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# Interim Highlights

## Agriculture & Agri-business

### Cattle Rabies Outbreak

The Commissioner of Agriculture updated members on a rabies outbreak in a herd of cattle in March. The outbreak occurred in a herd of 85 yearling heifers in Hampshire County.

According to the commissioner's report, a skunk was found in the cattle's feedlot on March 1. Within three weeks, three of the cattle were sick and had stopped eating. Despite treatment efforts, one of the calves died on March 22. The farmer called in a veterinarian to treat the two remaining animals, but those had to be euthanized two days later. The animals were sent to a state laboratory in Charleston, where they tested positive for rabies.

The commissioner said he was alerted about the positive test and met with the local vet, the State Veterinarian and the Deputy Commission of Agriculture. The governor's office was also notified of the situation, he said. After discussing the situation, it was decided that a veterinarian would monitor the cattle daily to see if any showed further symptoms.

A fourth calf started showing signs of rabies, and, on March 31, the commissioner said he decided to depopulate the remaining animals. An emergency order was issued April 2, and the next day, the herd was depopulated and disposed of.

The commissioner said the farmer was compensated \$51,461 for the cattle. The total cost of the entire process was \$75,220.

The commissioner pointed out that all decisions were made with the best interests of the public and the farmer in mind. He said the farmer was getting threatening phone calls accusing him of spreading the virus. Even worse, the commissioner added, some of the calls said the farmer should have taken the cattle to market without reporting the sick animals. Had the farmer done such a thing, the commissioner said, the results could have been devastating.

The entire ordeal, the commissioner said, shows the need to revise the laws relating to the appraisal of infected or exposed animals. He also requested the creation of a \$1 million emergency fund, which was recommended by the Agriculture and Agri-business Committee last year but was not implemented. He said such a fund is needed for emergency situations such as what happened in Hampshire County.



*During Memorial Day this past May, West Virginia paid tribute and honored those citizens who valiantly served their country in times of war. The Veterans Memorial located near the state Capitol pays homage to those West Virginians who have made the ultimate sacrifice to defend our nation.*

*The Vietnam Conflict saw 36,578 West Virginians serve their country in the armed services and resulted in 714 of our citizens taken from us.*

photo: Martin Valent sculptures: Joe Mullins

## Broadband - Select Committee E

### Broadband Deployment Council

Members of the Select Committee on Broadband were briefed by counsel on their study assignments for the 2008 interims. Senate Concurrent Resolution 16 requests the committee to study the elimination of wireless coverage dead



spots for cellular service. The committee will also study the impact of House Bill 4637, a bill that was passed last regular session to expand broadband Internet availability. One provision of HB4637 was the creation of the Broadband Deployment Council. The director of the West Virginia Division of Homeland Security and Emergency Management updated members on the status of the council.

The BDC, the director said, consists of 11 voting members with two delegates and two senators serving in ex officio, non-voting roles. Four members will come from various executive branch offices, with the remaining members appointed from the public by the governor according to statutory requirements.

The director said the council has the power to provide funding assistance for broadband deployment projects, create guidelines for such funding, hire an outside consultant as needed and exercise any other powers necessary to its goal of expanding broadband.

Before approving any projects, the council must map availability throughout the state and classify unserved areas on a three-tier system, based on whether broadband is economically feasible. Type 1 unserved areas are those where it is economically feasible for private business to provide broadband. Type 2 consists of areas where public money would make broadband deployment economically feasible for a private company. Type 3 unserved areas are those where land-based broadband, such as cable, would be impractical and costly and where wireless or satellite solutions would be required.

The effort to map broadband availability, the director said, has already been undertaken by Verizon. He told the committee that the Web site <http://www.connectwestvirginia.org/> provides mapping information for every currently available broadband technology except for satellite. The director added that contrary to popular belief, satellite is not available statewide due to geographical issues.

The key to increasing broadband deployment is increasing demand for the service, the director said. Looking at innovated ways to use broadband is one way to do this, he added. He cited as an example the use of Radio over IP technology, which uses the Internet to transmit radio communications. Another possible use is video surveillance for security purposes through the Internet.

The director concluded by saying there is no one-size-fits-all solution to increasing broadband availability. Different types of services are needed in different parts of the states to make 100 percent deployment a reality.

Children, Juveniles & Other Issues, Select Committee A

**Juvenile Crime & Preventing Abuse**

HCR 3 was presented to committee members by counsel during May interims. The resolution requests a study be made in regards to the current trends in juvenile crime as well as the impact of “boot camp” and “scared straight” disciplinary programs in reducing juvenile crime.

