Completed Legislative Actions for 2012 Session (note: some strange characters in

email format - possible minor

typos in translation)

Shepherd colleagues, below are Bruce Walker's summaries of the completed legislative actions for the season. SB 469, the Workman's Comp/OPEB Health Benefit Trust which passed, is an important item that consumed a fairly large portion of state funds--I suspect in lieu of raises from the state.

HB4101 and 4122 are bills for alternative teacher certification in the state which passed; I did not hear any institutional support for these bills which cannot possibly benefit our TE programs, many of which have recently gone through NCATE certification. SB 568 happily did not pass; it would have established new criteria exams (other than ACT/SAT scores) to determine who goes into remedial studies. The offending portion of SB 661 data sharing bill which would have allowed WVNET access to institutional data was amended out of that bill before it passed in the House. Sylvia

HIGHER EDUCATION BILLS QUICK CHEAT SHEET March 12, 2012

Bill No.

Sponsor

Summary

Comments

HB 2402

Fleischauer, et al

Redefining the term "public record" as it is used in the Freedom of Information Act

Broadens the definition of what a public record is under the FOIA. Passed House. In SJ. Did not pass. Study to be done.

HB 2657

Campbell, et al

West Virginia Religious Freedom Restoration Act

State agencies not to take any action that would substantially burden a person’s free exercise of religion. Passed House. In SJ. Probably won’t advance.

HB 4078

Poling, et al

Extending certain deadlines for mandated actions regarding higher education personnel

Extends certain deadlines that were set by SB 330. Amended to change the snapshot for calculating the target for full funding of the salary schedule from October 2010 to October 2011. Amended by SE to give WVNET direct access to institutional databases. In Conference. Expired.

HB 4101

Perry, et al

Authorizing teacher-in-residence programs for certain prospective teachers in lieu of student teaching Teacher education programs to enter into agreements with county boards for this alternative certification process. Passed House. Passed Senate.

Completed legislative action.

HB 4122

Perry, et al

Relating to alternative programs for teacher education

SBOE to adopt a legislative rule regarding the alternative program. Persons not meeting teacher educational requirements could get 1 year certificates and renew them twice. Are for positions counties cannot fill. Completed legislative action.

HB 4126

Poling, et al

Authorizing a rule for the Higher Education Policy Commission regarding tuition and fees

Authorizes HEPC and Council legislative rules adopted this past year. Completed legislative action.

HB 4261

Fleischauer, et al

Relating to review of state administrative agency rule-making

Provides for =93provisional legislative rules=94 that are required by law but would only be in place till a permanent rule was in place. Have to file within 6 months of close of public comment. Not in higher ed rule-making section but could get pulled in. Passed House. In SJ. Did not pass.

HB 4263

Barker, et al

Procurement of Domestic Products Act

Requires all public purchasing offices give preference to products manufactured in U.S in the construction of public buildings. Waivers can be obtained by contractor from agency based on certain factors but agency must then file justification in State Register and receive public comment. Passed House. Passed Senate. Completed legislative action.

HB 4438

Perdue, et al

Provider Sponsored Network Act =20

Allows DHHR to assign Medicaid recipients to provider sponsored networks. Passed House. Passed Senate. Completed legislative action.

HB 4475

Skaff, et al

Reducing federal adjusted gross income for recent graduates of higher education institutions

$1,500 could be deducted by recent graduates for two years. Passed House. Passed SED now in SF. Did not pass.

HB 4481

Hatfield, et al

Relating to the Comprehensive Behavioral Health Commission

Each Dean of the Medical Schools to nominate 3 persons for selection to Commission by Governor. Passed House. Completed legislative action.

HB 4511

Cann, et al

Creating the Shale Research, Education, Policy and Economic Development Center at West Virginia University

Creates Center at WVU. Appropriation to be made separately. Passed House. Passed Senate. Did not pass.

HB 4613

Boggs, et al

Relating to development of broadband infrastructure and broadband deployment in this state

Creates 13 member advisory panel to study and recommend whether the Infrastructure Council should issue revenue bonds to fund broadband middle miles. No higher ed reps on panel after amendment. Passed House. Passed STI now in SF. Did not pass.

HB 4645

Manchin, et al

Changing the membership requirements for a board of governors

Allows elected county officials and county board of education employees to serve on the BOGs of HEPC institutions. Passed House. In SE. Did not pass.

SB 36

Klempa

Relating to disclosure requirements for public construction contracts

Successful bidding contractors on public projects of the Dept. of Administration of over $500,000 must provide list of subcontractors who will do at least $25,000 work within 24 hours of bid opening. Passed Senate. Passed House. Completed legislative action.

SB 76

Unger

Relating to requirements for new facility projects of public agencies and projects receiving state funds (FN)

Requires ICC International Energy Code to be followed on all projects that have not entered the schematic design phase by July 1, 2012. Passed Senate. Completed legislative action.

SB 110

Unger

Expanding powers and duties of Broadband Deployment Council

Council to promote distance education and encourage all public bodies to stream their meetings on the internet. Council to also explore potential increase in use of broadband for education, career readiness and workforce preparation. Passed Senate. Completed legislative action.

SB 145

Unger

Providing student's silence or inaction is not assent to health insurance coverage offered by higher education institution

If a higher ed BOG requires students to have health insurance coverage the student can opt out if they have their own independent coverage and will not have to pay a fee set by the BOG to obtain coverage. Passed Senate. In HBI then HE. Did not pass.

