



INTERIM HIGHLIGHTS

CITIZEN'S GUIDE TO INTERIM COMMITTEE MEETINGS OF THE WEST VIRGINIA LEGISLATURE

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Following the adjournment of the 2012 Regular 60-Day Session on March 16, lawmakers returned to their districts for a brief hiatus prior to the Legislative Interim Committee meetings. As was scheduled, all came back to Charleston to participate in their appointed committees in May.

These meetings, scheduled for three days each month throughout the remainder of the year, serve as informational studies relative to state issues that remain unresolved. Made up of members of both the State Senate, the House of Delegates and some citizens who are appointed to serve because of their expertise in certain areas, the committees are appointed by the Senate President and the Speaker of the House, who also determine what subjects are to be reviewed.

The subjects are drawn from resolutions adopted by both bodies during the Regular Session. (See http://www.legis.state.wv.us/committees/interims/2012_Interim_study_assignments.pdf for a complete listing of studies and <http://www.legis.state.wv.us/committees/interims/interims.cfm> to review the membership of each committee.) For an overall view of interim information, open <http://www.legis.state.wv.us/committees/interims/interims.cfm>

May Interim meetings were organizational in nature. Committees met to single out subjects that they will address in the coming months. While some committees discussed portions of their areas of review, others met briefly to clarify their committees' agendas. Brief summaries of recent activities are listed below:

Interim Committee Meetings 2012/ 2013

May	14 - 16, 2012
June	25 - 27, 2012
July	23 - 25, 2012
August	13 - 15, 2012
September	10 - 12, 2012
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Agriculture & Agri-business Committee

The West Virginia Department of Agriculture, which tests food and farming products, says it needs \$8 million to renovate its laboratory.

The committee agreed to recommend the funding after hearing from Department officials.

The department's duties include testing food as well as animal feed, fertilizer and pesticides. The agency's lab checks the quality of these products and the accuracy of their labels. It also tests food safety, and is part of a network meant to prevent bacterial and viral outbreaks.

The \$8 million would renovate lab space assigned to the



department at the West Virginia Education, Research and Technology Park in South Charleston.

This former Dow Chemical facility would replace the department’s main lab in Kanawha County, which was previously a Cold War-era radar base’s recreation hall.

The interim study topics assigned to this committee are as follows:

SB421 - Creating Captive Cervid Farming Act

SB184 - Creating Spay Neuter Assistance Fund

SB527 - Relating to general livestock trespass law

Looking at ways to improve how the Department of Agriculture is being promoted/marketed at the State Fair.

Looking at the causes of a decrease in bee pollination in the state.

Joint Committee on Government Organization

Bureau of Senior Services

A presentation was provided to the Joint Government Organization Committee by the commissioner of Department of Health and Human Resources.

The budget of the state Bureau for Senior Services has grown from \$55.5 million from 10 years ago to \$93.1

million for the coming fiscal year. With increased costs, the budget is not enough to fund services for the state’s growing elderly population, lawmakers were told.

Approximately 500 seniors are on wait-lists for in-home care which was capped at 8,130 participants statewide in December. Matching federal dollars may be hard to find to assist those wait-listed seniors who’s in home care would cost over \$10 a year.

There are also waiting lists for the other in-home care programs administered by the bureau, such as the Family Alzheimer’s In-Home Respite (FAIR) program, which provides assistance to family members caring for individuals with Alzheimer’s disease or other forms of dementia. The Lighthouse program which provides basic personal care, meal preparation, transportation and housecleaning for seniors who don’t qualify for Medicaid, on a sliding fee scale of \$1 to \$16 an hour, based on the individual’s income.

This presentation sets the stage for arduous deliberation in the coming months as lawmakers face a growing population of “baby boomers.”

Government Organization Subcommittees A, B, C

Discussion of assigned study topics

The three Government Organization Subcommittees each discussed their assigned study topics for the interim session during the May interim meetings.



