

Vol. X, Issue 5
September 2008

West Virginia Legislature's
Office of Reference & Information

Interim Highlights

Education, Finance, Gov. Org & Judiciary Committees

FBI Center Tour

Members of the four major legislative committees were given a tour of the FBI Center located on 986 acres in Harrison County. United States Senator Robert C. Byrd helped bring this center to West Virginia, which was built in 1995. The complex already has 500,000 square feet of office space and 2,300 full-time analysts and support staff with plans to add a 300,000 square-foot facility for newer technologies in biometrics such as facial feature, voice and DNA identification in conjunction with the Department of Defense.

Housing the Criminal Justice Information Services Division of the FBI, the center operates on an annual budget of \$585 million and reportedly provides \$175 million a year in pay and benefits to the local economy.

The Center is known for its capabilities to analyze fingerprints as its analysts reference more than 102,000 prints sent to them daily against the world's largest database of fingerprints. The fingerprints are screened for both criminal cases and background checks with an expected increase in workload since the September 11, 2001 terrorist attacks.

A representative from the FBI told the group about a new program, launched in March, which involves a data exchange program that hopes to link record keeping systems of the nation's police departments. The goal is to flag criminals, including terrorists, who remain otherwise unnoticed and "fly under the radar".

Another part of the complex performs instant background checks on people who buy guns in 37 states. It handled 5.1 million such checks last year. Just 2 percent of background checks result in denial of sale, with most involving convicted felons. Members on the tour were able to ask questions and see many of the different technologies that are in use at the facility.

Interim Meeting Schedule & Agendas

Please visit West Virginia Legislature's Web site:
<http://www.legis.state.wv.us/committees/interims/intcomsched.cfm>



While in Bridgeport, WV for the September Interim meetings lawmakers were given the opportunity to tour the Federal Bureau of Investigation (FBI) Center located in Bridgeport. The Center is home to the FBI's Criminal Justice Information Services Division and is a major contributor to the local economy. Members got to witness many of the innovative technologies currently in use to identify and capture criminals around the world.

photo courtesy : FBI Center Web site

Agriculture & Agri-Business

Lambert's Vintage Wines

The committee toured Lambert's Vintage Wines in Weston, W.Va. as well as the West Virginia University Extension State Fire Training Academy near Jackson's Mill.

Lambert's winery offered a tour of its two-building facility and a tasting session for lawmakers and staff. The winery is constructed from hand-cut stones gathered from various parts of West Virginia - some weighing as much as 3,000 lbs.

A comfortably furnished tasting room welcomed the tour group as they entered. With a 3-inch thick bar top set up in one corner, the room also contains a fireplace surrounded by three rocking chairs and shelves adorned with West Virginia pottery for sale. Lambert's offers a bevy of wines with 23 different selections to accommodate any taste.

After the winery tour, lawmakers and staff made their way to the new West Virginia University Extension State Fire Training Academy located a few miles from Jackson's Mill. The 15,000 square foot facility, which opened June 24, 2008, houses high-tech firefighting equipment, as well as offices, classrooms, and a distance learning room which all aid in providing critical, high quality training to the state's firefighters and other emergency responders.



The facility features an aircraft simulator and a Mobile Fire Training Unit. Fires can be set in various sections of the simulator to help with training and the two-story, 53-foot-long Mobile Fire Training Unit challenges firefighters with smoke, flames, sights, sounds and obstacles related to commercial and residential structural fires.

Children, Juveniles & Other Issues, Select Committee A

Social Worker Safety

The Executive Director for the West Virginia Chapter of the National Association of Social Workers (NASW) addressed the committee regarding social worker safety during this month's meeting in Bridgeport.

The Director told the committee that safety concerns for social workers in West Virginia have come to the forefront after the brutal murder of Lincoln county social worker in July. A veteran at her job, she was conducting an in-home visit at one of her client's home when they murdered her.

One of the problems the director pointed out in this specific incident was the 24-hour wait law before a person is reported missing. He told the committee that there should be some sort of exception when the person who is missing is a Child Protective Services (CPS) or Adult Protective Services (APS) worker. That wait could make a difference in these situations, the director said.

The director requested the committee consider appropriating more funding to social work agencies in order for them to hire more aides so workers would not have to go on home visits alone, which is the current case throughout West Virginia.

The director also recommended the Legislature consider providing pay raises to social workers as well as the possibility of creating a new personnel classification for those workers who have obtained their Masters. Since 1990, all social workers have seen a mere 76-cent pay raise and lack of reimbursement for travel to in-home visits. There are currently no salary incentives for social workers, the director said. He also estimated that it would take over \$2 million to bring all social workers and aides in appropriate pay grades.

During the interim meeting, committee members also heard from a 24-year CPS veteran who serves Harrison County. The CPS worker gave accounts of "close-calls" involving herself and her colleagues when going to in-home visits. She said even though all CPS workers in Harrison County are required to carry a cell phone, they are not always dependable especially when entering very rural locations.

Economic Development, Joint Commission on

Airport/ High Tech Park Tour

The committee received a tour of the Pratt Whitney engine maintenance facility (a part of the Mid-Atlantic Aerospace Complex or MAAC) located at the North Central West Virginia Airport in Bridgeport. There are approximately 1200 people in aviation related jobs and some 2,000 indirectly related jobs in Bridgeport, contributing nearly \$52 million annually. There are still 45 acres of fully developed infrastructure available for new facilities at the complex that are being promoted by local, state and federal officials to the world market.



