



## *Priorities and expanded abstract*

# Bills Reviewed Before Session's Final Days

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

This issue of *The Legislature* contains an expanded "Bill Abstract" on page 3, including the latest on education bills and resolutions, as well as selected education-related bills.

The listing is not exhaustive.

The following are bills of interest, based on action last week.

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## *Senate Bills of Interest*

- **Senate Bill 419.** This is the governor's bill relating to allowing county boards – and other similar entities of government – relief from policies, rules and regulations the governing bodies find burdensome.

There's been considerable discussion about this legislation, although the bill clearly states that its purpose is to provide a procedure whereby county boards (or other governmental entities) can apply for "waiver of a policy, rule, or regulation... (it) believes is preventing it from carrying out its duties and responsibilities in the most cost-effective and timely manner."

The waiver request would be forwarded to the Secretary of the Department of Commerce.

There are other provisions.

Provisions relating to "extra-taxing authority" for certain counties has been deleted, but the waiver provision has remained.

It appears this bill will pass.

- **SB604.** As finally amended by the House Education Committee, this legislation relates to methods for calculating increased enrollment in "growth counties" as well as providing a "floor" of 1,400 students for counties which, due to declining economies of scale, can't continue to provide quality education for their students.

The bill was introduced at the request of the West Virginia Association of School Administrators.

It also is supported by West Virginia School Boards Association members.

Several members report having contacted Senators in support of the measure.

The bill appears to have less support on the Senate side.

Members needing information regarding how to contact Senators should contact WVASA or WWSBA.

- **SB622/SB741.** These measures would exempt not-for-profit, tax-exempt corporations operating homes for the aged or retirement

communities (such as assisted living facilities) from property tax – **SB622** – or farming equipment and livestock from personal property taxation – **SB741**. The latter applies only in cases of "commercial farming."

Both bills are lodged in the House Finance Committee.

- **SB675.** This measure would allow a county board to enter into a lease-purchase agreement for land, buildings and equipment (school facilities).

Prior to entering into the arrangement, the county board would have to have permission of the School Building Authority of West Virginia (SBA).

If the building is or has been constructed for the purpose of providing a school through a lease-purchase agreement, the county board must determine if such an agreement would be constitutional. (This provision concerns a section of the Constitution regarding carryover of debt.)

The bill has a final section allowing a county board to borrow funds from the West Virginia Department of Education (WVDE) and the SBA to make a "one-time payment due at the beginning of the lease for the purpose of reducing the annual lease payments."

Again, the county board would be responsible for determining the constitutionality of that procedure.

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## *House Bills of Interest*

- **House Bill 2365.** This measure relates to county board members acting individually or singularly in ways that might bind their boards. The bill was adopted 99-0 by the House last week.

While a few county boards of education members have expressed opposition to the legislation, the language was provided by the West Virginia School Boards Association as a means to make the legislation more amenable to county boards.

This bill has been introduced in several past sessions.

It enjoys considerable support in the House of Delegates – as illustrated by the above unanimous vote – but has died in the Senate in past sessions.

As I have explained to several members, if adopted, this bill doesn't diminish the ability of county board members to visit schools or the like. It simply addresses board members who, in the words of the House Judiciary Committee counsel, act as "lone rangers."

Unlike in past years, we were able to make the penalties such that this statute won't be "used against" members in a frivolous manner.

Given these parameters – and no significant Senate amendments

– I urge members to consider supporting this legislation.

- **HB2877.** This bill would create a new section of Code, §6-6-7a, relating to removal of “appointive county, district or municipal officers with fixed terms.”

The bill allows the “governing body” responsible for appointing any “non-elected person... (whose) term of (office) is fixed by law,” to remove any member appointed to the board (authority or commission) for “official misconduct, incompetence, neglect of duty, malfeasance or gross immorality...”

The method of removal is fairly detailed, including various notices of the intent to remove one from office, hearings, and a written decision to be rendered by the governing board following the hearing.

There also is an appeal process to circuit court.

If a member is removed, the governing body may make an appointment to fill the vacancy for the remainder of the removed member’s term.

The bill also amends current law, §6-6-7, to conform to the proposed amendment.

That statute is that which relates to removal of public officers, including county board members.

(This is the section of Code relating to a hearing before a three-judge panel appointed by the state Supreme Court to hear charges against public officials.)

Again, the language, based on the bill title, relates to a procedure for removal of members appointed to county or municipal “boards, authorities or commissions...”

Additional details in the April 7 issue of *The Legislature*.

**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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- **HB3040.** This legislation relates to Gov. Joe Manchin III’s original proposal concerning implementing required guidelines relating to school bus travel times.

