

Interim Highlights

Agriculture and Agri-business Committee



The Agriculture & Agri-business Committee visited Daniel's Winery during the August Interims.

Equal Pay Commission

The Equal Pay Commission continues to equalize the pay differentials between certain male and female dominated state job classifications. According to a representative from the Division of Personnel, a total of 35 plus classifications have been gender balanced through incremental pay increases.

A total of seven job classifications are still female dominated, while males dominate six job classifications. The largest group of problem area job classifications fell under "no classified employees under job class" with a total of 15. Individuals with civil service status do not occupy these positions. Through efforts of considering incremental raises to certain job classifications this year, this gap should be a narrower margin between male to female employees. A recommendation on how to address and distribute these incremental raises will be prepared for the September Interim meeting.

Finance Subcommittee A

Lawmakers are considering the feasibility of hiring one "super-contractor" to clean-up approximately 58 petroleum underground storage tanks (UST) abandoned throughout the state.

Members of the Legislative Interim Finance Committee A are asking the Department of Environmental Protection (DEP) to work with oil and gas associations, business leaders and other stakeholders to work together to provide concrete proposals for September discussions regarding the cleanup program.

In 1988, the federal Environmental Protection Agency (EPA) required owners of the gas tanks to provide financial assurance for the remediation of sites where accidental leaks had occurred. Too, in 1988 lawmakers created a state insurance fund program to provide low-cost insurance to tank owners and operation. A policy for the fund was written and set up in a special revenue account to prevent additional costs for repairing land damaged by leaks or other pollutants left in the containers.

When the protective measure was passed it called for a \$100 capitalization fee from tank owners for two years. Also premiums set at \$500 per tank for those with a \$50,000 deductible and \$1,000 per tank for those choosing a \$5,000 deductible were collected from some tank owners.

According to the director of an oil marketer and grocers association, OMEGA, BRIM and third-party contractors administered the program. All claims were submitted to the Underground Storage Tank Advisory Committee who made coverage recommendations to the DEP. In addition, the director told the legislative committee, the fund stopped providing coverage on Oct. 1, 2000. During its 10 years of operation, the fund received 204 claims and 123 site clean-ups were completed at a cost of \$6.3 million.

Today, the fund currently has outstanding claims for 58 facilities affecting 22 contractors. Approximately \$810,000 is left in the fund with outstanding bills of \$1.7 million for clean up that has been performed. In all, the director estimated that \$14 million would be needed to finish the clean-up program.

Lawmakers are requesting they receive an exact accounting of the remaining tanks and their specific locations. They are attempting to determine whether or not \$14 million is too high of an estimate; if landowners are receiving dollars for property contamination that over-reaches the value of the property before a UST was put into their ground; if "risks bases" as stringent as water being drinkable are realistic; if one super contractor would be more effective in cleaning up the sites instead of multiple contractors with varying charges; and, if some sites naturally remediate on their own.

With tanks from the 1950s being replaced by new models that monitor themselves through technological advances, lawmakers are seeking answers regarding the state's fiscal liabilities and responsibilities and will continue the discussion during the September Interims.

Finance Subcommittee B

Responding to requests made by Finance Subcommittee B members, a representative from the Department of Tax and Revenue's State Tax Department reviewed additional data pertaining to provisions in SCR 59. The resolution requests the Joint Committee on Government and Finance study the tax laws relating to property taxes and consider revisions to the state's tax laws.

The representative from the State Tax Department discussed the requested data, including: data reflecting the assessment level of the various county assessors throughout the state; data regarding property eligible for farm use valuation that reflects average taxes per acre by county and the percentage growth in taxes over the last three years; data regarding property eligible for managed timberland use that reflects average taxes per acre by county and the percentage of growth over the last three years; data regarding timberland that reflects average taxes per acre by county and the percentage growth over the last three years; amount of property tax dollars generated by the four classes of property over the last three years; and, the most recent available data reflecting the property tax billings by various levying bodies.

According to the representative, the State of West Virginia saw an increase in the average tax per acre for farm use valuation between 2001 and 2003. In 2001, the average tax per acre was approximately \$0.99 while in 2003 the average rose to \$1.12. Also, between 2001 and 2003, the average tax for managed timberland increased slightly, from \$1.96 per acre in 2001 to \$2.01 in 2003.

