Referred to House Roads and Transportation Committee, the House Government Organization Committee.

Senate Bill 271. Relating to racial profiling data collection. Passed Senate 2/17/04. Referred to House Judiciary Committee, then House Finance Committee.

Senate Bill 420. Relating generally to motor fuels excise tax. Passed Senate 2/25/04. Referred to House Finance Committee.

Senate Bill 573. Providing procedure for Economic Development Authority to address problems of state minorities. Passed Senate 3/1/04. Referred to House Government Organization Committee, then House Judiciary Committee.

Senate Bill 701. Authorizing certain taxes imposed by municipalities. Passed Senate 3/3/04. Referred to House Finance Committee.

Senate Bill 705. Removing 'personal use' exception for criminal offense of manufacturing controlled substance. Passed Senate 3/3/04. Referred to House Judiciary Committee.

Senate Bill 709. Providing additional internal controls and procedures for the state purchase card program. Passed Senate 3/3/04. Referred to House Government Organization Committee, then House Finance Committee.

Senate Concurrent Resolution 33. Urging manufacturers and dealers of all-terrain vehicles to design, test and offer roll bars as optional ATV equipment. Passed Senate 2/10/04. Referred to House Rules Committee.

Senate Concurrent Resolution 41. Affirming religious tolerance as official state policy. Passed Senate 2/16/04. Referred to House Rules Committee.

Senate Concurrent Resolution 42. Asking governor to declare April 4 as "Childrens Memorial Flag Day." Passed Senate 2/16/04. Referred to House Rules Committee. Unfinished Business, House Calendar 3/5/04.

House of Delegates

House Bill 2268 (carryover bill). Relates to employment of retired teachers as substitute teachers in "areas of critical need and shortage." There are other provisions. House Education Committee adopted 1/15/04. Passed House 1/21/04. Referred to Senate Education Committee. Senate Education Committee deferred action on Feb. 24.

House Bill 2323 (carryover bill). Creates an office of personnel

within the state Department of Education (using existing personnel). House Education Committee adopted 1/15/04. Tabled on House third reading 3/4/04.

House Bill 2423 (carryover bill). Awarding high school diplomas to certain veterans. Passed House 3/1/04. Referred to Senate Military Committee, then Senate Finance Committee. Second reference dispensed. First Reading 3/8/04.

House Bill 2706 (carryover bill). Relating to compensation paid to members of the education and state employees grievance board. Passed House 3/3/04. Referred to House Government Organization Committee.

House Bill 3190 (carryover bill). Relating to the titling and ownership of property for area vocational education programs. Amended and adopted by House Finance Committee 1/19/04. Passed House 1/22/04. Referred to Senate Education Committee.

House Bill 4001. Ensuring safer schools and empowering teachers by automating student suspension and expulsion data. Passed House 2/18/04. Referred to Senate Education Committee and Senate Finance Committee. Referred to Senate education subcommittee 2/24/04. Subcommittee has met twice, and will meet 3/8/04. Subcommittee report to be considered 3/9/04 by Senate Education Committee.

House Bill 4005. Creating a special revenue fund for the operation of the Education and State Employees Grievance Board. Amended and passed House Finance Committee 2/25/04. Tabled on House second reading, special calendar 3/4/04.

House Bill 4018. Authorizing the issuance of grant waivers to sparsely populated counties for relief from the ratio limitations on state funding of professional educators. Passed House education and finance committees. Passed House 3/3/04. Referred to Senate Education Committee, then Senate Finance Committee.

House Bill 4037. Providing for safe schools through alternative education programs and providing certain juvenile justice records to public school officials. Amended and passed House Education Committee 1/22/04. Passed House 1/28/04. Passed Senate Education Committee 2/18/04. Referred to Senate Judiciary Committee.

House Bill 4039. Relates to contracts for non-educator athletic and extracurricular coaches. Would allow these individuals to continue coaching without position being posted yearly if serving in position for three or more consecutive years. Referred to full House. House Education Committee adopted 1/15/04. Passed House 1/21/04. Referred to Senate Education Committee.

House Bill 4040. Makes changes in statute relating to reference for overall rating of satisfactory on previous two years' evaluations, making statutory change to "previous two evaluations." House Education Committee adopted 1/15/04. Passed House 1/21/04. Adopted by Senate Education Committee 3/3/04. Senate second reading 3/4/04.