I worked with the House Education Committee staff to ensure that the legislation, as adopted by House Education, didn’t include “mandatory” timelines – they would have been advisory as now – but with additional “parallel” accountability steps.

That concept was rejected in the House Finance Committee which, instead, opted for a more comprehensive study of bus travel times.

Based on conversations with various sources, **HB3040**, which includes a proposed statute requiring the study to be completed, may be adopted by the Senate Education Committee – largely as passed by the House.

There are reports, as late as Friday (April 1), that the “original” legislation, as introduced by the governor, was going to be revived in the Senate.

That seems doubtful in that the Senate leadership reportedly is opposed to the legislation per se.

- **HB3152.** This measure proposes the following in regard to the West Virginia Board of Risk and Insurance Management’s (BRIM’s) coverage for county boards:

“...In accordance with the provisions of this article, the state Board of Risk and Insurance Management shall provide, **at its discretion** (emphasis mine), appropriate professional or other liability insurance for all county boards of education, teachers, supervisory and administrative staff members, service personnel, county superintendents of schools and school board members and for all employees and officers of the State Department of Corrections. **The Board of Risk and Insurance Management is not required to provide insurance for every property, activity or responsibility of county boards of education, teachers, supervisory and administrative staff members, service personnel, county superintendents of schools and school board members and for all employees and officers of the state Department of Corrections...** (emphasis mine).”

As noted above, this bill also affects the state Corrections Department.

Members needing more information regarding the proposal, should contact me.

- **HB3282.** This bill relates to “upskirting” or, as described in the bill title, “the taking of pictures of a non-consenting individual in public and private places.”

The bill, as amended by the House, has a provision saying that it’s applicable if the non-consenting person is under age 18 and the “person taking the film or photograph is more than four years older than the victim”; or,

“Has the intent of storing or using the photographs and films for the purposes of publication, distribution, or dissemination to any other individual(s)...”

Note: School board attorneys have raised questions concerning this proposed statute, especially in schools not having policies regarding cellular telephones with cameras or Palm Pilots or similar electronic scheduling devices.

— For more information regarding legislation, contact the WVSBA executive director at 304.346.0571 (office) or 304.345.3614 (residence); his e-mail is available at [hocull@wvsba.org](mailto:hocull@wvsba.org).

**Editor's Note:** The following is a listing of education and selected education-related bills, with action current through Friday, April 1, 2005. For information relating to any of the measures listed, contact West Virginia School Boards Association Executive Director Howard M. O'Cull, Ed.D., or visit the West Virginia Legislature's Web site at [www.legis.state.wv.us](http://www.legis.state.wv.us).

## Other Senate Bills

- **Senate Bill 12.** Makes **English official language** of state. Passed Senate 3/29/05. Referred to House Judiciary 3/29/05.
- **SB94.** Provides county boards flexibility in the statutory order of required activities to occur on **school calendar Instructional Support and Enhancement (ISE) days**. Passed Senate 2/28/05. Referred to House Education Committee (House Education), then House Finance Committee (House Finance) 3/1/05.
- **SB126.** Relates to educational **benefits** for **children of deceased military personnel** (killed in action). Senate Education approved 3/16/05. Passed Senate 3/25/05. Referred to House Veterans Affairs and Homeland Security Committee (House Veterans Affairs Committee), then House Finance 3/28/05.
- **SB153.** **Revises** state **Ethics Act** legislation enacted during 2005 Special Session. Passed Senate 3/21/05 – House concurred with Senate amendment and passed 3/22/05.
- **SB159.** Creates **Consolidated Local Government Act**. Passed Senate 3/9/05. Referred to House Judiciary 3/18/05.
- **SB212.** Provides **higher education employees the annual experience increment** that is **paid to state employees**. Approved by Senate Education Committee (Senate Education) 2/22/05. Referred to Senate Finance Committee (Senate Finance) 2/23/05.
- **SB248.** Voids the requirement that education technology expenditures be made in accordance with the **West Virginia Education Technology Strategic Plan (ETSP)**. Passed Senate 2/28/05. Referred to House Education, then House Finance 3/1/05.
- **SB261.** Provides for special election proposing constitutional amendment designated as the “**Pension Bond Amendment**.” Passed Senate 2/24/05. Passed House 2/24/05. Governor signed 3/8/05; Legislative Action Completed.
- **SB264.** Relates to **Teachers Defined Contribution Retirement System**. Passed Senate 3/17/05. Referred to House Pensions and Retirement, then House Finance 3/18/05.
- **SB282.** Continues **School Building Authority** of West Virginia (state Sunset legislation). Passed Senate 3/1/05. Referred to House Government Organization Committee (House Government Organization) 3/2/05.
- **SB290.** Requires each county board of education hold public hearing on **students wearing uniforms**. Senate Education approved 3/22/05. Passed Senate 3/25/05. Referred to House Education, then House Judiciary Committee (House Judiciary) 3/28/05.
- **SB347.** Authorizes approval of **rules** of the **Higher Education Policy Commission** and Council for Community and Technical College Education. Senate Education adopted 3/3/05. Senate Adopted 3/9/05. Referred House Education 3/10/05.
- **SB401.** Relates to governing boards of the newly-established **New River Community and Technical College** and the **Community and Technical College of Shepherd University**. Senate Education approved 3/3/05. Senate Adopted 3/9/05. Referred to House Education. House Education approved 3/23/05. Passed House 4/01/05; completed legislative action.
- **SB419.** Provides **governmental entities relief** from certain policies, rules and regulations. Passed Senate 3/29/05. Referred to House Finance 3/29/05.
- **SB504.** Relates to **high-tech research zones**, parks and technology centers. Senate Education deferred action 3/29/05. Provisions included in **House Bill 2777**. Senate Education approved 3/31/05.
- **SB521.** Requires study on **county board flood and general property insurance**. Passed Senate 3/28/05. Referred to House Education, then House Finance 3/28/05.
- **SB585.** Allows **disclosure of juvenile records** in certain cases. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05.
- **SB589.** Relates to **county boards of education sharing services** of central office administrative personnel. Passed Senate 3/29/05. Referred to House Education, then House Finance 3/29/05.
- **SB603.** Provides greater **flexibility to Marshall University and West Virginia University**. Senate Education approved 3/22/05. Passed Senate 3/25/05. Referred to House Education then Finance 3/28/05. House Education approved 3/31/05.