Subcommittee A’s studies for the interims will include:

1. Requesting that the Joint Committee on Government and Finance authorize a study of the Home Rule Pilot Project;
2. Requesting the Joint Committee on Government and Finance study the Infrastructure and Jobs Council (SCR 101);
3. Requesting the Joint Committee on Government and Finance study of the Historical Preservation Office (SCR 103); and,
4. Requesting that the Joint Committee on Government and Finance authorize a study of the structure and authority of the State Fire Commission.

Subcommittee B’s assigned studies will include:

1. Requesting that the Joint Committee on Government and Finance authorize a study of the safety of employees making field visits (SCR 104);
2. Requesting that the Joint Committee on Government and Finance authorize a study of appraisal management companies;
3. Requesting that the Joint Committee on Government and Finance authorize a study of the regulation of sonographers (SCR 62); and, 4. Requesting the Joint Committee on Government and Finance study West Virginia Grievance code policies and rules. (HCR 116).

Subcommittee C’s assigned interim studies will include:

1. Requesting that the Joint Committee on Government and Finance authorize a study Americans w/ Disabilities Act in Government Buildings (HCR 54);
2. Requesting Joint Committee on Government and Finance authorize a study of outstanding sunrise applications and continued improvements to the

sunrise process;

3. Requesting that the Joint Committee on Government and Finance authorize a study of the financing of the Chapter 30 boards; and,
4. Requesting that the Joint Committee on Government and Finance authorize a study of the structure and authority of Municipal and County Government (SCR 105).

Joint Committee on Health

Joint Committee on Health received study assignments for the year during May’s interim meetings. The committee was assigned a total of seven resolutions, adopted during the 2012 Regular Session, that covers a wide spectrum of topics.

House Concurrent Resolution 132 calls for the committee to study the feasibility of developing a state pilot program for school-age expectant mothers. West Virginia is dealing with an increase in teen pregnancies while the rest of the country is experiencing a decline. The pilot program components would include; daycare services, onsite obstetrical and onsite prenatal services, exemption from minimum attendance requirements for absences related to pregnancy or parenting, and flexible scheduling in order to meet all graduation requirements.

Senate Concurrent Resolution 60 calls for a study on the process of compiling and making available non-identifying social and medical histories of birth parents prior to an adoption.



Senate Concurrent Resolution 70/House Concurrent Resolution 140 deals with strategies for ensuring that individuals who are deaf or hard of hearing have access to necessary and appropriate hearing aid devices. The high cost of hearing aids prohibits many individuals and families from being able to purchase them. The committee will look at ways to help these individuals receive these hearing aids.

House Concurrent Resolution 109 calls for the committee to look at the feasibility of requiring coverage for eosinophilic disorders including coverage for enteral nutrition supplements by policies, provisions, contracts, plans or agreements offered by the public employees insurance agency, Medicaid, etc.

House Concurrent Resolution 150 calls for a study of residential rehabilitation facilities to provide intensive and consistent rehabilitation to meet the needs, challenges and issues facing those persons who sustain a traumatic brain injury.

Senate Concurrent Resolution 59 calls for the study of allowing health care providers to prescribe an antibiotic for the sexual partner or partners of a patients who presents with a sexually transmitted disease without first conducting an examination of the partner or partners.

Senate Concurrent Resolution 81 calls for the study of granting exemptions to mandatory immunizations on religious and philosophical grounds. West Virginia is currently one of two states that do not allow religious exemptions to mandatory inoculations.

Aside from these study resolutions, Joint Committee on

- Health will also look at five other topics. They are:
- Strengthening primary care, loan forgiveness, reimbursement
 - Concerns of children born addicted
 - Obesity and chronic disease and coordinated approach to address
 - Practice of dentistry
 - Mandatory overtime in nursing homes

Legislative Oversight Commission on Health & Human Resources Accountability (LOCHHRA)

The commissioner of the Bureau of Medical Services addressed lawmakers regarding the anticipated Medicaid budget shortfall. While monies appear to be available in 2013, legislators should be prepared for the \$236 million that will be needed in 2014.