However, an aging workforce and a declining enrollment in the Aerospace Education Program are threatening the industry with a major skilled worker shortage. Various strategies in education, training and outreach to students need to be addressed by a task force (created by federal law in 2006) through partnerships with industry and educators.

The committee continued with a tour of the West Virginia High Tech Consortium located on 450 acres along the I-79 corridor. The Research Center offers full conference center facilities with break-out rooms as well as research labs, production facilities and offices for resident as well as visiting companies. A water-cooled system and UPS throughout the facility, guarantees the protection and continued function of all computer systems within the building in the event of power failure and the flexible construction with raised floors allows any area to be easily reconfigured for different needs. Computer wiring and heating and cooling ducts can be easily re-routed under the removable two foot raised floor in order that partitioning walls can be added and removed without any major renovations or disruption of environmental controls. The Consortium



employs 1370 workers and is continuing its campaign to attract other tech firms to the 450-acre park.

Higher Education Capital Projects & Facilities, Committee on

HEPC Recommendations

In the August interim meetings the committee requested that Higher Education Policy Commission (HEPC) staff begin to develop a detailed set of recommendations for the committee's consideration. At September interims in Bridgeport, the committee heard the initial 15 recommendations from the Co-Interim Director of Finance and Facilities of the HEPC.

The recommendations by the director involved financing new capital projects and major renovations, facilities planning, capital project management and maintenance. Before any of the recommendations are finalized the HEPC proposed to do three additional things to provide clarity for the lawmakers:

- 1) Prepare a "business case" or justification to support each recommendation.
- 2) Indicate what statutory and/or regulatory changes may need to be made if these recommendations are adopted.
- 3) Consult with higher education administrators, particularly presidents, chief financial officers and physical plant directors about these recommendations.

There were seven recommendations under the financing new capital projects and major renovations section with the number one recommendation being that the Legislature should take the primary responsibility for financing most educational and general new capital projects and renovations. To accomplish this the HEPC believes the Legislature would need to identify dedicated state revenue sources to support higher education capital financing through which bonding can be taken periodically.

The HEPC introduced four recommendations for facilities planning. The top recommendation here suggested that the Legislature mandate that the commission and the council develop a system-wide facilities plan that identifies key priorities from a system perspective. The plan would align with state goals and objectives and the commission and council master plans and contain a capitol priority system to be used for ranking institution capital projects for purposes of state funding.

There were three recommendations in the capitol project management category. The HEPC suggested that if the Leg-

islature is to fund most higher education capitol construction renovations, the commission and council must take steps to ensure that state resources are maximized and that state capitol funds are spent efficiently.

The maintenance category yielded one recommendation, calling for the Legislature to create separate funds for auxiliary operations and auxiliary capital revenue so maintenance revenue and expenditures can be tracked easily.

Education Subcommittee B - Higher Education

Boards of Governors Selection Process

The committee was presented with information regarding the various options of selecting Boards of Governors and developing higher education policy during interims in Bridgeport.

The interim chief of staff at West Virginia University told the committee that there are some common considerations that need to be applied when developing Higher Education Policy.

The first of these considerations is a need for a good working relationship among the Higher Education Policy Commission and the Institutional Governing Boards.

It is also important to consider how members of Governing Boards are chosen, the chief of staff said. The selection process varies throughout the country. Some are appointed directly by the Governor or the Legislature and some are elected. In Virginia, an advisory council to the Higher Education Boards was created to help choose new members. However, research has found that no one model has been proven to be the best.

Training or preparation the board member receives is important as well in developing policy, the researcher said. This is especially the case regarding new members who need to be oriented before serving on the Board. The chief of staff also emphasized those continuing board members need to be refreshed. He also said that it was important that all members of the board were socialized as well.

The committee was also informed that the size of the Board of Governors is key in how well it functions. Ideally, there should be no less than 12 and no more than 32 members because a small board is difficult and a large board is unworkable.



Input through external evaluations should be considered as well, the chief of staff informed the committee. These evaluations should focus on continuous improvement of the institution and input from outside sources.

Other considerations brought forth by the researcher include: subcommittee structuring, length of term, and name of the board itself.

Education Subcommittee C - Public School Finance

School Finance Accomplishments & Research

The committee heard a presentation from the Director for the Bureau of Business and Economic Research who also serves as a professor of economics at West Virginia University. The director outlined the accomplishments in school finance over the last three years and introduced topics for further research while connecting a wide variety of studies and providing many policy options for lawmakers.

The director pointed to Senate Bill 541 and 603, both passed in 2007 as major accomplishments in public school finance. Senate Bill 541 reduced the local share percentage of funds for schools and improved the property tax assessment process, which several counties were thought to be taking advantage of to get more funding for their schools. The bill also made reductions in the school levy rate.

Senate Bill 603 allocated technology funds to be used for purchasing and maintaining technology for students in grades pre-kindergarten-12. The funds are allocated equitably to each county system based on approved plans.