The committee also heard from the assistant commissioner of the Bureau for Children and Families. The commissioner informed the members of the Child and Family Service Review. Three areas are focused on in this review: Safety, Permanency and Well-being. In 2002, the first review for West Virginia, showed that the state was conforming in protecting children from abuse and neglect, as well as repeat maltreatment cases.

In the areas that West Virginia did not conform to, plans were put into action. Some of the changes include: Focusing on absentee fathers, transportation in order to keep children in close proximity of their families and community, development of inner agencies with every school board in the state and mandatory physicals.

West Virginia is being reviewed again this year beginning with data collection from all child agencies. The onsite review will be given later this year. As the review is completed, the assistant commissioner informed committee members that they would be willing to come back and share the findings of the review with them.

LOCEA

**Teacher Development, Child Nutrition & Financial Aid**

Having returned from Singapore, the State Superintendent of Schools provided insight obtained in a conference that was sponsored and paid for by the Counsel of Chief State School Officers. The Superintendent said the conference allowed him to discover and explore best practices, content objective, strategies, curriculum and standards practiced by nations throughout the world.

While children in Singapore may be fined \$500 for chewing gum in class, caned for vandalism, sent to jail for bringing a gun to school or sentenced to death for drug dealing, he was quick to add that there are other ways to bring discipline into classrooms without infringement on pupils’ constitutional rights.

He also lauded Singapore's National Institute of Education. Each teacher must go through the Institute before being in a classroom. Following their receipt of a baccalaureate degree, all teachers must engage in 100 hours of professional development per year through the Institute. Salaries are equal to the top one-third of professionals in private industry because educational expectations are exceedingly high. He also indicated Singapore had a surplus of teachers.

Noting that United Kingdom and Canada lead the world on teaching strategies and student assessments, he concurred with his colleagues during the conference that assessment testing might be too broad. He told lawmakers he was in agreement of reducing the number of federally mandated student assessments by 10 percent and said the overall administration of the assessments was becoming a nightmare.

Focusing on West Virginia, the State Superintendent also said the state should consider standardized professional development to achieve a centralization of quality. He would like to look at more ways to develop leadership qualities in principals as well as local superintendents.

Lawmakers requested the findings and outcomes of staff development programs and are asking for the numbers of agencies involved in the development projects. Also, questions were raised as to the actual implementation of lessons learned at development seminars.

The State Superintendent also applauded the innovative idea of providing elementary science kits put together by DuPont, RESA 6 and the Benedum Foundation. Presently, 50 elementary teachers have been selected to participate in the science training project. This public-private partnership serves to support inquiry-based science teaching and begins to enhance elementary school science and its cor-

responding required math skills, the Superintendent told the committee.

The committee also was provided a brief summary from the Department of Education's Office of Child Nutrition.

West Virginia's nutrition programs for children include the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Summer Food Service Program and the Special Milk Program. These nutrition plans bring more than \$82 million in federal funding and are designed to provide healthy foods for children and functionally impaired adults in a variety of settings.

The United States Department of Agriculture (USDA) determines what federal dollars are needed, and states must adhere to a dietary plan. Five West Virginia licensed nutritionists who meet staffing requirements and are posted throughout the state work with the USDA to ensure West Virginia is meeting federal nutritional standards.

According to material provided to the committee, "The School Lunch Program provides lunches to students in all public schools, 20 private schools and institution. Being the first state to inaugurate a breakfast program, the School Breakfast Program serves 710 public and 9 private schools and 32 institutions. The Child

and Adult Care Food Program is sponsored by 254 child care agencies and subsidizes meals and snacks in 604 centers and 1,579 homes. Ten agencies sponsor nutrition programs in adult day care. The Summer Food Service Program provides meals to children in 475 summer programs (96 sponsors). The Special Milk Program provides milk to children in 12 camps and 9 private schools."

The nutrition spokesperson told lawmakers that children can and do bring their own food, and some food provided is in





line with special diets or religious requirements following proof of the necessity.

Seven cooperative vendors provide food in this system. Billing is accomplished through a computerized, centralized system. And, while apparently cumbersome, West Virginia leads the nation in biometric scanning, which is an imaging system children use when receiving food as opposed to paper cards.

Lawmakers, who spoke on behalf of some of their constituents who are parents, asked if children were receiving second helpings if the children asked. According to the Superintendent, since some schools paid for a portion of their lunch programs and find “seconds” a good way to “get rid of leftovers”, sometimes seconds are served. He quickly noted that student-athletes generally make the requests.

During the second meeting of the May Interims, committee members heard reports from the Chancellor of the West Virginia Council for Community and Technical College (CTC) Education and the Chancellor of the Higher Education Policy Commission during this month’s interims.

