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Interim Highlights

Agriculture & Agri-business

This committee heard a report from the Agriculture Commission regarding an Avian Flu outbreak in Pendleton County. The committee was told that a farm in Pendleton County tested positive for a low-pathogenic strain of the bird-flu virus. Preliminary tests indicated the turkeys had a low-pathogenic H5N2 avian influenza virus.

The virus was discovered after samples were collected by an industry group as part of a routine before slaughter. The birds showed no sign of illness or mortality. The samples were collected from a flock of about 25,000, 40-pound turkeys. The birds had to be destroyed to prevent the virus from mutating and spreading.

Testing of commercial flocks within the six-mile containment zone revealed no further positive results for avian flu. Working with other agencies as well as local and state law enforcement the Department of Agriculture was able to quickly assess the situation and control any further damage.

The Agriculture Commissioner stated that he would continue to update the Legislature as to the progress of the investigation to hopefully determine the cause and source of this outbreak.

Broadband, Select Committee E

After much work and commitment during last year's interims, Senate Bill 748 was passed by the Legislature, but was vetoed by the Governor. Senate Bill 748 tried to expand technology infrastructure to provide broadband network access throughout the state of WV.

The plan during this year's interims is to try again to move this agenda forward. This committee will be looking at matters relating to broadband policy; checking the amount of funds given by state government to persons unable to afford broadband; and studying school finance and the impact of broadband in schools and non-school settings.

Interim Meeting Schedule & Agendas

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



Children, Juveniles & Other Issues, Select Committee A

The Child Protection Act of 2006 put in place a series of programs, criminal law revisions and other reforms to provide and promote the ability of the children of this state to live their lives without being exposed and subjected to neglect and physical and sexual abuse.

One of the bill's provisions created a special unit of the State Police, called the Child Abuse and Neglect Investigations Unit. It consists of six state police officers, including the Officer in Charge, whose purpose is to focus on identifying, investigating and prosecuting criminal child abuse and neglect cases in coordination with Child Protective Services (CPS). The bill also called for the team to provide training, technical expertise and coordination of services for



Interim Highlights

other law-enforcement agencies, Child Protective Services, caseworkers, prosecuting attorneys and multi-disciplinary teams (MDTs).

Following up on the legislation, Select Committee A heard from the Officer in Charge of the Child Protection Unit of the State Police.

The Officer in Charge of the unit and five other officers are spread throughout six areas of the state. During the first three months of 2007, the units investigated 89 aggravated assaults on children (under the age of 18), 37 forcible fondlings and 18 forcible rapes. The six-member team has been responsible for 105 felony arrests and 28 misdemeanor offenses. During the months of January, February and March, 410 calls for assistance came into the unit.

Along with their charge to investigate, the units have conducted 74 forensic interviews with children. Having been trained through a variety of federal, state and educational symposiums, the officers take special precautions in conducting interviews with children who already are traumatized.

The units are to work collectively with child advocacy centers that also staff forensic specialists and with MDTs. Presently the state does not have advocacy centers or MDTs in each of the 55 counties. According to the Officer in Charge, the units would like to have the additional forensic support since they often find themselves in a situation where the counties have to call in psychologists, psychiatrists or other mental health personnel because of the area and availability of child experts or child advocacy centers themselves. Approximately 20 or more counties do not have these facilities.

Overall, the State Trooper was encouraging a review of possibly creating Child Fatality Review Teams. These teams would be first responders to a family crisis. They also would stay the course until all problems have been resolved and offenders prosecuted.

In addition, the officer would like to see a solid team effort by all law enforcement officers in responding to the needs of families and children in crisis, although he was quick to add no officer has hesitated to interact and cooperate with the Child Abuse and Neglect Investigations Unit.

The Officer in Charge believes more abuse and neglect training for law enforcement officers, the creation of professionally staffed child advocacy centers and immediate involvement by prosecutors could serve to protect all of West Virginia's children. All in all, the goal is to get everyone ready

for an abuse investigation as soon as possible and to work as one unit, a response unit that takes immediate action.

Also attending the meeting was the Deputy Commissioner for Children and Families who addressed existing staffing and future hiring of social workers.

Although CPS is pleased with the increases in salary allowances, the deputy told the committee that social workers couldn't be found to fill available positions, particularly in Region 3 (Martinsburg) and Region 2 (Kanawha County). Presently, Martinsburg has seven open social worker positions.

However, with increases in pay grades and hiring bonuses in specific counties, there remain far fewer vacancies than in the past. Workers leave for a variety of reasons such as caseload sizes, overtime expectations and the 24-7 demand of covering critical circumstances.

Because CPS workers are required to have university degrees and be licensable, salaries could be in line with those of educators. Like others in the Eastern panhandle, CPS workers are paid \$7,000 less than those workers who live in bordering states.