CONTINUED on next page

- **SB604.** Establishes method for **projecting increase in net enrollment** for each school district. Senate Education approved 3/18/05. Passed Senate 3/22/05. Referred to House Education, then House Finance. Passed House 3/31/05.
- **SB622.** Clarifies **exemption for property** used by certain not-for-profit, tax-exempt corporations, including assisted living complexes. Passed Senate 3/29/05. Referred to House Finance 3/29/05.
- **SB661.** Relates to **juvenile proceedings** and **multidisciplinary teams**. Passed Senate 3/22/05. Referred to House Judiciary, then House Finance 3/28/05.
- **SB674.** Relates to textbook sales at public institutions of higher education (**textbook bundling**). Passed Senate 3/28/05. Referred to House Education 3/29/05.
- **SB675.** Allows **county boards** to enter into **lease-purchase agreements** for school facilities. Passed Senate 3/30/05. Referred to House Government Organization, then House Finance 3/31/05.
- **SB701.** Eliminates requirement **statewide assessment** occur at **specific grade levels**. Passed Senate 3/28/05. Referred to House Education 3/28/05.
- **SB720.** Relates to **alternative teacher education programs**, fitness programs and other programs. Introduced 3/21/05. Senate deferred action 3/22/05.
- **SB740.** Relates to conducting **inventory of technology infrastructure** in state; other provisions. Passed Senate 3/30/05. Referred to House Industry and Labor, Economic Development and Small Business Committee (House Industry and Labor), then House Finance 3/31/05.
- **SB741.** **Exempts farming equipment** and livestock from **personal property tax** (commercial farmers). Passed Senate 3/28/05. Referred to House Finance 3/28/05.
- **SB744.** Clarifies criteria for employee to sustain lawsuit for **intentional injury** (Workers Compensation). Passed Senate 3/28/05. Referred to House Judiciary 3/28/05.

## *Other House Bills*

- **House Bill 2012.** Requires county boards to reserve 7 percent of **Medicaid reimbursements** for services provided by county personnel as a **salary supplement**. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB2141.** Prohibits persons from **soliciting contributions on public highways**. Passed House 3/28/05. Referred to Senate Judiciary 3/29/05.
- **HB2163.** Eliminates the “**set-off**” against **Unemployment Compensation** benefits for persons receiving Social Security benefits.

Passed House 3/30/05. Referred to Senate Finance 3/31/05.