Currently, the national average tuition rate for CTC Education is \$2,272 while West Virginia’s average tuition rate is \$2,603. Tuition and fees for Community and Technical College Education will increase by an average of \$91 next year. Within the next five years, tuition will rise a total of \$319.

Two goals for CTC Education is better defining the educational needs of industry clusters and to develop a process that will analyze data to assure that the programming developed is what is needed.

For the past 10 years, the tuition rates and fees have increased steadily yet is below the SREB average.

Members of the committee were also given a Financial Aid Update. For the 2008-09 academic school year, more than \$82 million of financial aid assistance will be provided to West Virginia students seeking higher education.

The PROMISE Scholarship has served 22,747 West Virginia students since its creation in 2002. More than 3,000 new eligible students have earned the PROMISE this year, with 86 percent of those enrolling in a West Virginia public or private college.

Almost 17,000 Higher Education Grant awards have been offered to the state’s financial need students for the 2008-09 academic year. About 90 percent of those students are

also eligible for Federal Pell Grants, which are based upon expected family contributions.

The Vice Chancellor of Administration also presented the committee with a proposed implementation plan that outlines what is needed to accomplish the mandates contained in SB 287, SB 595, SB 682 and HB 3215, all of which were passed during this year’s regular session.

## Education Subcommittee A - Public Education

### Study Assignment Review

A brief organizational meeting was conducted to inform the membership of the subcommittee on their selected studies during the 2008 Interim Meetings.

Subcommittee A will review:

- HCR 80 - a study on promoting a safe and productive learning environment
- HCR 82 - a study to improve the efficiency of school level, county board and regional education service agency accounting practices and procedures
- HCR 101 - a study on the condition, role and functions of county boards of education
- SCR 3 - to explore options to improve school health and submit ideas to LOCEA
- SCR 32 - to study the feasibility of daily physical education classes
- Teacher Mentor Programs using findings from other states, model programs and means of funding.

## Education Subcommittee B - Higher Education

### Implementing 2008 Education Legislation

During its organizational meeting, the subcommittee’s mission statement called for Subcommittee B to monitor the implementation of House Bill 3125, passed during the 2008 Regular Session, which removes the administrative link between Shepherd University and Blue Ridge Community and Technical College. The bill called for the Legislative Oversight Commission to oversee the required policy changes, and, as such, this higher education subcommittee will report its findings to LOCEA.

In addition, the subcommittee will focus on overseeing the development of rules on accountability, financing, benchmarks and indicators in relation to the passage of SB 595, also passed in 2008. The bill establishes education goals and objectives for 2020.



It also will receive and review reports from the PROMISE Scholarship Ad Hoc Advisory Committee.

Attending the subcommittee was the Vice Chancellor of Administration of the Higher Education Policy Commission (HEPC). The Vice Chancellor provided lawmakers with a schedule outlining deadlines that HEPC had to meet in reporting to LOCEA the progress of implementing bills passed during 2008.

These deadlines were associated with SB 287, known as “Bucks for Brains;” the “Vision 2020 Accountability System” (SB 595); SB 682, Community and Technical College Bonding; and HB 3215/HB 102, which created independent governing boards for the Community and Technical College at WVU Institute of Technology, Marshall Community and Technical College, Pierpont Community and Technical College, WV State Community and Technical College and WVU at Parkersburg.

The subcommittee will also keep an oversight on SB 603, the Higher Education Flexibility and Personnel Study. Stakeholders attending the meeting requested that lawmakers be made aware that personnel presently is concerned about the intent of the merit pay proposal. Lawmakers were asked to ensure equity and fairness were applied in that portion of the study.

Commenting at the close of the Vice Chancellor’s presentation, lawmakers stressed that higher education officials must provide them with measurable information. All indicated the need to have a matrix provided that would clearly show “where we’ve been” and “where we are presently,” otherwise the effects of any legislation passed would not be evident.

Education Subcommittee C - Public School Finance

**Monitoring School Aid Formula**

Members of the committee reviewed the proposed areas they would be studying. Those studies include HCR 81 and HB 4588, both of which were passed during this year’s regular session.

HCR 81 requests a study on providing supplemental state aid for the instruction of English as a second language for West Virginia schools.

With the passage of HB 4588, which made various changes to the school aid formula, Education Subcommittee C and the Legislative Oversight Commission on Education Ac-

countability will review the provisions of the public support subdivision to determine whether they properly address the needs of counties with low enrollment and a sparse population density.

The committee will also be monitoring “Vision 2020,” an education blueprint for 2020, requiring the State Board of Education to include goals, objectives, strategies, indicators and benchmarks specifying certain public education goals and objectives to be included in the plan.