During next month's meeting lawmakers would like to see the salary schedule of all individuals involved in social work. Because of its high emotional demands, social workers are more likely to "burn out" after five years but, unlike educators, automatic salary adjustments do not occur regardless of a Bachelor's degree, Masters Degree, etc.

Lawmakers were told it is harder to keep and harder to find people in Martinsburg. Individuals do not have to have a social work degree, only a related degree such as psychology or criminal justice. In West Virginia, the Social Work Board sets the boundaries of what is a related degree.

Lawmakers also were told that supervisory personnel have very little tenure; two years is the average. Other inquiries made by the committee to be answered in its next meeting include the participation of multi-disciplinary teams and the length of time one social worker actually works with a child. The committee's concern surrounds a turnover in staff, which may whittle down the confidence of a child being served. Trust in communicating may be weakened if a child sees a new face on a social worker too frequently, said one lawmaker.

Can't Find Your Committee?

Please refer to the index on page 13.



Economic Development, Joint Commission on

The Commission held a brief meeting to review the study topics assigned to it for the interim period. The Commission is charged with studying any and all related areas that may affect local or statewide economic development ventures.

The Commission was assigned three study resolutions.

House Concurrent Resolution 48 calls for a study regarding sustainable funding methods to conserve land important to West Virginia's natural resources and economy.

Senate Concurrent Resolution 65 calls for a study concerning developing tourism attractions in some of WV's less-developed counties.

Senate Concurrent Resolution 83, also being studied by the Forest Management Review Commission (FMRC), calls for examining permitting public recreational use of certified managed timberland.

Finally, the Commission is authorized to study Tax Increment Financing options for Class III and Class IV cities.

LOCEA

The Chancellor of the Council for Community and Technical College Education (CCTCE) reported to the Legislative Oversight Commission on Education Accountability (LOCEA) on tuition increases for the state's community and technical colleges. Increased tuition was only approved for the four schools whose tuition was below the national average of \$2,272 in 2006-07.

Eastern CTC raised tuition by \$72, or 4.23 percent, which will bring in an estimated \$19,894 in additional revenue. Southern CTC also raised tuition \$72 (4.23 percent) to bring in an estimated \$104,082 in additional revenue. Northern Community College increased its tuition by \$82 (4.47 percent) to bring in about \$126,413 in additional revenue. Tuition at WVU-Parkersburg was raised by \$79 (4.5 percent), which will create an extra \$205,539 in estimated revenue.

In addition, the chancellor told the commission about the success of the middle college program. This program is designed to help students trying to get their GED to transition into post-secondary education at a community or technical college. So far, such programs are found at four schools:

the CTC at WVU Tech, Marshall CTC, Southern CTC and West Virginia State CTC. Of the 226 students eligible to go to college who participated in the program, 131 of them (about 58 percent) made the transition into a community or technical college program. The CCTCE is working on securing grants to implement the program at several other CTCs throughout the state.

During its second meeting of the May Interims. The committee heard from the state superintendent about a report on the status of principals and teachers in the state. This past year was the best Public Education has ever had, the superintendent said. The school system went from having a pool of 75 to having 200 principals presently with 200 teachers in training. Also, by December, the system will have trained an additional 2,000 teachers using Intel Teach, a computer program that is used to instruct teachers on how to teach critical thinking skills.

Part of raising content standards is based on the idea that children can learn more than they currently are. The idea is to increase the students' depth of knowledge and understanding of issues, instead of relying on rote memorization. The superintendent reported that this shift in the focus of learning would most likely result in a decrease in test scores in '08-09. He stressed the anticipated dip will not be reflective of any lack of learning.

This school of thought is a reaction to No Child Left Behind; a program about which the superintendent says there is no secret it was the wrong perspective for effective teaching. It champions a one-size-fits-all technique to making sure that children are learning what they are supposed to and does not take into account the myriad of differences and difficulties inherent to corralling that many students.

The committee next heard from a representative who presented information on an effort to work with the subgroups of African-American, special education and low socioeconomic status students, whom are below the average in several assessments of learning. The program installed educational liaisons to four schools to work toward closing this learning gap and reports show marked progress in this effort with a 6.9 percent gain in reading for African-Americans, for example. Some lawmakers pointed out that there are other minorities of substantial number (such as Hispanics in certain areas of the state) who would benefit from this kind of increased attention. This project, however, the representative pointed out, was designed with a limited scope and was only meant to study this limited sample. The representative also said that this program is going well overall, as the liaisons have now been able to develop a good rapport with the respective principals of those schools.



The committee then heard from a representative from the Office of Healthy Schools who discussed discipline. Last year there were 95,000 out-of-school suspensions in K-12th grade, but only about 40,000 students received these punishments. This technique is no longer working, the representative said, because the children aren't discouraged enough by the sanction to keep their behavior in line. In fact, a principal, who doled out 65 suspensions in one semester alone, told the representative that some of the students had staged their fights in order to get suspended.