Suggestions for future research and possible legislation from the committee included: addressing significant increases in bus transportation costs due to rising fuel and equipment costs, equalizing property taxes for school finance, making sure teacher and school service personnel pay scales are competitive and adjusting pay scales in-state to reflect the differences in cost of living in different areas of West Virginia.

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Finance Subcommittee A

Convention Visitors Bureaus

During Finance A's interim meeting in Bridgeport, the Directors of Clarksburg and Bridgeport Convention Visitors Bureaus (CVB) told committee members that they do more than just promote fairs and festivals in the area.

The Clarksburg Director told committee members the bureau is continuously planning special events, especially for children. Recently, in celebration of women's right to vote, the Secretary of State was invited to come and speak to the children of a local school.

To have these events the CVBs depend on local funding as well as the local motel/hotel tax, both directors said. According to the West Virginia Association of Convention and Visitors Bureaus, in 1985 the Legislature passed legislation permitting cities and counties to impose a 3 percent hotel occupancy tax. Bureaus receive at least half of the tax proceeds with the balance used for specified tourism projects. During the meeting, questions arose as to how many CVBs should represent a county. In the case of Harrison County, there are two CVBs, which both directors told the committee works out better than when Harrison County only had one CVB.

Finance Subcommittee B

White Oaks & Charles Point economic development

The committee toured the White Oakes and the Charles Pointe economic development centers that are located adjacent to the rapidly growing north-south I-79 corridor.

Once complete, the White Oaks area will include 250 acres of offices, medical support services, national retailers, restaurants and vital amenities. This site is located at the crossing of I-79 and highway route 279, spanning exits 124 and 125. White Oaks will be the closet neighbor to the now under construction United Hospital Center (UHC).

The FBI's Criminal Justice Services Division is also located off of exit 124 in Clarksburg and it and the UHC will benefit from the services and amenities White Oaks will provide. In addition to developing a host of restaurants and hotels for the visitors' convenience, the development will include outpatient medical offices, pharmacies and research facilities as well as banking, dry cleaning and ancillary services designed to benefit both workers and travelers.



Charles Pointe is another business and residential center located off exit 124 of I-79. This is a 60-acre area that once completed, will include 526,000 square feet of commercial retail. The project was funded using \$120 million in public funds as well as a TIF bond in the amount of \$33.5 million. Infrastructure totaling \$6.5 million is under construction while a \$30 million roadway infrastructure and a \$4 million utility infrastructure has already been completed.

Multiple hotels, restaurants, and businesses are now operating on site with more on the way. The Buffalo Wild Wings location is currently in the top 10 in sales in the U.S. and is not even a year old while the Exxon station is the most profitable store of its kind in West Virginia. Cubby's Childcare Center in Charles Pointe is one of the few thriving childcare facilities in the area and will only see its demand increase as more businesses and residents move in. Charles Pointe will also be home to residential homes and condos as well as an area park and wellness center to support the community.

Finance Subcommittee C

Tour of Salem Water/Sewer Plant

Legislators on this subcommittee traveled to the town of Salem to hear a report regarding the problems facing the town water and sewer plant. Problems currently facing the town of Salem include an aging water plant where the city currently gets its water, and water loss in its lines.

Right now the town has been in discussions about a projected \$8 million water line extension which would bring nearly 35 miles of line from Clarksburg, through the Sun Valley PSD and all the way to Salem. The areas of Lake Floyd, Sycamore, Coburns Creek, Jarvisville, Salem Fork, Flinderation and Halls Run also would benefit from the upgrade.

Members heard from various city officials who were concerned about the possible increased water rates should this project be completed. Town officials would prefer to upgrade and repair their current water plant making them less reliable on outside forces and keep rates lower for the 900 customers, many of whom live on a fixed income.

Members then toured the aging water plant to observe the dilapidated conditions. Members were also taken to the newer waste treatment plant where officials hope to receive a grant to convert the waste into mulch.

Forest Management Review Commission

Crawford's Tree Farm

The commission had been scheduled to tour Crawford's Tree Farm at the September interim meetings but rain in north central West Virginia forced a change of scenery to the Region 1 Division of Forestry office in Farmington, W.Va. where members heard brief presentations on the history and current status of Crawford's Tree Farm as well as the Urban and Community Forestry Program.

Jim and Enid Crawford purchased Crawford's Tree Farm in 1949. The farm is 378 acres including 305 acres of woods. Jim Crawford, an avid conservationist, cared for the successful farm until his death in 1990, building a seven-mile road system for the farm in the 1970's that is still functional for logger access today.

The farm is still thriving today in the care of Enid Crawford who was named West Virginia and Northeast Tree Farmer of the Year in 2001. With the help of the Division of Forestry she has guided the farm under the Forest Stewardship plan since 1992. She has kept the farm going strong by spraying to eliminate the Gypsy Moth in 1995 and the removal of 95 acres of damaging grape vines from trees that same year. She harvested 80 acres of mature timber during the 1990's and began a tree-planting program equipped with shelters in 1999 to replace the harvested timber.

The farm contains multiple West Virginia University forestry ecolabs and is open for public tours as well as a wide variety of other forestry organizations interested in studying its operations and success.

The Urban and Community Forestry Program was founded out of the 1990 Farm Bill and began in 1991 with a commitment to work with municipal bodies to emphasize the importance of urban forestry. The presentation addressed how the program works with county commissions, tree councils and interested citizens to ensure the success and maintenance of trees in cities throughout West Virginia.