Finance Subcommittee A

**Overview of Study Assignments**

During the first meeting of the new interim meetings for this committee members briefly discussed the study topics that have been assigned to them. Several resolutions that were adopted during the 2008 Regular Session provide the topics for this committee. The first, Senate Concurrent Resolution 53, requests a study regarding funding for the convention and visitors bureaus around the state and the hotel/motel tax collections. The second, House Concurrent Resolution 50, requests a study regarding the impact of changing the funding formulas for local health department services.

A third topic is based upon a bill, House Bill 4568, which was discussed during the 2008 Regular Session. The bill would require accidental and sickness insurance providers and health maintenance organizations (HMO’s) to cover the treatment of Lyme disease.

This committee is also charged with studying the distribution of public monies for fairs and festivals.

Finance Subcommittee B

**Tax Issues**

The Finance Subcommittee B of the Legislature has several topics for study during this year’s interim meetings. Staff and counsel briefly touched on the study topics assigned to them during the May meeting.

The first few topics are derived from resolutions adopted during the 2008 Regular Session. The first, Senate Concurrent Resolution 59, requests a study of a simplified tax structure for communications. The second, Senate Concurrent Resolution 74, requests the committee review the property tax assessment and appeals system.



Other issues assigned to this committee included: monitoring of the Water Trust Fund and new reclamation fund tax, a study of the distribution of lottery and gaming revenues, a study of Home Rule Impact on State Revenues, and tax issues in general.

## Finance Subcommittee C

### Overview of Study Assignments

This committee met briefly in May to discuss and hear the topics that will be their focus for the interim meetings.

Staff counsel crisply detailed the topics that were assigned for review. The topics include one study from a resolution adopted in the regular session - House Concurrent Resolution 99, which requests a study on a funding mechanism to increase the salaries of teachers and school service personnel.

Other topics briefly touched on by the staff include a study of short and long term road funding needs, a study of short and long term state water and sewer infrastructure needs and, finally, a study of short and long term post-retirement benefit funding needs.

## Forest Management Review Commission

### Biomass Opportunities

A representative from the West Virginia Division of Energy presented Biomass Opportunities in West Virginia to the Commission in May.

Biomass is often simply wood residue or scraps left over during the processing of wood and paper industries. Biomass presents several opportunities for alternative fuels in industry. The first use is as a fuel in boilers. Wood fired boilers are used in kiln and process operations in the wood/paper industry. Chemical and power industries are also examining using wood residue as an alternative fuel to natural gas.

Another use is as pellet fuel. There is potential for growth as more and more consumers in the European Union use pellet fuel to meet electrical needs.

Biomass industries are an emerging in West Virginia, according to the representative, and the use needs to be examined further to fully take advantage of the potential in this state.

## Higher Education Capital Projects & Facilities

### Improving Funding for Higher Ed. Facilities

The Higher Education, Capital Projects and Facilities Committee was created as a result from the passage of Senate Bill 595 this regular session. Members of the committee will be in charge of creating a detailed analysis of higher education capital projects and facilities maintenance needs and provide recommendations to the Legislature.

During their first meetings, committee members were presented with an overview and current practices of capital projects and facilities funding in higher education by the Vice Chancellor of Administration and the Director of Higher Education Finance and Facilities.

The Vice Chancellor of Administration and the Director of Finance and Facilities provided a broad overview of higher education capital and facilities maintenance issues and proposed a plan to study these issues in greater depth during the upcoming months.

Currently, West Virginia does not address higher education capital projects and facility maintenance needs through a statewide plan. Instead, most capital fees that students must pay are used to fund these maintenance projects, giving the state an “F” grade by the National Report Card on Higher Education in affordability. In 2007 alone, student funding for capital projects totaled \$45,741,236 compared to state funding of \$10 million.

Institutions of higher education provide annual, five-year implementation and 10-year campus development plans, but, according to the Vice Chancellor, these plans more closely resemble “wish lists” than actual plans and are normally not followed or are changed without regard to the original master plan objectives.

According to both the Vice Chancellor and the Director, the long term study goals for higher education institutions are the alignment of capital funding with state priorities, dedicated state funding source for construction and renovation of educational and general facilities, and adequate state and/or institution funding to ensure that ongoing facilities maintenance needs are met.

The Higher Education, Capital Projects and Facilities Committee will meet until December of this year. At that time, all recommendations from and draft legislation to implement those recommendations from the committee will be given to LOCEA and the Joint Committee on Government and Finance for further consideration and study.



Government Organization - Subcommittee A

**Green Building Standards**

This subcommittee of Government Organization took up for discussion House Concurrent Resolution 87, which suggests a study of the adoption of green building standards.

