

The Legislature

West Virginia School Boards Association



February 27

2006

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Bill Edition Index

Bills Introduced Feb. 13-17, 2006

(Note: Wording in Index may not correspond to accompanying bill headlines; numerical sequence may vary due to considering some related measures as part of the review of particular bills by topic.)

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Feb. 20-24 session bills reviewed

By Howard M. O’Cull, Ed.D.,
West Virginia School Boards Association Executive Director

Listed below are West Virginia Senate and House of Delegates Bills introduced Feb. 20-24, 2006. Feb. 20 was the last day to introduce Senate Bills, and Feb. 24 was the last day to introduce House Bills.

(Bills may originate in committee. Additionally, the bill introduction provisions do not apply to appropriation bills.)

Senate bills are listed first.

A list of pre-filed bills will be available via the West Virginia School Boards Association’s Web site early next week. (Bills will not be mailed hard copy). According to WVSBA records, 664 pre-filed bills were introduced.

Editor’s Note: Listing is not exhaustive.

PUBLIC EDUCATION

Compulsory Attendance

Compulsory attendance would raise to age 18

House Bill 4780. Proposed revisions to §18-8-1 would change the state’s compulsory attendance requirements age from age six (or enrollment in Kindergarten) to age 18. (The current age limit is age 16.)

Sponsored by Del. Sharon Spencer, D-Kanawha. Introduced Feb. 24. Referred to the House Education Committee. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4780%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

County Boards of Education

Bill concerns state resident veteran vendor preference

Senate Bill 292. This committee substitute, which originated in the

Senate Military Committee Feb. 21, relates to resident vendor preferences.

The bill would require the state Department of Revenue to propose a legislative rule relating to vendor preference, setting standards to determine when resident West Virginia vendors qualify for veteran status and establishing procedures for certifying veteran status at the time of submitting bids.

Under terms of the bill, resident vendors who are veterans – as determined by the legislative rule referred to above – would receive vendor preference, provided this preference would apply to the “extent the resident veteran vendor’s bid does not exceed the lowest qualified bid from a nonresident vendor by more than (2 percent) of the latter bid, and if the resident veteran vendor has certified his or her veteran status (as well as residency status and have) made written claim for the preference, at the time the bid was submitted.”

Another bill provision states that the preference applies only to contracts of \$250,000 or more.

There are several other provisions.

There are five Senate sponsors, including lead sponsor Sen. Randy White, D-Webster. Introduced Feb. 21. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB292%20SUB1.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Bill relates to abandoned property via eminent domain

Senate Bill 667. Proposed §54-1-13 would establish a procedure for selling property that was acquired for public use via eminent domain “or otherwise” which has become abandoned “or when the purpose for which it was acquired is terminated...”

The bill essentially gives the original property owner (or the owner’s successors) the right to purchase the property, subject to written notice, a 30-day period to notify the seller of a desire to purchase the property.

Under terms of the bill, the owner (or owner’s successors in interest) the right to purchase the property and other provisions.

The bill stipulates that if “more than one person claims an equal entitlement (to the property), the option may not be exercised.”

There are other provisions.

There are six Senate sponsors, including lead sponsor Sen. Hunter. Introduced Feb. 20. Referred to Senate Government Organization Committee, then Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb667%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

County boards encouraged to share administrative services

House Bill 4680. Proposed revisions to §18A-4-8d would authorize and encourage county boards to share central office administrative services either through arrangements with contiguous counties or via arrangements with their respective Regional Educational Service Agencies (RESAs).

This is the companion measure to Senate Bill 620, which has cleared the Senate Education Committee. (Refer to the Feb. 24 issue of *The Legislature*). This legislation has been endorsed by the West Virginia School Boards Association.

The Senate measure is the subject WWSBA “Legislative Alert III.”

The bill is sponsored by House Education Committee Chairman Tom Campbell, D-Greenbrier, and Vice Chairman Larry Williams, D-Preston. Introduced Feb. 21. Referred to House Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4680%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Employers fined if not taking out child support payments

House Bill 4760. Proposed §48-14-407 would establish a \$100 a day penalty for “employers” failing to withhold an employee’s income for child support obligations.

Sponsored by Del. John N. Ellem, R-Wood. Introduced Feb. 24. Referred to the House Judiciary Committee. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4760%20intr.htm

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*Vincit omnia veritas
“Truth conquers all”*

Similar proposals have been introduced/considered in previous legislative sessions.

Private, parochial schools

Private school pupils' grades would be transferable

House Bill 4809. Proposed revisions to §18-28-3 and proposed §18-28-7 and §18-28-8 would include the state's Westest as an approved proficiency test for the standardized tests required of private, parochial or church schools.

Additionally, the courses/grades of private, parochial or church schools could be transferred to public schools, and private, parochial or church schools who comply with the section of law governing their operations would be authorized to "operate school programs and classes" for grades K-and PreK.

There are seven House sponsors, including lead sponsor Del. J.D. Beane, D-Wood. Introduced Feb. 24. Referred to House Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4809%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

School employees

Exceptional children's aides to "follow" pupils in term

Senate Bill 637. Proposed §18-20-1e would require "instructional aides assigned to special needs students to "by virtue of placement at the time of employment" to remain in that "placement for the duration of the instructional term" when staff changes are "deemed disruptive to the student's emotional and/or psychological well-being."

"County educators" would make the placement determination "in consultation with parents, teachers, administrators and any other members of the SAT..."

"While aides deemed to be in a position of this nature are allowed to apply and perhaps be selected for alternate positions during the course of the instructional term, the change in assignment would not occur until the end of the instructional term," with the proviso that this "(proposed section of law) is not to limit the board of education's ability to manage staff in accordance with other provisions of law."

A second bill provision relates to autistic children, stating that "aides (who have) completed autism training through programs offered by or approved by the (state Department of Education) shall receive preference for placement into these special assignments on the basis of seniority of others applying for and possessing similar training..."

In absence of personnel having this specialized training or if these individuals do not apply for positions related to working with autistic children, "the placement of aides shall be made (according to) existing procedures and provisions of law."

Sponsored by Sen. Clark Barnes, R-Randolph. Introduced Feb.

20. Referred to Senate Education, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb637%20intr.htm

Senate companion bill relates to school-based interpreters

Senate Bill 641. Proposed revisions to §18-5-18f would establish standards for school-based interpreters.

This is the companion to **House Bill 4377** which is reviewed in the Feb. 3 issue of The Legislature.

The Senate Bill is sponsored by Sen. Karen Facemyer, R-Jackson. Introduced Feb. 20. Referred to Senate Education, then Senate Finance. You may find the Senate Bill at

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb641%20intr.htm

The link for House Bill 4377 is

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4377%20intr.htm

Measure would increase principals' salary increments

Senate Bill 650. A Committee substitute relating to this legislation has been approved by Senate Education. It raises the increments by 2 percent and also establishes a 220-day employment term for school principals.

According to WVDE officials, the measure, as adopted by the SEC, would cost about \$5 million.

Refer to the Feb. 24 issue of The Legislature.

There are six Senate sponsors, including lead sponsor SEC Vice Chairman Larry Edgell, D-Wetzel.

The bill has a second reference to Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB650%20SUB1.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Bill would revise teacher certification statutes

Senate Bill 731. According to the bill note, the purpose of this 81-page bill is to "clarify" eligibility for teacher certification for graduates of "any public or private college or university accredited by an organization recognized, at the time of the decision under their relevant code provision, by the Council of Higher Education Accreditation (CHEA) and the United States Department of Education (USDOE)."

The above provisions essentially remove references to student accreditation based on "regionally accredited institutions of higher education," referring to "an accredited institution of higher education," meaning non-North Central Accrediting Agency accreditation.

The same provisions would apply to Aide IVs who have completed at least 18 hours of state Board of Education-approved college credits at an "accredited institution of higher education..."

Additionally, the measure would allow Promise scholarship re-

ipients to attend, in addition to public institutions of higher education and various state private colleges, “any other accredited institution in this state, public or private, approved by the (Promise scholarship) board of directors.”

Sponsored by Sens. Jeffrey Kessler, D-Marshall, and Hunter. Introduced Feb. 20. Referred to Senate Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb731%20intr.htm

Bus operators’ “beginning work station” is board facility

Senate Bill 765. Proposed revisions to §18A-4-8 would prohibit county boards from requiring bus operators and transportation aides from starting their respective work days only from “board-owned (facilities) with available parking.”

Accordingly, the workday of the bus operator or transportation aide will commence at the bus at the designated beginning work station and will not end until the employee is able to leave the bus at the designated beginning work station, unless the driver agrees otherwise in writing.”

The bill has a proviso saying that “the application or acceptance of a posted position may not be construed as the written consent referred to in this section.”

Sponsored by Sen. H. Truman Chafin, D-Mingo, and William R. Sharpe, D-Lewis. Introduced Feb. 20. Referred to Senate Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb765%20intr.htm

Counseling licensure would include background checks

Senate Bill 768. Proposed amendments to §30-31-5 would criminal background checks (thorough the Federal Bureau of Investigation) for all persons licensed as counselors, with the Board of Examination in Counseling authorized to “assess a fee as necessary to cover the cost of the criminal background check.”

Sponsored By Sen. Ed Bowman, D-Hancock. Introduced Feb. 20. Referred to Senate Government Organization, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb768%20intr.htm

The House companion measure is **House Bill 4795**. Sponsored by Dels. Beane and Timothy Ennis, D-Brooke. Introduced Feb. 24. Referred to House Government Organization. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4795%20intr.htm

Board payment of counselor memberships

A related bill, **House Bill 4686**, would require county boards to “provide counselors release time and reimbursement for attendance at conferences,” including the Spring West Virginia School Counselor Association meeting, Mountain State Counselor Association State Conference, Tech Prep workshops, WVDE workshops, American School Counselor Meetings, and monthly school counselor meeting.

County boards would be required to provide counselors reimbursement for Graduate coursework in counseling, and for state and national Professional School Counseling memberships.

Sponsored by Del. Ray Canterbury, R-Greenbrier. Introduced

Feb. 21. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4686%20intr.htm

Sick leave bank changes proposed – surviving spouse

House Bill 4643. Proposed §18A-4-10e would allow a county board of education to transfer to a surviving spouse, any or all the sick leave of his or her deceased spouse where they were both employed by the county board of education at the time of death.

The bill states that after Jan. 1, 2006, a county board may “retroactively credit a surviving spouse with any or all sick leave days to which the deceased spouse was entitled at the time of the death of the deceased spouse.”

The provisions would apply only if all of the following conditions are met:

- (1) Both spouses were employed by the same county board of education at the time of the death of the deceased spouse;
- (2) The deceased spouse had unused sick leave days which he or she was entitled to use; and
- (3) The surviving spouse is an active employee with less than eight days accumulated sick leave at the time of death of the deceased spouse

Another bill provision states that the deceased spouse must have died after Jan. 1, 1988t and prior to the Dec. 31, 2005.

