



WRAP-UP

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MOVE TO IMPROVE

Initiative Hopes to Reduce Obesity Related Illnesses

With the 2013 passage of the Feed to Achieve Act, the Senate has followed up by introducing the West Virginia Move to Improve Act, or Senate Bill 455, in an effort to battle childhood obesity. According to a 2009 study, adult obesity costs West Virginia \$8.9 million per year, while childhood obesity equates to \$198.1 million in Medicaid costs. These obesity rates result in West Virginia having some of the highest rates in type 2 diabetes, coronary heart disease, stroke, hypertension, arthritis, and obesity-

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LET IT SNOW

Heavy snow blanketed much of West Virginia this week resulting in slick roads and school closures.

MARTIN VALENT, WEST VIRGINIA LEGISLATURE

SCHOOL TAKEOVER FAIRNESS BILL

Legislation to Limit Time the State Can Intervene in County Schools Advances

Periodically, inspectors from the state's Office of Education Performance Audits (OEPA) arrive in a county and a school district to perform an audit. Typically, they have been informed of serious problems which exist in the county ranging from failing infrastructure, poor student test scores and/or financial issues.

Once it is determined that the problems are too great for the county to handle on their own, the state steps in and takes control of the school district. A takeover is composed of the commandeering of day-to-day control of district operations and decision-making in an unsuccessful or failing school district. This includes the school finances, personnel, school calendars and curriculum.

Last May, following over a decade of oversight and control by the West Virginia Board of Education, control of the McDowell County school system was returned to county school administrators. Lawmakers in the House of Delegates believe there can be a more efficient way of doing this to include the local school authorities in the planning and implementation of the corrective measures to improve school performance.

House Bill 4336 would state that once the state school board intervenes in the operation of a county school system or directly in the operation of a school, they could not intervene for more than five consecutive years. At the end of the

five year period, the state board would relinquish control of the school system or school back to the county board.

The bill also states that during any period where the state school board intervenes in the operation of a county school system or school, it would be required that the county board be actively involved in the intervention and improvement process to assure sustained success of any deficient school system or school.

At a minimum, the county board would be required to work in tandem with the county superintendent to gather, analyze and interpret data, write time-specific goals to correct deficiencies, prepare

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related cancers. The Move to Improve Act would strengthen physical activity requirements, train instructors to provide encouragement for a healthier lifestyle, and providing healthy meals for students.

Current West Virginia law requires elementary school students to have 30 minutes of physical education at least three days a week. Moderate to vigorous exercise is recommended for 50 percent of class time, but the West Virginia Medical Journal found that these classes provide this for less than 27 percent of time. This bill would increase the requirement to a minimum of 30 minutes per day spent on physical activity, with a required 50 percent of that being moderate to vigorous exercise time.

To ensure the increase in physical activity does not reduce time spent on other subjects, lead sponsor Senator John Unger (D-Berkeley) said this would be integrated into the classroom for an innovative learning experience. Teachers and staff would receive proper training on different ways to integrate physical activity into lessons and how to encourage this healthy lifestyle to become a lifelong habit. The bill would also require all physical education class be taught by a certified physical education teacher.

Along with physical activity, legislators are hoping nutritious meals and snacks will help West Virginia's obesity rates. The Feed to Achieve Act from the previous session makes free, nutritious breakfasts and lunches available to all students through nonprofit donors. The money raised may be used in a variety of programs approved by the Office of Child Nutrition.

Legislators hope these initiatives will have a positive effect on education, physical and mental health and the economy. By being physically active and eating nutritious foods, a child's mind is said to be more fo-

cused. Senator Ron Stollings (D-Boone) said the bill would take the proper steps to reverse obesity-related illnesses and create a healthier, less expensive lifestyle for the state of West Virginia. A study by the Institute of Medicine found a connection between physical activity and muscle strength, lower body fat, stronger bones, and improved cardiovascular and metabolic health. The study also found it resulted in reduced anxiety and depression, as well as an increased self-esteem.

According to Stollings, taking the proper measures now will help these children in the long run.

"The studies show that if you're an obese as a child, you're going to be obese as an adult," Stollings said. "This goes a long way to help our childhood obesity and would help prevent type 2 diabetes, hypertension, arthritis—all those other things that come about when a child is obese."

The Move to Improve Act has been passed by the Senate Committee on Health and Human Resources and is being considered by the Committee on Education. ■

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and implement action plans and allocate or request from the state board of education the resources, including board development training and coaching, necessary to achieve and sustain the required improvement and sustained levels of achievement expected of the county education systems.

Another important aspect of this proposed legislation would state that once control of the county school system or school has been returned to the county board from the state board of education, the state board could not intervene again for a minimum of three years unless a public hearing is held in the affected county and the concerns of the citizens in that county are heard

The lead sponsor of the bill, Delegate Justin Marcum, represents another county affected by a state takeover of their county school system.

"Residents of Mingo County are extremely frustrated at the state Board of Education's insistence on maintaining control of the county school system despite still not producing the desired improvements," Marcum said. "This bill will correct that."

Delegate Marcum has noted the bill is generating much interest at the Capitol because so many counties have experienced the same problem.

"We can't even buy a pencil without state approval, and that is simply unfair and unjust," Marcum said.

The bill passed the House of Delegates by a 95-1 vote and now is under consideration in the Senate. ■



IN THE HOUSE

As of 4:00 p.m., Thursday, February 13, 2014, the 37th day of the 2nd session of the 81st Legislature, 1147 bills have been introduced in the House. Of those, 34 of those have passed and have been sent to the Senate for further consideration. Among those:

House Bill 4208 would update the state list of controlled substances to ban several synthetic hallucinogenic drugs.

