

2012 Legislative Wrap-Up

SB 36

In its introduced version this bill would have required a contractor on public projects to submit a list of its subcontractors shortly after the bids were opened. The passed version only applies to projects undertaken by the Department of Administration and higher ed does not contract for construction through Administration. Effective 90 days from passage (June 4, 2012).

SB 76

Requires any public construction that has not entered the schematic design phase prior to July 1, 2012, shall be designed and constructed according to the ICC International Energy Conservation Code. Effective 90 days from passage (June 4, 2012).

SB 110

Expands the Broadband Development Council and its powers and duties. Expands from 11 voting members to 15. One member appointed by the Governor is to represent higher or secondary education. Council to promote awareness of broadband facilities for distance education and workforce development. Advise on e-portals, homepages for all political bodies and streaming of meetings of all public entities. Effective 90 days from passage (June 4, 2012).

SB 161

Requires certain individuals to report child abuse or neglect to DHHR within certain time period. If sexual assault or abuse is suspected report also must be made to State Police and other law enforcement that may investigate. Misdemeanor not to report. Effective 90 days from passage (June 4, 2012).

SB 211

While operating a motor vehicle a person cannot text or use a cell phone unless it is hands-free. \$100 for first offense. Texting is a primary violation while cell phone use is a secondary violation until July 1, 2013 when it becomes a primary violation. Effective 90 days from passage (June 4, 2012).

SB 385

Expands the definition for “computer” in statute making it a crime to commit crimes by computer. The expanded definition includes such items as laptops, cell phones and tablets. Effective 90 days from passage (June 3, 2012).

SB 371

Establishes a school innovation zone in McDowell County for K-12. Concord University and the June Harless Center at Marshall University authorized to work with the county board on innovative strategies. Effective from passage (March 10, 2012).

SB 408

Makes graffiti a crime with first offense being a \$1000 fine and/or 24 hours to 6 months in jail. Fines and imprisonment increase for subsequent offenses. Effective 90 days from passage (June 4, 2012). VETOED.

SB 436

State Board to provide a program of adult basic education at each CTC, in consultation with the Council, where developmental education services are provided. Establishes Earn a Degree-Graduate Early (Edge) initiative to connect high schools with higher education to prepare students for the workforce or postsecondary education and allow students to earn CTC credits free-of-charge while still in high school. State Tech-Prep Coordinator to work with the facilitating CTC consortia and Council. Council and State to promulgate joint rule regarding EDGE. Collaborative Degree Completion Program established. Each community and technical college/career and technical college consortia district to enter into agreement between facilitating CTC and career and technical centers. Establishes community and technical college/career and technical college consortia in each district. Council to design model consortia compact for the consortia to use and compacts to be sent to Council and State Board for approval by July 1, 2012. Establishes a Select Committee On Outcomes-Based Funding Models Used in Higher Education and deliver a report to LOCEA and Joint Committee on Government and Finance by December 1, 2012. Effective from passage (March 10, 2012).

SB 437

Governor's substance abuse bill. Among many provisions it regulates pain management clinics but not those associated with medical schools. Continuing education requirements in drug diversion training and best practices in prescribing controlled substances for health practitioners. Modifies the West Virginia Controlled Substance Monitoring Program. Pharmacists, before selling meth ingredients, are to check the electronic MSRTTS starting Jan. 1, 2013. Effective 90 days from passage (June 4, 2012).

SB 469

Directs funding to the West Virginia Retiree Health Benefit Trust Fund to fund the future Other Post-Employment Benefits (OPED) associated with PEIA insurance coverage for PEIA retirees. Once the Governor determines that the Workers Compensation Debt Reduction Fund is actuarially sound \$35 million dollars a year through 2037 will be placed in the Retiree Fund to deal with this OPED liability. Effective from passage (Feb. 10, 2012).

SB 572

Replaces the term “advanced nurse practitioner” with “advanced practice registered nurse”. Effective 90 days from practice (June 4, 2012).

SB 597

Carbon monoxide detector bill. Requires an AC powered carbon monoxide detector, with battery backup, in any newly constructed residential unit which has a fuel burning heating or cooking source; or in any residential unit connected to such a newly constructed facility; effective Sept. 1, 2012 in common areas where general public has access or in sleeping rooms in facilities, including dorms, adjoining or directly above or below permanently installed fuel burning devices. Effective Jan. 1, 2013 all carbon monoxide detectors to be hardwired to AC source with battery backup in all newly constructed facilities like dorms. Violation is a misdemeanor with first offense \$250 fine. Effective 90 days from passage (June 4, 2012).

SB 634

Cities with certain unfunded police and firemen pensions may assess up to 2 cents per square foot of structures to fund the liability. Effective 90 days from passage (June 4, 2012). VETOED.

SB 661

Clarifies that Workforce West Virginia may release employment data to the P-20 longitudinal data system. Effective July 1, 2012.

SB 678

Supplemental appropriation. \$2.7 million to the Council for capital improvements, \$3 million to the HEPC in unclassified. Effective from passage (March 10, 2012).

HB 4101

In lieu of traditional student teaching State Board could approve an institution of higher education with a teacher education program to enter into agreements with county boards for an intensively supervised and mentored teacher-in-residence program in a student’s senior year. Criteria and eligibility set out. Effective 90 days from passage (June 4, 2010).

HB 4122

After consultation with Secretary of Education and the Arts and HEPC Chancellor, State Board of Education to promulgate rule regarding alternative teacher certification. To be eligible for an alternative certification person must possess bachelor’s degree in a discipline taught in the public schools and pass the basic skills test. Approved teacher education providers would have to provide at least 18 hours of instruction in certain areas to persons seeking the alternative

certification. Certification good for only one year but could be renewed twice. Can only be used in areas of “critical need: which means the position has been posted twice and no fully qualified candidate applied. Effective 90 days from passage (May 31, 2012).

HB 4126

Authorizes the HEPC to promulgate its tuition and fee rule and authorizes the Council to promulgate its tuition and fee rule and Workforce Development Initiative Program rule. Effective 90 days from passage (June 4, 2012).

HB 4263

Task Force created to study use of U.S. only construction materials in public construction. One representative on the Task Force is from HEPC. Purchasing Division and Department of Labor to report findings to Joint Committee of Government and Finance by Dec. 31, 2012. Effective from passage (March 10, 2012).

HB 4481

Reestablishes and changes membership of the Comprehensive Behavioral Health Commission Advisory Board. Among appointees of Governor is a representative from each medical school with a behavioral health aspect selected from three names submitted from the Deans of the three medical schools. Effective 90 days from passage (June 4, 2012).