- **HB2174.** Develops a **procedure** to notify **licensed professionals** who are mandated to **report child abuse/neglect** of the disposition of the investigation into the report. Passed House 3/3/05. Referred to Senate Judiciary 3/4/05.
- **HB2286.** Relates to the sounding of “**Taps**” at veterans’ honors funerals. Passed House 2/18/05. Passed Senate 2/21/05. Referred to governor 2/23/05. Governor signed 2/25/05; Legislative Action Completed.
- **HB2328.** Provides **precedential application to the Ethics Commission’s** written Opinions regarding **open governmental meetings**. Passed House 2/21/05. Referred to Senate Government Organization Committee (Senate Government Organization), then Senate Judiciary 2/22/05.
- **HB2334.** Relates to **limiting child out-of-state placements**. Passed House 3/30/05. Referred to Senate Judiciary, then Senate Finance 3/31/05.
- **HB2350.** Corrects provision in law relating to **certification standards in other states** and their application to teachers who may apply for certification in West Virginia. House Education approved 3/1/05. House approved 3/7/05. Senate Education approved 3/29/05. Senate 2<sup>nd</sup> Reading 4/4/05.
- **HB2365.** Prohibits **county board members** from **acting individually or singularly** unless authorized by law. Passed House 3/30/05. Referred to Senate Education 3/31/05.
- **HB2465.** Provides **salary supplements of \$2500** and expense reimbursements to **professional personnel** who meet certain professional national certification standards. House Education approved 3/24/05. Referred to House Finance 3/25/05.
- **HB2466.** **Removes some obsolete Code references** from statute; other provisions. House approved 3/7/03. Referred to Senate Education, then Senate Finance. Senate Education adopted 3/11/04. Referred to Senate Finance 3/11/05.
- **HB2525.** Eliminates requirement that West Virginia Department of Education (WVDE) conduct **independent evaluation** of effectiveness of **character education programs**, including Responsible Students Program (RSP). Passed House 3/11/05. Referred to Senate Education 3/14/05.
- **HB2527.** Allows school **service personnel competency tests** to be given at multi-county vocational centers at option of employee. Passed House 3/11/05. Referred to Senate Education, then Senate Finance. Senate Education approved 3/24/05.
- **HB2528.** Relates to **alternative programs for the education of teachers**. (These provisions also are included in SB720.) House Education approved 3/23/05. Passed House 3/29/05. Referred to Senate Education, then Senate Finance 3/30/05.

- **HB2570.** Requires **banking institutions to post bond/other security** for the deposit of county, municipality or county board education funds. Passed House 3/25/04. Referred to Senate Banking and Insurance 3/28/05. Committee approved 3/31/05. Senate 2<sup>nd</sup> Reading 4/04/05.
- **HB2578.** Increases **school aid formula net enrollment limits** for professional and school service personnel. House Education approved 3/1/05. House Finance approved 3/23/05. Passed House 3/28/05. Referred to Senate Education, then Senate Finance 3/28/05. Senate Education approved 3/31/05.
- **HB2603.** Relates to **reimbursement of tuition, registration and other required fees** for course work completed by teachers. Passed House 3/28/05. Referred to Senate Education, then Senate Finance. Senate Education approved 3/31/05.
- **HB2777.** Makes technical changes concerning **High-Tech Research Zones, Parks and Technology Centers**/tax incentives. House approved 3/28/05. Referred to Senate Education, then Senate Finance. Senate Education approved 3/31/05.
- **HB2783.** Authorizes the director of the **Division of Rehabilitation Services** to allow youth or other **civic groups to use rehab facilities** and to charge a fee. House Education approved 3/15/05. Passed House 3/21/05. Passed Senate 3/24/05. (This bill was amended extensively by the Senate.) Referred to governor 3/31/05.
- **HB2795.** Relates to the consolidation of administrative, information, technological, financial and operating systems and functions of **West Virginia University Institute of Technology** with and into such systems and functions of West Virginia University. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.
- **HB2801.** Relates to **removing the delay in school aid formula funding** for **increased student enrollment**. House Education approved 3/23/05. Referred to House Finance. House tabled on 2<sup>nd</sup> Reading, Special Calendar 3/30/05.
- **HB2802.** Updates provisions pertaining to **Commercial Driver's Licenses** to conform with federal law. Passed House 3/28/05. Referred to Senate Judiciary Committee, then Senate Finance Committee 3/31/05.
- **HB2809.** **Prohibits public contracts with vendors unless** vendors can demonstrate that **they offer health care insurance** to their **employees** and pay at least 75% of the cost of that insurance. House Tabled on 2<sup>nd</sup> Reading, Special Calendar 3/31/05.
- **HB2812.** Extends the time for the **Preston County Board of Education** to meet as a **levying body** for the purpose of presenting a special levy election. Passed House 3/25/05. Referred to Senate Government Organization 3/28/05.
- **HB2816.** Creates the "**West Virginia Healthy Act of 2005.**" Passed House 3/28/05. Referred to Senate Health and Human Resources, then Senate Education, then Senate Finance 4/1/05.
- **HB2837.** Prescribes a **personal finance instruction in secondary schools**. House Education approved 3/15/05. Passed House 3/21/05. Referred to Senate Education, then Senate Finance. Senate Education approved 3/31/05.
- **HB2855.** Places a limit of 10 years on the amount of time that a **teacher** who returns to work after terminating employment may retain his or her accrued **seniority**. Passed House 3/30/05. Referred to Senate Education, then House Finance 3/31/05.
- **HB2866.** Provides for continuation of **tuition and fee payments** to members after discharge from military service due to **wounds or injuries** received in the line of duty. Passed House 3/28/05. Referred to Senate Education, then Senate Finance. Senate Education approved 3/31/05.
- **HB2877.** Provides **procedure** for **removal of county, district or municipal officers**. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.
- **HB2885.** Relates to **tuberculosis testing**, control, treatment and commitment. Passed House 3/23/05. Referred to Senate Health and Human Resources (Senate Health), then Senate Finance 3/24/05.
- **HB2891.** Relates to **government reorganization**. Passed House 3/30/05. Referred to Senate Government Organization, then Senate Finance Committee 3/31/05.
- **HB2963.** Clarifies the allowance of **excess levy elections at primary elections** and to remove language which conflicts with state constitution §10-11-et. seq. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.
- **HB2977.** Relates to authorizing **school-level implementation of student uniform policies**. House Education approved 3/17/05. Referred to House Judiciary 3/18/05.
- **HB2984.** **Discontinues the loan program** participation of teachers and nonteachers who become members of the **Teachers Retirement System** on or after July 1, 2005. Passed House 3/30/05. Referred to Senate Finance 3/31/05.
- **HB3012.** **Exempts** property acquired by **lease purchase-agreement** by the state, a county, district, city, village, town or other political subdivision, state college or university, from **property tax**. Passed House 3/28/05. Referred to Senate Judiciary, then Senate Finance 3/29/05.
- **HB3018.** Relates to **designation of Mountaineer Challenge Academy** as a **special alternative education program**. Passed House 3/21/05. Referred to Senate Education, then Senate Finance. Referred to Senate Finance 3/31/05.
- **HB3019.** Relates to **recognizing the Appalachian Education**