The presentation highlighted the benefits of urban forestry such as aesthetics, the improvement of air quality, the prevention of storm water runoff and erosion, energy conservation due to shade, and the enhancement of wildlife diversity.

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Government Organization - Subcommittee A

Four-Day Work Week

Members heard a presentation from a representative of the state Supreme Court of Appeals regarding its pilot experiment going to a four day, 10 hour a day work week.

The Supreme Court went to a four-day work week from July 1st through the end of August after petitioning the court to do so in the face of rising gas prices. People had the option of moving to the four day week or not and if they chose the four day week they had the choice of not working on a Monday or Friday. Of the estimated 75 employees about 60 chose to participate in the program. The study showed that people honored the times they had to be there and remained on the job and there was enough coverage provided for the offices to run efficiently. Initial reports indicate that the pilot program worked successfully and merits further study.

The dates for the study were chosen because of the lack of holidays, which the representative stated would have to be something worked out to ensure everyone had equal time and equal holidays. He also stated the bulk of the state savings would come from less state vehicles on the road each day as well as lower costs needed to light, cool and heat buildings when less people are there. With the price of gasoline sure to continue to rise, the representative stated the state must look to the future and think “outside the box” to combat higher transportation costs.

LOCHHRA

End of Life Care

The Director of Center for Health Ethics and Law addressed committee members regarding West Virginia’s Center for End of Life Care.

According to the director, it is the mission of the Center to provide West Virginians, at the end of life, with treatments to control their pain and make sure that their preferences are respected

In a survey distributed throughout West Virginia, 76 percent of those who replied would choose to live a shorter time to avoid pain rather than being put on a machine. This same study also showed that 80 percent of those individuals would talk to their families or close friends regarding what medical treatment they would want at the end of their lives.

The director informed the committee that a total of 11,948 Do Not Resuscitate (DNR) cards have been issued this year alone. In 1993, the Legislature passed the West Virginia Do Not Resuscitate Act to protect the rights of individuals in whether or not they receive Cardiopulmonary resuscitation, or CPR.

There have been a total of 24, 481 POST forms distributed this year throughout West Virginia. The POST form, according to the director, is a medical order form for seriously ill individuals and is issued by their physicians to inform other health care providers about the patients’ treatment wishes. West Virginia is one of only three states to provide POST forms to patients.

One of the problems the director addressed is patients’ wishes are not being met because more deaths are occurring in hospitals rather than in nursing homes, Hospice care, or at home.

Out of 34 states, West Virginia ranks last when it comes to patients dying in nursing homes, the director said. In 2006, 25 percent of patients died at home with Hospice care. The national average of patients dying at home is 33 percent.

“This is not where we want to be,” the director told committee members. He did credit legislation from the 2007 regular session, which requires nursing homes to offer Hospice palliative care to their residents. There are currently 79 nursing homes that have a hospice contract. West Virginia has a total of 107 nursing homes.

The Director handed out an evaluation in federal and state pain policy conducted by the University of Wisconsin School of Medicine and Public Health. West Virginia ranked in the top 10 and achieved a B grade overall. However, even with the satisfactory grade, the director told the committee nothing has really been done legislatively for end-of-life care since 2003.

There were three recommendations the director presented to the committee. The first recommendation is to continue the efforts of the West Virginia Center for End-of-Life Care to educate West Virginians about their end-of-life care options. The second recommendation is to encourage West Virginia’s nursing homes that do not provide hospice and palliative care to inform prospective residents prior to their admission. The last recommendation the director mentioned was to amend the West Virginia law by removing the archaic term “intractable pain.”

Health, Select Committee D

Certificate of Need

Appearing before the select committee on health was the chairman of the West Virginia Health Care Authority (HCA) who continued last month's presentation on the various Certificate of Need (CON) authorizations in West Virginia.

According to the Health Care Authority's website (<http://www.hcawv.org/>) "the programs administered by the Authority generally have two primary purposes: to constrain the rising cost of health care and to assure reasonable access to necessary health services.

"In the Rural Health Systems Program, the Planning Division, and in the Certificate of Need (CON) program, access to necessary health service is evaluated. To accomplish these goals, programs such as Rate Review and CON can quantitatively demonstrate some of the costs they constrain.

"Health Care Financial Disclosure and Health Planning can also be used to draw logical implications as to how those programs work to constrain costs. Additionally, the Authority assures public access to the information compiled under its programs."

With those goals in mind, the committee continued to hear further from the Chairman.

She initiated her presentation with a review of computed tomography (CT) services, which have been historically reviewed by the Authority because of the expense related to the services and the use of radiation.

Divided into three CT categories, the services consist of low dose CTs generally associated with scans of the head and neck most likely used by Ear, Nose and Throat (ENT) physicians. Applicants have to provide 30 day notices to HCA and have a capital expenditure of less than \$2 million.

Cardiac Computed Tomography Angiography (CCTA), the second category, must show a need by projecting 700 scans annually by the end of the third year of operation.

The third category covers "multiple use CT services" and the applicant must project 3000 scans annually by the end of the third year to receive a CON.