The representative also provided data regarding taxes levied by purpose, stating that over 60 percent of property taxes received by the state are allocated to schools. In addition, 25 percent is allocated to the counties, seven percent to municipalities and four percent is reserved for the State.

View Interim Schedules and information on the West Virginia Legislature's website:

<http://www.legis.state.wv.us/legishp.html>

Government Organization Subcommittee B



Government Organization Subcommittee B visited Pinecrest State Hospital during the August Interims.

Government Organization Subcommittee C

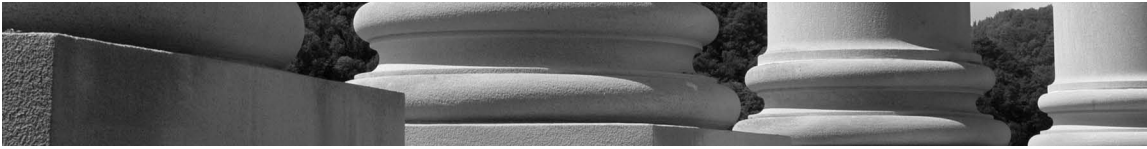
The subcommittee met to continue its discussion of SCR 56, which requests a study of the current administrative structure of the Division of Personnel.

Representatives from the Department of Health and Human Resources (DHHR) and the Department of Transportation (DOT) answered questions posed by committee staff regarding the specific duties personnel professionals in the agency perform and how much interaction there is with the Division of Personnel.

The representative from the DHHR stated that the personnel office in that agency is divided into four sections: Staff Education and Workplace Development; Employee Information; Employee Relations and Risk Management; and, Special Projects. A total of 24 employees make up this division and perform tasks such as processing all Workers' Compensation claims submitted to DHHR, tracking employee required training and counseling employees about mandated training requirements, coordinating the agency Drug and Alcohol Testing Program, and developing and maintaining personnel files for DHHR.

The representative said that the interaction with the Division of Personnel is complimentary and while there is some overlapping of activities there is no real duplication of services.

A representative from DOT said that within the Departments' Human Resource Division there was not duplicate



work performed by the Division of Personnel. Each agency has a duty to ensure its personnel transactions comply with state personnel rules prior to being processed. That effort is centralized in the Human Resource Division in DOT. The Division has 39 employees who are involved daily with the processing of personnel transactions; and, in the course of those activities staff for DOT regularly solicit input from the Division of Personnel. Division of Personnel staff also helps coordinate staff training registration as well as interpret classification specifications.

Joint Commission on Economic Development

During a meeting on Sunday, committee members heard from a number of Beckley area economic development officials on efforts being made to improve economic conditions in southern West Virginia.

A representative of the Southern West Virginia Convention and Visitors Center started by saying that Tamarack was a huge success story for the Beckley area.

He said the \$25 million arts, crafts and convention center operated by the state Parkways Authority has spurred considerable development in the Harper Road area, including a Holiday Inn to be constructed on property adjacent to Tamarack.

He also pointed out construction of a new hotel with 50-60 rooms and an adjoining conference room on the grounds outside the convention center where the interims were being held.

A representative of the Raleigh County Commission and director of Forward Southern West Virginia said the opening of the Stonehaven Golf Course at Glade Springs had spurred sales of 1,100 home sites at the 2,942 acre development.

The representative said the county is in the process of approving a property tax increment-financing plan that will allow for the development of up to 4,000 additional home sites in the next 10 years.

Also, a representative of the 4-C Economic Development Authority said improvement can be readily seen in the region by the fact that six of the 11 counties that make up the region have been upgraded from economically distressed status to transitional counties while the other five remain distressed.

She also said that there would be a groundbreaking next spring on a facility to house under one roof all colleges who

have satellite campuses in the area reducing the duplication of courses.

In addition, a representative for the Parkways Authority said the 7-year-old Tamarack center has attracted more than 4 million visitors and has generated more than \$45 million in total sales. This incoming revenue has been dispersed throughout the state. He also said that toll revenue totals approximately \$55 million a year, which is only used for the repair and construction of roads along the parkway. Eighty-two percent of that revenue comes from out of state and commercial drivers.