Overall, an explanation of funding and the various methodologies couple with match rates determined by complex formulas are difficult to put exacting figures upon the commissioner told committee members. Enrollment figures rise and fall and time frames for payment for services makes definitive dollar numbers hard to capture particular within an economic downturn.

The program covers hospital services, nursing homes, mental health services, behavioral health coverages, home health care, community health centers and pharmaceutical costs for approximately 338,000 people in a month, 415,000 are served in a year.



It was said the SSI population (20,000) would be expanded. Noting these folks have a difficult time navigating the system, the commissioner said the bureau wants to improve providing information to the recipients. In the past five years, SSI recipients were in a waiver program but the bureau is starting to roll them over into managed care.

These and other issues from prevention of pre term births to the prevention of substance abuse will be before the committee in the coming months.

Outcomes-Based Funding Models in Higher Education

This is a new committee created from the passage of Senate Bill 436 during this year’s regular session. Senate Bill 436 facilitates and encourages collaboration between the public school system and public higher education in order to promote programs of study and seamless curricula. It also establishes the West Virginia EDGE initiative and the Collaboration Degree Completion Program. The State Board will be required to offer adult basic education programs on community and technical college campuses.

At the end of this year, the committee will submit a final report, recommendations and draft legislation to LOCEA by December 1, 2012. Collaboration with the Higher Education Policy Commission staff will also occur.

Select Committee on Infrastructure

An executive order from the Governor, limiting wording on Division of Highways signs memorializing state military veterans was the subject of debate during the Select Committee on Infrastructure’s meeting this month.

The order, designed to bring West Virginia into compliance with the federal Uniform Traffic Control Device Manual, states that highways signs dedicating roads or bridges to veterans will be limited to stating the honoree’s name, rank and branch of military. That also will be the requirement as existing memorial signs are replaced as part of the normal maintenance schedule, the order states.

Additional wording will not be permitted and that fact did not sit well with many lawmakers.

The issue pits the legislative branch, which designates the naming of roads and bridges through legislative resolutions, against the executive branch, which is responsible for constructing and installing the signs.

A State Highways Engineer said the state had been out of compliance with the federal mandate, designed to make the appearance of highway signs uniform in all 50 states. He said the federal regulation limits the amount of wording that may appear on highway signs to avoid distracting drivers.

Staff attorneys for the committee interpreted that the executive order takes precedence. Legislative resolutions may call for additional wording, but they do not order the Division of Highways to install the signs, rather they merely request that the division do so, the attorneys noted.



A spokesperson from the Governor’s office explained that the executive order simply conforms to the federal requirements that the state must follow.

Judiciary Subcommittees A, B & C

Regional Jail Tour

Taking a prison bus to tour the South Central Regional Jail, lawmakers received a personal perspective of living conditions within an overpopulated jail. The South Central jail reflects confinement environments throughout the state.

For instance, the Southern Regional Jail has a design capacity of 330 but contains 542 inmates; South Central is designed for 300 and holds 513; Southwestern too is designed for 300 but holds 503; Eastern, built for 300, holds 492; Northern, built for 200, houses 323; Tygart Valley, built for 300, houses 484; Central, designed for 200, houses 320; North Central, designed for 400, holds 638; Western, built for 400, holds 624; and, Potomac, built for 200, holds 307.

In the coming months, lawmakers will look into a variety of population reducing measures such as changes in the parole system, alternative sentencing and other solutions entered into discussions.

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.

Parks, Recreation & Natural Resources Subcommittee

The District Administrator, DNR Parks and Recreation Section, discussed expansion projects at Cacapon Resort State Park and Beech Fork State Park.