Applicants applying for any of the above listed CONs must "participate in all state sponsored health care coverage plans, cannot deny services to patients based on ability to pay, must provide not less than 33% of statewide median

number of Medicaid visits provided by state hospitals, must provide charity care and uncompensated care in an amount not less than 33%, must meet certain quality criteria and must demonstrate financial feasibility," according to material provided by the Chairman.

The second area addressed by the spokeswoman covered MRI services. According to the data submitted, components of CON review include:

- documentation of more than 2,000 procedures on a mobile unit within the last year
- documentation that each existing fixed unit has performed 3,500 procedures and 2,6000 procedures on a mobile unit

An exception to the need methodology "may be granted if an applicant can demonstrate that a new or additional fixed MRI is a superior alternative to the provision of mobile services."

Again, certain criteria must be met and proof of financial feasibility and charity care provisions must be assured by an acute care hospital.

Another area of medicine under the HCA's CON certification covers positron emission tomography (PET) services. According to material submitted by the chairman, PET "is a noninvasive diagnostic technology which enables the body's physiological and biological processes to be observed through the use of positron emitting radiopharmaceuticals which are injected into the body and whose interaction with body tissues and organs is able to be pictured through a computerized positron transaxial reconstruction tomography scanner.

A need must be established for both fixed units and mobile units for CON certification. With a fixed unit, more than 950 procedures must be performed on a mobile unit within one year and 1,250 done annually on a fixed unit. An exception may be granted if the applicant can demonstrate that a fixed unit is a superior alternative to the mobile unit, according to the material submitted to the committee.

For a mobile unit, it must be on site at least 2 days per month. The applicant must meet conditions of criteria and fiscal feasibility and provide charity care.

Specialized acute care, which literature suggest separate yet quality services, is also very expensive treatment and as such must also fall under a CON. The spokeswoman told lawmakers the acute care covers obstetrics, burn units, neonatal intensive care units, pediatric intensive care units, intensive care units and cardiac intensive care units.

Criteria for CON approval are contained in Acute Care Bed Standards, according to the health authority chairman.



Interim Highlights

Other areas of CON approval were covered during the meeting. The HCA chairman addressed cardiac catheterization, open heart surgery, medical rehabilitation, radiation therapy, lithotripsy services (sound waves to pulverize kidney, urethra or bladder stones), renal dialysis and end stage renal disease among other intense medical procedures.

The recent data is being provided to lawmakers to compare and contrast West Virginia's oversight of expensive procedures and cost containment measures to a number of states. With each area of service, the HCA spokeswoman indicated the numbers of states that called for certificates of need including neighboring states.

Interstate Cooperation, Commission on

NCCUSL Report

A professor from the West Virginia University College of Law presented a report from the National Conference of Commissioners on Uniform State Laws (NCCUSL). Each year the West Virginia Commissioners have selected one or more uniform and model acts introduced by the national conference that they think would be most immediately beneficial to West Virginia. They have then worked with the Legislature to assist in passing those acts.

The commissioners met in August and after some discussion with lawmakers and other stakeholders they decided to introduce five Uniform Acts to the Joint Legislative Commission for approval by the West Virginia Legislature at its 2009 session.

The Uniform Trust Code, which is the first effort to codify the law in the history of the United States, will be introduced as well as 2008 amendments to the Uniform Principal and Income Act that update the act to reflect current policies of the IRS and clarify technical language regarding withholdings.

The Legislature will also consider the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Because there are more than 50 guardianship systems in the United States, problems regarding jurisdiction are frequent. This act contains specific guidelines to specify which court has jurisdiction to appoint a guardian or a conservator for an incapacitated adult. The objective is only one state will have jurisdiction at any one time. The Legislature will also consider the Uniform Emergency Volunteer Health Practitioners Act, which allows state governments to give reciprocity to other states' licensees on emergency service providers so that covered individuals may provide services without meeting the disaster state's licensing requirements. Finally,

the Legislature will consider the Uniform Limited Liability Company Act of 2006, which replaces and makes several adjustments to the Uniform Act of 1996.

Judiciary Subcommittee B

Tour of Bridgeport Landfill

Legislators on this Judiciary Subcommittee took a tour of a Bridgeport area landfill managed by Waste Management to hear the potential for capturing gasses from landfills to be used as electricity.



Representatives from the landfill and Waste Management cited examples of this type of initiative in Texas where energy from landfill gasses powers a Dell Computer manufacturing plant and in South Carolina where gasses power 90 percent of a BMW auto plant. Also, the University of New Hampshire uses power generated from gasses from a landfill.





Waste Management currently maintains the largest network of landfills in the waste industry, and manages the disposal of more than 128 million tons of waste annually. The priorities for the company remain safety, customer service and efficiency. Members were told of the company commitment to the community and to work with customers on green initiatives.

The committee was told 60 percent of what is brought into the landfill is called Municipal Solid Waste (MSW) and can be turned into usable energy products such as methanol, gas and ethanol. The cost to build a plant that can convert MSW into usable energy is roughly \$500 million. Members then toured the landfill to see the initiative Waste Management working on this site.

Judiciary Subcommittee C

Alternative Judicial Systems

Judiciary Subcommittee C held a panel discussion regarding alternative judicial systems in America during its interim meeting in Bridgeport.