**Joint Commission on Economic Development
Joint Standing Committee on the Judiciary**

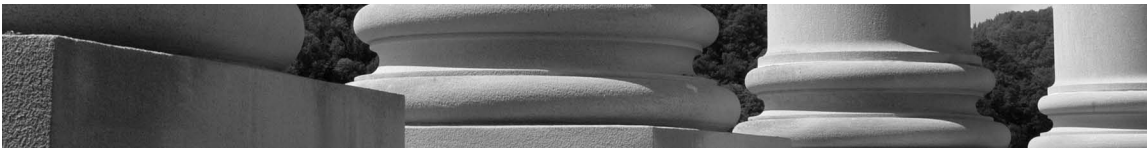
In a joint meeting lawmakers heard a report of a study that evaluated the Acid Mine Drainage Strategies under the Special Reclamation Fund in the state Department of Environmental Protection (DEP).

The study targeted seven acid mine drainage treatment sites in three counties. It's conclusion found total treatment costs were always least where single treatment units could be installed versus multiple treatment units. This applied to all on site treatment settings and to all but one in-stream treatment site. The higher cost was a function of exceptionally high acid loads. Twenty-year project costs ranged from \$459,000 to \$2,858,000.

Also, in-stream treatment as opposed to at source treatment resulted in much higher stream recoveries. Stream recovery costs ranged from \$14,500 to \$280,000/recovered stream mile. The results indicate a strong relationship between at-source treatment and lower environmental treatment efficiencies. They also indicate that in-stream treatment does not necessarily result in higher total project costs even though in-stream treatment covers higher pollutant loads.

A representative from West Virginia University provided the committee with a Consensus Coal Production Forecast for West Virginia. The study suggested that over the next 20 years, as electric companies switch to using lower sulfur coals from outside West Virginia, production will decrease slightly below 150 million tons a year. However, as these companies begin to install and use "scrubbers" the higher sulfur coal which is found throughout West Virginia will again increase the coal production for the state to over 150 million tons a year.

Scrubbers are massive units that inject crushed limestone into flue gases, causing a chemical reaction that removes the



sulfur dioxide and leaves a byproduct of gypsum and water vapor. Scrubbers allow companies to use the higher sulfur coal without doing harm to the air and the environment.

Joint Commission on Pensions & Retirement

During a Sunday interim meeting at Glade Springs, the Commission heard from numerous Emergency Medical Services (EMS) representatives from surrounding counties who stated if West Virginia paramedics could retire with full benefits as early as age 50 it would help EMS units around the state recruit and retain employees.

The representatives said that EMS units must contend with losing paramedics to fields such as nursing, allied health fields and law enforcement because they can't retire early under the Public Employees Retirement System. Under the current system, paramedics are not eligible to retire before age 55, and cannot retire with full benefits before age 62.

A representative of the Kanawha County Emergency Ambulance Authority stated that it is unreasonable to expect paramedics who are 55-years-old to carry patients and victims up stairs and around other obstacles. He further stated that due to the high-stress make-up of the work, Kanawha County paramedics have an average tenure of seven years, which means they are constantly recruiting new paramedics.

The groups have proposed legislation to create a retirement plan similar to that of the Deputy Sheriff Retirement System. Under the proposed legislation, paramedics with at least 20 years of service could retire with full benefits at age 50. The group's members would assume the costs of the improved benefits by increasing their retirement contributions from 4 percent to 8.5 percent of pay.

A state Consolidated Public Retirement Board spokesman said an actuarial review shows the proposal is financially sound. He noted that it includes a built-in increase in members' contributions to 10.5 percent if the new plan falls below 70 percent of full funding.