House Bill 4043. Establishing the priority for early childhood education in the basic skills of reading, mathematics and English language arts. Amended and adopted by House Education Committee 1/20/04. Passed House 1/22/04. Referred to Senate Education Committee, then Senate Finance Committee. Referred Senate Finance Committee 3/4/04.

House Bill 4044. Increases compensation of state superintendent of schools. House adopted 2/23/04. Referred to Senate Educa-

tion Committee, then Senate Finance Committee.

House Bill 4045. Requires state superintendent of schools to receive evidence that a county superintendent has given bond with good security pursuant to W. Va. Code §6-2-10. Passed House 1/21/04. Referred to Senate Education Committee.

House Bill 4053. Changing the rate of compensation of members of the state board of education. Passed House 2/23/04. Referred to Senate Education Committee.

House Bill 4055. Creating a compact between states for the protection and return of juvenile offenders, runaways and other juveniles. Passed House Judiciary Committee 1/26/04. Passed House 1/29/04. Referred to Senate Judiciary Committee.

House Bill 4072. Providing for a unified approach to the long-term planning and implementation of technology in the public schools. Amended and adopted by House Education Committee 1/20/04. Passed House 1/22/04. Referred to Senate Education Committee, then Senate Finance Committee. Referred to Senate Finance Committee 3/4/04.

House Bill 4081. Requiring county school boards to post the position of county superintendent for at least 30 days prior to making an appointment. Requirement would not apply for a reappointment or interim appointment. Passed House 1/27/04. Referred to Senate Education Committee.

House Bill 4111. This is the so-called “McDowell County” measure. It relates to property ownership in school boards having been intervened or taken over by the state, including disposition of properties in flood plains. Adopted by House and Senate 1/22/04. Signed by Governor 1/29/04.

House Bill 4116. Providing tuition and fee vouchers for students who sound Taps during a military honors funeral. Passed House 2/25/04. Referred to Senate Education Committee.

House Bill 4130. Providing for the employment of a highly qualified and fully certified substitute teacher to perform the duties of a teacher who attends W.Va. Department of Education meetings or development sessions. A teacher would not be required to attend such unless the WVDE employs or reimburses the county for the substitute. Amended and passed House Education Committee 1/29/04. Passed House Finance 1/29/04. Referred to Senate Education Committee.

House Bill 4138. Prohibiting persons from impersonating a public official by copying or imitating the markings of a public agency or official on a motor vehicle. Passed House 2/5/04. Referred to Senate Judiciary Committee.

House Bill 4271. Requiring all schools to permit students to self-administer asthma medication. Amended and adopted by House Education Committee 2/17/04. Passed House 2/20/04. Referred to Senate Education Committee.

House Bill 4284. Extending the eligibility to receive the \$500 early retirement bonus to school service personnel (\$250 bonus for these individuals). House Education Committee adopted 2/5/04. Passed House 3/3/04. Referred to Senate Education Committee.

House Bill 4290. Creating a framework to avoid imposition of policies and practices on the public schools that distract from a thorough and efficient education. Passed House 2/6/04. Referred to Senate Education Committee.

House Bill 4295. Exempting state bonds from taxation. Passed House 2/25/04. Referred to Senate Finance Committee.

House Bill 4297. Clarifying that the county board of education and

its superintendent may designate the places where competency testing for service personnel will be held. Amended and adopted by House Education Committee 2/17/04. Passed House 2/20/04. Referred to Senate Education Committee.

House Bill 4338. Providing for the issuance of special registration plates promoting education and using the special fee for the registration plates to fund transportation for school trips for academic purposes. Passed House 2/18/04. Referred to Senate Transportation Committee, then Senate Finance Committee.

House Bill 4415. Giving the W. Va. Auditor flexibility in determining when to conduct audits on local government offices. Passed House 3/3/04. Referred to Senate Government Organization Committee, then Senate Finance Committee.

House Bill 4441. Expanding newborn screening by adding sickle cell anemia and adrenal hyperplasia. Passed House 3/3/04. Referred to Senate Health and Human Resources Committee, then Senate Finance Committee.

House Bill 4478. Lengthening the time period which county boards are required to publish a year-end financial statement. Originating in and passed House Education Committee 2/13/04. Passed House 2/18/04. Referred to Senate Education Committee.

House Bill 4492. Creating the criminal offense of soliciting a minor via computer. Passed House 3/3/04. Referred to Senate Judiciary Committee.

House Bill 4552. Relating to grounds for the revocation of teacher certificates. Originated within and passed House Education Committee 2/20/04. Passed House 2/26/04. Referred to Senate Education Committee.