The panel consisted of a North Carolina Court of Appeals Judge, Assistant Professor of Economics at George Mason University, and three Assistant Professors of Political Science from Rutgers, West Virginia University, and the University of Pittsburgh.

The first question posed to the panel regarded qualities Americans want in a judge. One of the panel members stated this is a question rarely asked, but research has shown the American people want judges who are fair and consistent.

When it came to the question of what methods were used in appointing a judge, the panel explained that it varies throughout the country. The Circuit Court judge from North Carolina told the committee that she has been a part of both partisan and non-partisan elections but prefers the non-partisan elections because it takes away some of the "obvious" politics. She also told the committee that North Carolina has campaign reform that is much better. In order to qualify for public funding, each candidate must obtain money from at least 350 citizens. Only that money raised can be used during the primary season. This reform was to create an equal playing field for all candidates.

One of the panelists pointed out that the legislative body appoints judges in Virginia while a select committee is used in Missouri to select judges. According to a few of the panel-

ists, research shows that it does not matter what methods of appointment states use because they will end up with the same kind of judges.

However, the professor from George Mason University told the panel his research suggests there is a link between partisan judicial elections and the size of certain jury awards and settlements. In response to this research the professor from Rutgers stated that even though there may be signs of special treatment and influence, it is rather hard to detect due to its subtleness thus making it difficult to prove without a shadow of a doubt that "judges are bought."

Pensions & Retirement, Joint Standing Committee on

Clarksburg Fire and Police Retirement System

Committee members held a discussion with both the full-time firemen and members of the police force in Clarksburg on what has been the key to their successful retirement system.

The younger workforce, according to both departments, agrees that this has been the most beneficial factor. Around 50 percent of the fire station's firemen are under the age of 35 and are putting money in the retirement system as opposed to taking out, the fire chief told committee members.

Clarksburg's pension fund is also thriving, according to a city council member during the meeting. The fire chief also told committee members Clarksburg's fire and police departments have done well on their own and fear that any legislation that would group them with other municipalities throughout West Virginia would hurt them because they would have to pick up the slack.

Regional Jail & Correctional Facility Authority, Legislative Oversight Committee on

West Virginia Industrial Home for Youth

Committee members visited the West Virginia Industrial Home for Youth (WVIHY) during this month's meetings in Bridgeport.

Created by an Act of the Legislature in 1897, the facility was used as a home for wayward girls up until 1981 when the Diagnostic Unit for Boys was transferred to the same location. Now both boys and girls are housed at the same home, but in separate wards, located in the town of Salem. Since 1997, the WVIHY is part of the West Virginia Division of Juvenile Services.



The home currently houses males from ages 10 to 21 and females from ages 12 to 21. There are around 150 juveniles being housed at the WVIHY. In the past eight to 10 years, the WVIHY has undergone numerous renovations as well as the development and implementation of new programs to specialize all the housing units for the individuals who enter their doors.

One program the WVIHY has is drug and alcohol treatment ranging from general substance abuse education to intensive therapy depending on the individual's needs.

While a juvenile stays at WVIHY, the courts are updated every eight weeks on his/her progress. Before a resident of the facility is released, he or she has a Multi-disciplinary Team Meeting to implement a plan for release. When the individual is released, he/she may partake in aftercare services the WVIHY provides for up to one year.

There are various recovery centers within the facility including: diagnostic and intake and assessment, wellness, programming and transition. There is also a female center as well as a Sexual Offense Specific Unit and Security Unit.

The diagnostic and intake and assessment is the beginning step for those individuals sent to WVIHY. During this stage, testing, psychological evaluation and Comprehensive Service Plans are developed in accordance with the child's needs. This will determine where he/she will be placed next in the facility.

The Wellness Center is for those residents who have been found to have some type of mental disorder and would not adjust well to the normal program schedule. These individuals are provided with therapists, program directors and clinicians.

When a resident is placed in the Programming center, he or she is eligible for placement in the transition center of the facility, which prepares residents for release. During this phase, residents are expected to meet goals that have been outlined in their service plans created when they first entered the WVIHY.

Residents entering into the Transition Center are not only being prepared for release but also are given privileges and freedoms not given to the other inhabitants of the facility. These individuals serve as role models to the other residents and also serve as representatives who meet with administrative staff regarding problems within the building concerning other residents as well as the identification of residents' needs and requests.

The WVIHY also has a fully operational school on the premises. All residents are required to attend school each day until they obtain a GED or high school diploma. The school also offers various tutoring and prep courses for those residents who are interested in attending college when they are released.

When residents achieve their GED or diploma and want to learn skills that will help them find a job after they leave may join the Resident Enrichment and Achievement Program, or REAP. Not only does this program teach vocational and educational classes, it works with community members.

Technology, Joint Committee on

Biometrics Fusion Center

The committee visited the Biometrics Fusion Center for the Department of Defense (DoD) where the application of this technology was briefly explained.

Biometrics are measurable physiological characteristics such as fingerprints, DNA, iris, voice, facial features, etc. that can be used to either identify or verify the identity of an individual. They can tie an individual to past acts or can be used to permit access to facilities and data.

The Center acts to program, integrate and synchronize biometric technologies and maintain the DoD's database in support of the National Security Strategy.