A representative from the state Department of Environmental Protection discussed “Green Building”. Green Building is also known as sustainable or high performance building and can increase the efficiency of energy, water and material use.

Benefits of Green Building may include reducing the overall impact of the built environment on human health and the natural environment. It can also protect occupants’ health and improve overall morale and productivity.

Government Organization - Subcommittee C

**Professional Employer Organizations**

The state insurance commissioner provided members with an update on the implementation of House Bill 4079. This bill, passed during the recent regular session, provides for the licensure and regulation of professional employer organizations (PEO), which provide human resources administration to smaller businesses by becoming the employer of record for client businesses.

The bill requires the Insurance Commission to promulgate an emergency rule regarding what happens when a PEO and a client terminate their contract. The commissioner said this rule would be filed by mid-June. She added that additional rule changes were expected to come up at the July meeting of the West Virginia Industrial Council, which oversees workers’ compensation insurance.

Counsel provided an overview of some of the potential issues still surrounding PEO’s. This includes figuring out who should be considered the employer for the purposes of health insurance, unemployment insurance, payroll taxes and labor laws.

Counsel also provided members with a summary of other study issues before the subcommittee this year. In addition to studying PEOs, the committee will be looking at whether to codify the Partnership to Promote Community Well-Being established by Executive Order 8-04. Members will also study the need for the oversight of the television cable industry.

Government Organization - Subcommittee D

**Gaming-Related Commissions**

Pursuant to House Concurrent Resolution 73, members of the subcommittee are studying whether to reorganize the gaming-related commissions within the Department of Revenue. The Secretary of Revenue spoke to the subcommittee about the issue.

The secretary said there are three gaming-related commissions in the department: the Lottery Commission, the Athletic Commission and the Racing Commission. The secretary said that due to the similar subject matter of these commissions, a lot of the commissions’ duties overlap. In addition, the Tax Department oversees charitable bingos and raffles, a function similar to the oversight of table games and slot machines within the Lottery Commission. These redundancies could be reduced, the secretary said, by combining all these functions into a single entity.

House Bill 4651, which would have combined the Lottery, Athletic and Racing commissions into a single Gaming Commission, was introduced last year but did not pass. The secretary recommended reconsidering this bill and passing it next session. The subcommittee will continue to study the issue throughout the year.

Counsel went over the subcommittee’s other 2009 study assignments. House Concurrent Resolution 88 requests members to study the procedures and policies for awarding vendor preferences in state purchasing. Pursuant to HCR93, lawmakers will look at whether to create a separate license for marriage and family therapy specialists. In addition, the subcommittee will look at the WV 211 System, which connects citizens with community programs, disaster information and other important services.

Health - Select Committee D

**Improving State Health Care System**

Committee members gathered during May interims with representatives from various health care fields to outline a plan for a state of the art health care system for all of West Virginia.

According to committee members as well as representatives from other health care providers, West Virginia’s health care system, in its current state, is insufficient to meet the needs of all West Virginians.

The committee also met the doctor who has been hired in leading the way in changing West Virginia's health care system. According to him, West Virginia faces two challenges. One of those challenges is the incorporation of a successful wellness prevention program.

## LOCHHRA

### Autism & Childhood Development

Counsel gave members of LOCHHRA their study assignments for the committee, which includes HCR 72 and HCR 74 as well as the public health impact of DEP Rules.

HCR 72 calls for the study of existing autism services in West Virginia and what need, if any, exists for additional or enhanced services because autism is the fastest growing developmental disability throughout the United States with costs reaching \$90 billion annually.

Committee members, in accordance with HCR 74, will also study the need for a comprehensive, collaborative entity made up of experts in prevention, treatment and intervention to plan and coordinate West Virginia's response to the problem of substance abuse.

The Director of the West Virginia Birth to Three Program was also on hand to update committee members on the progress of the program.

The program provides statewide services to children less than three years of age who have a delay in their development or may be at risk of having a delay. Catching a developmental delay early provides better outcomes for the child and their families.

Last year, Birth to Three served 5,600 children alone, with the number continuously growing.

## Infrastructure - Select Committee C

### Highway Engineers & State Bridge Safety

Outlining the committee's charge, legislative counsel reviewed House Concurrent Resolution 109 and HCR 111. The former calls for the study of the cost benefit analysis of engineering services and engineer retention within the WV Department of Highways (DOH). The latter calls for a study of the condition, fitness and safety of bridges in the state.



*During the Korean War, 112,000 West Virginians served in the Armed Forces. 801 soldiers did not return.*

—photo: Martin Valent —

According to HCR 109, over 70 percent of the DOH's engineers are eligible for retirement within the next five years. To stay competitive in attracting and retaining professional engineers, the committee will be looking at pay grades and benefits of those professionals. A cost-benefit analysis of engineering services within the DOH will be reviewed.