Additionally, it states that “sick leave credited to a surviving spouse under this section may be used for any purpose sick leave is used for.”

According to the bill note, these revisions “(pertain) to the situation where both spouses are employed by a county board of education and one spouse perishes from a heart attack, requiring the surviving spouse to have used all but eight days of his or her sick leave caring for his or her dying spouse.”

Sponsored by Speaker Bob Kiss, D-Raleigh (by request). Introduced Feb. 20. Referred to House Education, then Senate Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4643%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Several measures relate to school service personnel

House Bill 4674. Proposing amendments to several sections of law relating to school service personnel and establishment of two new sections of law, §18A-2-14 and §18A-4-8j, this bill would:

- Make school service personnel eligible for early notification of retirement so that these employees could receive the statutory \$500 for this notice.
- Require implementation of the now voluntary cooks-per-meals served ratio established in 1994.
- Ensure that county boards employ a Custodian IV at each school/office building under its control.
- Give school service personnel a 15 percent pay increase over a three-year period, with a 6 percent increase for FY07; a five percent increase for FY08, and a 4 percent increase for FY09.
- Require county boards to provide a substitute school service

employee who has completed 200 “cumulative working days... incremental salary increases as per the salary scale for regular employees, and the increases shall continue with each additional 200 working days after that.”

Sponsored by Dels. Kenneth Tucker, D-Marshall, and Brian Yost, D-Brooke. Introduced Feb. 21. Referred to House Pensions and Retirement Committee, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4674%20intr.htm

(For the cooks-per-meal ratio, please refer to **Senate Bill 513** It is reviewed in the Feb. 13 edition of The Legislature.) http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb513%20intr.htm

This measure is similar to **House Bill 2031**, a carryover House measure. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb2031%20intr.htm

Six percent pay raise

House Bill 4749 would provide school service personnel a six percent pay increase, effective July 1, 2006.

There are 11 House sponsors, including lead sponsor Del. Mary Poling, D-Barbour. Introduced Feb. 23. Referred to House Education, then House Finance. http://www.legis.state.wv.us/bill_status/bstatmenux/bstatfrm.cfm

New Bus operator position

House Bill 4675 would create a new school service personnel category, designated “bus operator II,” for bus operators having 10 years’ experience.

There are seven House sponsors, including lead sponsor Del. Tom Louisos, D-Fayette. Introduced Feb. 21. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4675%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Position of ‘Volunteer Athletic Assistant’ proposed

House Bill 4688. Proposed revisions to §18A-1-1 and §18A-3-2a would establish the position of “Volunteer Athletic Assistant.”

A volunteer athletic assistant is an individual authorized “without pay, to supervise the student members of an athletic team or athletic organization created and operated by the public schools.

“Volunteer athletic assistants may assist the coach or coaches of an athletic team or athletic organization during, but not limited to, practices, training, competitions, meets, games, tournaments or other athletic event or engagement authorized by the public schools.

“Volunteer athletic assistants are deemed to be authorized to supervise student members of athletic teams or athletic organizations after the potential volunteer athletic assistant candidate has been requested to assist the athletic team or organization by the athletic coach or coaches and has submitted to a criminal background check.”

These individuals would not be subject to state certification and licensure laws administered by the State Superintendent of Schools.

Sponsored by Del. Jon Amores, D-Kanawha. Introduced Feb. 21. Referred to House Education Committee. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4688%20intr.htm

The Legislature

Bill relates to new teachers’ pay scale – ‘3 years’ section’

House Bill 4689, which originated in the House Education Committee Feb. 21, would provide a means to compensate teachers so as to recruit and retain teachers in West Virginia, according to committee deliberations.

This is accomplished essentially by adding the “Years of Experience” pay scale who have worked for three years to a beginning teachers’ salary, which is based on degree(s) held.

This bill is reviewed in the Feb. 24 issue of The Legislature.

There are 11 House sponsors, including lead sponsor Del. Campbell. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4689%20ENG.htm

Note: This measure has been adopted by the House of Delegates.

Similar proposals have been introduced/considered in previous legislative sessions.

Binding Arbitration proposed for all employee grievances

House Bill 4750. This is the same as **Senate Bill 417** which is reviewed in the Feb. 24 issue of The Legislature.

Among other provisions, it would establish binding arbitration for grievances.

There are 9 House sponsors, including lead sponsor Del. Rick Thompson, D-Wayne. Introduced Feb. 23. Referred to House Education, then House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4750%20intr.htm

The link for **Senate Bill 417**, as amended by the Senate Education Committee, is http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb417%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Medicaid eligible service providers would get pay hike

House Bill 4782. Proposed §18-2-5b would a salary supplement for providers of Medicaid Eligible Services in public schools.

The supplement would be paid for “through the percentage of Medicaid reimbursements received by the county board and reserved for utilization for a Medicaid service provider salary supplement...”

“Each county board shall semi-annually distribute a salary supplement to employees of the county who provide Medicaid eligible services.

“The amount of the supplement due an employee shall be determined by dividing the seven percent reserve established...received during the six-month period, by the number of employees in the job title who provided Medicaid services during the period.”

From all Medicaid reimbursements received after July 1, seven percent of the amount of the reimbursements received shall be “reserved and utilized by county boards for the purposes of providing a salary supplement for providers of Medicaid eligible services in the public schools...”

Sponsored by Del. Williams. Introduced Feb. 24. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4782%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Service workers would vote on merged school transfers

House Bill 4785. Proposed revisions to §18A-4-8f would allow school service personnel the opportunity to vote on giving transfer preference to employees from a merged or consolidated school or school facility.

The vote would be by secret ballot “conducted at each school or work site... The supervisor at each school or work site shall convey the results of the election to the (county) superintendent.”

If the school service personnel vote were in the affirmative, “the most senior school service personnel within the closed school or schools has priority in filling any position within his or her classification category. The second most senior service personnel within the closed school or schools then has priority in filling remaining vacancies and so on until all available positions are filled...”

There are other provisions relating to use seniority for filling positions.

There are 10 House sponsors, including lead sponsor Del. Charlene Marshall, D-Monongalia. Introduced Feb. 24. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4785%20intr.htm

West Virginia Board of Education

Home-school pupils could play public school sports

Senate Bill 708. Proposed §18-2-25a would require the state Secondary Schools Activities Commission to allow students receiving home instruction to participate in public school interscholastic athletics.

These are among bill provisions:

- The WVSSAC “may not categorically exclude students receiving home instruction from participation in interscholastic athletic events, band activities or other extracurricular activities under its control, supervision, and regulation, nor promulgate any rule that requires a student receiving home instruction to attend a public, private or parochial secondary school to be eligible to participate in interscholastic athletic events, band activities or other extracurricular activities...”
- A student receiving home instruction is eligible to participate in interscholastic athletics or other extracurricular activities as a full member of the team or squad representing the public school to which the student would be assigned according to school board residence policies subject to the following conditions:
 - a. The student receiving home instruction is in compliance with all provisions of subsection §18-8-1 (relates to compulsory attendance, including home instruction).

- b. The student receiving home instruction has filed a written notice of intent with the school to participate in interscholastic athletics or other extracurricular activities as a representative of the school before the beginning of the season for the activity in which the student wishes to participate.

Behavior/performance

- The student receiving home instruction meets the same standards of behavior and performance, including related practice requirements, as those required of other students participating in the interscholastic athletics or other extracurricular activities of the team or squad.
- A student receiving home instruction is academically eligible to participate in interscholastic athletics or other extracurricular activities. He or she must have demonstrated acceptable academic progress in the previous semester.
- A student who transfers from a home instruction program to a public school is academically eligible to participate in interscholastic athletics or other extracurricular activities. He or she must demonstrate acceptable academic progress in the previous semester.

Transfer from public school

- A student who transfers from a public school to a home instruction program is academically eligible to participate in interscholastic athletics or other extracurricular activities. He or she, however, must be “academically eligible” upon transfer from the public school.
- “A public school student is academically ineligible upon transfer from a public school is ineligible to participate in interscholastic athletics or other extracurricular activities as a student receiving home instruction for the following semester.”
- To establish academic eligibility for subsequent semesters, the student must meet the standards set forth in this subsection to become eligible for subsequent semesters.
- The WVSSAC is required to permit home education associations to join as member schools.

Non-discrimination

- The WVSSAC “may not discriminate against any eligible student based on an educational choice of public, private, parochial, home instruction, or other educational program.”
- Public schools would be “prohibited from membership in any organization or entity which regulates or governs interscholastic athletics or other extracurricular activities (that) discriminates against eligible students in public, private, parochial, home instruction, or other educational program.”

There are 11 Senate sponsors, including lead sponsor Sen. Michael Oliverio, D-Monongalia. Introduced Feb. 20. Referred to Senate Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb708%20intr.htm

The House companion is **House Bill 4684**. Sponsored by Dels. Williams and Brady Paxton, D-Putnam. Introduced Feb. 21. Referred to House Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4684%20intr.htm

Measure concerns class size ratios for grades 7-12

House Bill 4808. Proposed amendments to §18-2E-9a would require the state School Board to ensure that no class size for grades 7-12 is greater than 25 students per teacher.

Sponsored by Del. Ron Fragale, D-Harrison. Introduced Feb. 24. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4808%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Tornado safety awareness plan proposed for schools

House Bill 4826. Proposed §18-2-5h would require the state Board of Education to implement a tornado safety awareness plan in public schools.

In order to develop the program, the WVBE would file legislative rules to implement “a tornado safety awareness plan in public schools.”

The plan must minimally provide for the following:

- Schools would be required to designate a tornado shelter area, develop an evacuation plan and provide basic instruction to faculty and students on tornado safety awareness;
- Schools also would have to conduct a “tornado drill (practice) at least once during the first week of school each year.”
- Schools would be responsible for “assign(ing) staff members to monitor media for local weather conditions and take appropriate action when necessary”; and,
- Schools would have to “designate a special alarm to indicate when a tornado has been sighted or is approaching.”

Sponsored by Del. Michael Caputo, D-Marion. Introduced Feb. 24. Referred to House Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4826%20intr.htm

Higher Education

Several measures relate to West Virginia Univ. Tech

Senate Bill 717. The purpose of this legislation would be to provide a \$14 million supplementary appropriation to West Virginia University Institute of Technology, \$10 million of which would go for capital improvements, and \$4 million for “program development.”

There are four Senate sponsors, including lead sponsor Sen. White. Introduced Feb. 20. Referred to Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb717%20intr.htm

Senate Education measure regarding WVU Tech

Senate Bill 720. This 60-page bill would, among other things, remove WVU-Tech from its designation as a “regional campus” of West Virginia University, effectively making the school a free-standing institution of higher education.

The bill also creates the West Virginia Consortium for Undergraduate Research and Engineering, requiring the development of a comprehensive, collaborative engineering strategic plan.

The measure also designates the Community and Technical College of Shepherd as the Blue Ridge Community and Technical College.