While the DoD began implementing biometric technologies in 2000, it was the Iraq war that made it clear that more advanced tools were needed. For example, some Iraqi applying for selection to the Iraqi Police Academy were found to have biometric records as terrorists and some detainees were found to have felony records in the United States.

As collection, transmission and storage systems have matured, matches have increased and response time has decreased. In a matter of minutes data collected in the field can be assessed and answered via satellite transmission.

JOINT MEETING - Veterans' Issues - Select Com. B / Selct Committee on PEIA, Seniors & Long-term Care

Louis A. Johnson VA Medical Center

Approximately 182,000 veterans reside in the state of West Virginia. Of those, an estimated 70,000 reside in one of 26 counties served by the veteran's center in Clarksburg and community based outpatient clinics. The Louis A. John-

son VA Medical Center, named after Mr. Louis A. Johnson, Secretary of Defense under President Truman, is located on a 16-acre site adjacent to the Veterans Memorial Park and the new West Virginia State Veterans Nursing Home in Clarksburg, West Virginia.



During its out-of-town interim meetings in Bridgeport, members of Select Committee B and the Select Committee on PEIA, Seniors and Long Term Care visited the veterans' facilities to update themselves on one of West Virginia's veterans' medical facilities.

The long-delayed opening of the adjacent nursing home caused by construction setbacks and licensing problems has finally passed inspection with the state Office of Health Facility Licensure and Certification.

Greeted by the home's executive director and staffers, lawmakers were given a tour of the 120 bed facility. While the alzheimer's wing will fill 20 additional beds, it is expected the facility will be full within 18 months.

According to the executive director, "the home accepts any current or former state resident who served in the military and was not dishonorably discharged. If a person is medically qualified to live in the home, each resident will pay 65% of their income, capped at \$2,300 monthly for intermediate care and \$3,000 for skilled care."

Overall, the VA Medical Center continues to improve its operations through technology and provides the highest quality health care available. According to its informational brochures, the center focuses on seven strategic priorities:

- provide the highest quality care
- ensure healthcare services are accessible and timely

- ensure services are user friendly by making the veteran its first priority
- utilize resources efficiently & generate external revenue
- modernize and update the facilities and technology
- develop and enhance relationships with internal and external customers (WVU Med. School and other medical experts throughout the region and nation)
- be a employer of choice

The VAMC has an operating budget of over \$100 million coming from both state and federal monies but it's executive director was elated to tell lawmakers that it presently has 467 active volunteers who provided the center with 68,000 working hours in the last year. He also extended credit to the center's 700 health care professionals who "give their all" to assist the center's veterans.

Not only does the center provide health services but also supports four community based outpatient clinics (CBOC). The CBOC's offer primary care, mental health and preventive health screening services. Recovery programs for substance abuse, post-traumatic stress disorder (PTSD), serious mental illness (SMI) and other mental health disorders are managed through veterans' participation in the Psychiatric Residential Rehabilitation Treatment Program (PRRTP) and are also available to support veterans.



For further information, Central West Virginia veterans may want to contact the Braxton County CBOC (304) 765-3480: the Wood County CBOC, (304) 422-5114, the Tucker County CBOC, (304) 478-2367 or (304) 478-2219. A new CBOC is being planned in Monongalia County and is expected to open in the Fall of 2008.

Volunteer Fire Departments - Select Committee F

Training Requirements

A Safety and Occupational Health Specialist working with the National Institute for Occupational Health and Safety (NIOSH) provided the committee and visitors attending the meeting with information relative to volunteer firefighter training requirements.

The safety officer provided details prepared by the NIOSH Fire Fighter Fatality Investigation and Prevention Program (FFIPP). The FFIPP's goal is to prevent fatalities by incorporating its objectives of investigating, identifying causal factors, offering recommendations and disseminating information regarding life saving training techniques.



It works with fire departments, local unions, state fire marshals and other agencies in meeting its objectives. Its investigation protocols include site visitations, conducting meetings and interviews, studying records and testing equipment such as respirators and other firefighting apparatuses.

Upon garnering information, the FFIPP distributes a variety of journals and publications that warn of types of structural collapses, truss system failures, deaths related to heart attacks and other safety hazards. Its publications also include work place solutions which are also available on its website. (<http://www.cdc.gov/niosh/fire/>)

State Water Resources, Joint Legislative Oversight Commission

Water Use in Coal to Liquid Industry

Members of this legislative commission heard from a representative from the West Virginia University, West Virginia Water Research Institute regarding the potential water re-

sources needed to operate a Coal to Liquid (CTL) plant and the feasibility of doing so in West Virginia.

Currently, there is a proposed CTL plant, which will be developed in Marshall County in the Northern panhandle. The representative noted a plant such as the one proposed uses a lot of water in converting coal to fuel. He stated that any plant using eastern coal would need about 7.3 gallons of water for each gallon of fuel it produces. Using a hypothetical example of West Virginia as completely self sufficient in using CTL technology, a plant would consume around 119,000 gallons of water per minute. According to his numbers that is significantly less than the 74,400 cubic feet per second of water which, when converted to gallons equals 33 million per minute, flows past Point Pleasant on the Ohio River.