**Initiative** promoting the role of art education in public schools. Passed House 3/30/05. Referred to Senate Education, then Finance 3/31/05.

- **HB3040.** Provides **maximum time limits for one-way bus transportation for any new bus route** created to transport students in the wake of the closure or consolidation of an existing school facility. Passed House 3/30/05. Referred to Senate Education, then Finance 3/31/05.

- **HB3055.** Requires the state **Secondary Schools Activities Commission** to have at least **two separate classes** of competition at all end-of-year interscholastic athletic tournaments. House Education tabled 3/17/05.

- **HB3098.** Expands the prohibitions and **criminal penalties** for **sexual exploitation** or **sexual abuse of a child by a parent, or guardian or custodian** to include offenses by persons who hold a position of **trust** in relation to a child. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.

- **HB3107.** Relates to **Diabetes Care Plan Act** in the public schools; has nurses ratio; other provisions. (Originated in House Education, creating allowance for student health services). Originated in House Education 3/18/05. Passed House 3/30/05. Referred to Senate Education, then Finance 3/31/05.

- **HB3108.** Increases the **focus of Regional Educational Service Agencies (RESAs) on school improvement**. House Education approved 3/17/05. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.

- **HB3130.** Requires **local boards of health to conduct inspections** of all elementary and secondary **schools**. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.

- **HB3152.** Clarifies that the state **Board of Risk and Insurance Management** is **not to provide insurance for every property, activity or responsibility** of county boards. Passed House 3/28/05. Referred to Senate Education, then Senate Finance 3/29/05.

- **HB3163.** **Prohibits** colleges from **requiring** students to purchase **bundled textbook packages**. House Education approved 3/24/05. Removed from Consent Calendar by request 3/29/05. Tabled 3<sup>rd</sup> Reading, Special Calendar 4/01/05.

- **HB3213.** Creates the offenses of **malicious assault**, unlawful assault, battery and recidivism of battery, assault on a driver, conductor, captain or other person in charge of any vehicle used for **public conveyance**. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.

- **HB3225.** Relates to the preparation and publication of **year-end financial statements by county boards of education**. Passed House 3/30/05. Referred to Senate Education, then Senate Finance 3/31/05.

- **HB3359.** Relates to **filling the positions and extra duty assign-**

**ments of the absent school bus operators**. Passed House 3/30/05. Referred to Senate Education 3/31/05.

## *Concurrent Resolutions*

### *- Senate -*

- **Senate Concurrent Resolution 3** – Requesting Joint Committee on Government and Finance **study public school dress code** and use of uniforms. Resolution introduced 2/10/05.

