



WRAP-UP

THE OFFICIAL NEWSLETTER OF THE WEST VIRGINIA LEGISLATURE

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From Behind the Podium

Education Reform on the Senate Slate

SENATE PRESIDENT JEFF KESSLER

The Governor's education reform bill (SB359) has been the center of much debate since its introduction in our chamber earlier this week. Unlike previous attempts at education reform, this is a comprehensive bill that I believe will be more conducive to bringing about true change than the earlier piece by piece approach.

All of us in state leadership understand that we have not gotten the expected return on our investments in education recently and I do not blame the many excellent teachers currently working in West Virginia. We need to thin out some of the red tape and bureaucracy in the system and give our teachers and local school boards the autonomy to do what they do best.

In an effort to get students ready for college or the workforce, the bill would require the state Board of Education, the Higher Education Policy Commission and the Council for Community and Technical College Education to collaborate to formally adopt specific college-readiness and career-readiness standards for math and language arts. It also would require a 12th-grade transitional course in math and language arts for those students deemed not on track for college.

The measure would provide for local control of the school calendar, would establish a 200-day employment term for teachers and requires 180 days of "actual instruction." It proposes public meetings for discussions of a school system's calendar and requires the state board or state superintendent's approval for proposed county calendars.



MARTIN VALENT WEST VIRGINIA LEGISLATURE

(from left) Chair Herb Snyder, Vice-Chair Ronald Miller and Senator Mike Green listen to a Senate Government Organization Committee meeting this week.

Some other highlights of the bill include:

- Requiring early childhood programs to be offered five days per week for a full day and a licensure requirement for all kindergarten and pre-k teachers and aides.
- Allowing Teach for America participants to become classroom teachers, along with creating a "critical need alternative teacher certificate."
- Allowing county boards of education to consider hiring recommendations made by school principals and faculty senates and would also make the hiring process more flexible by allowing released employees to be hired for specific vacancies prior to the jobs being posted.
- Outlines loan assistance for teachers in critical need areas if they meet certain criteria.

These are just a few of the many reform measures in the bill. Before even considering a vote, the Senate Education Committee is planning to spend an entire meeting going through the bill piece by piece and fielding any and all questions pertaining to the bill. We want to do our best to ensure that all stakeholders thoroughly understand the specifics of this measure.

I am hopeful the Senate will pass this measure in the next couple of weeks, allowing the House ample time to consider it.

If you would like to follow the daily action of the Legislature, visit the 81 st Legislature on the web at <http://www.legis.state.wv.us/>.

I hear your voice and I encourage all of you, regardless of party or affiliation, to contact me with any concerns you have regarding issues facing our district or our state.

From Behind the Podium

Gun Ownership, Appellate Rules Lead House Discussion in Second Week

HOUSE SPEAKER RICK THOMPSON

With the first full week of session under our belts, lawmakers have begun a steady pace of committee meetings and floor sessions, and legislation is now being adopted and sent across the Capitol to Senate.

The House has five major standing committees – Finance, Judiciary, Education, Government Organization and Health – that have the highest workload and meet most often.

But we also have 10 other committees that meet each week covering a range of topics important to our state: Agriculture; Banking & Insurance; Constitutional Revision; Energy, Industry & Labor, Economic Development & Small Business; Natural Resources; Pensions & Retirement; Political Subdivisions; Roads & Transportation; Senior Citizen Issues; and Veterans Affairs & Homeland Security.

For the past three years, the House has been streaming audio of these meetings online. The Legislature has a “Live” page where the daily schedule, agendas, and links to listening in on committee meetings are located: www.legis.state.wv.us/live.cfm.

By the end of this second full week of session the House will have passed seven bills.

One of the bills the House adopted is House Bill 2471, which further expands on current state law that restricts the ability of state government to confiscate guns or ammunition during a state of emergency.

The bill limits the Governor, or any political subdivision of the state or any person acting on behalf of the Governor, from prohibiting or restricting the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm

or ammunition during a declared state of emergency, whether state or federal.

The bill also provides a remedy for violations of this statute, including the ability to sue to seek the return of the improperly seized guns or ammunition, and the award of costs and attorney fees.

Several states have adopted such laws in response to events in New Orleans following Hurricane Katrina in 2005, when police confiscated guns. The National Rifle Association has supported such legislation and endorsed House Bill 2471.

Also during the past week, I joined several delegates in announcing the introduction of legislation calling for a year-long study of the state Supreme Court’s new appellate rules to determine whether they are providing litigants with a fair, effective and efficient appeals process.

After lengthy review of the state’s civil justice system by an independent commission, the state Supreme Court enacted significant new appellate rules that ensure a review and written decision on each appeal filed with that court, yet critics outside West Virginia continue to attack our courts, calling them unfair.

House Concurrent Resolution 44, which is also sponsored by 15 other House members, would allow the Legislature to thoroughly examine the new appellate rules and their effect on civil procedure.

I am pleased to note that West Virginia Chamber of Commerce President Steve Roberts joined me in making the announcement, expressing strong support for the initiative.

As Mr. Roberts noted, in addition to the Supreme Court’s recent rule changes, the Legislature has adopted many revisions to state laws surrounding civil litigation, including laying the groundwork for the creation of the state’s new business docket within the circuit court system.

The law revisions were intended to address the litigation-related issues in West Virginia and to make the state’s business climate welcoming. This study should determine whether that is in fact the case and what further changes might be needed.