The representative said there needs to be a change in the "culture and climate" of the schools and offered as an example better identification of behaviors in students that may indicate future problems in order to deal with them preemptively.

Though the biggest problem is figuring out what to do with students who are disruptive to the point of not being able to coexist with other students in a regular classroom environment. This explains why, to an extent, some areas have such a high drop out rate.

Education Subcommittee A - Public Education

The committee discussed three resolutions that will be brought up in future meetings.

Senate Concurrent Resolution 60 relates to the jobs of school principals. Principals are pressured by parents, local communities and constituent organizations to be held accountable for everything that takes place within their buildings. Negotiations within the committee need to take place for proper issuance of work and accountability.

Senate Concurrent Resolution 60 also deals with principal selection, standards and the roles of teachers in regard to students and the roles of the principals.

Also on the agenda was House Concurrent Resolution 91. This resolution would minimize school bus transportation times for students in pre-kindergarten and elementary grades. Long school bus rides could affect a child's mental alertness and attitude in school. The goal is to limit school bus rides to no more than 30 minutes.

The last item taken up in the committee was an introduction to the resolution regarding costs and benefits requiring daily exercise classes for kindergarten through 12th grade.

Education Subcommittee B - Higher Education

The Chancellor of West Virginia's Council for Community and Technical College Education gave a presentation about recent tuition increases. There has been a recent increase in higher education tuition prices, specifically towards community and technical colleges.

A discussion also took place about a study regarding alignment of secondary and post-secondary career and technical education programs.

Education Subcommittee C - Public School Finance

Senate Concurrent Resolution 41 was discussed, relating to the School Aid Formula. Legislation has been introduced in past sessions, but bills have not been passed. SCR 41 outlines eight points: changing the current method of using population density as a foundation to calculate transportation costs; changing the method of financing special education; considering the use of a "cost-of-living index" in the calculation of state aid; considering "performance based" rather than "needs based"; comparison of education from this state and education support of surrounding states, emphasizing comparisons of teacher salaries and benefits, sources of educational financing and local levy election; considering changing assessment practices; and, addressing the needs of low-enrollment and sparsely populated counties and methods.

Equal Pay Commission

In its first 2007 Interim meeting, members of the Equal Pay Commission were briefed by their chairman and legislative counsel regarding the responsibilities of their charge. The commission was established eight years ago by the Legislature to address inequities in pay among men and women in the public sector.

Each year, the state provides \$250,000 to make salary adjustments when it is determined that females on the payroll are getting paid less for the same work assigned to males.

Federal dollars add to that amount in a 2.1 ratio. For instance, in 2003, with federal cash added in, the state leveraged a total of \$573,419. That figure rose to \$635,619 in 2004 and \$675,048 the following year.



In its 2007 studies, lawmakers are expecting to hear from speakers who address pay inequity situations in other states throughout the nation. In addition, the committee reviews a variety of public jobs and pay grades to ferret out the greatest inequities.

Finance Subcommittee A

Finance Subcommittee A held a brief organizational meeting to discuss the assigned topics for the interim session. This subcommittee was designated two House Concurrent Resolutions upon which their studies will rely.

House Concurrent Resolution 70 requests the committee to study the necessity for additional public defender corporations for the delivery of indigent defense services.

House Concurrent Resolution 89 requests a study of a monetary incentive program to recruit and retain qualified workers to critically understaffed classifications.

The committee will begin studying these issues in earnest in the coming months.

Finance Subcommittee B

House Concurrent Resolution 50 was discussed concerning West Virginia's tax on soda. Legislators want to know how much money this tax brings in and where the money goes. The current tax has been in existence for over 50 years without a study of its use and impact. The original tax was created to build and equip the original West Virginia University Hospital and Medical School. This committee will study this in accordance with how the West Virginia University's health professional programs are funded.

Insurance coverage on public buildings and property was also up for discussion. Last year the Morgan County Courthouse in Berkeley Springs burned down. For rebuilding, \$9 million is needed. The question is whether to stay connected to this through the Board of Risk Management and Insurance (BRIM) or to cancel the assistance from the Legislature.

Finance Subcommittee C

Counsel briefed the subcommittee on its study assignments for this year's interims.

House Concurrent Resolution 62 directs the subcommittee to study the taxation of large land holdings of 1,000 acres or more. There is a great disparity among the counties in how these holdings are currently taxed, counsel said. However, he added that there might be constitutional issues if the Legislature tried to tax them evenly across the state.

In addition, the committee will study the implementation of the recommendations of the Governmental Accounting Standards Board (GASB). This private, non-governmental organization produces the generally accepted accounting principles used by many state and local governments. According to counsel, the subcommittee has been charged with looking at how well the state and its political subdivisions are following these principles.

Forest Management Review Commission

A representative from the Division of Forestry suggested a list of topics to be considered by the Commission during the interim period.