- **SCR11** - Requesting Joint Committee on Government and Finance **study protecting health and safety of student athletes**. Resolution introduced 2/10/05.

- **SCR20** - **Recognizing importance of increasing funding to special five-year demonstration professional development school projects**. Resolution introduced 2/21/05.

- **SCR21** - **Recognizing need to increase resources and make changes to eliminate racial and ethnic health disparities**. Resolution introduced 2/21/05.

- **SCR28** - Requesting West Virginia Board of Education (**WVBE**) to **establish position** to coordinate, oversee and advocate **for school libraries**. Resolution introduced 2/25/05.

- **SCR29** - Requesting Joint Committee on Government and Finance **continue Legislative Task Force on Juvenile Foster Care, Detention and Placement**. Referred to House 3/31/05.

- **SCR31** - Requesting Joint Committee on Government and Finance **study strengthening families economically to help at-risk children**. Resolution introduced 2/28/05.

- **SCR33** - Requesting Joint Committee on Government and Finance **study mental health services for adolescents to reduce suicide** and delinquency rates. Referred to House 3/31/05.

- **SCR35** - Requesting Joint Committee on Government and Finance direct Legislative Oversight Commission on Health and Human Resources Accountability **study state obesity epidemic**. Resolution introduced 3/4/05.

- **SCR36** - Requesting Joint Committee on Government and Finance direct Legislative Oversight Commission on Health and Human Resources Accountability **study home- or community-based long-term support programs and services for disabled persons**. Resolution introduced 3/4/05.

- **SCR37** - Requesting Joint Committee on Government and Finance direct Legislative Oversight Commission on Health and Human Resources Accountability **study providing citizens of state with comprehensive, quality and affordable health care**. Resolution introduced 3/7/05.

- **SCR43** - Requesting Joint Committee on Government and Fi-

nance **study expansion of in-home family education programs**. Resolution introduced 3/10/05.

- **SCR49** - Requesting Joint Committee on Government and Finance **study alternatives to out-of-state placement of children**. Resolution introduced 3/14/05.
- **SCR65 - Designating** month of December, 2005, **Legislators Back to School Month**. Resolution introduced 3/24/05.
- **SCR83** – Requesting Joint Committee on Government and Finance **study licensing athletic trainers**. Referred to Government Organization Committee on 3/31/05.

## *Concurrent Resolutions - House -*

- **House Concurrent Resolution 8** - Requesting that the Joint Committee on Government and Finance **continue the Legislative Task Force on Juvenile Foster Care, Detention and Placement** as the Juvenile Task Force. Resolution introduced 2/16/05.
- **HCR11** - Requesting that the Joint Committee on Government and Finance **study how strengthening families economically can help at-risk children** and youth. Resolution introduced 2/17/05.
- **HCR15** - Requesting the Joint Committee On Government and Finance **study the current status of mental health services for adolescents and young adults to reduce suicide rates and rates of delinquency**. Resolution introduced 2/22/05.
- **HCR19** - Requesting the Joint Committee on Government and Finance **study the possible expansion of in-home family education programs** (Early Parent Education). Referred to Senate 3/16/05.
- **HCR21** - Requesting West Virginia Department of Education (WVDE) to **create a position** in the department to coordinate, oversee and advocate **for public school libraries**. Referred to Senate 3/15/05.
- **HCR28** - Requesting the Joint Committee on Government and Finance to direct the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA) to **study the obesity epidemic** in West Virginia. Bill introduced. Resolution introduced 3/4/05.
- **HCR29** - Requesting the Joint Committee on Government and Finance to direct the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA) to **study the establishment of home or community based long-term support programs for disabled**. Resolution introduced 3/4/05.
- **HCR31 - Recognizing the importance of increasing funding** to the special **five-year demonstration professional development school project**. Referred to Senate 3/28/05.

- **HCR47 - Recommending** that West Virginia’s national leaders **oppose the educational budget cuts** proposed by **President George W. Bush**. Resolution introduced 3/15/05.
- **HCR68** - Requesting the Joint Committee on Government and Finance **study the need for housing allowances by teachers and school service personnel living in growth areas**. Resolution introduced 3/25/05.
- **HCR69** - Recognizing the importance of the Health Sciences and Technology Academy (HSTA) and its significant contribution to African American and under represented high school students. Resolution introduced 3/28/05.