There are several other provisions.

There are three Senate sponsors, including lead sponsor Sen. Bob Plymale, D-Wayne. This measure has been adopted by Senate Education, although not yet reported. It has no second reference.

http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb720%20intr.htm

Bill would make WVU-Tech independent institution

Senate Bill 740. The purpose of this legislation is to make Tech a “freestanding community and technical college,” continuing an “administrative” link between the Community and Technical College at the West Virginia Institute of Technology and what would be the West Virginia Institute of Technology.

Sponsored by Sens. Shirley Love, D-Fayette, and White. Introduced Feb. 20. Referred to Senate Education, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb740%20intr.htm

The original companion House measure is **House Bill 4690.**

As adopted by House Education and then as originated in House Finance Feb. 23, this measure would change the West Virginia University Institute of Technology to the Montgomery campus of West Virginia University, making it a fully integrated division of West Virginia University, consolidating administrative and academic units, assigning direction and support of these units to West Virginia University; and establishing legislative intent regarding a collaborative engineering program between the Montgomery campus of West Virginia University and the Dow Research Park in South Charleston. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4690%20SUB.htm

Sponsored by Dels. David Perry and John Pino, both D-Fayette. The bill will be on House First Reading, Special Calendar Feb. 27.

Revenue Bonds

House Bill 4737. This proposal would use revenue earmarked from the state’s soft drink tax to finance revenue bonds to “pay for the refurbishing, maintenance, and purchase of dormitories, buildings and equipment on (the campus of the West Virginia University Institute of Technology).”

Sponsored by Del. Tom Louisos, D-Fayette. Introduced Feb. 23. Referred to House Education, then House Finance. (Del. Louisos introduced a similar bill last week.) http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4737%20intr.htm

That measure is **House Bill 4519.** The Web site link is http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4519%20intr.htm

Bill relates to Workforce Development Initiative

Senate Bill 638. Workforce Development Initiative Program under the state Council for Community and Technical College Education.

There are several other provisions, including those relating to reportage, institutional compacts, appointment of advisory committees, etc.

For more information, refer to the Feb. 24 issue of *The Legislature*.

The measure is sponsored by Sen. Plymale. Introduced Feb. 20. Referred to Senate Economic Development Committee, then Senate Education. This bill originated in Senate Education Feb. 23. It is on Senate First Reading Feb. 27. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB638%20SUB1.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Full-time higher ed faculty would get salary increments

Senate Bill 642. Proposed revisions to §5-5-1 would include faculty at higher education institutions who are employed for nine months or more to be “credited to a full year of service” and makes these individuals eligible for state salary increments as provided to qualifying public employees.

Sponsored by Sen. President Earl Ray Tomblin, D-Logan, and Vic Sprouse, R-Kanawha, Senate President and Minority Leader, respectively. Introduced Feb. 20. Referred to Senate Education, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb642%20intr.htm

The House companion measure is **House Bill 4677**. Sponsored by Speaker Bob Kiss, D-Raleigh, and Charles Trump, R-Morgan. Introduced Feb. 21. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4677%20intr.htm

Note: both bills were introduced at the request of the governor.

Incentives for acquiring GED proposed by Senator Unger

Senate Bill 698. Proposed §11-13W-1, -2 and §18B-10-7c would create incentives to encourage West Virginia workers to obtain their GED, with incentives to encourage employers to allow employees to study for and obtain a GED.

These are among bill provisions:

- Persons, firms, partnerships, corporations or “other entity” entering into a “learning contract” with an employee (as required for the tuition discount provided in the bill) and who “allows” an employee a minimum of five hours per week paid release time to study for the general education degree would receive a tax credit.
- The credit would amount to half of the employee’s hourly salary for release time, up to a maximum of \$1,250. In the event an eligible taxpayer enters into a learning contract and allows more than one employee a minimum of five hours per week paid release time to study for the general education degree, the credit would be multiplied by the \$1,250 figure.
- The tax credit would first be applied to a taxpayer’s business franchise tax liability, and then to either the taxpayer’s personal income tax liability or corporation net income tax liability, as the case may be.

- The credit is not “refundable.” It also not be “carried forward nor backward to other tax years.”
- The state tax Commissioner is to promulgate legislative rules “regarding the applicability, method of claiming of the credit, recapture of the credit and documentation necessary to claim the (tax) credit...”
- Institutions of higher education are to “make provision for institutions under their respective jurisdictions to award a \$250 tuition discount for undergraduate courses at state institutions of higher education for eligible students, beginning with incoming freshmen in the fall (2005) semester or term...” (The maximum allowable discount amount cannot exceed \$1,000 - \$250 per semester for up to four semesters.)
- The bill would define “eligible student” as one who (1) has been out of secondary school for at least three years; (2) has entered into a learning contract with an adult education program and their employer and completed such learning contract; and (3) has earned a GED within the preceding one-year period.
- Documentation of the required learning contract would be maintained by the adult education program. The adult education program is to submit a copy of the learning contract within 10 days of its execution to the employee, the employer and the West Virginia Department of Education.
- There are provisions relating to recordkeeping, with the adult education program being responsible for submitting monthly attendance records to the WVDE and the employer.

Note: This is an interim bill that was proposed for introduction in the 2005 Legislative Session by the Legislative Oversight Commission on Workforce Investment for Economic Development.

Sponsored by Sen. John Unger, D-Berkeley. Introduced Feb. 20. Referred to Senate Education, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb698%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Scholarship cap removed for kids of deceased State Police

Senate Bill 699. Proposed revisions to §15-2-33 would remove the cap on scholarship funds for surviving dependent children of deceased members of the State Police who lost their lives through injury, illness or disease resulting from “occupational risk or hazard inherent in or peculiar to the service required of such members while (he or she) was engaged in the performance of...duties as a member of the division...”

The current cap is \$7,500.

Sponsored by Sen. Unger. Introduced Feb. 20. Referred to Education, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb699%20intr.htm

Bills relate to tuition waivers for National Guard members

Senate Bill 700. Proposed amendments to §18B-10-7 would pro-

vide tuition waivers for the children and spouses of National Guard and active duty military personnel who are killed in the line of duty.

There are four Senate sponsors, including lead sponsor Sen. Unger. Introduced Feb. 20. Referred to Senate Education, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb700%20intr.htm

Deferred tuition/fee payments

Senate Bill 713. Under terms of this proposed measure, members of the state National Guard who are eligible to receive higher education tuition and fee payments to attend an institution in the state, but who are unable to do so because of overseas deployment, would be eligible for these benefits after discharge from the service.

These persons would be eligible for the tuition and fees for a period of time equal to the amount of time they served in overseas deployment.

Sponsored by Sen. Sprouse. Introduced Feb. 20. Referred to Senate Education, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb713%20intr.htm

Higher education members could serve in Legislature

Senate Bill 751. Proposed amendments to §18B-2A-4 would clarify that employees of the Higher Education Institutional Boards of Governors are not state employees for purposes of determining eligibility to serve in the Legislature.

There are four Senate sponsors, including lead sponsor Sen. John Yoder, R-Jefferson. Introduced Feb. 20. Referred to Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb751%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Measure relates to eligibility to receive in-state tuition

House Bill 4701. Proposed §18B-10-1d essentially relates to how students can qualify for in-state tuition at higher education institutions, with a particular emphasis on determining residency state in West Virginia, emancipation status, employment status, etc.

There are several provisions, including a requirement of “continuous residence” for at least one year prior to earning “alleged entitlement” to in-state tuition.

“Mere physical presence” in West Virginia, especially for “educational purposes” could not be credited toward domiciliary status.

There are provisions relating to out-of-state students having to show by “clear and convincing evidence” the “presumption that he or she is in the state for the purpose of attending school and not as a bona fide domiciliary.”

There are 11 House sponsors, including lead sponsor Speaker Kiss. Introduced Feb. 22. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4701%20intr.htm

Bill relates to “voluntary

funding” of WVU rifle team

House Bill 4727. Proposed revisions to §18B-10-1 would allow the West Virginia University Governing Board to “propose, collect and distribute a fee to be used to finance the West Virginia University rifle team if the students at the institution demonstrate support for the increased fee in a manner and method established by that institution’s elected student government.”

There are five House sponsors, including lead sponsor Del. Cindy Frich, D-Monongalia. Introduced Feb. 22. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4727%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Mine Inspectors’ Agency to include former WVU official

House Bill 4755. Proposed amendments to §22A-9-1 would allow a former director of the West Virginia University School of Mines to serve on the state Mine Inspectors’ Examining Board.

There are three House sponsors, including lead sponsor Del. Caputo. Introduced Feb. 24. Referred to House Government Organization Committee. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4755%20intr.htm

EDUCATION-RELATED

Abortion

Abortions could not be performed in public facilities

Senate Bill 678. Proposed §16-2F-10 would prohibit a business or organization from performing abortions in a public facility.

The term “public facility” is not defined.

Those convicted of violating the statute could be fined up to \$5,000.

Sponsored by Sen. Jesse Guills, D-Greenbrier. Introduced Feb. 20. Referred to Senate Health and Human Resources Committee, then Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb678%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Alcohol

Second DUI would be felony if persons under age 16 in car

Senate Bill 648. Proposed revisions to §17C-5-2 would make a second and subsequent offense for Driving Under the Influence of

alcohol, controlled substance or drugs with a minor under age 16 in the vehicle a felony.

Sponsored by Sens. Sarah Minear, R-Tucker, and Unger. Introduced Feb. 20. Referred to Senate Judiciary, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb648%20intr.htm

Open alcohol containers couldn't be in car interiors

Senate Bill 687. Proposed revisions to §11-16-19 would prohibit open beer and alcoholic beverage containers in passenger areas of motor vehicles.

According to the bill note, the intent of this legislation is to make the state's laws applying to use and possession of beer and alcohol conform to federal law.

Sponsored by Sen. Unger. Introduced Feb. 20. Referred to Senate Judiciary, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb687%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Child Welfare

Child Advocacy Center Authorities would be created

Senate Bill 658. The purpose of this legislation is to establish county and municipal authorities to provide for and maintain facilities to house "child advocacy centers."

A "child advocacy center" is "safe place" for multidisciplinary team members to interview abused and neglected children at the same time.

Under terms of the bill, a county commission and a municipality or any combination of county commissions and municipalities could, through ordinance, interagency agreement or "other appropriate contractual mechanism," establish an authority and appropriate funds to provide "Child Advocacy Centers."

These centers would be established for the "development and management of safe and appropriate facilities for multidisciplinary interviews of children who are suspected of being or alleged to have been abused and neglected."

The authorities would be governed by an 11-member board of directors whose members would be appointed by the participating governmental entities. The bill provides details regarding authority meetings as well as bylaws adoption and election of officers which would include a chairman, vice-chairman, secretary and treasurer.

From donations, gifts and "appropriated funds," the authority could ("may") employ staff, acquire equipment, supplies, furnishings and facilities, etc.