House Concurrent Resolution 111 states that bridges and overpasses play a vital role in the transportation infrastructure of this state. Not only are they bridges to economic development but also a chief concern of public safety for the protection of citizens. The Department of Transportation (DOT) estimates that the cost of providing all necessary bridge repairs, maintenance and replacement to be approximately \$2.5 billion. This estimation comes from a statewide





survey conducted during the summer of 2007. According to the findings, 477 bridges were found to have critical or poor deck conditions, 620 bridges were found to have critical or poor superstructure conditions and 430 were found to have critical or poor substructure conditions.

Also appearing before the committee were the Secretary, a DOT spokesperson and a state highway engineer from the DOH to provide information on the Infrastructure Bank Initiative.

According to material provided to the committee, the federal Transportation Equity Act for the 21st Century (TEA-21) “establishes a new State Infrastructure Bank (SIB) pilot program under which four states, California, Florida, Missouri and Rhode Island, are authorized to enter into cooperative agreements with the US Secretary to set up infrastructure revolving funds eligible to be capitalized with federal transportation funds authorized for the fiscal year 1998-2003 period.

State transportation representatives provided information that may be helpful in studying the ways and means to create a similar bank for funding bridge repairs in West Virginia.

Regional Jail & Correctional Facility Authority,  
Legislative Oversight Committee on

**Tobacco-Free Policy**

In his presentation, the Commissioner of the Division of Corrections updated lawmakers on the outcome of the implementation of the division’s tobacco-free policy.

The non-smoking policy was phased in beginning March 1, 2008, in the correctional facilities starting with Mt. Olive through Huttonsville with completion at the close of March. The Commissioner was pleased to announce that no problems at the prisons resulted.

Lawmakers had heard complaints from the prisoners that the guards continue to smoke on the grounds. Noting there are designated smoking areas set aside for prison staff, the Commissioner told committee members those areas were out-of-sight of the prison population. Although some lawmakers objected saying the entire grounds should be smoke-free, a paid advocate for Employment Issues reminded the membership of the stressful environment, the long working hours and the size of the grounds coupled with limited times for breaks for guards. She indicated she believed an out-of-sight area for prison staff might be helpful to those who smoke.

The overall cessation program was given support by the Department of Health and Human Resources’ Tobacco Prevention Division. While no patches or other products were provided to the inmates by authorities, prisoners who requested assistance were directed to the medical unit where they could obtain patches paid for by the Tobacco Settlement Fund.

Food vendor contracts were also addressed during the meeting. According to the Commissioner, there is no single overall food service contract. Vendors bid competitively through the Department of Administration’s Purchasing Division.

Because lawmakers heard some concerns from constituents, a motion was made and adopted to provide the committee with a list of vendors with bullet points on contracts and their terms covering both medical and food services.

At the close of the meeting, a discussion was conducted concerning the cessation of the use of Purchase Cards (P-Cards) at the Regional Jails. Lawmakers were told that the Auditor was currently reviewing their usage.

Judiciary Subcommittee A

**Fossil Fuel Industry**

Counsel provided an overview of the subcommittee’s study assignments. Three of these, Senate Concurrent Resolution 57, SCR90 and House Concurrent Resolution 77, deal with the oil and gas industry. SCR57 and HCR77 request a study of regulation of oil and gas wells and rights for surface owners. SCR90 looks at the effect of oil and gas severance taxes. The subcommittee moved to add coal severance taxes to the study assignment.

The subcommittee will also study regulation of greenhouse gases sequestration, pursuant to SCR11. This is a process that prevents greenhouse gases, such as carbon dioxide, from escaping into the atmosphere.

In addition, the subcommittee will study two issues regarding the rule-making process. HCR14 requests members to study the feasibility of requiring the electronic filing of legislative rules. Counsel said the subcommittee has also been tasked with looking at alternative processes for rule-making review.

**Interim Meeting Schedule & Agendas**  
Please visit West Virginia Legislature’s Web site:  
<http://www.legis.state.wv.us/committees/interims/intcomsched.cfm>

### Judiciary Subcommittee B

#### **Litter & Landfill Reduction, Black Lung Disease**

Staff counsel addressed members to talk about the subcommittee's study assignments. The first was House Concurrent Resolution 114, which looks at ways to limit litter and reduce the growth of landfills. The resolution also has the subcommittee looking at the possibility of a beverage container deposit program.

HCR33 requests legislators to study the increase in the prevalence of coal worker's pneumoconiosis, better known as black lung.