Topics introduced included the revised version of the Monongahela National Forest plan. Currently, implementation is being hindered by a limited budget. Reviewing the plan will help members understand what impact limitations will have on local economies surrounding the forest.

Also being studied is the present and future economic health of the West Virginia Forest Products industries. The forest products industry in West Virginia is presently experiencing a significant economic decline. Through the coming interim meetings, members will review what segments of the industry are struggling to survive and those that are flourishing and what the long-term outlook is for all.

Other potential topics include examining the reforestation of surface mines, reviewing the impact of how the forest may help combat the rising price of fossil fuels and studying land trusts dedicated to the conservation of forest lands in West Virginia, which is gaining momentum and recognition.

Government Organization, Joint Standing Committee on

The Joint Committee on Government Organization held a brief informational meeting to explain to its members what study resolutions each subcommittee will be reviewing and discussing.



Government Organization Subcommittee A will be discussing Senate Concurrent Resolution 52 - a study on the feasibility of constructing covered promenades and handicapped ramps on Capitol second floor outdoor walkways.

Government Organization Subcommittee B will be discussing Senate Concurrent Resolution 55, - a study on authorizing municipalities the means they need to satisfy liens.

Finally, Government Organization Subcommittee C will be discussing Senate Concurrent Resolution 63 - a study regulating the Professional Employer Organization industry.

Select Committee D - Health

Counsel presented the committee with it's assigned study resolutions.

Counsel suggested that House Concurrent Resolution 14 and Senate Concurrent Resolution 77 be combined into the same study, as they are similar enough to overlap in their individual purposes. The resolutions propose a study of the state's delivery of health care and another for the certificate of need review process within the Health Care Authority. This study will look at the health care crisis in West Virginia, which is causing more and more people to lose their health insurance and rely on the provision of health care in emergency rooms, resulting in high costs of professional liability insurance for physicians as well as several other problems.

The committee also went over House Concurrent Resolution 53, which requested reviews of school health systems to improve the lifestyles of students. The resolution requests, among other things, that West Virginia schools identify the needs and gaps of school health by using the School Health Index Assessment and work toward a coordinated approach to school health described in the resolution. The Office of Healthy Schools in the Department of Education is to provide technical assistance and support to help schools carry out this assessment.

LOCHHRA

Counsel addressed the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA) about its study assignments for the year, in addition to its statutory duties. Although there were no new assignments, there were several that were carried over from last year's interims.

These include studies of the following: the state of emergency medicine in West Virginia; the need for and the appropriate methodology for providing salary improvements for counselors employed by the Division of Rehabilitation Services; the prospect of reducing medical care costs for state employees; the public health crisis created by antibiotic resistance; and the concept known in health care circles as "money follows the person" which allows for home care as opposed to institutional care.

In addition, the commission discussed the possibility of taking up House Concurrent Resolution 58, currently in Select Committee D. Although it was assigned to another committee, the resolution deals with the "money follows the person" concept and may be referred to LOCHHRA as a result.

Select Committee C - Infrastructure

The committee heard reports from counsel on four resolutions adopted during the previous legislative session.

House Concurrent Resolution 77 requests that the committee conduct a study on the effects of the federal REAL ID Act of 2005. The committee will study the effects of this act as it relates to Homeland Security's functions at the state level and the role of Biometric Identification Systems in the development and implementation of security standards. It will further look into the stipulation that all those applying for drivers' licenses submit to face capturing technology, an effort to prevent against future terrorist attacks.

House Concurrent Resolution 84 requests a study on the effects of prohibiting oil and gas companies from daylighting roads (clearing trees away from a road to facilitate the drying of the road surface) and requiring them to pay land owners for damaging tracts of land due to unnecessary daylighting.

House Concurrent Resolution 80 deals with traffic control and identifies sources of funding for transportation safety, particularly the problem imposed by the increased amount of hazardous waste being ported across the state. One representative suggested the term "hazardous materials" be used to cover a wider breadth of dangerous substances. The representative also suggested further implementation of a system designed to inform the public if any related problem arises.

Interim Meeting Schedule & Agendas
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Judiciary Subcommittee A

During the May 6th organizational meeting, members outlined what topics the committee will be discussing.

Workers' Compensation is one of the main issues the committee will be discussing following the adoption of House Concurrent Resolution 66, which requested a study of the cost efficiency and effectiveness of employers who are self insured for purposes of workers' compensation coverage and who self administer claims. The committee also authorized a study on the administrative expenses, policies and procedures of Brickstreet Insurance Company.

Another issue before the committee deals with asbestos and silicosis claims in the state and revolves around Senate Concurrent Resolution 56, which calls for a study of the practices related to asbestos and silica exposure litigation.

A final study resolution, House Concurrent Resolution 92, study of the need for legislative review of agency rules currently exempt from legislative rule-making and review, will also be reviewed by this committee.