— *Compiled by Shirley Davidson, West Virginia School Boards Association administrative assistant.*

## **EDUCATION-RELATED**

### *Senate*

- **SB31**. Requires Chief Technology Officer to maintain **cross index of forms** used by state agencies. Passed Senate 3/22/05. Referred to House Government Organization 3/23/05.
- **SB101**. Allows county commission or municipality to **request traffic control signal** be used **as flashing signal**. Passed Senate 3/4/05. Referred to House Roads and Transportation Committee, then House Finance 3/7/05.
- **SB147. Limits** purchase of **substances** used in production of **methamphetamine**. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05.
- **SB226**. Relates to **cross-reporting** when **abuse or neglect of individuals or animals** is suspected. Passed Senate 3/9/05. Referred to House Judiciary 3/10/05.
- **SB239**. Creates **Flood Protective Planning Act**. Passed Senate 3/24/05. Referred to House Government Organization, then House Finance 3/25/05.
- **SB240**. Grants state employees **paid leave for organ donation**. Passed Senate 3/30/05. Referred to House Finance 3/31/05.
- **SB245**. Relates to **regulating elections**. Passed Senate 3/29/05. Referred to House Judiciary 3/30/05.
- **SB268**. Relates to **underage possession of beer and liquor**; penalties. Passed Senate 3/4/05. Referred to House Judiciary Committee 3/7/05.
- **SB348**. Clarifies when **audits** are required **of state funds or grants** (does not apply to agencies of government); penalties. Passed Sen-

ate 3/29/05. Referred to House Judiciary, then House Finance 3/29/05.

- **SB414.** Relates to **child passenger safety** and booster seats. Passed Senate 3/25/05. Referred to House Judiciary 3/28/05.
- **SB417.** Provides for **organization and joint ownership** of **joint development entities** by municipalities and certain authorities. Passed Senate 3/30/05. House 3<sup>rd</sup> Reading, Special Calendar (committee reference dispensed) 4/4/05.
- **SB442.** Relates generally to **authorizing table games at licensed horse and dog racetracks**. Passed Senate 3/28/05. Referred to House Judiciary, then House Finance 3/29/05.
- **SB444.** Establishes **offense of careless driving**. Passed Senate 3/28/05. Referred to House Roads and Transportation, then House Judiciary 3/28/05.
- **SB452.** **Continues Board of Risk and Insurance Management (BRIM)**. Passed Senate 3/8/05. Referred to House Government Organization 3/9/05.
- **SB487.** Authorizes use of **ballot-marking accessible voting systems**. Passed Senate 3/28/05. Referred to House Judiciary Committee 3/29/05.
- **SB492.** Relates to **claims against the state**. Passed Senate 3/24/05. Referred to House Finance 3/25/05.
- **SB542.** Relates to **venue for suits against the state** involving **motor vehicle accidents**. Passed Senate 3/30/05. Referred to House Judiciary, then House Finance 3/31/05.
- **SB558.** Relates to **management and investment of public funds**. Passed Senate 3/28/05. Referred to House Government Organization, then House Finance 3/28/05.
- **SB582.** Grants **concurrent jurisdiction** to **family court and circuit courts** to set support in abuse/neglect cases. Passed Senate 3/22/05. Referred to House Judiciary Committee 3/23/05.
- **SB583.** Relates to **appealing orders from family court to circuit court**. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05.
- **SB584.** Allows the state Bureau for Child Support Enforcement to enter orders for **modification of child support amounts**. Passed Senate 3/22/05. Referred to House Judiciary 3/23/05.
- **SB587.** Relates to **appointment of counsel in abuse and neglect cases**. Passed Senate 3/30/05. Referred to House Judiciary, then House Finance 3/31/05.
- **SB588.** Relates to **cruelty to animals and intervention pro-**

**gram for certain youths**. Passed Senate 3/29/05. Referred to House Judiciary 3/29/05.

- **SB594.** Authorizes county commissions to adopt **ordinances to reduce false fire alarms**. Passed Senate 3/28/05. Referred to House Political Subdivisions Committee (House Political Subdivisions), then House Judiciary 3/28/05.
- **SB638.** Relates to filing **campaign reports in a timely manner**. Passed Senate 3/29/05. Referred to House Judiciary 3/29/05.
- **SB639.** Defines “**electronic postmark**.” Passed Senate 3/29/05. Referred to House Judiciary 3/29/05.
- **SB641.** Corrects definitions applicable to assessment of real property and **Homestead Exemption**. Passed Senate 3/29/05. Referred to House Judiciary, then House Finance 3/29/05.