House Bill 4214 would require the chief medical officer of a mental health facility to offer patient assistance in identifying and designating someone to serve as a durable medical power of attorney for a stable, discharged patient.

House Bill 4237 would add electronic cigarettes, vapor products and alternative nicotine products to the list of items prohibited to those under the age of 18.

House Bill 4278 would rewrite the procedure by which corporations are authorized to practice medicine and surgery by the West Virginia Board of Medicine.

House Bill 4283 would raise the minimum wage from its current rate of \$7.25 per hour to \$8.00 beginning January 1, 2015. The rate would increase again to \$8.75 per hour again beginning January 1, 2016.

House Bill 4336 would prohibit a school or school system from being under the control of the state board for more than five years. The state board would be required to hold a public hearing in order to take control again with three years of returning control to the county board.

House Bill 4412 would allow a one-day license for the sale of nonintoxicating beer and wine for events raising money for artistic, athletic, charitable, educational, or religious purposes. The license would be \$25.

House Bill 4421 would allow lottery prize payments to be made by any method of payment acceptable by the Federal Reserve System, including electronic funds transfer.

A sampling of bills introduced in the House:

House Bill 4439 would grant the Department of Agriculture the authority to create and maintain the Veterans and Warriors to Agriculture Fund to support West Virginian veterans in agriculture. This program would return post-mine land to an agricultural purpose, increase the apiary and aquaculture industries, explore niche crops and develop livestock.

House Bill 4441 would permit a teacher with a concealed deadly weapon license to carry the weapon on school property with approval by the county board and by passing a drug test. The purpose would be to protect students and school employees.

House Bill 4468 would authorize local units of government to adopt clean energy programs and create districts to promote the use of renewable energy systems and energy efficiency improvements by the owners of real property. This would be funded by voluntary property assessments, commercial lending and other means.

House Bill 4510 would establish a bill of rights for children in foster care. Rights would include protection and communication with his or her own family, nurturing foster parents selected to meet his or her needs, a safe foster home, communication with the assigned social or case worker, permission to remain enrolled at the same school if possible, a bank account, permanent documents, meaningful participation in a transition plan if phasing out of foster care, and participation in extracurricular activities, community events and religious practices.



IN THE SENATE

As of 4:00 p.m., Thursday, February 13th, 2014, the 37th day of the 2nd session of the 81st Legislature, 574 bills have been introduced in the Senate. Of those, 45 passed and have been sent to the House of Delegates for consideration.

Senate Bill 90 would make interfering or preventing call for assistance of emergency personnel a criminal offense. Emergency personnel include: police, fire and medical emergency assistance.

Senate Bill 403 would regulate possession and importation of injurious aquatic species in order to protect West Virginia water and aquatic life. The bill specifically prohibits the possession, sale, importation or release of bighead carp, silver carp, black carp, large-scale silver carp diploid white amur and snakeheads. Permits for an exception would be given for scientific research.

Senate Bill 426 would prohibit a member of a higher education commission, council and board continue to serve on the commission, council or board for longer than their appointment. This proposal would fill any vacancies on the Higher Education Policy Commission by prohibiting a person to serve on the commission past their appointment time. There is an allotted time past a persons appointment time that a successor is appointed by the Governor or the Governor can appointment the same person for a second term.

Senate Bill 450 would allow the restricted sale of alcoholic liquors in specific outdoor dining areas. This proposal would allow outside areas that are adjoining an establishment with a liquor license to allow consumption outside.

Senate Bill 454 defines dam ownership in the Dam Control Act, which currently presumes ownership to the property owner

the dam is on. The bill is a result of the interim Agriculture and Agribusiness Committee's study of dam conservation.

Senate Bill 458 would dedicate additional circuit court fees to fund the civil legal services of low-income people. Circuit court fees would increase from \$155 dollars to \$200 dollars. The additional \$45 fee would move into the Fund for Civil and Legal Services for Low Income Persons. The additional fee would not apply in family court.

Senate Bill 530 would create different carbon dioxide emissions for coal-fired electric generators and natural gas electric generators. This bill would regulate air pollution through fossil fuel emissions.

Senate Bill 531 would require funeral directors to have an undergraduate bachelor's degree and a year in mortuary school or an

undergraduate bachelor's degree in funeral science to qualify for the proper licensing.

Senate Bill 536 would give in-state tuition to honorably discharged veterans regardless of state residency. This also includes veterans who were discharged due to injuries resulting from military service.

Senate Bill 539 would allow law-enforcement officials that are employed as security officers on school campus's be allowed to carry firearms. The officer must meet the requirements and qualifications of the law enforcement agency to carry a firearm.

Senate Bill 542 would require the Department of Protection be notified of the release of fluids or chemicals into groundwater, surface water or subsurface soil. The bill also creates penalties for non-compliance of immediate notification.

Senate Bill 543 would create Jobs Impact Statement Act. The West Virginia Development Office would be required to prepare an impact statement in consultation with schools of business and economics at Marshall and West Virginia Universities when the Governor requests.

Senate Bill 552 would increase penalties of transporting schedule I or schedule II controlled substances into the state. This bill would deter importation of controlled substances into the state by increasing the maximum prison sentence to 15 years.

Senate Bill 566 would protect victims of domestic violence, sexual offenses or stalking from disqualification of unemployment benefits. When a victim loses their job due to domestic offenses, this will allow them to qualify for unemployment benefits.