According to his numbers regarding five major water sources for the state, the Ohio, the Kanawha, the Monongahela, the Potomac and the Little Kanawha rivers represent over 45 million gallons of water flow per minute, more than enough water for a plant like this to be located at various locations around the state. The representative also responded to a question about the potential for more mine related jobs to which he stated that a CTL plant would significantly increase the demand for coal, thus resulting in an increase in coal mining related jobs per year.

Following that presentation a representative of the West Virginia Environmental Council who reported his concerns regarding the Coal to Liquid technologies. He stated that before this industry develops in West Virginia, strong regulations must be required to protect the state from any adverse effects.

He stated the process requires tremendous amounts of water and few good data exists regarding the state water supplies and uses. Also, the water must be very clean and of a high quality, otherwise expensive treatments must be applied.

He stated that over 70 percent of streams and rivers and 85 percent of lakes are already impaired or threatened by pollution. He also stated that CTL plants produce waste gas and waste water and there must be an efficient way to dispose of this waste.

He further stated the need for more examination on whether the state really needs this new industry at all. He stated that a combination of better fuel efficiency, development of biofuels and use of electric and plug-in Hybrids would reduce our oil dependence four times faster than even an aggressive investment effort in an unproven, expensive, polluting CTL industry. It would be cheaper, cleaner, faster and safer.

State Water Resources, Con't

Marcellus Shale Formation

The Committee heard from the President of the Independent Oil and Gas Association of West Virginia as well as Chief of the Office of Oil and Gas with the West Virginia Department of Environmental Protection and a member of the Environmental Coalition.

The topic was the Marcellus Shale Formation, which is prevalent in Appalachia and contains a lot of natural gas. In some places it is located a mile or more below the surface and the technique to extract the gas has caused widespread concern about water usage.

The Marcellus compilation requires a lot more water than a conventional well in West Virginia, which has raised questions for concerned citizens and lawmakers alike regarding where the water comes from, how polluted it is after usage and what happens to it after it is used?

This is a relatively new formation from which to extract natural gas. In the past, producers extracted gas from permeable formations that gas moves through freely which “completes” drilled wells by installing equipment, cementing to protect groundwater and making the gas flow for the producer. Now producers are trying to get gas from impermeable shales. The technique they’re applying is fracturing: bombarding the shale with a gas or liquid under high velocity to break it into pieces and allow the gas through. When water is used it’s called hydraulic fracturing, or “hydrofracking.”

In West Virginia, the water comes from nearby waterways, according to the chief of Oil and Gas at West Virginia’s Department of Environmental Protection. Companies may withdraw freely up to 750,000 gallons per month no matter the size of the water body. Above that, they must report to DEP’s Division of Water.

However it isn’t just pure water. The water carries sand, which props the cracks in the shale open. It also is treated with additives that make it “slicker” to speed it through the pipe and “thicker” to hold the sand in suspension. Additives are proprietary secrets but may include gels, “similar to what you might find in a shampoo” as well as salts, and other substances.

Some of the frack water comes back to the surface: 600,000 to 1,000,000 gallons for a Marcellus completion. According to the West Virginia Environmental Council “flowback” carries additives plus things it picks up underground.

Under the pressure, heat and time, natural contaminants that are in the formation get dissolved in the water, such as the salts, iron, other heavy metals, barium, then resurface. It also may contain low level radiation.

Lawmakers suggested that producers, legislators and environmentalists come up with a guidance document to plan for an environmentally healthy process from site construction all the way through to water disposal to protect the water throughout the process. Lawmakers were also in favor of having inspectors monitor outside companies that come in to fracture wells.

The West Virginia Environmental Coalition encouraged lawmakers to encourage the DEP to do the right thing in putting pressure on producers to be as environmentally friendly as possible. The coalition was concerned with what exactly is added to the water, what comes out of the water and what happens to the ground water.

The coalition encouraged an open discussion in the future about what specifically was going into the water. It also pointed out both New York and Pennsylvania are dealing with this due to more experience, and suggested lawmakers meet with lawmakers from those states to determine how they are dealing with these issues.

Workforce Investment for Economic Development, Legislative Oversight Commission on

College Credits for Apprenticeship Programs

Representatives from the Community College of Allegheny County (Pennsylvania) outlined their “College Credits for Apprenticeship Programs” to the committee.

The college has partnered with a number of the building trade unions to develop specific curriculum that incorporate the apprenticeship requirements and standards of the various trades toward an Associate’s Degree.

The program is designed to not only better prepare a student for the Apprenticeship Exam for a specific trade, but to expand the work-life of an individual by creating a path from the more physical side of the trade to the more intellectual.

The program also requires close coordination between trade unions and the community colleges, to carefully assess the workforce needs of the region as well as to enhance the skills and experiential goals of the trades. ■

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Interim Committee Information

For information on all Interim Committees, please visit West Virginia Legislature's Web site: <http://www.legis.state.wv.us> and select the "Joint" link.

Bill Status

For bill history information and full bill text of all Legislation from the 1993-2008 Regular and Special Sessions, please go to the West Virginia Legislature's Web site: <http://www.legis.state.wv.us> and select the "Bill Status" link.

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2008 Interim Committee Meetings

October 12 - 14
November 16 - 18
December 7 - 9
January 11 - 13, 2009
February 8 - 10, 2009

All dates are subject to change.