To view the House Concurrent Resolution 44, go to www.legis.state.wv.us and click on “Bill Status.”

West Virginia Legislature’s Web site

The online **West Virginia Code** has been enhanced to show bills that have become law (under the chapter of the code affected) but have yet to be incorporated in the online version. <http://www.legis.state.wv.us/WVCODE/Code.cfm>

Bill Tracking has been improved to allow users the ability to prioritize bills and add personal notes. Users can also now sort and view their bills by multiple criteria. http://www.legis.state.wv.us/billstatus_personalized/persbills_login.cfm

The legislative blog **Today in the Legislature** is a daily synopsis of legislative floor activities, complete with photos and daily committee meeting schedules. http://www.legis.state.wv.us/daily_sum/today.cfm

Visit the **Legislature’s Homepage**: <http://www.legis.state.wv.us>

Minority Report

SENATOR MITCH CARMICHAEL

Much of the focus of this legislative session is directed toward public education policy and student achievement. There's no greater responsibility of government than to provide a superior education to our children.

With regard to this essential function of government, evidence points to a struggling West Virginia public education system. The National Center for Education Statistics compares test data in grades 4 & 8 across the country and found for 2011, West Virginia 4th and 8th graders ranked among the lowest in the country in math and reading and scored below the national average on 21 of 24 indicators of student performance.

Any objective review of this data indicates a public education system in need of reform. Every West Virginia parent and grandparent should demand a first rate education for their children. We should expect our students to score at or near the top levels in the nation. Unfortunately, our citizens often become complacent with a system that produces near last place results. West Virginians should not continue to accept these results. Our students deserve a world-class education that will enable each child to compete in a global economy.

Faced with evidence our education system is failing, Governor Tomblin commissioned an independent audit to review current practices and recommend improvements to the system. The audit made over 56 suggestions regarding methods for improving public education. These recommendations can be summarized with one overarching theme: Return control of school systems to local Boards of Education.

We fully support this concept. Each county school system should be vested with the flexibility and responsibility of delivering a superior educational experience. Administrators must have the ability to set school calendars, make personnel decisions and design curriculum. Teachers must be freed from burdensome state mandated policies. The most important element in the education process is the classroom teacher. We're blessed with many talented and effective teachers. Current West Virginia policy is restrictive and requires so much paperwork our teachers are unable to educate the next generation.

We are confident that the West Virginia public education system can be among the best in the nation. Let us take the necessary steps to provide innovation and reform to a system that places our children at a competitive disadvantage.

DELEGATE PATRICK LANE

As the second week of the Legislative session closes, Republicans remain focused on job creation and higher student achievement in our public schools. We were pleased to see the public school reform bill introduced by request of the Governor. Policy makers must work to reform education in a way which ensures that our children are educated at a high level in order to compete for jobs in the high tech manufacturing and information economy in which they must compete.

In order to make sure students are able to put a high quality education to use in the private sector, we must enact policies which will both attract

outside employers looking to expand into West Virginia. These same policies must also promote the growth of existing West Virginia small businesses. We have been told by two tax modernization studies that a major impediment to job creation in West Virginia is the property tax imposed upon machinery and inventory. I am hopeful that reforms will be made to remove this hurdle and allow employers to hire the 59,700 unemployed West Virginians.

While jobs are the number one issue facing our families, Republicans are also committed to improving the lives of low income earners and seniors. We have pushed the elimination of the food tax and will make sure it is finally ended in July 2013. We are currently working to increase the Homestead Exemption for seniors and disabled to keep up with the increasing real estate values. Additionally, we are protecting West Virginians from the onslaught of over regulation from the Federal government and guarding against any further tax or fee increases. While the food tax, Homestead, Federal intrusion and other tax increases may seem unrelated, each of these issues contribute to the quality of life our friends, neighbors and families enjoy here in the mountain state.

As we progress through the session, many issues will cross our desks as Legislators. Some of those issues are important to select groups or industries and will be addressed. But, West Virginians should rest assured that in my mind and in the minds of Republicans in the House, this session is about Jobs, Jobs, Jobs.



Senate Minority Leader Mike Hall (left) and House Minority Leader Tim Armistead meet in the Senate Chamber to discuss legislation.

The Legislative Record

SENATE LEGISLATION

As of 4:00 p.m., Wednesday, February 27, 2013, 393 bills have been introduced in the Senate. A sample of the seven bills passed by the Senate this week:

Senate Bill 71 would require that the width of a right-of-way or easement be included in the description when the centerline method is used to describe a right-of-way or easement and would require that oil and gas, gas storage, and mineral leases to use one of the four current methods of description for right-of-way or easement.

Senate Bill 82 would require that a public service board include at least one rate-paying residential customer on its membership board. The person would have to be from the public service board's district.

HOUSE LEGISLATION

As of 4:00 p.m., Wednesday, February 27, 2013, 759 bills have been introduced in the House of Delegates. A sample of the three bills passed by the House this week:

House Bill 2471 would limit the Governor, or any political subdivision of the state or any person acting on behalf of the Governor, from prohibiting or restricting the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency, whether state or federal.

House Bill 2477 would allow for certain auxiliary lighting on motorcycles to increase visibility on roads. The auxiliary lighting being used is limited to non-blinking, non-flashing and non-oscillating.

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