

# Interim Highlights

## Interim Meetings held in Martinsburg

September 9-11, 2007

Members of the West Virginia Legislature had a change of scenery for the September 2007 interim meetings. Instead of attending meetings in the various committee rooms of the Capitol Building, lawmakers visited Martinsburg and the rest of the Eastern Panhandle.

It was business as usual for several of the committees, with members hearing reports just as they would in Charleston. However, there was a definite focus on the panhandle. In several meetings, members heard about the growth experienced by the region and the problems associated with it.



*The Parks, Recreation & Natural Resources Committee visited Cacapon State Park.*

But members were not confined to conference rooms all three days. Several interim committees visited places around Martinsburg and throughout the area. Visitation locations included Cacapon State Park, Blue Ridge Community and Technical College and Caperton Furniture Works.

The visitations are a major part of what has become an annual tradition for the Legislature. Traveling interims have been held regularly for nearly 20 years. Last year, lawmakers visited Logan. Other recent interim locales include Shepherdstown, Beckley and Morgantown. In each case, lawmakers had the opportunity to leave the meeting room and see life throughout the state first-hand.

Legislators have two roles to fill. One is representing their districts; the other is working for the betterment of the state as a whole. Traveling interims help them perform both roles more knowledgeably.

As lawmakers from outside the Eastern Panhandle return home, they will bring with them a new understanding of the concerns of their fellow West Virginians. This insight will serve them well when session begins in a few months.

### Children, Juveniles & Other Issues, Select Committee A

Members of the Select Committee on Children, Juveniles and Other Issues visited the Berkeley County office of the state Department of Health and Human Resources. While there, the committee heard from the Community Service Manager for Morgan, Berkeley and Jefferson counties.

The manager addressed some of the personnel issues facing Child Protective Services (CPS) in the region. She explained that a combination of high turnover and increasing workload has created a problem for CPS in the Eastern Panhandle.

The high turnover is created by competition from border states, the speaker said. Virginia and Maryland offer higher salaries, better benefits and less stringent requirements.

For example, she said a CPS officer just starting out in West Virginia would make about \$23,700 per year. After a one-year probationary period, the salary increases to around \$27,250. A CPS supervisor will make around \$31,200.



*Members of Select Committee A heard from Berkeley County DHHR officials during their meeting on September 10th.*

In Frederick County, Va., a starting officer can make around \$32,750. After two years, this increases to nearly \$36,500. An administrator makes about \$41,600.



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In Washington County, Md., a new officer makes close to \$33,450. After a one-year probationary period, this officer would make about \$35,600. If the officer has a master's degree, these numbers increase to about \$37,800 and around \$40,250, respectively. A supervisor with a master's degree would make more than \$42,850.

In addition to higher salaries, Virginia and Maryland provide cost-of-living allowances and merit raises, the speaker said. West Virginia, on the other hand, offers neither.

Because the panhandle is so close to both states, the manager said many CPS officers in the area take jobs out-of-state while continuing to live in West Virginia. This has led to a 15 percent vacancy rate and a 40 percent probationary rate. She said the 55 percent combined rate is above the statewide average of 39.5 percent.

The manager provided another example of the difficulty in retaining CPS workers. Her most tenured officer had been there 30 years. However, the second-most tenured had been there two-and-a-half years. In addition, she has heard her counterparts in other states say that West Virginia is a training ground for their CPS officers.

The speaker said that West Virginia needs to be competitive with border states. This includes, she said, offering cost-of-living allowances and merit raises.

### Economic Development, Joint Commission on & Technology, Joint Committee on (Joint Meeting)

The two committees took a tour of a state of the art printing facility that is the premier economic development project in Berkley County. It is a 1.77 million square foot facility, housing



Lawmakers from the Economic Development and Technology interim committees visit Quad Graphics on September 11th.

the latest in print technology as well as an employee medical facility. Located on 150 acres on the I-81 corridor, materials and products are shipped nationwide to some of the most well known retail businesses in the country.

### LOCEA

After a brief introduction from the chancellor of the Higher Education Policy Commission (HEPC), the president of Shepherd University addressed the commission.

The president said she was still learning the ropes since she has only been there a few months, but she provided an overview of her goals and missions for the university.