Enumerated powers

The authorities would have various enumerated powers, including the right to acquire property, to enter into contracts to complete their mission and work, and to "receive and use grants, grants-in-aid, donations and contributions from any source or sources, including, but not limited to, the federal government and any agency or department thereof, and a state government whose constitution

does not prohibit such grants, grants-in-aid, donations and contributions, and any agency or department thereof, and to accept and use bequests, devises, gifts and donations from any person; seek and use grants."

Authority purpose

All the above – and other enumerated provisions of the proposed statute–must be undertaken for the purpose of "each authority to provide a facility permitting the interview and treatment of child victims of physical and sexual abuse at one location and at one time by involved multidisciplinary representatives of health care organizations, child protective services, law enforcement and the courts."

Contributions to an authority established under the provisions of this section are deductible charitable contributions.

There are other provisions.

Sponsored by Sen. Unger. Introduced Feb. 20. Referred to Senate Judiciary, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb658%20intr.htm

This is the same as **House Bill 2943**. The lead sponsor is Del. John Doyle, D-Jefferson. It is a carryover bill. That measure has been referred to the House Political Subdivisions Committee, then House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb2943%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Bill relates to child immunization exemptions

Senate Bill 670. Proposed revisions to §16-3-4 and -5 would provide medical and non-medical exemptions from mandatory immunizations for school children.

The bill would require parents and guardians to assert their conscientious or religious beliefs in an affidavit.

Parents or guardians seeking an exemption for a child would be required to present an affidavit affirming that they have completed and understood an educational course approved by the state Commissioner of Public Health regarding the risks and benefits of immunizations, to be provided by the Bureau for Public Health, before the exemption could apply.

Additionally, the bill would remove students who are not immunized from school in times of emergency or epidemics.

The proposed legislation allows the Commissioner of the Bureau of Health to issue legislative rules that may add or delete diseases for which vaccines are required for school attendance and to reconstitute the immunization advisory committee.

The 18-page proposal has several provisions relating to the above proposed changes in law.

There are three Senate sponsors, including lead sponsor Sen. Dan Foster, D-Kanawha. Introduced Feb. 20. Referred to Senate Health and Human Resources, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb670%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Bill would redefine “services” for child welfare proceedings

Senate Bill 683. Proposed amendments to §49-7-33 would expand the definition of “services” relative to child welfare court proceedings to include non-health care-related services.

Under current law, courts can order the state Department of Health and Human Resources to pay for various professional services (such as services provided by a psychologist, psychiatrist, or therapist).

The proposed legislation would eliminate specific references to those type services, saying the courts can order payment for “health care and non-health care-related services, excluding fees relating to in-court expert testimony.”

DHHR would set the fee schedule for these services which would correspond to the “Medicaid rate.”

The bill legislation would prevent non-approved service providers from seeking payments above the Medicaid rate or above DHHR’s “customary rate.”

Sponsored by Sen. Roman W. Prezioso, D-Marion. Introduced Feb. 20. Referred to Senate Health and Human Resources, then Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb683%20intr.htm

Measures relate to grandparent visitation rights

Senate Bill 684. Proposed revisions to §48-10-502 would amend the state’s grandparent visitation law to include additional factors regarding the child’s relationship with the parents and requiring that the court consider the amount of time the child spent with the grandparents prior to the absence of contact.

The court also would be required to consider “any history of physical, emotional or sexual abuse or neglect being performed, procured, assisted or condoned by the parent, including any criminal activity or history.”

The proposed legislation says that although “no single factor shall be determinative, the circuit court shall give due regard and consideration to the time spent with the child prior to the absence of contact between the child and the grandparent, as well as the circumstances and basis for the lapse in time since the child last had contact with the grandparent.”

If the circuit court determines, by a preponderance of the evidence, that the absence of contact between the child and grandparent was not the fault of the grandparent, such factor shall not be used to the detriment of the grandparent.

Sponsored by Sen. Donald T. Caruth, R-Mercer. Introduced Feb. 20. Referred to Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb684%20intr.htm

Non-grandparent family member

A related measure, **House Bill 4726**, would allow a non-grandparent family member to petition the court in order to be granted grandparent rights of visitation of a minor child, in the case that the minor child does not have grandparents.

Sponsored by Dels. James H. Morgan and Kevin Craig, both D-Cabell. Introduced Feb. 22. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4726%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Child court testimony statute would be revised

Senate Bill 685. Proposed revisions to §62-6B-3 would remove the current statutory restriction that only a doctoral level psychologist may serve as a court-appointed licensed psychologist adviser responsible for providing an expert opinion on the evaluation of children who may testify live on two-way closed-circuit television, including whether the child might suffer “severe emotional harm” if testifying in court.

The bill would not change the current allowance of a psychiatrist or licensed social worker to perform this court appointed professional function.

Sponsored by Sen. Evan Jenkins, D-Cabell. Introduced Feb. 20. Referred to Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb685%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Bill relates to child care placement; several provisions

Senate Bill 749. This proposed legislation would prescribe and modify the duties of the Secretary of the Department of Health and Human Resources in regard to child welfare placement requirements.

Additionally, the bill would modify requirements related to child care placement in various settings while also updating statutory language to comply with current standards. Finally, the bill repeals the section of the code concerning the establishment of pilot day care programs.

These are among its provisions in terms of definitions, including the definition of child which would mean, in terms of residential services, “any person under (age 18) or is a transitioning adult.”

In terms of child care services, the term would mean an individual who meets one of the following conditions: (1) is under (age 13) or is (age 13-age 18) and who presents “a significant delay of at least (25 percent) in one or more areas of development, or a six-month delay in two or more areas as determined by an early intervention program, special education program or other multi-disciplinary team.”

Other definitions

- Child care, as defined by the proposed bill, would mean “responsibilities assumed and services performed in relation to a child’s physical, emotional, psychological, social and personal needs and the consideration of the child’s rights and entitlements, but does not include secure detention or incarceration under the jurisdiction of the Division of Juvenile Services...It would include the provision of child care services or residential services.”
- Child care center would mean a facility maintained by an individual, firm, corporation, association or organization, public or private, for the care of 13 or more children for child care services in any setting, if the facility is open for more than 30 days per year per child.

- Child care services would mean direct care and protection for children during a portion of a (24-hour) day outside of the child's own home which provides experiences to children that foster their healthy development and education.
- Child-placing agency would mean a child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption.
- "The function of a child-placing agency may include the investigation and certification of foster and adoptive family homes as provided in this chapter.
- "The function of a child-placing agency may also include the supervision of children who are sixteen or seventeen years old and transitioning adults and living in unlicensed residences."

Child welfare agency

- Child welfare agency would mean any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association or organization, public or private, to receive children for care and maintenance or for placement in residential care facilities, including, without limitation, private homes, or any facility that provides care for unmarried mothers and their children.

The term, however, would not include juvenile detention facilities or juvenile correctional facilities operated nor any other facility operated by that division for the secure housing or holding of juveniles committed to its custody.

- Family child care home would mean a facility which is used to provide nonresidential child care services for compensation in a provider's residence. The provider may care for four to six children at one time, including children who are living in the household, who are under six years of age. No more than two of the total number of children may be under (24 months) of age.
- Family child care facility would mean any facility which is used to provide nonresidential child care services for compensation for 7-12 children, including children who are living in the household, who are under six years of age. No more than four of the total number of children may be under 24 months of age. A facility may be in a provider's residence or a separate building.
- Foster family home would mean a private residence which is used for the care on a residential basis of no more than five children who are unrelated by blood, marriage or adoption to any adult member of the household.
- Informal family child care would mean a home that is used to provide nonresidential child care services for compensation for three or fewer children, including children who are living in the household, who are under six years of age. Care is given in the provider's own home to at least one child who is not related to the caregiver.

Out-of-school time

- Out of school time would mean a child care service which offers activities to children before and after school, on school holidays, when school is closed due to emergencies, and on school calendar days set aside for teacher activities.
- Relative family child care would mean a home that provides

nonresidential child care services only to children related to the caregiver. The caregiver is a grandparent, great grandparent, aunt, uncle, great aunt, great uncle or adult sibling of the child or children receiving care. Care is given in the provider's home.

- Transitioning adult means an individual with a transfer plan to move to an adult setting who meets one of the following conditions:
 - (1) Is age 18 but under age 21; was in departmental custody upon reaching age 18 and committed an act of delinquency before reaching age 18, remains under the jurisdiction of the juvenile court, and requires supervision and care to complete an education and or treatment program which was initiated prior to the 18th birthday.
 - (2) Is age 18, but under age 21, was adjudicated abused, neglected, or in departmental custody upon reaching age 18 and enters into a contract with the department to continue in an educational, training, or treatment program which was initiated prior to the eighteenth birthday.

Licensure

In terms of licensure, several revisions would be made, including the requirement that any "person, corporation or child welfare agency, other than a state agency, which operates a residential service, a child-placing agency, family child care facility or a child care center shall obtain a license from the department."

Additionally, any "residential service, child care center, family child care facility or any child-placing agency operated by the state shall obtain approval of its operations from the secretary."

These provisions would not apply to a kindergarten through 12th grade education program which is operated by a public school or which is granted a compulsory school attendance exemption by the Department of Education; or any child care center which operate with sessions not exceeding four hours per day for any child; or, any approved West Virginia prekindergarten programs as defined by the Department of Health and Human Resources and the Department of Education.

However, any such residential school program whose primary purpose is to provide behavioral health or specialized services to children who exhibit behavioral, developmental, or emotional difficulties would have to obtain a license from the department.

A license or approval is effective for a period up to two years from the date of issuance, unless revoked or modified to provisional status based on evidence of a failure to comply with existing law.

The license or approval would be reinstated upon application to the secretary and a determination of compliance.

Initial licensure

An initial six month license or approval would be issued to an applicant establishing a new service found to be in compliance on initial review with regard to policy, procedure, organization, risk management, human resources, service environment and record-keeping regulations.

A provisional license or approval may be issued when a licensee is not in compliance with this rule but does not pose a significant risk to the rights, well-being, health and safety of a consumer. It shall expire not more than six months from date of issuance, and not be consecutively reissued unless the provisional recommendation is that of the State Fire Marshal.

A renewal license or approval may be issued of any duration up to two years at the discretion of the secretary. In the event a renewal

license is not issued, the facility must make discharge plans for residents and cease operation within thirty days of the expiration of the license.

Other provisions

The bill has extensive provisions relating to waivers, investigations of facilities, granting of variances and rules, etc.

It also would address licensure revocation, provisional licensure as well as the closing of facilities due to several reasons, including non-compliance with statute and subsequent placement of children.

Many of these changes, however, appear stylistic.

There are several other provisions.

Sponsored by Sen. Hunter. Introduced Feb. 20. Referred to Senate Health and Human Resources. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb749%20intr.htm

The House companion measure is **House Bill 4790**. Sponsored by Del. Barbara Hatfield, D-Kanawha. Introduced Feb. 24. Referred to House Government Organization. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4790%20intr.htm

Minor's wireless talking while driving would be banned

House Bill 4634. Proposed §17B-2-3b would prohibit wireless communication use while driving by a minor holding a learner's instructional permit or provisional license.