During its second meeting of the May Interims, the subcommittee heard from counsel about its primary assignment: studying exceptions to legislative rule-making and review on May 8th. Most state agencies must submit any permanent rule changes to the Legislature for approval. The rules for most of these agencies are reviewed by the Legislative Rule-Making and Review Committee, although higher education rules are reviewed by the Legislative Oversight Commission on Education Accountability.

However, there are several agencies that are exempt from this requirement. The State Board of Education (BOE) is exempt due to a 1988 state Supreme Court ruling. The Secondary Schools Activities Commission is exempt as well, since all of its rules are reviewed by the BOE.

The rules of the Public Service Commission (PSC) are also exempt, but are subject to a public comment period. The Board of Public Works is exempt, but counsel said he was unable to locate any rules the board had promulgated. Similarly, the Board of Probation and Parole is exempt but only has procedural rules in place. Also, rules relating to the personal conduct of state prison inmates or patients at state hospitals are not subject to approval but are available for review. In addition, the Division of Natural Resources (DNR) can set hunting seasons and limits without legislative approval. Rules relating to workers compensation, which are set by the Insurance Commission, are exempt as well.

Although these rules are not automatically reviewed, counsel said there are several options to provide legislative oversight. Some could have their exempt status removed by law. The Legislature could also provide a mechanism where all agencies would have to report to lawmakers about rule changes even if they do not require approval. Finally, legislators could require the inclusion of the rules in the Code of State Rules and allow for a public comment period before the rules become effective.

Judiciary Subcommittee B

The committee received reports from counsel on resolutions passed during the last legislative session. These include:

House Concurrent Resolution 83 proposes a study to look into the impact of the United States Supreme Court's decisions in *Granholm v. Heald* and *Costco v. Hoen* on West Virginia's regulatory system and emphasizes the effect it will have on the operation of farm wineries in this state. These decisions, effectively struck down in other states laws, affect licensing, direct shipping, distribution and other regulated areas, saying these laws discriminated against interstate commerce in violation of the Commerce Clause.

Many older buildings in West Virginia are left in disrepair when they could be purchased and rehabilitated for economic development. House Concurrent Resolution 94 requests a study on the impact state law and court decisions have had on insurance company practices and policies which set premiums for older buildings in the state. It will also look into the impact of these laws and any court decisions, as well as further practices and policies have on the cost of rehabilitating older buildings. Senate Concurrent Resolution 69 and House Concurrent Resolution 82 will be dealt with in tandem.

Also a cost effectiveness study on the annexation of unincorporated areas in the state will be on the agenda. The House resolution finds that residents of the areas involved in the annexation process are not given a fair voice.

Judiciary Subcommittee C

Counsel briefed members about their study assignments for the 2007 Interim Committee meetings.

Among these was House Concurrent Resolution 60, which requests that the committee study the issuance of driv-



ers' licenses to nearly blind individuals who use a bioptic telescopic device. These devices often allow people with extremely impaired eyesight to see well enough to drive in daylight hours. According to counsel, about 35 other states currently license drivers who use the devices. However, West Virginia is one of the few that does not license these drivers in any capacity. The resolution asks the subcommittee to weigh the risks and benefits of changing the law.

A pair of related resolutions, HCR76 and HCR86, has the subcommittee studying laws related to driving under the influence. While the study assignment is broad, members discussed several possible topics relating to DUIs. A representative from the Division of Motor Vehicles spoke to the committee about a number of these potential points of study. One of these was providing an "aggravated DUI" penalty when the driver's blood alcohol content was at 0.15 or above, which would make West Virginia eligible for additional federal funding. Other discussions involved how license suspensions were handled for first-time offenders and requiring a convicted drunk driver to blow into a special breathalyzer device to start his or her vehicle, a system known as an ignition interlock.

Parks, Recreation & Natural Resources Subcommittee

A bear biologist working for the Department of Natural Resources (DNR) presented the committee with a smattering of information about black bears, including their habits, habitats and ways to keep their population at a healthy level.

In the 1970s, West Virginia only boasted a black bear population of roughly 500. Today it has 10,000 to 12,000 living within its borders. This spike has been achieved due in large part to a careful managing of the minutia of idiosyncrasies that lead to when the bears den, or hibernate, for the winter.

The DNR employs the use of multiple surveys (both in taking samples of bear populations by their own observations as well as requisitioning the same information from local residents), fitting certain bears with GPS collars, studying den ecology, etc. This all relates to when bears (females in particular) go to den, and then structures the start of the hunting season around that. This is to ensure that the population of females stays above a number that will ensure proliferation.

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Pensions & Retirement, Joint Standing Committee on

The committee plans to study the effects of the contested merger between the Teachers' Defined Contribution Retirement System (TDC) and the State Teachers Retirement System (TRS).