2004 - 2005 Interim Committee Meeting Dates	September 19-21
	October 10-12 (Shepherdstown)
	November 7-9
	December 5-7
	January 9-11-05
	February 6-8-05

Joint Standing Committee on Education



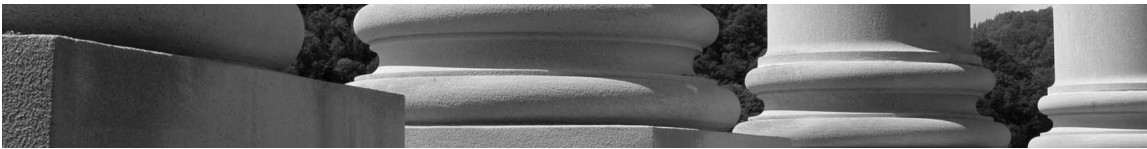
The Joint Standing Committee on Education visited Beckley-Stratton Middle School and Beckley Elementary schools.

Joint Standing Committee on Government Organization

A representative from the Legislative Auditor's Performance Evaluation and Research Department (PERD) addressed the Joint Standing Committee on Government Organization responding to a Sunrise application submitted by the West Virginia Dental Hygienists Association. The application requested PERD and the Legislature to authorize the creation of a separate licensing board for dental hygienists who are currently licensed by the West Virginia Board of Dental Examiners.

Upon review of the application submitted by the West Virginia Dental Hygienists Association, it was the opinion of PERD and the Legislative Auditor's Office that a separate board for dental hygienists would not be necessary and would not provide additional protection to the public. According to the representative, many of the concerns detailed in the West Virginia Dental Hygienists Association's application, most notably the restrictive supervision laws placed on dental hygienists and the acceptance of non-accredited educational dental hygiene programs, are public policy issues which could be addressed through statutory changes. Even if a separate licensing board were to be created for dental hygienists, the Legislature would have to amend current law to address the problems stated above, according to the representative.

Addressing the committee in defense of creating a separate licensing board for dental hygienists, a representative from the West Virginia Dental Hygienists Association stated it was its belief the Legislative Auditor's Office and PERD "dropped



the ball” in denying its application. According to the representative, dental hygienists are not fully represented on the West Virginia Board of Dental Examiners and are not receiving the attention needed regarding important aspects of their profession. Also, the representative noted, dental hygienists who have complaints or grievances with the dentists they work for do not have a panel of their peers to review their complaint, only a board that is comprised mostly of dentists. Additionally, the representative stated the Board of Dental Examiners make decisions regarding the licensure of dental hygienists that are in the best interest of the dental profession, not the public. This creates a conflict of interest that necessitates the creation of a separate board, according to the representative.

Judiciary Subcommittee A

House counsel discussed the Environmental Good Samaritan Act with the subcommittee this month. The act was created by Senate Bill 649 to protect any landowner who provides access to his or her land without charge or compensation for reclamation or water pollution abatement project as well as any personal corporation, nonprofit organization or government entity that participates in such a project from liability of potential lawsuits. This particular Act opens up avenues for individuals to do stream clean up without repercussions.

According to staff counsel, some of the types of land reclamation projects covered under the Act are those that restore mineral extraction lands that have been abandoned or not completely reclaimed. Another case are those lands where abandoned structures or equipment from past mineral extraction operations were located. In fact, the only water pollution projects covered under the Act are those that treat or stop water pollution caused by abandoned mines. Project proposals must be capable of improving water quality and must be approved by the Department of Environmental Protection (DEP).

The Act provides protection under state law only and does not apply to federal law. Though the DEP determines project eligibility, it does not have the authority for making legal rulings on who receives protection from liability. This issue would need to be resolved in a circuit court. If any landowner were to be sued for injury and damages, he or she would use DEP’s approval of the project and the record of landowners and all participants in his or her defense. The representative expressed his belief the Act may generate more community involvement in reclamation efforts.

Judiciary Subcommittee B

Continuing its charge under SCR 18 adopted during the 2003 session, this committee met to receive an update from the Department of Transportation (DOT) regarding the current status of the personnel manual. The resolution called for the Legislature to explore options to improve this handbook by addressing seniority issues with clear definitions and explanations.

According to the Director of the Human Resources Division of the DOT, the Division has been making progress by appointing a seniority panel; dealing with management issues pertaining to seniority; developing a “Policy on Policies” to be made available to all DOT employees; and, by supervisors engaging in training related to seniority.