House Bill 4553. Relating to standards for awarding certificates to teach in the public schools. Passed House 2/26/04. Referred to Senate Education Committee.

House Bill 4554. Relating to rights, privileges and benefits of substitute school service personnel to fill vacancies created by leaves of absences. Passed House 2/26/04. Referred to Senate Education Committee. Senate Education Committee approved 3/4/04. Senate second reading 3/8/04.

House Bill 4574. Providing for a program in personal finance for secondary school students. Passed House 3/2/04. Referred to Senate Education Committee.

House Bill 4576. Creating a voluntary checkoff on state income tax returns to donate refunds to family literacy program. Passed House 3/1/04. Referred to Senate Education Committee, then Senate Finance Committee.

House Bill 4601. Relating to public education generally. Suspends school aid formula appropriations for school bus replacements in fiscal 2005. Provides for legislative appropriation or allocation of appropriation of certain revenues, funds and moneys of School Building Authority of West Virginia. Provides certain guidelines and procedures by authority for plans, plan modifications and evaluating projects. Provides salary increment increase for teachers. Originated within and passed House Education Committee 2/24/04. Passed House 2/27/04. Referred to Senate Education Committee, then Senate Finance Committee. Senate Education Committee adopted 3/4/04. Referred to Senate Finance Committee.

House Bill 4624. Relating generally to tax increment financing. Passed House 3/2/04. Referred to Senate Finance Committee.

House Bill 4626. Providing a salary supplement for providers of Medicaid eligible services in the public schools. Originated

within and passed House Education Committee 2/25/04. Passed House 3/3/04. Referred to Senate Finance Committee.

House Bill 4669. Providing for establishment of special five-year demonstration professional development school project. Originated within and passed House Education Committee 2/27/04. Removed from House consent calendar 3/3/04. Amended on third reading 3/3/04. Placed at foot of third reading bills, amended a second time, then passed House 3/3/04. Referred to Senate Education Committee, then Senate Finance.

House Bill 4714. Clarifying that certain community education programs support public education. Passed House 3/3/04. Referred to Senate Education Committee.

House Bill 4737. Providing options for members of teachers retirement to make contributions for periods of temporary total disability. Passed House 3/3/04. Referred to Senate Education Committee.

House Bill 4738. Relating to salaries, wages and other benefits of school service personnel. Passed House 3/3/04. Referred to Senate Education Committee.

Resolutions

House Resolution 6. Expressing the sense of the House of Delegates regarding the federal No Child Left Behind Act, specifically asking the President and Congress to waive certain accountability provisions for West Virginia and other states as long as these states maintain consistently high standards. Adopted by House 2/4/04.

House Concurrent Resolution 8. Requesting a study on the childhood obesity epidemic in West Virginia in regards to chronic disease, poor nutrition and inadequate exercise. Adopted by House 1/23/04. Referred to Senate Rules Committee.

Higher Education

House Bill 3097 (carryover bill). Prescribing proper venue in civil actions involving W. Va. University and Marshall University. Passed House 2/5/04. Referred to Senate Judiciary Committee.

House Bill 4318. Imposing personal income tax on funds withdrawn from a prepaid college tuition contract or other college savings plans. Passed House 3/3/04. Referred to Senate Finance Committee.

House Bill 4495. Providing that the assignment and transfer of real property for research and development at higher education institutions for economic development purposes includes housing projects. Passed House 3/3/04. Referred to Senate Education Committee.

House Bill 4743. Establishing conditions precedent to eliminating certain National Collegiate Athletic Association eligible teams. Passed House 3/3/04. Referred to Senate Education Committee, then Senate Judiciary Committee.

Retirement

House Bill 2132 (carryover bill). Providing retirement service credit to teachers at private colleges/universities. Passed House 3/2/04. Referred to Senate Pensions Committee, then Senate Finance Committee.

House Bill 2912 (carryover bill). Providing that certain education personnel who are former state employees may exercise the option to transfer from the Public Employees Retirement System to the Teachers Retirement System. Passed House 3/3/04. Referred to Senate Pensions Committee, then Senate Finance Committee.

House Bill 4252. Allowing the purchase of up to four years of CETA time in the Teachers Retirement System. Passed House 2/27/04. Referred to Senate Pensions Committee, then Senate Finance Committee.

House Bill 4280. Making available to retired PEIA participants the optional dental, vision, and audiology and hearing-aid services insurance plans that are available to current participants. Passed House 2/27/04. Referred to Senate Banking and Insurance Committee, then Senate Finance Committee. (Referred to Senate Finance Committee 3/4/04.)