The Executive Director of the WV Consolidated Public Retirement Board (CPRB) spoke about the status of the litigation involving the merger between the TDC and TRS. The CPRB is making an appeal, and decisions should be finalized by the end of May.

Board Actuary of the CPRB also spoke about information regarding specific financial situations of the individual TDC participants and how they would be affected by transferring to TRS.

Regional Jail & Correctional Facility Authority, Legislative Oversight Committee on

Members of the Legislative Oversight Committee on Regional Jail and Correctional Facility Authority heard from counsel about their study assignments.

House Concurrent Resolution 54 has the committee looking at the issue of paying medical costs for inmates. This includes trying to work with health care providers to see if there are ways to reduce costs for medical treatment as well as to evaluate current healthcare contracts held by the state.

Pursuant to House Concurrent Resolution 79, the committee will also look at the overall costs of inmate incarceration by both state and local governments. This includes evaluating possible methods of ensuring that county and municipal governments pay a fair share of the costs.

The committee also received a report from the commissioner of the Division of Corrections (DOC). According to the report, overcrowding at prisons continues to be a problem, with the prison population increasing every month so far in 2007.

The commissioner also gave the committee updates on prison work camps currently in development. These work camps will be located at correctional centers in Mt. Olive, St. Marys and Huttonsville. According to the commissioner, these 50-bed facilities will allow the DOC to expand its current inmate work program, which is primarily used by the Division of Highways, state parks and local municipalities. The first such camp at Mt. Olive is set to open July 1, 2007.



State Water Resources, Joint Legislative Oversight Commission on

The commission heard reports concerning failed public utilities, specifically water and wastewater services. A representative from the Public Service Commission (PSC) told members that the state needs the ability to force other companies to acquire these failed utilities. The speaker said that failing water systems have been the PSC's primary concern for the past several years but the PSC has no effective tool to remedy the situation. The PSC is seeking, she said, the kind of authority that exists in other states such as Pennsylvania, Missouri, New Jersey, Connecticut and Rhode Island. Allowing the PSC to have another utility acquire a failing one would provide an effective way of improving the state's water systems, she said.

A representative from West Virginia American Water spoke in opposition to the proposal. He said that while water is a public resource, his company and many other utilities are private. According to the speaker, private companies do not want to be forced to take over a failing utility, which are often government-owned systems. There is also a potential constitutional issue involving the use of eminent domain. In addition, the speaker said forced acquisitions would divert money away from other projects and possibly cost consumers more as a result. Besides this, he said there are potential conflicts with other state and federal laws that could arise. A representative from the West Virginia Municipal League echoed many of West Virginia American Water's concerns.

Technology, Joint Committee on

The West Virginia Legislature's web staff presented to the Joint Committee on Technology the State Agency Grant Awards (SAGA) and the State Agency Reports web pages, both recent additions to the Legislature's Web site. The SAGA page allows individuals to view information about grants given by state agencies, such as the recipient, date, dollar amount and purpose of each grant. The State Agency Reports page allows citizens to view all reports that have been electronically submitted to the Legislature by a state agency.

A representative from the Governor's office told the committee about the plans for increasing broadband (high speed internet) availability throughout the state. He provided details of how West Virginia is towards the bottom of the list, amongst states, in broadband availability and access. He also discussed how West Virginia's mountainous terrain is one of the biggest problems facing companies in providing broadband to the state's citizens.

Select Committee B - Veterans' Issues

Counsel presented the Committee with House Concurrent Resolution 75, which requests a series of studies on how West Virginia can assist returning military personnel who have been injured while serving in Iraq and Afghanistan.

Proposed studies will look into areas such as available housing upon the soldiers' return, their transportation needs especially in getting to and from medical facilities and other services geared toward reintegrating them into society. One member suggested that committee members interview returning veterans to see what kind of help they might be able to offer.

The director of the Division of Veterans' Affairs discussed with the members his department's official problem of not being allowed to disseminate information regarding veterans to the committee.

Also, the committee, along with the director, proposed a campaign to petition the federal government to release its information about injured soldiers to state agencies designed to help with problems related to their injuries. Right now, the Department of Defense doesn't disclose to where a soldier has been discharged until two to six months after a discharge.

The director resolved to put a link on the Division's Web site to allow easy access to a list of soldiers killed in the line of duty. The committee also decided to put together a report itemizing what services West Virginia has available for injured, returning veterans and where exactly services can be obtained.

Workforce Investment for Economic Development, Legislative Oversight Commission on

Staff of the Legislative Oversight Commission on Workforce Investment for Economic Development (LOCWIED) addressed the commission and briefed new members on the commission's goals. LOCWIED is a statutory commission created by the Workforce Investment Act (W.V.C. §5B-2B). The commission continually studies the workforce investment strategies implemented by this act. During interims, it typically receives reports from each of the local workforce investment boards as well as the state Workforce Investment Council. According to staff, the commission has no additional study assignments for this year.