SB 183

Kessler, et al

Increasing penalties for assault and battery on athletic official

Includes referees and coaches. Penalty increased from 24 hours to 30 days jail to 10 days to 12 months. Passed Senate. In HJ. Did not pass.

SB 211

Kessler, et al

(By Request of Exec.)

Creating secondary traffic offense for texting or using wireless communication device while driving

No texting or use of other than a hands-free wireless device in a vehicle. Primary violation. $100 for first offense. Passed Senate. Passed House. Completed legislative action.

SB 367

Williams, et al

Relating to liability of real property possessor for trespasser harm

Owner only responsible in certain situations. Passed Senate. In HJ. Did not pass.

SB 385

Unger, et al

Expanding definition of "computer" in commission of certain crimes

Expands it to all types of devices that store data or transmit it. Passed Senate. Completed legislative action.

SB 404

Wills, et al

Relating to issuance of barrister's teaching certificate

Lawyers in good standing could teach on a volunteer basis certain curricula in K-12. Passed Senate. In HE. Did not pass.

SB 408

Jenkins, et al

Creating criminal offense for intentional defacement of public and private property 0

Fine of up to $10,000 depending on value of property defaced. Passed Senate. Passed House. Completed legislative action.

SB 414

Kessler, et al

Expanding definition of "medical services applicant" under Volunteer for Nonprofit Youth Organizations Act

Bill last year allowed certain medical practitioners to perform volunteer services at the new Boy Scout Center without getting state authorization.

Group of practitioners expanded by this bill. Passed Senate. On House floor. Completed legislative action.

SB 436

Plymale, et al

Facilitating collaboration between public school and higher education systems to promote seamless curricula

BOE to provide adult basic education at each CTC with developmental services in cooperation with CTC Council. Establishes EDGE program with goals of aligning junior and senior high school years with CTC programs. BOE and Council to adopt joint legislative rule. Administered by BOE. Establishes Collaborative Degree Completion Program to be adopted by each CTC consortia district in relation to vocational education. Sets out duties of CTC under Program. Joint Committee on Government and Finance to create select committee on outcome-based funding models. Passed Senate. Passed House. Completed legislative action. Completed legislative action.

SB 437

Kessler, et al

(By Request of Exec.)

Relating generally to substance abuse

Multi-pronged bill dealing with substance abuse. Drug diversion training required for all medical practitioners. Pain management clinics regulated. Passed Senate. Completed legislative action.

SB 457

Plymale, et al

Continuing Rural Health Initiative; other provisions

Rewrites whole section. Places RHI with the medical schools coordinated by Vice Chancellor for Health Sciences. Abolishes Advisory Panel and Recruitment Committee. HE amended to put the Panel and Committee back in. Passed Senate. On House floor. Did not pass.

SB 469

Kessler, et al

Relating generally to other post-employment benefits

Once the old Workers Comp fund is actuarially sound $35 million per year will go into interest account for payment of OPEB Health Benefit Trust fund through 2037. Approved by Governor.

SB 563

Prezioso, et al

Clarifying Office of Technology’s responsibility

Makes Office responsible for erasing all data on state computers before disposal. Passed Senate. Completed legislative action.

SB 568

Plymale, et al

Relating to college and career readiness initiative

SBOE to adopt end of exam assessments for Algebra II and English 11 by 2014-15 school year. Starting with 2014-15 no institution of higher education can use any factor but the SBOE exams as to who must enroll in a remedial course. Passed Senate. To HE then HF. Did not pass. Study to be done.

SB 597=20

Palumbo, et al

Requiring installation of carbon monoxide detectors in certain facilities

Would require in our dormitories and other dwellings. Would only be required after September 1, 2012 in areas near fuel burning stoves or equipment. Misdemeanor to not comply. Passed Senate. Went to conference. Completed legislative action.

SB 634

Foster

Authorizing certain municipalities impose limited special public safety assessment fee

Allows cities with police and fireman pension plans that are actuarially unfunded to assess up to 2 cents per square foot on each structure in city to pay for the unfunded amount. 15% of the qualified voters in the city may require a referendum by petition. Passed Senate. Completed legislative action.

SB 659

Unger

Requiring criminal background checks for certain persons conducting state business

Vendor employees that will be physically present at any state facility or grounds to be fingerprinted and background checked. Amended to only apply to Capitol and its grounds. Passed Senate. Completed legislative action.

SB 661

Plymale, et al

Relating to data sharing among state education providers

Clarifies that Employment Programs may share data with the P-20 longitudinal data system. HE amended out WVNET access to institutional data. Passed Senate. Completed legislative action.

SB 678

Prezioso, et al

Supplemental appropriation

$2.7 million to CTC Council. $3 million to HEPC Passed Senate. Completed legislative action.

Email:

ACFers, please forward to your colleagues Bruce's quick summary of legialative events as they have wrapped up. You may also forward the comments below that I just sent to Shepherd Colleagueas or adjust them to your own needs.

Thanks for attending to this important function of the ACF.

Sylvia

Sent: Monday, March 12, 2012 1:09 PM

To: employees@shepherd.edu

Subject: [Employees] Completed Legislative Actions for 2012 Session

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