There are four House sponsors, including lead sponsor Del. Corey Palumbo, D-Kanawha. Introduced Feb. 20. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4634%20intr.htm

There are two bills relating to this subject having been introduced in the 2006 Regular Session.

Law to be repealed regarding minors' naming guardians

House Bill 4716. This legislation would repeal a section of statute that permits minors to nominate guardians in estate and court proceedings.

Sponsored by Dels. Greg Howard and Kelli Soboyna, both R-Cabell. Introduced Feb. 22. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4716%20intr.htm

Bill relates to permanency plan for children—DHHR

House Bill 4731. Proposed amendments to §49-5-21, §49-6-5a and §49-6-8 would require the courts to enter an order stating whether or not the Department of Health and Human Resources made reasonable efforts to finalize a permanency plan for a child. Timely filing of this order will make the state eligible for federal IV-E dollars.

There are eight House sponsors, including lead sponsor Del. Virginia Mahan, D-Summers. Introduced Feb. 23. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4731%20intr.htm

Measure establishes way to contest presumed paternity

House Bill 4771. This proposal is the same as **Senate Bill 625**. Refer to the Feb. 20 issue of The Legislature.

It would establish a procedure for a male to contest allegations or presumptions of biological parentage.

Sponsored by Del. Tom Azinger, R-Wood. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4771%20intr.htm

The link to SB625 is http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb625%20intr.htm

At-risk registry would be set up for deaf children

House Bill 4833. Proposed revisions to §5-14-5 would authorize doctors, hospitals and other health care facilities who treat infants and children diagnosed as being deaf or hard of hearing to provide consent forms to their parents or legal guardians in order to put these infants and children on an at-risk registry for the West Virginia Commission for the Deaf and Hard of Hearing to provide services.

The bill also requires consent forms with federal health privacy standards contained in them signed by parents and legal guardians to be put in the registry.

Sponsored by Del. Spencer. Introduced Feb. 24. Referred to House Government Organization. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4833%20intr.htm

Bill relates to figuring child support and other benefits

House Bill 4838. Proposed revisions to §48-13-502 would allow family court judges to consider social security benefits and ability to pay when calculating child support awards under the extended shared parenting plan.

Sponsored by Del. Steven Kominar, D-Mingo. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4838%20intr.htm

Crimes

Bill would revise 12-year-old anti-stalking provisions

Senate Bill 647. Proposed revisions to §61-2-9a and proposed §62-2-9a would revise the state's anti-stalking law in order to increase victim and public safety, according to the bill note.

There are several provisions, including one that would eliminate the requirement that the stalker and the victim share some type personal or other "relationship."

A similar House measure, **House Bill 4712**, would widen the definition of stalking by including behaviors previously outside the scope of the statute.

This expanded definition includes behavior which occurs fre-

quently and causes serious problems for victims yet leave them unprotected.

Additionally, penalties are enhanced to reflect the serious effects stalking has on those being stalked.

Both bills would require the governor's committee on crime, delinquency and correction to convene a meeting of an advisory committee to promulgate rules on the response to stalking for state, county, and municipal law-enforcement officers, law-enforcement agencies and communications and emergency operations centers which dispatch law-enforcement officers.

There are various stipulations regarding the intent and scope of those proposed rules.

Sens. Prezioso and Unger sponsored the Senate bill. Introduced Feb. 20. Referred to Senate Judiciary, then Senate Finance.

Note: Internet link not available.

Dels. Amores and Mahan sponsored the House Bill. It was introduced Feb. 22. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4712%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions

'Drug offender registry' would be available to public

House Bill 712. Proposed §15-2F-1 et. seq. would establish a drug offender registry that would be open to the public.

The registry would contain the names of individuals who have been convicted of felonies or misdemeanors for drug-related offenses.

The State Police's Criminal Identification Bureau would be responsible for establishing the registry.

The registry, as specified in the proposed statute, would contain at least the names of individuals convicted for drug-related crimes, "sufficient information to identify the individual (date of birth, Social Security Number, and fingerprints, if available), the criminal offense "constituting a drug offense," and "any statement by the individual disputing the conviction, if he or she chooses to make or file one."

Prosecutors

County prosecutors would report information regarding convictions for drug-related offenses to the "Drug Offender Registry."

The bill contains other provisions regarding reportage, prior convictions which, "to the extent (that is) feasible and possible, (shall) be placed on the Drug Offender Registry list," and a brief statement that the "information contained in the Drug Offender Registry shall be made accessible to the public."

A final proposed section relates to expunging records.

Sponsored by Sen. Sprouse. Introduced Feb. 20. Referred to Senate Judiciary, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb712%20intr.htm

Bill covers 'battered parent' finding in child abuse cases

Senate Bill 739. Proposed revisions to §49-1-3, §49-6-2, and §49-6-5 would create the definition of "battered parent," who in child abuse/neglect cases, is "otherwise without fault for the abuse or

neglect of the child but has been the victim of domestic violence..."

This "definition" would be applied in disposition of these cases, including court hearings regarding alleged abuse/neglect (§49-6-2), placement of children outside the home (§49-6-5) and, in the case of **House Bill 4694**, a related measure, would allow the courts, in determining matters regarding child abuse and neglect cases, to consider whether the battered parent's "parenting skills have been seriously impaired and said person has willfully refused or is presently unwilling to cooperate in the development of a reasonable treatment plan or has not adequately responded to or followed through the recommended and appropriate treatment plan which could have sufficiently improved the capacity for adequate parental functioning."

The measures also seek to ensure that various support services are provided to battered parents.

Senate Bill 739 is sponsored by Sen. Kessler. Introduced Feb. 20. Referred to Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb739%20intr.htm

House Bill 4694 has five House sponsors, including lead sponsor Del. Amores. The Committee Substitute originated in House Judiciary Feb. 23. Referred to House Judiciary. This bill will be on House Second Reading Special Calendar today. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/HB4694%20SUB.htm

Expungement might be given for some crimes in youth

Senate Bill 750. Proposed §61-11-26 would allow a person previously convicted of a crime which occurred while the person was age 18-26 to petition the circuit court in which the conviction occurred for expungement of the conviction and the associated records.

The individual would be able to make a motion in the circuit court in which the charges were filed to expunge all records relating to the arrest, charge or other matters arising out of the arrest or charge.

Records, as used in the section, would include arrest records, fingerprints, photographs, index references or other data whether in documentary or electronic form, relating to the arrest, charge or other matters arising out of the arrest or charge.

Once the motion were filed, the court may set a date for a hearing. If the court does so, it shall notify the prosecuting attorney and the arresting agency of the motion and provide an opportunity for a response to the expungement motion.

Current charges

If the court finds that there are no current charges or proceedings pending relating to the matter for which the expungement is sought, the court may grant the motion and order the sealing of all records in the custody of the court and expungement of any records in the custody of any other agency or official including law-enforcement records.

All agencies with records relating to the arrest, charge or other matters arising out of the arrest or charge, that is ordered to expunge records, must certify to the court within 60 days of the entry of the expungement order, that the required expungement has been completed. All orders enforcing the expungement procedure shall also be sealed.

'Never to have occurred'

Upon expungement, the proceedings in the matter would be deemed never to have occurred. The court and other agencies would have to reply to any inquiry that no record exists on the matter. The person whose record is expunged would not have to disclose the fact of the record or any matter relating thereto on an application for employment, credit or other type of application.

Inspection of the sealed records in the court's possession would be permitted by the court only upon a motion by the person who is the subject of the records or upon a petition filed by a prosecuting attorney in the case that possible use of the records in question are necessary to the investigation or prosecution of a crime in this state or another jurisdiction. If the court finds that the interests of justice will be served by granting the petition, it may be granted.

The expungement would apply to non-violent crimes only.

Sponsored by Sen. Kessler. Introduced Feb. 20. Referred to Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb750%20intr.htm

House Bill 4718 is a related bill.

It would apply in cases of misdemeanors or violations "arising from a single incident..."

The individual involved also would be able to appeal to circuit court for expungement of his or her records, although the petition must be filed within five years after the completion of the person's sentence or probation.

If the crime involved a victim, that individual would be notified of the expungement hearing.

The expungement would not apply in terms of sex offense cases or offenses committed against a child. There are certain other stipulations, including a requirement that petitioner had not been "convicted of any other misdemeanor or violation offense in five years prior to the conviction sought to be expunged" – or a subsequent felony, misdemeanor or "criminal violation."

This bill contains fairly detailed records concerning the expungement process, including fees, access to records and records inspection.

Its provisions would be retroactive to July 1, 2006.

There are other provisions.

Sponsored by Del. Howard. Introduced Feb. 22. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4718%20intr.htm

Several House measures deal with sexual offenders

'Aggravated sexual assault'

House Bill 4669. The purpose of this legislation is to establish new criminal sexual offenses committed against minors.

Under terms of this legislation, persons convicted of aggravated sexual assault and aggravated sexual abuse of a minor would not be eligible for probation.

The bill provides a felony penalty of not less than 25 years for aggravated sexual assault, and a felony penalty of not less than 5 years for aggravated sexual abuse.

The sentence is to be served in a state correctional facility.

It also clarifies the age of a perpetrator of sexual assault and sexual abuse in the first degree.

Thus, first degree sexual assault would involve persons who are at least age 14 but less than age 18 and that person "engages in

sexual intercourse or sexual intrusion with another person who is (11-years-old) or less and is not married to that person."

The above age distinction would apply to first degree sexual abuse and aggravated sexual assault.

There are 10 House sponsors, including lead sponsor Del. Sammy Cann, D-Harrison. Introduced Feb. 21. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4669%20intr.htm

Mandatory sentencing

House Bill 4732 would make sentencing for first, second, third degree sexual assault mandatory, with persons convicted of these offenses not being eligible for parole.

The same would apply for first, second and third degree sexual abuse.

Sponsored by Tim Miley, D-Harrison. Introduced Feb. 23. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4732%20intr.htm

Limiting access to children

House Bill 4741 would define "registered child sex offender" to include persons who have committed a crime against a child under age 18 for which he or she was "duly and legally considered guilty...and who poses a continued risk to children due to one or more of the following (reasons), including...nature of the crime committed; age of the victim(s); his or her failure to undergo treatment; his or her unsuccessful treatment, or his or her failure to demonstrate successful treatment."

In terms of temporary custody proceedings relating to child abuse, courts would be required to consider whether the "parent knowingly allows a registered child sex offender access to a child under the age of (18)."

There are seven House sponsors, including lead sponsor Del. Mahan. Introduced Feb. 23. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4741%20intr.htm

Sexual battery

House Bill 4748 would create the offense of sexual battery, which would be defined as instances where any person who, without consent, subjects another person to any "sexual contact..."