Senate Concurrent Resolution 84 proposes a study to allow trucks that are carrying an excess of 97,000 pounds to travel on the interstate and highways in the state.

Interim Committees, 2007-2008

The committees are authorized to establish subcommittees with the approval of the President and the Speaker, study additional issues as approved by the President and Speaker and assign studies to appropriate subcommittees with approval of the President and Speaker.

Committees authorized to meet during the 2007 Interim Period:

Statutory Committees:

Commission on Interstate Cooperation
Commission on Special Investigations
Council of Finance and Administration
Employee Suggestion Award Board
Equal Pay Commission
Joint Commission on Economic Development
Joint Committee on Government Operations
Joint Committee on Government and Finance
Joint Legislative Oversight Commission on State Water Resources
Legislative Oversight Commission on Education Accountability
Legislative Oversight Commission on Health and Human Resources Accountability
Legislative Oversight Committee on Regional Jail and Correctional Facility Authority
Legislative Oversight Commission on Workforce Investment for Economic Development
Legislative Rule-Making Review Committee
Forest Management Review Commission
WV Law Institute

Standing Committees:

Joint Standing Committee on Education
Joint Standing Committee on Finance
Joint Standing Committee on Government Organization
Joint Standing Committee on the Judiciary

Committees created and authorized to meet during the 2007 Interim Period:

Agriculture and Agri-business Committee
Joint Committee on Technology
Legislative Intern Committee
Parks, Recreation and Natural Resources Subcommittee
Post Audits Subcommittee
Select Committee A - Children, Juveniles & other Issues
Select Committee B - Veterans' Issues
Select Committee C - Infrastructure
Select Committee D - Health
Select Committee E - Broadband

Interim Committee Study Assignments

Joint Committee on Agriculture and Agri-business

- SCR 78 Requesting Joint Committee on Government and Finance study animal protection laws for horses

Joint Commission on Economic Development

- SCR 83 Requesting Joint Committee on Government and Finance study permitting public recreational use of certified managed timberland

- HCR 48 Requesting the Joint Committee on Government and Finance to study sustainable funding methods to conserve land important to West Virginia's natural resources and economy

- SCR 65 Requesting Joint Committee on Government and Finance study developing tourism attractions in less-developed counties

- Study the Tax Increment Financing for Class III and IV cities

Joint Standing Committee on Education

- SCR 58 Requesting the Joint Committee on Government and Finance study methods to encourage PROMISE scholarship recipients to remain in West Virginia

- SCR 60 Requesting Joint Committee on Government and Finance study role of principal in public schools

- SCR 80 Requesting Joint Committee on Government and Finance study cost and benefits of daily physical education classes for students

- HCR 68 Requesting the Joint Committee on Government and Finance to make a study on developing an efficient system to promote universal access to comprehensive services that provide quality early childhood development

- HCR 85 Requesting the Joint Committee on Government and Finance to conduct a study of community colleges and four-year colleges and universities in the State of West Virginia

- HCR 91 Requesting the Joint Committee on Government and Finance to make a study on minimizing the school bus transportation times for students in the pre-kindergarten and elementary grade

Joint Standing Committee on Finance

- HCR 62 Requesting the Joint Committee on Government and Finance study large land holdings, county by county, to determine the value taxation of deed holders of lands in excess of one thousand acres
- HCR 70 Requesting the Joint Committee on Government and Finance to study the necessity for additional public defender corporations for the delivery of indigent defense services
- HCR 89 Requesting that the Joint Committee on Government and Finance authorize the study of a monetary incentive program to recruit and retain qualified workers to critically understaffed classifications
- HCR 50 Requesting that the Joint Committee on Government and Finance study the Soft Drinks Tax
- Study the Insurance Coverage for County Replacement Costs for Courthouses and Other Facilities
- Study the GASB Implementation

Joint Standing Committee on Government Organization

- SCR 52 Requesting Joint Committee on Government and Finance study feasibility of constructing covered promenades and handicapped ramps on Capitol second floor outdoor walkways
- SCR 55 Requesting Joint Committee on Government and Finance study authorizing municipalities means to satisfy liens
- SCR 63 Requesting Joint Committee on Government and Finance study regulating Professional Employer Organization industry

Joint Standing Committee on Judiciary

- HCR 82 Requesting that the Joint Committee on Government and Finance conduct a study of municipal annexation under article six, chapter eight of the West Virginia Code to facilitate a more effective and responsive annexation process
- SCR 69 Requesting Joint Committee on Government and Finance study statutory provisions for annexation of unincorporated municipal corporations
- HCR 45 Requesting the Committee on Government and Finance to conduct a study on the adequacy and the abuse

of laws regulating the availability of motor vehicle parking facilities for persons with mobility impairments