House Bill 4545. Creating the Teachers' Retirement Equity Act. Passed House 3/3/04. Referred to Senate Pensions Committee, then Senate Finance Committee.

House Bill 4562. Relating to the rights of members of the Teachers' Defined Contribution Retirement System to make a technical correction to clarify membership. Passed House 3/3/04. Referred to Senate Pensions Committee, then Senate Finance Committee.

House Bill 4668. Providing a supplemental pension benefit to certain retired members of the Public Employees Retirement System and the Teachers Retirement System. Passed House 3/2/04. Referred to Senate Pensions Committee, then Senate Finance Committee.

Education-Related

House Bill 2088 (carryover bill). Increasing the penalty for the manufacture, distribution or possession of certain controlled substances (or counterfeit substances) near a park. Passed House 1/22/04. Referred to Senate Judiciary Committee.

House Bill 2200 (carryover bill). Creating felony offense of destruction of property. Passed House 2/12/04. Referred to Senate Judiciary Committee.

House Bill 4036. Relating to legislative appropriation of tobacco settlement funds. Passed House 3/3/04. Referred to Senate Finance Committee.

House Bill 4055. Creating a compact between states for the protection and return of juvenile offenders, runaways and other juveniles. Passed House 1/29/04. Referred to Senate Judiciary Committee.

House Bill 4077. Eliminating the set-off against Unemployment Compensation benefits for persons receiving Social Security benefits. Passed House 3/3/04. Referred to Senate Finance Committee.

House Bill 4110. Making the state's criminal penalty laws applying to use and display of beer and alcoholic beverages in motor vehicles conform to federal law (open containers). Passed House 2/4/04. Referred to Senate Transportation Committee, then Senate Judiciary Committee.

House Bill 4140. Requiring the W. Va. Ethics Commission to establish a Code of Conduct for state administrative law judges. Passed House 2/6/04. Referred to Senate Judiciary Committee.

House Bill 4250. Providing good faith protection for licensed psychologists and psychiatrists acting upon appointment by a court in child custody cases. Passed House 2/18/04. Referred to Senate Judiciary Committee.

House Bill 4259. Revising the composition, powers and duties of the Governor's Cabinet on Children and Families. Passed House 2/9/04. Referred to Senate Government Organization Committee.

House Bill 4273. Changing the authority to appoint guardians of

minors from the county commission to the family court. Passed House 2/18/04. Referred to Senate Judiciary Committee. Senate third reading 3/8/04.

House Bill 4285. Providing that custody of children of a parent murdered by his or her spouse shall be placed with the most suitable member of the victim's family. Passed House 2/25/04. Referred to Senate Judiciary Committee.

House Bill 4304. Continuing the Children's Health Insurance Board. Passed House 2/9/04. Referred to Senate Government Organization Committee.

House Bill 4330. Revising the laws concerning vital statistics. Passed House 3/4/04. Referred to Senate Government Organization Committee, then Senate Judiciary Committee, then Senate Finance Committee.

House Bill 4334. Creating the Joint Commission of Technology and Advanced Communications. Passed House 3/1/04. Referred to Senate Rules Committee.

House Bill 4390. Making tongues-splitting a crime unless performed by a physician. Passed House 3/4/04. Referred to Senate Health and Human Resources Committee, then Senate Judiciary Committee.

House Bill 4412. Requiring the Children's Health Insurance Board to submit a modification of its benefit plan. Passed House 3/3/04. Referred to Senate Health and Human Resources Committee, then Senate Finance Committee.

House Bill 4434. Expanding the possible venues where a child neglect or abuse petition may be filed. Passed House 2/19/04. Referred to Senate Judiciary Committee.

House Bill 4489. Imposing a lien and recovery for unpaid child support on the proceeds due a child support debtor from a settlement, judgment or award. Passed House 3/3/04. Referred to Senate Judiciary Committee.

House Bill 4517. Finding and declaring certain claims against the state and its agencies; directing the W. Va. Auditor to issue warrants for the payment thereof. Passed House 3/1/04. Referred to Senate Finance Committee.

House Bill 4521. Relating to Department of Environmental Protection reportage concerning underground storage tanks. Passed House 3/3/04. Referred to Senate Energy, Industry and Mining Committee, then Senate Finance Committee.

House Bill 4531. Continuing the Public Employees Insurance Agency Finance Board. Passed House 2/23/04. Referred to Senate Government Organization Committee.