Sexual battery would be a misdemeanor and would carry a one-year prison sentence or \$1,000 fine, or both.

Sponsored by Dels. Tansill and Frich. Introduced Feb. 23. Referred to House Judiciary Committee. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4748%20intr.htm

Sex offenders could not enter schools

House Bill 4798 would prohibit registered sex offenders from entering schools without permission and accompaniment of the school principal or vice principal.

Its provisions also would prohibit a registered sex offender from entering a day care facility without being accompanied by a facility employee who is over age 21.

The proposed legislation would establish a new §15-12-11.

Sponsored by Dels. Miley and Fragale. Introduced Feb. 24. Referred to House Education. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4798%20intr.htm

Orchiectomy

House Bill 4811 would allow male child molesters to undergo an orchiectomy (removal of testes) in lieu of enhanced penalties for first degree sexual assault, first degree sexual abuse, and child abuse.

The bill would establish various procedures and consent for orchiectomy procedures and would require a study of recidivism among sex offenders.

Sponsored by Del. Jeff Eldridge, D-Lincoln. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4811%20intr.htm

Measures relate to juvenile delinquency—trial right

House Bill 4683. Proposed revisions to §49-5-6 would allow juvenile offenders to have a right to trial before a jury of 6 persons if the juvenile is accused of acts of delinquency which, if committed by an adult, would constitute a misdemeanor offense punishable by incarceration.

The juvenile also would have the right to trial before a jury of 12 persons if the juvenile is accused of acts of delinquency which, if committed by an adult, would constitute a felony offense punishable by incarceration.

There are seven House sponsors, including lead sponsor Del. Amores. Introduced Feb. 21. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4683%20intr.htm

Bill relates to juvenile sentencing/grading periods

House Bill 4687. Proposed §49-5-13 would require judges to transition students into custody of the Division of Juvenile Services only at the beginning or end of the grading period.

Sponsored by Del. Canterbury. Introduced Feb. 21. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4687%20intr.htm

West Virginia “Meth Free Act” would be created

House Bill 4834. The purpose of this proposed legislation, which would create proposed §61-10A-1, -2, and 3, is to require the State Police to maintain a registry of names of those convicted of crimes related to methamphetamine production/distribution.

Circuit clerks would be required to provide abstracts of judgments to the State Police that reflect convictions for methamphetamine production/distribution.

Sponsored by Del. Spencer. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4834%20intr.htm

Elections

Bill relates to voter identification at polls

House Bill 4812. Proposed amendments to §3-1-4 would require a

voter to present his or her state voter’s registration card along with one form of “government-issued photo identification, or in lieu of photo identification, the voter must present a current utility bill, current bank statement, current pay stub or government check.”

Sponsored by Dels. Tansill and Trump. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4812%20intr.htm

Special messengers could deliver ballot boxes

House Bill 4721. Proposed revisions to §3-4A-19 would allow county commission clerks to appoint two “special messengers of different registered party affiliations” to deliver the ballot box or container to the county commission at the central vote-counting center.

There are three House sponsors, including lead sponsor Del. Palumbo. Introduced Feb. 22. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4721%20intr.htm

Governmental entities

Bills relate to Office of Technology; many provisions

Senate Bill 653. Introduced on behalf of the governor, this bill has several provisions, one of which relates to a definition of “major information technology project” as being “a project “estimated to cost more than \$100,000 or require more than (300) man hours to complete.”

The bill also would establish a “steering body committee.” This would be an internal agency oversight committee “established jointly by the Chief Technology officer and the agency requesting the project upon approval to proceed with the development and acquisition of a major technology project (as defined above) which shall include representatives from the Office of Technology and at least one representative from the agency requesting the project.”

The CTO would have several enhanced duties, including the development of a “comprehensive, statewide, four-year strategic plan for information technology to include specific projects that implement the plan; and plan for the acquisition, management, and use of information technology by state agencies.”

Four-year strategic plan

The CTO also would be responsible for developing a comprehensive, statewide, four-year strategic information technology and technical infrastructure policy and development plan to be submitted to the Governor and the Joint Committee on Government and Finance.

The plan is to include a discussion of specific projects that would implement its findings; “a discussion of the acquisition, management, and use of information technology by state agencies; a discussion about connectivity, priorities, and interoperability of the state’s technical infrastructure with the technical infrastructure of political subdivisions and encouraging the coordinated deployment of facilities and services regarding homeland security, law enforcement, emergency services and providing for the continuity of gov-

ernment operations in times of disaster or emergency.”

County boards

The plan also is to include “a discussion identifying potential market demand areas where expanded resources and technical infrastructure may be expected ; a discussion of technical infrastructure as it relates to education and health; a discussion of the use of public-private partnerships in the deployment of technical infrastructure and technology services; and a discussion of electronic government utilizing coordinated initiatives in Web site architecture and technical infrastructure to modernize and improve government services in the categories of government to citizen services, government to business services, government to government relations, and internal efficiency and effectiveness of services including a discussion of common technical data standards and common portals to be utilized by state departments, divisions, agencies, bureaus, boards, commissions, courts in non-judicial functions, councils, institutions, spending units, authorities or other instrumentalities of whatever description of the state of West Virginia (including)...any county court or tribunal or commission...or any county board of education, or any incorporated municipality, metro or regional government, or any other political subdivision.”

Policies, guidelines

These are among other duties of the Chief Technology Officer, namely to “direct the formulation and promulgation of policies, guidelines, standards, and specifications for the development and maintenance of information technology and technical infrastructure which shall include, without limitation, (i) standards to support state and local government exchange, acquisition, storage, use, sharing, and distribution of electronic information, (ii) standards concerning the development of electronic transactions including the use of electronic signatures, (iii) standards necessary to support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the state receive the greatest possible security, value, and convenience from investments made in technology, (iv) guidelines directing the establishment of statewide standards for the efficient exchange of electronic information and technology, including technical infrastructure, between the public and private sectors, (v) technical and data standards for information technology and related systems to promote efficiency and uniformity, (vi) technical and data standards for the connectivity, priorities, and interoperability of technical infrastructure used for homeland security, public safety and health, and systems reliability necessary to provide continuity of government operations in times of disaster or emergency for all public bodies including political subdivisions, and (vii) technical and data standards for the coordinated development of infrastructure related to deployment of electronic government services among the state, county and local governmental units...”

Subcontracting

The CTO also is responsible for periodically evaluating the “feasibility of subcontracting information technology resources and services, and subcontract only those resources that are feasible and beneficial to the state...”

Inventory

Additionally, the CTO’s office is responsible for “(directing) the compilation and maintenance of an inventory of information technology and technical infrastructure of the state including infrastructure and technology of any state department, division, agency, bureau, board, commission, court in its non-judicial functions, coun-

cil, institution, spending unit, authority or other instrumentality...of the state...and (local entities of government, including county boards)...(The inventory) may include, without limitation, personnel, facilities, equipment, goods and contracts for service, wireless tower facilities, geographic information systems, and any technical infrastructure or technology that is used for law enforcement, homeland security, or emergency services.”

In order to accomplish these objectives, the CTO may promulgate various legislative rules.

Pending approval of these rules, the CTO may, by emergency rule, prescribe the contents of the policies, procedures and standards relating to information technology within the state.

There are several other bill provisions, including a section which states that “any state spending unit that pursues an information technology purchase that does not meet the definition of a “major technology project” and who is required to submit a request for proposal to the State Purchasing Division prior to purchasing goods or services shall obtain the approval of the Chief Technology Officer, in writing, of any proposed purchase of goods or services related to its information technology and telecommunication systems. The notice shall contain a brief description of the goods and services to be purchased. The state spending unit shall provide the notice to the Chief Technology Officer prior to the time it submits its request for proposal to the State Purchasing Division.”

Infrastructure funds

Other provisions relate to information technology security, a project management process and a means, through legislative appropriation, grants, bequests, etc., to establish a Technology Infrastructure Fund.

Fund resources would be used to fund “technology projects and cost-savings initiatives that will drive additional standardization, consolidation and integration of the state’s technical infrastructure or to eliminate obsolete technologies that may be posing a substantial risk to the state’s technical environment...”

There are other provisions.

Sponsored by Sens. Tomblin and Sprouse. Introduced Feb. 20. Referred to the Senate Transportation Committee, then Senate Government Organization. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/SB653%20SUB1.htm

The bill is has been forwarded to Senate Government Organization (on a second reading reference).

The corresponding House proposal is **House Bill 4655**.

It is sponsored by Speaker Kiss and Del. Trump. Introduced Feb. 20. Referred to House Government Organization, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4655%20intr.htm

Sen. Plymale has sponsored **Senate Bill 736**, a related measure. It was introduced Feb. 20 and referred to Senate Transportation, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb736%20intr.htm

Bill would establish wind power project moratorium

Senate Bill 665. Proposed §24-2-19 would place a moratorium on construction and installation of wind power projects until the state Public Service Commission adopts rules relating to wind power projects.

There are three Senate sponsors, including lead sponsor Sen.

Guills. Introduced Feb. 20. Referred to Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb665%20intr.htm

Bill concerns State “Managing for Results Act”

Senate Bill 697. The purpose of this legislation is to introduce various planning, performance measurements, and related processes into use by state agencies to “achieve measurable results, accountability, efficiency, and continuous improvement in state government programs.”

Accordingly, several terms are defined including “mission,” “objective,” “goals,” etc., and how they would be applied to agency planning and performance.

The bill also would include a “state comprehensive plan” which would be defined as a “statement of goals which serve as a broad directive for improving or making more cost effective state resources and services.

“The plan shall include no more than (10) statewide goals and (50-100) performance measures that describe the statewide progress toward its goals.”

Agency planning, goals and strategies would have to be compatible with the State Comprehensive Plan.

There are several other provisions.

Sponsored by Sen. Unger. Introduced Feb. 20. Referred to Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb697%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Poison Control Center continued; new provisions

House Bill 4651. The purpose of this legislation is to “continue” the West Virginia Poison Center located at the Robert C. Byrd Health Sciences Center, West Virginia University, Charleston Division and operated by West Virginia University as the West Virginia Poison Center.

The bill provides for the appointment of an advisory board. (Two public health education representatives are to be appointed to the board, although no educators per se except for higher education appointees.)

Under terms of the bill, the center must maintain certification and it must provide services 24 hours a day, 7 days a week to provide emergency telephone management and treatment referral of victims of poisoning.

The bill also includes provision for receipt of grants and gifts and staff immunity for services provided in good faith.

Sponsored by Speaker Kiss. Introduced Feb. 20. Referred to House Government Organization. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4651%20intr.htm

Similar proposals have been introduced/considered in previous legislative session.

Bill relates to coordination of transportation services

House Bill 4763. The purpose of this legislation is to establish a Transportation Coordinating Council within the state Department of Health and Human Resources. The council’s primary responsibility would be to study transportation needs of the “transportation-disadvantaged.”