## *House*

- **HB2102.** Makes **tongue-splitting a crime** unless performed by a licensed physician. Passed House 2/16/05. Referred to Senate Health and Human Resources Committee, then Senate Judiciary Committee 2/17/05.
- **HB2106.** Imposes a **lien and recovery** for **unpaid child support** on the proceeds due a child support debtor from a settlement, judgment or award. Passed House 3/2/05. Referred to Senate Judiciary 3/3/05.
- **HB2150.** Expands the **possible venues** where a **child neglect/abuse petition** may be **filed**. Passed House 3/11/05. Referred to Senate Judiciary 3/14/05.
- **HB2244.** Makes the state’s criminal and penalty laws apply to use/**display of beer/alcoholic beverages in motor vehicles conform to federal law**. Passed House 3/7/05. Referred to Senate Judiciary, then Senate Finance 3/8/05.
- **HB2271.** Relates to payment of **expert fees** in **child abuse/neglect cases**. Passed House 3/11/05. Referred to Senate Judiciary, then Senate Finance 3/14/05.
- **HB2229.** Provides for the **temporary detention of juvenile perpetrators** of domestic violence. Passed House 3/22/05. Referred to Senate Judiciary 3/23/05.
- **HB2492.** Provides a **mechanism for funding teen court programs**. Passed House 3/28/05. Passed Senate 3/29/05 (no committee reference(s); constitutional rule suspended).
- **HB2546.** Relates to **underage possession of nonintoxicating beer and alcohol**. Tabled on Third Reading 3/31/05.
- **HB2607.** Expands **newborn screening** by adding **sickle cell**

**anemia/adrenal hyperplasia.** Passed House 3/8/05. Referred to Senate Health and Human Resources, then Senate Finance 3/9/05.

- **HB2661.** Prohibits **sale of candy or fruit-flavored cigarettes.** House tabled on 2<sup>nd</sup> Reading, Special Calendar 3/31/05.

- **HB2781.** Relates to **annexation of unincorporated “territory.”** Passed House 3/30/05. Referred to Senate Government Organization, then Senate Judiciary 3/31/05.

- **HB2815.** Requires use of an **appropriate child passenger restraint device** or booster seat until the child is at least age six or weighs at least 60 pounds. House tabled on 3<sup>rd</sup> Reading, Special Calendar 3/31/05.

- **HB2950.** Relates to **requiring a paper copy** of a voter’s **votes** when using an electronic system to vote if an election is contested or for a random count of precincts. Passed House 3/29/05. Referred to Senate; committee reference dispensed. Senate 3<sup>rd</sup> Reading 4/04/05.

- **HB2958.** Continues the **Public Employees Insurance Agency Finance Board.** Passed House 3/14/05. Referred to Senate Government Organization 3/15/05. Committee approved 3/31/05. Senate 2<sup>nd</sup> Reading 4/04/05.

- **HB2981.** Relates to **claims against the state.** Passed House 3/25/05. Referred to Senate Finance 3/28/05. Committee approved 3/31/05. Senate 2<sup>nd</sup> Reading 4/04/05.

- **HB2992.** Adds operation of **clandestine drug labs** to the **crime of wanton endangerment** involving “destructive devices.” Passed House 3/28/05. Referred to Senate Judiciary Committee 3/29/05.

- **HB3002.** Removes the **30-day deadline** for submitting **designation to be eligible to vote** in **Primary Elections.** Passed House 3/28/05. Referred to Senate Judiciary 3/29/05.

- **HB3049.** Creates a **new crime of wanton endangerment involving the use of fire;** imposes criminal penalties. Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.

- **HB3094.** Relates to **child support and enforcement.** Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.

- **HB3216.** Describes the **scope/limitations of legislative immunity.** Passed House 3/30/05. Referred to Senate Judiciary 3/31/05.

- **HB3281.** Relates to making it a **crime to alter, destroy, or tamper with computer equipment** containing **voter registration information.** Passed House 3/30/05. Referred to Senate Judiciary Committee 3/31/05.

- **HB3282.** Relates to taking **“upskirting” pictures** of a **non-consenting individual** in public and private places. Passed House 3/30/05. Referred to Senate Judiciary Committee 3/31/05.

- **HB3340.** Excludes certain employment-related expenses from the definition of **gross income** for **purposes of determining child support.** Passed House 3/30/05. Referred to Senate Judiciary Committee 3/31/05.

- **HB3355.** Relates to **Unemployment Compensation generally.** Passed House 3/30/05. Referred to Senate Judiciary, then Senate Finance 3/31/05.

- **HB3360.** Requires the IS&C director to create and maintain an **information systems disaster recovery system.** Passed House 3/30/05. Referred to Senate Finance Committee 3/31/05.



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Howard E. Seufer Jr., Esq.  
Bowles Rice McDavid Graff & Love

*Saturday - Secondary School Scheduling;  
Monitoring and Oversight: "How Do We Really  
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