- HCR 60 Requesting the Committee on Government and Finance to conduct a study of the requirements and restrictions for a license to operate a motor vehicle by individuals with impaired vision
- HCR 66 Requesting the Joint Committee on Government and Finance to study the cost efficiency and effectiveness of employers, self insured for purposes of workers' compensation coverage, who self administer claims
- HCR 86 Requesting the Joint Committee on Government and Finance to conduct a study of the criminal laws and administrative procedures relating to drunk and drugged driving on the roadways of our state
- HCR 94 Requesting the Joint Committee on Government and Finance to study the impact state law and court decisions have on insurance company practices and policies
- SCR 76 Requesting the Joint Committee on Government and Finance study laws and administrative procedures relating to improving the state's response to the problem of operating a motor vehicle while under the influence of alcohol or controlled substances
- HB 2346 Prohibiting certain employers from meeting and communicating with employees regarding the employer's political, religious, or labor organizing activities
- HCR 83 Requesting that the Joint Committee on Government and Finance conduct a study of the impact of the United States Supreme Court's decision in *Granholm v. Heald* and *Costco v. Hoen* on West Virginia's regulatory system with particular emphasis on the effect the decision will have on the operation of farm wineries in this state
- HCR 92 Requesting that the Joint Committee on Government and Finance authorize the study of the need for legislative review of agency rules currently exempt from legislative rule-making and review
- Study of the Administrative Expenses, Policies, and Procedures of Brickstreet Insurance Company

Joint Standing Committee on Pensions and Retirement

- HCR 35 Requesting the Joint Committee on Pensions and Retirement study the effects of the contested merger between the Teachers' Defined Contribution Retirement System and the State Teachers Retirement System

Legislative Oversight Committee on Regional Jail and Correctional Facility Authority

- HCR 54 Requesting the Joint Committee on Government and Finance study the provision of medical care to inmates of the Regional Jails and the Department of Corrections
- HCR 79 Requesting the Joint Committee on Government and Finance to study West Virginia's costs for incarceration

Select Committee A - Children, Juveniles & other Issues

- HCR 42 Requesting the Joint Committee on Government and Finance reconstitute Select Committee A on Children, Juveniles and Other Matters
- HCR 40 Requesting the Secretary of the Department of Health and Human Resources to immediately establish a Children's Services Redesign Group charged with proposing a redesign of the state's children's service system
- Study of the Family Court System

Select Committee B - Veterans' Issues

- HCR 75 Requesting the Joint Committee on Government and Finance to make a study of the needs of soldiers and veterans who have been injured in the Iraq/Afghanistan wars

Select Committee C - Infrastructure

- HCR 77 Requesting the Joint Standing Committee on Government and Finance to conduct a study of the effects of the REAL ID Act of 2005
- HCR 84 Requesting the Joint Committee on Government and Finance study prohibiting oil and gas drillers from "day-lighting" roads and sites except under certain conditions
- HCR 80 Requesting the Committee on Government and Finance to conduct a study on transportation safety in West Virginia
- SCR 84 Requesting Joint Committee on Government and Finance study vehicle weights on interstates

Select Committee D - Health

- SCR 82 Requesting Joint Committee on Government and Finance appoint select interim committee to study health care reform options

- SCR 77 Requesting Joint Committee on Government and Finance study certificate of need review process within Health Care Authority

- HCR 14 Requesting the Joint Committee on Government and Finance to study the state of the delivery of health care in West Virginia

- HCR 53 Requesting the Legislative Oversight Commission on Education Accountability and the Legislative Oversight Commission on Health and Human Resources work with entities within state government of West Virginia to explore options to improve school health and healthy lifestyles

- HCR 58 Requesting the Joint Committee on Government and Finance direct the Legislative Oversight Commission on Health and Human Resources Accountability study re-balancing the long-term care system

- HCR 81 Requesting the Joint Committee on Government and Finance study the statistical rate of autism among this state's population and to study existing autism services in this state

- Study the Issue of access to oral health services

Select Committee E - Broadband

- Study and review the practices, policies and procedures used to expand broadband infrastructure and other issues identified in §5B-4-11 of Enrolled Senate Bill No. 748

Joint Legislative Oversight Commission on State Water Resources

- SCR 15 Requesting Joint Committee on Government and Finance study effects of coal slurry

- SCR 85 Requesting Joint Committee on Government and Finance study acquisition of failed water or sewer utility

- HCR 55 Requesting the Joint Committee on Government and Finance undertake a study of alternative processes to ensure the viability of smaller water and sewer utilities

- HB 3210 Protecting consumers of failed water or sewer utilities by authorizing the Public Service Commission to order a capable water or sewer public utility to acquire the failed utility

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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 2007 Regular Session, 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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July 8 - 10
August 19 - 21
September 9 - 11
October 7 - 9
November 16 - 18
December 9 - 11
January 6 - 8, 2008

2007-2008 Interim Committee Meeting Dates

Note: All dates are subject to change.