The state superintendent or designee would be a member of the council.

The council would be responsible for studying coordination of transportation services in the state, elimination of waste/duplicated services, and participation in various federal programs in order to secure grant available funds.

The bill also would require DHHR to purchase client transportation through public transit services when appropriate to client needs and as cost-efficient as other transportation conveyances.

There are several reportage provisions.

There are seven House sponsors, including lead sponsor Del. Brent Boggs, D-Braxton. Introduced Feb. 24. Referred to House Government Organization, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4763%20intr.htm

Bills relate to AG’s legal contracts/“settlements”

House Bill 4767/House Bill 4835 would require the state Attorney General to report to the governor and the Legislature’s Joint Committee on Government and Finance in regard to contracts entered into for legal services that utilize persons outside the Attorney General’s Office.

House Bill 4767 has four House sponsors, including lead sponsor Del. Eustace Frederick, D-Mercer. Introduced Feb. 24. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4767%20intr.htm

House Bill 4835 would require the Joint Committee on Government and Finance to approve any proposed settlement involving the Attorney General’s Office. There are other provisions.

There are nine House sponsors, including lead sponsor Del. Patrick Lane, R-Kanawha. Introduced Feb. 24. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4835%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Code of state rules could be sold in electronic format

House Bill 4774. The intent of this legislation is to permit the sale of the Secretary of State’s Code of State rules via electronic format.

There are other proposed statutory changes related to these rules.

There are three House sponsors, including lead sponsor Del. Amores. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/

Employee organizations could get workers' addresses

House Bill 4787. Proposed §5A-8-21 would allow employee organizations to obtain state employees' home addresses (as an exemption to the limitation imposed on release of personal information concerning state employees).

There are four House sponsors, including lead sponsor Del. Larry Barker, D-Boone. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4787%20intr.htm

Bill would prohibit some labor-related contracts

House Bill 4802. This proposed statute would prohibit the state, in terms of "public works projects," from entering into various agreements with labor organizations, especially those that would require a contract or subcontractor's employees to "become members or affiliated with a labor organization, pay dues or fees to a labor organization, or discriminate against those parties for "entering or refusing to become or remain signatories or otherwise adhere to agreements with one or more labor organizations."

There are certain exceptions including reference to federal labor statutes that could not be able to be interpreted "in such a way as to interfere with... labor relations."

There are three sponsors, including lead sponsor Del. John Overington, R-Berkeley. Introduced Feb. 24. Referred to House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4802%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Budget Digest funds would be dispersed equally

House Bill 4815. Proposed revisions to §4-1-18 would require that approved legislators' Budget Digest requests be distributed equally.

There are five House sponsors, including lead sponsor Del. Craig Blair, R-Berkeley. Introduced Feb. 24. Referred to House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4815%20intr.htm

Public Employees Insurance Agency

Bill would establish pilot preventative care program

Senate Bill 695. The purpose of this legislation is to establish a pilot program (five participating clinics selected by the PEIA governing board) to monitor health risks of participating state employ-

ees or retired state employees over a 2-year period in an attempt to encourage healthy lifestyles among participants.

Sponsored by Sen. Prezioso. Introduced Feb. 20. Referred to Senate Health and Human Resources, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb695%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Bill would cap PEIA retirees' premium increases

House Bill 4696. This proposal would cap PEIA premium increases for retirees at 5 percent. It also would modify the 20 percent premium cost-sharing requirement (co-pays) by including co-pays and deductibles as part of the 20 percent premium cost-sharing.

There are 11 House sponsors, including lead sponsor Del. Poling. Introduced Feb. 22. Referred to House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4696%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Public Employees Retirement System

PERS retirees would be able to share benefits with spouse

Senate Bill 707. Proposed revisions to §5-10-24 would allow a public employee to share their PERS pensions with a spouse and, upon death of that spouse, to receive an increase in retirement benefits.

This "straight life annuity" would be adjusted on a fair basis to be of equal actuarial value as the annuity prospectively in effect relative to the surviving member at the time the new option is elected."

Sponsored by Sen. Kessler. Introduced Feb. 20. Referred to Senate Pensions, then Senate Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb707%20intr.htm

Bill concerns PERS disability reductions at age 65

House Bill 4650. Proposed revisions to §5-10-25 would delete the PERS option that requires reduction of disability retirement income when a retiree reaches age 65.

Sponsored by Speaker Kiss. Introduced Feb. 20. Referred to House Pensions and Retirement, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4650%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Mental hygiene board would be able to join PERS

House Bill 4766. Proposed amendments to §5-10-2 would provide that mental hygiene commissioners are “employees” under PERS and may receive one year of service credit for each year served and prorated service credit for any partial year served, up to a maximum 15 years’ credited service.

There are three House sponsors, including lead sponsor Speaker Kiss. Introduced Feb. 24. Referred to House Pensions and Retirement, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4766%20intr.htm

PERS retirees would receive one-time 6 percent increase

House Bill 4821. Proposed §5-10-22i would provide a one-time 6 percent increase to all PERS retirees.

There are four House sponsors, including lead sponsor Del. Campbell. Introduced Feb. 24. Referred to House Pensions and Retirement, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4821%20intr.htm

Measure relates to legislative employees’ retirement

House Bill 4844. Proposed revisions to §5-10-14 would clarify that legislative employees of the Legislature’s Joint Committee on Government and Finance are “entitled to the same benefits as employees of the (House and Senate).”

For Joint Committee employees, employment in preparation for regular sessions, certified by the Legislative Manager (as required for regular sessions) would be considered the same as employment during regular sessions to meet PERS service credit requirements for sessions served.

Sponsored by Speaker Kiss. Introduced Feb. 24. Referred to House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4844%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Taxation

Bill covers “natural resources property” clarification

Senate Bill 758. Proposed revisions to §11-1A-11 would exempt owners, other than corporations or partnerships, of 100 acres or less of contiguously-connected real property from valuation and assessment as natural resources property.

Thus, the bill defines “small property owner” as an owner of 100 or less acres of real property who is not a corporate entity or partnership.

Sponsored by Sens. Love and Foster. Introduced Feb. 20. Referred to Senate Finance. <http://www.legis.state.wv.us/>

[Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb758%20intr.htm](http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb758%20intr.htm)

The companion measure is **House Bill 4756**. There are four House sponsors, including lead sponsor Del. Larry Barker, Boone. Introduced Feb. 24. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4756%20intr.htm

Bill relates to wind power project taxation law repeal

House Bill 4704. The purpose of this legislation is to repeal a section of Code that classifies wind power projects as pollution control facilities, thus allowing these facilities to be assessed at salvage valuation (5 percent of fair market value).

There are three House sponsors, including lead sponsor Del. Campbell. Introduced Feb. 22. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4704%20intr.htm

Some business inventories would be tax-exempt

House Bill 4744. Revised §11-3-1 would authorize county tax assessors to elect not to impose the county property tax on businesses for property that is business inventory intended for resale.

Sponsored by Del. Boggs. Introduced Feb. 23. Referred to House Political Subdivisions, then House Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4744%20intr.htm

Bill covers assessment of property counties with levies

House Bill 4745. Under terms of this legislation, counties having excess levies in effect, with those levies set at the maximum levy rate, may experience no increase in assessed value for real property “which has not changed in tax classification and which is more than (2) percent over the assessed value of the same property for the previous year.”

Sponsored by Dels. Cann and Michael. Introduced Feb. 23. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4745%20intr.htm

Five percent cap would be placed on tax increases

House Bill 4814. Proposed amendments to §11-1C-9 would establish a 5 percent cap on any tax increases in assessments in one year.

There are three House sponsors, including lead sponsor Del. Tim Manchin, D-Marion. Introduced Feb. 24. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4814%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Teacher's Retirement System

Service credit proposed for former parochial teachers

House Bill 4705. Proposed revisions to §18-7A-17 would grant TRS credit to teachers who possess teaching certificates and who taught in fully-accredited private Catholic schools during the 1976-'77 and 1977-78 school years.

There are several stipulations regarding eligibility to receive this TRS credit.

Sponsored by Del. Ennis. Introduced Feb. 22. Referred to House Education, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4705%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Some PERS folks could join Teacher's Retirement System

House Bill 4717. Proposed amendments to §18-7B-7 would create the option for teachers and other education personnel who were employed by the state prior to July 1, 1991 and who, after that date, became employed by a county board and who were precluded from becoming a member of the State Teachers Retirement System in favor of the Defined Contribution Retirement System, to exercise the option to transfer to TRS.

The bill also would allow persons who were employed by the state prior to the creation of the Defined Contribution System and who transferred to a county school system after the creation of the Defined Contribution System the same option as state employees who were employed by the state and transferred to a county school system prior to the creation of the Defined Contribution System.

Sponsored by Del. Ruth Rowan, R-Hampshire. Introduced Feb. 22. Referred to House Pensions and Retirement, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4717%20intr.htm

Video lottery terminal license fees would go to TRS fund

House Bill 4747. Proposed revisions to §29-22A-8 would require racetracks that are licensed to operate video lottery terminals to pay a fee for each machine they are licensed to operate.

The collected moneys would be transferred to the TRS benefit fund.

Sponsored by Dels. Linda Sumner, R-Raleigh, and Walter Duke, R-Berkeley. Introduced Feb. 23. Referred to House Judiciary, then House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4747%20intr.htm



CETA work time would be credited as TRS 'credit'

House Bill 4752. Proposed revisions to §18-7A-17 would allow purchase of TRS service credit for persons having been temporarily employed under the Carter Administration's Comprehensive Employment and Training Act (CETA)..

The bill includes provisions specifying the cost of the service credit.

The two House sponsors are Dels. Michael and Doug Stalnaker, D-Lewis. Introduced Feb. 23. Referred to House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4752%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Tobacco

Bill would fund programs to discourage tobacco usage

Senate Bill 738. The purpose of this 31-page bill is to promote better health among state citizens by providing for funding for programs to discourage tobacco use, giving preference in state bidding procedures to employers who offer health insurance to employees.

The bill also would require health insurance plans to cover the cost of smoking cessation programs; to allow personal and corporate tax credits for smoking cessation programs and providing for or paying for exercise programs; prohibiting the advertisement of tobacco products at certain events; limiting sponsorship by tobacco interest; increasing the tobacco excise tax on all tobacco products; and, creating a special revenue account to cover the expenses of tobacco cessation advertising.

Sponsored by Sen. Prezioso. (The bill does not include an introduction date). Referred to Senate Health and Human Resources, then Senate Judiciary. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb738%20intr.htm

Similar proposals have been introduced/considered in previous legislative sessions.

Unemployment Compensation

Bill would change method of calculating UC benefits

House Bill 4786. Similar to Senate Bill 560, which was reviewed in the Feb. 20 issue of The Legislature, this measure would change the method of calculating the taxable wage base for Unemployment Compensation at 36 percent of the state's annual wage.

The current taxable wage rate is \$8,000.