HCR76 has the subcommittee looking at the registration, licensing and regulation of "mini-trucks", smaller pickup trucks often imported from Japan. Such trucks, counsel said, do not meet federal highway safety standards, and the study will look at whether they should be restricted from driving on public roads and highways.

The subcommittee will also look at the potential impact of House Bill 4447, which died in the House Judiciary Committee during the regular session. The bill would have required employers to provide employees with paid family sick leave.

Members will also study the potential effect of Senate Bill 676, which was passed by the Senate but died in the House. This bill would have limited the liability of certain park and recreation owners.

The final study assignment is Senate Concurrent Resolution 67. This resolution requests the subcommittee to study possible changes to child custody laws regarding joint parenting.

### Judiciary Subcommittee C

#### **Drug & Mental Health Courts, Pharmacy Data Mining**

Members were briefed by staff counsel about this year's study assignments. The first two, based on Senate Concurrent Resolution 68 and House Concurrent Resolution 65, both deal with the possible creation of drug and mental health courts. Several other states have established such courts to deal with substance abusers and persons with mental health issues.

SCR69 has the subcommittee studying potential changes to judicial elections. Counsel highlighted the wide range of systems found in other states, such as nonpartisan elections,

judicial appointments and combinations of appointments and elections like the Missouri Plan.

The subcommittee will also look at pharmacy data mining. According to counsel, this is the practice by which pharmaceutical companies track which drugs doctors are prescribing. This information is often used to target advertising to doctors who are not prescribing a particular brand of drug. New Hampshire prohibited the practice, but the law was struck down in a federal district court. The case, counsel said, has been heard in circuit court, but no opinion has been issued yet.

Senate Bill 785, which was introduced but not passed during the regular session, would have made underage alcohol consumption a juvenile delinquent offense instead of a status offense. The subcommittee will look at the impact of the bill and whether it should be reintroduced and passed.

The final study topic, counsel said, is the creation of a data collection system to allow analysis of the state court system. He said the state Supreme Court of Appeals is in the process of creating such a system, but it is not known exactly how much or what type of information the system will provide. There are also issues arising with separation of powers and whether the Legislature would have the authority to create a system of its own.

### Select Committee on PEIA , Seniors & Long-term Care

#### **Advantra Freedom Plan**

Continuing to review the Advantra Freedom Program, lawmakers heard from a retired state employee as well as from the Director of the Public Employees Insurance Agency (PEIA). Advantra Freedom is a Medicare Advantage plan that covers about 37,000 public employee and teacher retirees.

The PEIA Finance Board approved Medicare Advantage in December 2006 in response to a new federal funding program that gives the state lump-sum payments for covering Medicare retirees. Since the implementation of the plan, retirees who also receive health care coverage from Medicare pick up the 20 percent co-insurance payment previously met by the state's plan.

Citing what he considered to be poor service, the retiree noted that not only is he picking up co-payments that were met by the state prior to the switch from PEIA to Advantra Medicare Part D Program, but also his telephone inquiries ultimately end up in the state of Texas. He indicated that

his questions never received adequate attention and left him further confused regarding his health care payments.

As of July 1, a significant change will be made to the program that removes the co-insurance for retirees enrolled in Advantra Freedom. From paying the existing 20 percent, retirees will go straight to co-payments.

If a retiree goes to see a general practitioner, the cost will be \$10. If he or she sees a specialist, then the cost will be \$20. If undergoing an out-patient procedure, \$50 will be required from the retiree. If the retiree goes to a hospital, the cost will be \$100 per admission.

Lawmakers were told by the PEIA Director that PEIA presently has a \$3.1 billion liability, down from \$3.4 billion following the program's changes. Legislators should expect to see it rise to \$5 billion by 2013 since overall health care is trending at 10 percent annually.

### Pensions & Retirement, Joint Standing Committee on

#### Study Assignment Review

Lawmakers on the Pensions and Retirement Committee were provided with an agenda of the studies to come before them:

- SCR 6 - to study Universal Voluntary Accounts Program
- SCR 60 - to study armed forces retirement service credit
- SB 650 - relating to the Emergency Medical Services Retirement System; making a correction to the time period for which the Joint Committee on Government and Finance shall conduct an interim study on the potential effects of the implementation of this plan.
- HCR 52 - to study the creation of a new retirement system for correctional officers
- HCR 119 - to study the financial stability and investment strategies of the police and fire pension plans

### Veterans' Issues - Select Committee B

#### State Veteran's Survey Findings

Committee members were presented with results from a survey given to all West Virginia Veterans of recent conflicts that was conducted by the Veterans Work Group.

The 108-question survey included questions involving demographics, deployments, combat exposure, symptoms of traumatic stress and depression, impact of symptoms, and use of services.