By the end of October 2004, the DOT committee assigned to work on the employee manual should have completed its work and will be able to move forward with the handbook, which members of this legislative committee will receive. The handbook will contain many updates, including those addressing seniority.

The committee then heard from two guest speakers representing the Mercer County Day Reporting Center. The Chief Adult Probation Officer for Mercer County told legislators this venture was started in December 2003. Since that time, the Center, which he called the “Mercedes of day reporting centers,” has worked with surrounding communities and the Northern Panhandle reporting centers. In addition, he said the Mercer County Commission has been extremely supportive of the Center’s efforts.

The Center’s Director then addressed lawmakers and provided information on the amount of money saved by the implementation of this program and data on how many clients enter the workforce upon completing the program. He said one of the Center’s primary goals is to make sure its clients are viable citizens when they return to the communities. According to the Director, if the clients do not have a job after the program, then they are more likely to return to their previous habits.

This is a one-stop center where clients are placed in classes and monitored for up to one year. The Director said if a client relapses, then treatments are increased and monitoring is intensified.

In October, when the Legislature travels to Shepherdstown, this committee will study credit card fraud and will hear from an expert on e-commerce issues.

Judiciary Subcommittee C

Following its passage by Congress in 1998, various states began to consider and ratify the National Crime Prevention and Privacy Compact. A resolution considered during this year's legislative session called for a study of the possibility of West Virginia joining the Compact to facilitate the exchange of criminal history records among states and the federal government.

During the August meeting, this committee received a presentation from a legislative analyst regarding the Compact. According to information provided, the purpose of the Compact is to authorize and require state criminal history repositories and the Federal Bureau of Investigation (FBI) to make all unsealed criminal history records available for non-criminal justice requests, such as background checks on individuals attempting employment associated with children or the elderly.

Under the Compact, the FBI and states consent to maintain detailed databases of their respective criminal history records. Additionally, they agree to make the records available to other states for authorized purposes.

He said the Compact would eliminate duplication in maintenance of criminal history records by states and the FBI; increase record quality and system security through the use of written agreements with all participating agencies; and, save money through reasonable start-up costs and no significant new burdens for states. Additionally, as outlined under the Legislature's resolution, entering into the Compact could enhance record accuracy, as well as confidentiality and privacy for record subjects.

Juvenile Foster Care, Detention and Placement Task Force

To review options for reducing West Virginia's dependence on out-of-state placement of youth, lawmakers heard from a representative of the Department of Health and Human Resources' (DHHR) Office of Social Services. She provided members with a strategic plan developed by the DHHR containing specific objectives and time frames to accomplish this goal.

The plan includes increasing statewide clinical capacity, training clinical staff, developing community service capacity in the area of outpatient services and establishing statewide oversight. According to the speaker, when implementing the

two-year plan, decisions will be made based on the children's best interests and continuous monitoring will take place to ensure effectiveness.

Data was included within the strategic plan from a point-in-time review of youth in out-of-state placements excluding foster care, trial adoptions and kinship care. According to this information, 369 of the 3,268 youth under care of the DHHR were placed outside of West Virginia. Additionally, 15 of the 55 counties have 10 or more children in out-of-state placement.

Continuing this discussion, the President/CEO of Burlington United Methodist Family Services gave lawmakers a presentation entitled "How West Virginia Pays Child Welfare Agencies and its Impact on the Numbers of Children in Out-of-State Placements."

He provided recommendations to develop a rate-setting methodology that would support and promote a healthy out-of-home care industry. According to him, such a process must produce purchase of service rates that are adequate, rational, predictable, reasonable and that provide incentives.

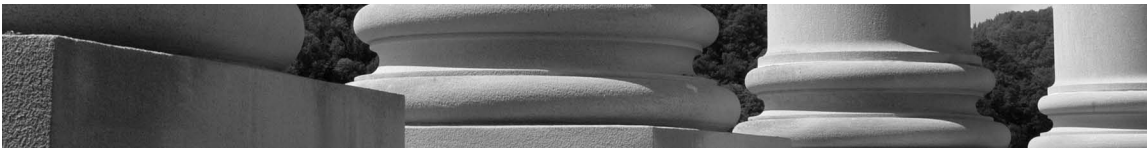
He said the Alliance for Children, which endorsed this presentation, is prepared to assist the Legislature and the DHHR in encouraging and enabling the West Virginia provider community to meet the needs of all youth within the state's care.