Senate Bill 362 authorized the Economic Development Authority to issue \$52.5 million in bonds for capital improvements for Cacapon Resort State Park and Beech Fork State Park. The bill provides that the debt service on the bonds is payable from an additional \$3 million allocation to the State Park Improvement Fund out of the State Excess Lottery Revenue Fund. Plans are progressing, and the Division is in contact with Army Corps of Engineers reviewing cost feasibility assessments as well as environmental impacts.

Next, the Committee discussed potential tours at Hawks Nest State Park as well as the Boy Scout High Adventure Camp and Plum Orchard the week of the 20-22 of June. Also, week of July 16 the discussed going to Chief Logan, Laurel Lake, Beech Fork and Cabwaylingo. Alternatives were also proposed for July in the Tygart Lake area. September, potential tours of the fish hatchery in Mason County as well as Cacapon State Park in late September, early October were also discussed.

Assigned study topics for the committee included: Coopers Rock State Park oversight, Deer Farming and Exotic Animal issues, Pittman-Robinson Act, Tourism impacts with relation to state parks in relation to Boy Scout investment, Natural Resources Commission scope, SCR 64



PEIA, Seniors & Long Term Care

While a selection of resolutions have been assigned for study, those discussed during the interim meetings included review of the recent changes to the PEIA financial plan and an overview of the cooperation with community health centers to reduce costs. Neither of these subjects were resolutions adopted during the 2012 Regular Session but are considered of significant priority to lawmakers.

**Select Committee
on Veterans’ Affairs**

Acting upon the assigned broad study resolution (HCR 9) which calls for an overall examination of veterans’ issues, lawmakers heard from the Secretary of the West Virginia Department of Veterans’ Assistance Presentation who provided an update on programs and activities within the Department of Veterans’ Assistance.

The committee briefly made inquiries into the veterans’ van drivers program. This vital service is nearly out of money for May and June. Van drivers’ pay was increased from \$50 to \$75 per day but the increase has put a strain on the system. Presently the program is \$130,000 short and is expected to increase to a loss of \$200,000 next year. For immediate relief, the veterans’ agency is seeking financial assistance from the governor’s office. Lawmakers will also receive information on how many hours van drivers have been driving and how many volunteers participate. In addition, members of the committee inquired as to the length and time of each trip. The van program costs approximately \$62,000 a month.

Also the committee made inquiries regarding HCR 121, which deals with “veterans courts”. These courts would address criminal issues committed by veterans. Forty-six courts have been set up across the nation to review minor crimes.

In closing the Secretary reminded lawmakers of the May 28th dedication of the Donel C. Kinnard Memorial State Veterans Cemetery in Barboursville. Through its lifetime, the cemetery will be able to inter approximately 60,000 qualified veterans and family members.

Members of the committee also were reminded to advise their constituents of the veteran friendly information available online at veterans.wv.gov

**Legislative Oversight Committee
on Workforce Investment and
Economic Development**

Review of West Virginia Workforce Investment Act
The committee heard from the WorkForceWV director who told them that the Act was established in 1998 to provide training for development of a workforce through seven regions in the state and the money comes from the Federal Government. Individual training accounts provide funds for individuals to go to Community and Vocational Schools based on a set of criteria, (example: displaced worker; younger worker; older worker needing retrained, etc.). Thirteen million dollars appropriated in the funds for this year which will help to set up workshops, assist with unemployment claims at sites of job loss to turn around struggling business or help



workers find services.

The committee also learned that currently, the Unemployment Trust Fund balance is a little over 164 million dollars presently and should end the fiscal year with balance around 159 million. ▲

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Interim Meeting Schedule & Agendas
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<http://www.legis.state.wv.us/committees/interims/intcomsched.cfm>

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View Legislation Online
 For complete bill history information, roll call votes, amendments, sponsor, veto messages and the full bill text of all legislation from the 2010 Regular Session, please visit Bill Statutus online at:
www.legis.state.wv.us/Bill_Status/bill_status.cfm

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