Results of the survey showed that many of West Virginia's veterans suffer from post-traumatic stress disorder (PTSD) and depression especially those living in rural areas of the state. Further information collected from the survey showed that those veterans with PTSD/depression were statistically significantly more likely than other veterans to be unemployed or physically or mentally disabled, to have a lower income, and to show statistically significant declines in functioning.



*In WWI, 58,053 of our young men served in the Armed Forces and 759 lost their lives.*

*photo: Martin Valent*

Although there is no cure for PTSD as of yet, the study group suggested that the best thing for these veterans is a good job. The work group stressed that progression for those veterans suffering from PTSD is using those services available to them, which many are not taking advantage of.



After presenting these results to committee members, various recommendations were given including efforts to improve awareness and education as well as increase the collaboration between the civilian health/mental health system and the VA system because less than one half of veterans with PTSD/depression are fully accessing services that is currently being offered.

Other recommendations to committee members were an increase in the number of appropriately trained practitioners, especially in rural areas, and providing outreach to veterans and their families as well as veterans’ organizations.

**Volunteer Fire Departments - Select Committee F**

**Volunteer Firefighter Recruiting Incentives**

Recruiting and retaining volunteer firefighters in West Virginia has become a crisis situation, according to the State Fire Marshall, who addressed lawmakers on May 19. As such, members of Select Committee F met to review resolutions designed to provide incentives to individuals who may be interested in serving their communities as vital emergency responders.

Senate Concurrent Resolution 50 and House Concurrent Resolution 17 both call for studies on recruiting and retaining volunteer firefighters citing concerns for public safety.

The studies emphasize lawmakers’ concerns regarding the reduction in volunteer firefighting forces. According to the State Fire Marshall, at one time West Virginia had 11,000 volunteer firefighters, but that number stands around 10,000. Four hundred and twenty seven volunteer units now cover more than 90 percent of West Virginia.

Since the 9/11 terrorist attacks, volunteer firefighters’ expenses have soared with federal training mandates put into play. Today, it costs about \$6,000 to train a volunteer firefighter, but added equipment skyrockets the costs easily to exceed \$10,000. The State Fire Marshall told lawmakers that most volunteer departments get about \$45,000 annually from the state. They also may maintain about \$170 million in fire equipment, which is mostly paid for by federal grants. Receipt of those monies also requires increases in training time. Training time has jumped from 72 hours to 180 hours and includes hazardous-materials training.

Some county commissions have instituted fire fees to help finance volunteers, but one volunteer attending the meeting told lawmakers that volunteer firefighters would have big problems with private workers’ compensation insurance in

the near future. According to the firefighter, insurance firms only want to compensate injured volunteer firefighters at the rate of minimum wage, while firefighters would like to be compensated for the wages they make at their regular jobs. He said some of his volunteer colleagues included engineers as well as other professionals in higher income jobs as well as youth just starting out in the job market.

To recruit and retain those younger volunteers, one idea offered was the creation of a “Hero Scholarship”, similar to the Promise Scholarship, which would fund college scholarships for volunteer firefighters tied to their time of service.

Another area for committee discussion relates to full-time firefighters. House Concurrent Resolution 83 calls for a study regarding meeting and conference rights for members of fire departments who are employed by political subdivisions.

“Meet and confer” practices are interest-based negotiations in which neither the employer nor the employee is mandated to meet or come to an agreement. Many cities around the country have accepted the practice of “meet and confer” so that employees may negotiate and reach agreements with their employers on issues concerning wages, hours, benefits and other terms and conditions of employment. The resolution inquires as to whether a “meet and confer” practice improves the present system of communication between a local government and its emergency responders and is necessary for matters pertaining to wages, hours, benefits and other terms and conditions of employment.

**State Water Resources, Joint Legislative Oversight Commission on**

**Safe Drinking Water Projects**

The commission received an overview of its study assignments from counsel. Two of these, House Concurrent Resolution 84 and HCR115, cover the construction of water lines. HCR84 focuses on improving the state’s efforts to better promote the availability of safe drinking water projects. HCR115 requests the commission to study the feasibility of requiring residential, business and industrial water connections along newly established waterlines.

The commission’s final study assignment is based on HCR110. This resolution requests the commission to look at mitigation practices and resources in wetland areas.



May 18 - 20  
 June 22 - 24  
 July 28 - 30  
 August 24 - 26  
 September 7 - 9 (Bridgeport)  
 October 12 - 14  
 November 16 - 18  
 December 7 - 9  
 January 11 - 13, 2009  
 February 8 - 10, 2009

## 2008 Interim Committee Meetings

*All dates are subject to change.*

### 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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