Sponsored by Dels. Beane and Ennis. Introduced Feb. 24. Referred to House Finance. http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4786%20intr.htm

The link to **Senate Bill 560** is http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb560%20intr.htm

Briefly

Senate Bill 643 would change the way in which regional jail fees are collected so that the notice in regard to increases for the West Virginia Parkways, Economic Development and Tourism Authority... **Senate Bill 747** would eliminate the requirement that motorcyclists wear helmets... **Senate Bill 764** would establish the Rural West Virginia Agricultural and Resource-based Industry Development Act which would make loans, issue bonds and acquire/dispose property to develop agricultural-based industries. There are related measures... **House Bill 4638** would allow a member of a county building commission to hold office/employment with the federal government, state government, county government or “political subdivision” as long as the member recuses himself or herself from voting on any matter in which he or she might have a personal or financial interest... **House Bill 4708** would establish the West Virginia Affordable Housing Trust Fund by imposing a \$20 transfer fee on all real property and factory-built homes, dedicating the transfer fees to the trust fund... **House Bill 4762** would formulate a legislative commissions to study implementation of the development of Coalwood Way and related sites in Big Creek (McDowell County) as historical, cultural and recreational facilities... **House Bill 4772** would reduce the term of family court judges to four years... **House Bill 4783** would allow municipal courts to participate in county teen court programs, with approval of the municipality. Municipalities would be required to adopt, collect and remit mandatory fees to the county when instituting a teen court program... **House Bill 4825** would give all public employees a 6 percent pay raise.

Note: Listing has been abbreviated for space considerations.

Errata: **Senate Bill 735** is the companion to **House Bill 4763** relating to a commission for the “transportation-disadvantaged,” which is reviewed on page... It is sponsored by Sen. Unger. Introduced Feb. 20. Referred to Senate Health and Human Resources, then Senate Finance. The West Virginia Legislature’s Web site link is http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/sb735%20intr.htm

In the review of “child welfare” proposals, **House Bill 4636** was omitted. That bill would allow certain fees such as professional organization fees to be deducted from child support payments. There are four House sponsors, including lead sponsor Del. Patti Schoen, R-Putnam. Introduced Feb. 20. Referred to House Judiciary. The electronic link is http://www.legis.state.wv.us/Bill_Text_HTML/2006_SESSIONS/RS/BILLS/hb4636%20intr.htm

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– would provide school service personnel a 6 percent pay increase; **House Bill 4675** – would create a new school service personnel category, “Bus Operator II”; **House Bill 4688** – would establish position of “Volunteer Athletic Assistant”; **House Bill 4689** – would provide a means to compensate teachers so as to recruit and retain teachers; would add “three” years of experience to beginning teachers’ salary scale; **House Bill 4750** – would institute binding arbitration for grievances; **House Bill 4782** – would provide Medicaid Eligible Service “workers” a pay increase from funds collected; **House Bill 4785** – would allow school service personnel to vote on giving transfer preference to employees from merged or consolidated schools.

West Virginia Board of Education.....6
Senate Bill 708 – would allow home-schooled pupils to participate in public school athletics/extracurricular activities; **House Bill 4684** is companion measure; **House Bill 4808** – would require state Board of Education to ensure that no class for grades 7-12 is greater than 25 students; **House Bill 4826** – would require the WVBE to implement a tornado safety awareness program in public schools.

Higher Education.....7
Senate Bill 717 – would provide a \$14 million supplement to West Virginia University Institute of Technology; **Senate Bill 720** – Committee substitute adopted by Senate Education Committee last week – yet to be actually reported to the Senate floor – which would make WVU-Tech a free-standing higher education institution; multiple provisions; **Senate Bill 740** – would make WVU-Tech a free-standing higher education institution; original measure same as **House Bill 4690.**; **House Bill 4737** – would use revenue earmarked from state’s soft drink tax to finance revenue bonds for WVU-Tech; **Senate Bill 638** – would place the state’s Workforce Development Initiative Program “under” the state Council for Community and Technical College Education; **Senate Bill 642** – would “make” higher education faculty eligible for salary increments state employees receive; **House Bill 4677** is companion measure. **Senate Bill 698** – would create incentives to encourage West Virginias to receive GEDs; **Senate Bill 699** – would remove “cap” on scholarship funds for surviving dependent children of deceased members of the State Police who lost lives in line of duty; **Senate Bill 700** – would provide tuition waivers for children/spouses of National Guard/active military personnel who were killed in line of duty; **Senate Bill 713** – would create a deferred higher education attendance provision for National Guard eligible to receive higher education tuition and fees but who are deployed overseas; **Senate Bill 751** – would clarify that higher education employees could serve in Legislature; **House Bill 4701** – would clarify how students “qualify” for in-state tuition; definitions; **House Bill 4702** – would provide a means to finance West Virginia University Rifle Team essentially by voluntary student fees; **House Bill 4755** – would permit a former director of the WVU School of Mines to serve on state Mine Inspectors’ Examining Board.

EDUCATION-RELATED

Abortion.....9
Senate Bill 678 – would prohibit a business/organization doing business with the state from performing abortions in a public facility.

Alcohol.....9
Senate Bill 648 – would make a second/subsequent offense for Driving Under the Influence with a minor in vehicle a felony; **Senate Bill 687** – would address open containers of beer, alcohol in passenger areas of vehicle to comport with federal law.

Child Welfare.....10
Senate Bill 658 – would establish “Child Advocacy Center Authorities”; House companion is **House Bill 2943**; **Senate Bill 670** – would provide medical and non-medical exemptions from mandatory school children immunizations; **Senate Bill 683** – would redefine “services” in regard to child welfare court proceedings; **Senate Bill 684** – would make

changes in state law relating to grandparents' visitations to include factors such as child's relationship with parent and other considerations to permit these visitations; **House Bill 4726** – would establish a procedure for non-grandparent family members to have visitation rights with minor child; court petition required; **Senate Bill 685** – would revise procedures for child testimony via two-way closed circuit television; also relates to revisions regarding only doctoral level psychologists being able to provide expert opinion about child's ability to testify; **Senate Bill 749** – would enumerate duties of Department of Health and Human Resources regarding child care placement; Extensive definitions section dealing with various types of child care; other provisions; **House Bill 4790** is companion measure; **House Bill 4634** – would prohibit minors from using wireless communication devices while driving; **House Bill 4716** – would repeal a current section of law permitting minors to nominate guardians in estate/court proceedings; **House Bill 4731** – would make revisions in statutes relating to finalize permanency for child placement; **House Bill 4771** – would establish a means for a male to contest allegations/presumptions of biological parentage; **House Bill 4833** – would provide means to identify deaf or hard-of-hearing children so they can be placed on Commission for the Deaf and Hard of Hearing at-risk registry; **House Bill 4843** – would allow family court judges to consider Social Security benefits and other factors in calculation of child support.

Crimes.....13

Senate Bill 647 – would revise state's anti-stalking laws; **House Bill 4712** is a related measure; **Senate Bill 712** – would establish a "drug offender" registry; **Senate Bill 739** – would create the definition of "battered parent" as it applies to child abuse/neglect cases; **House Bill 4694** is a related measure; **Senate Bill 750** – would establish process for expunging minors' crime records; **House Bill 4718** is a related bill; has more enumerated provisions; **House Bill 4669** – would establish new criminal sexual assault offenses that involve minors; **House Bill 4732** – would make persons convicted of certain sexual offense ineligible for parole; **House Bill 4741** – would limit registered sex offenders' access to children; **House Bill 4748** – would create offense of sexual battery; **House Bill 4798** – would prohibit registered sex offenders from entering schools/day care centers without accompaniment by officials; **House Bill 4811** – would allow some male sex offenders to opt for orchiectomy for continuing sexual offenses; **House Bill 4683** – would allow juvenile offenders to have right to jury trials in some instances; **House Bill 4687** – would require judges to "transition" students into custody of Division of Juvenile Services at beginning or end of grading period; **House Bill 4834** – would require State Police to maintain registry of names of persons convicted of methamphetamine offenses.

Elections.....16

House Bill 4812 – would require voter identification at the polls; **House Bill 4721** – would allow the appointment of "special messengers" to deliver ballot boxes to central vote-counting centers.

Governmental Entities.....16

Senate Bill 653 – would make numerous changes in statute regarding state's Chief Technology Officer; The House

companion is **House Bill 4655**. Also refer to a related measure, **Senate Bill 736**; **Senate Bill 665** – would place a moratorium on wind power projects; **Senate Bill 697** – would introduce various planning, goal-setting and performance targets into state government agencies programming; **House Bill 4651** – would "continue" the state Poison Center (under sunset statutes); additional duties for center, including 24 hour "services"; **House Bill 4763** – would establish a Transportation Coordinating Council to study needs of "transportation-disadvantaged"; **House Bill 4767/House Bill 4835** – would require Attorney General to make various reportages regarding external counsel used by office, and to secure Joint Committee on Government and Finance approval for some "settlements"; **House Bill 4774** – would allow sale of state's Code of State rules via electronic format; **House Bill 4787** – would allow employee groups to acquire state employees' home addresses; **House Bill 4802** – would prohibit some labor-related contractual agreements between entities of state government and contractors (as permitted by federal law); **House Bill 4815** – would require Budget Digest funds to be distributed equally. (This is the Senate practice); Public Employees Insurance Agency.....19

Senate Bill 695 – would establish pilot wellness program for participating state employee PEIA members; **House Bill 4696** – would cap PEIA premiums for retirees; other provisions. Public Employees Retirement System.....19

Senate Bill 707 – would allow a public employee, under certain circumstances, to share their PERS pensions with a spouse; **House Bill 4650** – would delete the PERS option that requires reduction of disability retirement income at age 65; **House Bill 4766** – would allow mental hygiene commissioners to "join" PERS; **House Bill 4821** – PERS retirees would get one-time 6 percent increase; **House Bill 4844** – would clarify how some legislative employees qualify for PERS coverage.

Taxation.....20

Senate Bill 758 – would define "small property owner" for real property taxation purposes; **House Bill 4756** is the companion measure; **House Bill 4704** – would repeal a Code section relating to taxing of wind power projects; **House Bill 4744** – would authorize tax assessors to not impose county property tax on businesses for property that is business inventory; **House Bill 4814** – would place a 5 percent cap on real property tax increases;

Teacher's Retirement System.....21

House Bill 4705 – would grant TRS credit to certain Catholic school teachers having taught in the 1977 and 1978 school years; **House Bill 4717** – would allow some PERS members to join Teacher's Retirement System; **House Bill 4747** – would provide some racetrack video lottery moneys for TRS purposes; **House Bill 4752** – would allow CETA workers to "credit" time with TRS.

Tobacco.....21

Senate Bill 738 – would promote anti-tobacco usage among state residents; extensive provisions.

Unemployment Compensation.....21

House Bill 4786 – would change method for calculating taxable wage base for Unemployment Compensation purposes.

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The Legislature

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