LOCEA

According to the authors of the West Virginia Report of the National Collaborative for Postsecondary Education Policy, higher education in the state could assist many adults who are presently unemployed but existing state law impedes the process since many attendees may lose part of their welfare benefits or Social Security payments if they enroll in classes.

Under current welfare law, college grants and other financial aid would be counted as income for recipients of Temporary Aid to Needy Families (TANF). The spokespersons also said that West Virginia's job market discourages working adults from taking classes by not offering tuition assisted plans nor advancing the worker if he or she receives a two or four year degree. Too, lack of transportation to and from the schools also restricts attendance, particularly in Central West Virginia.

On the upside, the researchers noted that the state's support and funding of the Promise Scholarships and need-based aid



is providing opportunities to hundreds of full-time students while HEAPS has provided approximately \$4 million to part-time students.

The national collaborative forum noted it was different from others because this foundation seeks to discover the results of higher education opportunities on economic development, community involvement and social services within the state.

While the state is generous in providing assistance to both students and higher education facilities, lawmakers are concerned with the out-migration statistics provided in the report. According to the findings, in 2000 only 27.9 percent of the state's employment was in professional and management occupations – usually requiring a two or four year degree – compared to 33.6 percent for the nation as a whole. Some legislators inquired if West Virginia was giving handouts to people whose goal was to leave the state.

The forum spokesperson then urged lawmakers to target professional development for teachers to ensure a stronger relationship between business and colleges. He also said the passage of SB 653 and SB 448 to develop the West Virginia Community and Technical College System with strong, independent community colleges in the every region of the state was significant and should not be put on the back burner in terms of legislative oversight.

In addition, the Higher Education Policy Commission HEPC must emphasize the importance of workforce development. The state needs greater emphasis and connections to research and development and while money is spent on research done in the state, it yields low results. The Collaborative said that a great deal of research perpetuates an old economy instead of looking for new methods. Lawmakers were told targeting money for research should be done more carefully.

Lawmakers asked the researchers if higher education facilities should concentrate on six or eight areas of study instead of covering a huge selection of professional studies. The response from the researchers noted that technology and health care were the career builders of the future and studies in those arenas should be given priority by all institutions. It was suggested that the state might want to tie-in rural health care with its schools.

In all, lawmakers will continue to review the operations of higher education.

LOCWIED

Members of the Legislative Oversight Commission on Workforce Investment and Economic Development (LOCWIED) addressed several issues regarding adult basic education and literacy rates for counties in West Virginia. Representatives from the Region I Workforce Investment Board (WIB), the Office of Adult Education and Workforce Development and the Higher Education Policy Commission's Council for Community and Technical College Education discussed with committee members the basic barriers facing their organization in providing West Virginia citizens with basic educational programs and increasing adult literacy throughout the state.

A representative from the Region I WIB stated it is turning away citizens who are interested and eager to participate in the Adult Basic Education (ABE) program. The reasoning for this, as stated by the representative, can be attributed to the cuts in funding for ABE programs. Also, the representative stated illiteracy rates in their Region, which covers most of southern West Virginia, are some of the highest in the state. According to the representative, 34 percent of adults in Wyoming County have Level I literacy, meaning the most basic of reading and writing skills. Individuals with this literacy skill level have trouble filling out basic job applications and following basic written directions. The representative added that ABE and literacy should be the number one priority of the Region I WIB and funding must be restored to accomplish that goal.

Committee members and the various agency representatives discussed briefly the need for a streamlined adult basic education program to address the needs of all West Virginia citizens who wish to obtain additional educational skills. Combining the efforts of the regional WIBs, the Higher Education Policy Commission, the Board of Education and the Regional Education Service Agencies (RESAs) to develop one ABE system would maximize funding and limit wasteful spending through duplication of services, according to legislative committee members.