House Bill 4535. Providing relief from property taxes for property damaged or destroyed in a disaster. Passed House 3/3/04. Referred to Senate Judiciary Committee, then Senate Finance Committee.

House Bill 4598. Restricting courts from requiring conditions on the out-of-home placement of children consistent with existing licensing regulations. Passed House 3/3/04. Referred to Senate Judiciary Committee. Senate Judiciary Committee approved 3/5/04. Senate second reading 3/8/04.

House Bill 4605. Clarifying certain provisions of the state Code as relating to domestic violence offenses and related protective orders that are issued by the courts. Passed House 3/3/04. Referred to Senate Judiciary Committee.

House Bill 4627. Honoring academic performance of West Virginians graduating from U.S. military academies. Passed House 3/1/04. Referred to Senate Military Committee.

House Bill 4649. Providing for greater efforts for instate placement of children in the custody of the W. Va. Department of Health and Human Resources. Passed House 3/3/04. Referred to Senate Judiciary Committee.

House Bill 4655. Giving the Children's Health Insurance program the right of subrogation. Passed House 3/3/04. Referred to Senate Banking and Insurance Committee, then Senate Judiciary Committee.

House Bill 4660. Providing for the disposition of funds or assets recovered in a legal action or settlement by or on behalf of the general public, the state or its officers, agencies or political subdivisions. Passed House 3/3/04. Referred to Senate Judiciary Committee, then Senate Finance Committee.

House Bill 4739. Relating to legislative appropriation of tobacco settlement funds and strategic contributions fund. Passed House 3/3/04. Referred to Senate Judiciary Committee, then Senate Finance Committee.

Miscellaneous

House Bill 2801 (carryover bill). Requiring the W. Va. Ethics Commission to furnish copies of all Advisory Opinions issued by the EC to the Legislature and W. Va. Supreme Court of Appeals' Law Library. Passed House 1/23/04. Referred to Senate Judiciary Committee.

House Bill 4009. Creating a position for a state American With Disabilities Coordinator within the W. Va. Department of Administration. Passed House 3/3/04. Referred to Senate Government Organization Committee, then Senate Finance Committee.

House Bill 4017. Prohibiting retailer licensees use of gambling names and symbols in advertising, signage, and directions to retail establishments offering limited video lottery games. Passed House 1/30/04. Referred to Senate Judiciary Committee.

House Bill 4020. Protecting personal information maintained by the state from inappropriate disclosure. Passed House 1/27/04. Passed Senate 2/9/04 *Approved by governor.*

House Bill 4021. Preventing the disclosure of personal information of state employees and officers, and their dependents. Passed House 1/27/04. Committee reference dispensed. Referred to Senate Judiciary Committee on Third Reading 2/2/04.

House Bill 4339. Clarifying the imposition of consumers sales tax and service tax on purchases made by providers of professional or personal services. Passed House 2/27/04. Referred to Senate Finance Committee.

House Bill 4354. Authorizing county commissions to adopt ordinances to reduce false alarms. Passed House 3/3/04. Referred to Senate Judiciary Committee.



Legislative Calendar

- ✓ **First Day:** January 14, 2004: First day of session. (W.Va. Const. Art. VI, §18).
- ✓ **Twentieth Day:** February 2, 2004: Submission of Legislative Rule-Making Review bills due. (W.Va. Code §29A-3-12).
- ✓ **Forty-first Day:** February 23, 2004: Last day to introduce bills in Senate. Does not apply to originating or supplementary appropriation bills. (Senate Rule 14) Does not apply to Senate resolutions or concurrent resolutions.
- ✓ **Forty-fifth Day:** February 27, 2004: Last day to introduce bills in House of Delegates. Does not apply to originating or supplementary appropriation bills. (House Rule 91a).
- ✓ **Forty-seventh Day:** February 29, 2004: Bills due out of committees in house of origin to ensure three full days for readings.
- ✓ **Fiftieth Day:** March 3, 2004: Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills. (Joint Rule 5b).
- Sixtieth Day:** March 13, 2004: Adjournment at Midnight. (W.Va. Const. Art. VI, §22).

WVSBA'S LEGISLATIVE TELECONFERENCE

DATE TBA

- For a review of the latest education mandates, grievances and court cases in West Virginia.
- Features panel discussion.
- Extensive session-related materials to aid in reviewing bills.
- Howard E. Seuffer Jr., W. Va. School Boards Association legal counsel, to present program.
- Registration fee covers unlimited number of county participants.

Contact WVSBA for details.

The Legislature

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