Legislative Oversight Committee on Regional Jail and Correctional Facility Authority

The Executive Director of the Regional Jail and Correctional Facility Authority presented a report from the Regional Jail and Correctional Facility Authority to the committee. The representative told lawmakers he will have an additional report offering suggestions about ways inmates can be used for various public projects and ways work release can be enhanced at the September meeting. The Regional Jail

Director also is looking at other states policies, procedures and code for other examples of programs similar to work release programs in our state.

The Regional Jail Authority has been working with Workforce Development to develop a seamless system within the local workforce development office for setting up newly released inmates who have no employment office. The representative reported many inmates are unemployed both before and after incarceration.

In other matters relating to the Authority, the report provided to the committee noted Martinsburg Correctional Center work is proceeding on schedule. From a successful bond sale, \$300,000 was made available to take care of two heating, ventilation and air conditioning (HVAC) units that had to be repaired to a greater degree than was originally projected. Also, a ribbon cutting ceremony for the fully restored and remodeled Warden's residence will be held in Prunytown, WV on September 16, 2004.

Collectively, they all stated that they were strong supporters of mitigation and would like to see programs developed within the state by the US Corps of Engineers to help mitigate and clean out streams and creeks to alleviate flooding problems. They also would like to see programs implemented to educate the population on how to safely remove debris from streams without harming the stream. They said that the Rainy Day Fund created by the Legislature has been a tremendous help in times of need and has helped ease the pains felt by flood victims.

Further, they mentioned one of the problems not given much foresight is the problem with relocating flood victims. FEMA comes into a disaster area and provided financial support to victims by buying them out of the floodplains. More often that not, those people leave the state leaving their land to the county which slowly erodes the county tax base and leads to future budget problems. The representatives would like those people to remain in state, and as such, would like to work with FEMA and the victims to find a viable solution to prevent this out-migration.

Parks, Recreation & Natural Resources Subcommittee



The Parks, Recreation & Natural Resources Subcommittee visited Camp Creek State Park.

Select Committee A - Flooding & Railroad Issues

While in Glade Springs, lawmakers heard from three area Office of Emergency Services directors regarding the flooding problems that have plagued southern West Virginia.

Select Committee B - Insurance

While visiting the Beckley area, members of this committee were given the opportunity to hear from area business owners and insurers regarding home and commercial policy costs in West Virginia. Throughout the meeting, interested individuals lined up to voice their concerns and suggestions regarding this growing problem.

The President of Blast Tech said she, and many other small business owners, are not able to afford the required commercial insurance coverage. Currently, she pays \$40,000 to insure her company – despite having only one liability claim in the last five years that was under \$5,000.

Another business spokesperson, the President of Bank One in Beckley, said problems such as uncontrolled lawsuits create obstacles when trying to attract and maintain employees. Additionally, she said, these issues make it difficult to attract new businesses to West Virginia.

Local insurance agents also spoke about the causes of high insurance rates, including third-party bad faith lawsuits. According to a Nationwide agent, tort reform legislation is needed as well as modification of the replacement cost policy.

According to another insurance agent, when his son moved to Virginia, his insurance rates dropped by half. He also echoed

the statements from the Bank One President by saying when the insurance industry is out of control; businesses do not stay in West Virginia.

Select Committee C - Pharmaceutical Availability & Affordability

The Select Subcommittee C heard from the Drug Cost Management Council concerning patient accessibility to needed prescription drugs. The representative discussed the timely process of helping the patient complete the prescription application process (PAPs) with many medical facilities staff. He expressed to the subcommittee what a tedious task it was for many patients who cannot complete these forms on their own without the assistance of a staff member. A task force to address the complex nature of patient assistance programs was created. The Drug Cost Management Council was in support of the August 12, 2004 subcommittee report to the Pharmaceutical Cost Management Council that would address the application completion process by minimizing the paperwork to help patients gain access to their medications at a faster more efficient process.

The next item on the agenda was the 340B Drug Program Initiative. The West Virginia Primary Care Association (WVPCA) helped with the presentation of this initiative. West Virginia Primary Care Association has sites in 47 of 55 counties and serves nearly 300,000 West Virginians per year. It is planning to add additional sites around the state.

Those eligible to participate in the 340B initiative are federally qualified health centers, other federal grantees such as family planning clinics, health care for the homeless grantees and AIDS clinics. The sites currently using the 340B program include 15 federally qualified health centers, two Disproportionate Share hospitals (DSH), all Maternal and Child Health (MCH) family planning clinics and two health care for the homeless grantees.

The dispensing models in WV FQHCs are 7 in-house pharmacies, 8 contract pharmacies, many outside pharmacies the FQHC owns and one physicians' dispensing model. By dispensing to third parties, health centers are afforded the opportunity to subsidize their prices to low-income patients or add new services to health centers. The model also allows for potential cooperative arrangements with the Public Employees Insurance Agency (PEIA), Medicaid, and Corrections System as well as networking with private providers and specialists.

According to the representative, there is a plan to increase the number of participants to more than 40 FQHC sites by 2005. Some of the other community based primary care drug programs currently in West Virginia include free clinics and comprehensive primary care clinics.

Through the National Rural Health Association and the 340B, over \$1.9 million in discounts have been passed on to patients during the last 3 years. A total of 145,000 340B prescriptions were dispensed at a savings of \$13.50 per script and prescription volume has increased to greater than 300% since 2000.

Select Committee D - Water Resources Protection

A representative of the Department of Environmental Protection's Division of Water and Waste Management spoke to the committee on the current status of a survey concerning large water usage. To create the survey, the Division viewed other states' surveys to avoid "reinventing the wheel". Survey partners include the United State Geological Survey (USGS) which is providing a list of companies that are large quantity users of water; the West Virginia Geological and Economic Survey (WVGES) which is providing technical assistance for the survey design and data collection; and American Electric Power (AEP) and Arch Coal which both volunteered to be beta testers for the survey.

The survey encompasses everything from the type of water used to the company's daily maximum potential to consume. The survey also has sections where the company can expand on answers if more of a more in-depth explanation is necessary.

A representative from the Chamber of Commerce discussed the issue of companies' large usage of water with the committee. He conveyed to the committee that when a request for a site that requires large quantities of water is received the amount restricts the sites available due to limited space along the river front. It was also noted that most of the largest consumers of water were aluminum, steel and heavy metal mills located around the state.

Clarksburg currently has a 10-million-gallon-a-day treatment plant, which could possibly be expanded to a 15-million-gallon-a-day plant if more water was made available.

The committee requested a formal copy of the survey to be presented at the next interim meeting.

Select Committee E - Racial Profiling

Upon the passage of SB 271 during this year's legislative session, all state law enforcement officers are to collect information on all vehicle stops to identify possible occurrences of racial profiling. During this committee's August meeting, lawmakers received an update from members of a panel assigned to create a form for law enforcement officers to fill out after each stop.

The Deputy Director of Operations of the West Virginia Division of Criminal Justice Services told members that an advisory committee has developed and reviewed draft rules, made appropriate changes and appointed a subgroup to make recommendations regarding the traffic-stop form. According to him, this group agreed on everything except how the stop will be recorded.

Continuing this discussion, the Director of the Governor's Highway Safety Program raised the concern of possible duplication of captured information on traffic citations and on these new forms. Additionally, the form offers no space to include the location of the stop. Lawmakers were told that including additional information, such as street addresses, would make it impossible for the bubble-sheet form to be properly scanned.

The Director of the West Virginia Division of Criminal Justice Services then addressed committee members. He stated that although disparities would be evident in the gathered information, an analysis is needed to determine if they constitute bias. He emphasized that disparity does not always equal bias.

For example, the Director said, 49 percent of West Virginia drivers are male, but they receive more than 65 percent of all traffic tickets. Many factors contribute to this, including the conduct of young male drivers.

Joint Committee on Technology



The Joint committee on Technology visited Phillip's Manufacturing during the August Interim meetings.

Visitation



Members of the West Virginia Legislature visited the Raleigh County Solid Waste Authority on Monday, August 23, 2004 as part of the August Interim Session, held this month in Beckley, West Virginia. The educational tour, which encompassed detailed interactive visits of all aspects of the Raleigh County solid waste program, allowed legislative membership an up-close and personal view of one of West Virginia's most productive and economically thriving solid waste systems.

Interim Highlights is a publication of:

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