One major focus was on providing a broad liberal arts education to all students. The speaker told the committee this gives students strengths that do not become outdated. A liberal arts background, she said, prepares graduates for any potential career changes and even for careers that had not yet been imagined.

As part of this focus, the university is attempting to join the Council of Public Liberal Arts Colleges (COPLAC). This is an exclusive group of public liberal arts colleges around the country. These universities and colleges have smaller enrollments and focus on providing a general education. COPLAC's members include the College of Charleston (S.C.), St. Mary's College of Maryland and the University of North Carolina at Asheville.

Another major focus of Shepherd, the president said, was on outreach and recruitment at local schools. The university provides a professional development program for high school students that prepare them for college. The university also runs a science outreach program for 7th and 8th graders.

The president did point out some areas where Shepherd is looking to improve, including addressing the need for anytime, online education. These programs would give educational opportunities to working adults who cannot fit traditional classes into their schedules.

The HEPC chancellor addressed the commission about the development of the state's 2007-2012 Master Plan for Higher Education. This plan is meant to identify priorities for higher education in the state and how to address certain challenges, such as the loss of teachers and engineers, rising student debt and changing job market needs. He said the plan has five zones of emphasis: economic growth, access, cost and affordability, learning and accountability, and innovation.



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A centerpiece of the Master Plan, the chancellor added, is regional focus. As such, he provided an overview of the demographic, educational and occupational situation in the Eastern Panhandle.

According to the chancellor, the panhandle has several unique characteristics. For example, the region has a much higher return on investment for an associate's degree. In 2005, a person in the Eastern Panhandle who had an associate's made an average of \$12,636 more per year than someone with only a high school education. By comparison, the statewide average for this difference was \$8,335 while the national average was \$9,444.

Other data reflected the growth the region had seen over the past several years. This included a 10.3 percent growth in population under the age of 64 from 2000 to 2005. Other notable characteristics for the panhandle include a higher-than-average per capita personal income and a lower-than-average poverty level.

The chancellor said that a regional approach to crafting the Master Plan allows the HEPC to adjust to the different needs of each part of the state. The HEPC is trying to finalize the plan by the end of the year.

The commission also heard from the chancellor Council for Community and Technical College Education (CCTCE), who introduced the president of Blue Ridge Technical and Community College.

The president provided an overview of how the college had grown since being split from Shepherd University in 2000. When the college started out, there were seven full-time faculty and staff, he said. Now, there are 53 full-time workers and 80 part-time. Before, the college was located in the basement of a building at Shepherd. Since then, the college has moved to its own facility in downtown Martinsburg.

He added that the college's budget has grown to \$5 million while tuition has stayed the same for the past four years.

The president told the commission that flexibility was the key to a successful community college. In following this ideal, the school acts as both a career center, where students learn professional skills for a lifelong career, and an occupational center, where students learn skills that will put them to work within two years.

The CCTCE chancellor complimented Blue Ridge's president on what he had done there. The chancellor said the client-based focus at Blue Ridge allows the college to tailor its programs to the needs of local industry.

Finally, the HEPC chancellor again addressed the commission. This time, he briefed members on the status of upgrades to the College of Engineering at West Virginia University Institute of Technology (WVUIT).

WVUIT approved \$3.2 million for the project with the goal of receiving accreditation from ABET, formerly known as the Accreditation Board for Engineering and Technology. The goal, the chancellor said, is to put WVUIT in a position to secure accreditation within the next 12 to 18 months.

The project is divided into three phases. Currently, the project is in Phase 1, during which time the engineering departments will try to address their most pressing needs. This includes upgrading laboratory equipment. There will also be minor renovations to accommodate the new equipment. This phase is the most expensive part of the project and will last until December.

During Phase 2, which runs from January 2008 to March 2008, the departments will finish installing the Phase 1 equipment and renovating their laboratories. After this phase, a review will take place that will determine the direction for Phase 3.

The goal, according to the chancellor, is to finish these improvements before ABET's visit in Fall 2008. He said that HEPC delayed the project for a couple months to ensure that everything was well planned out, but he added that despite the delay, the improvements should still be finished in time.

### Finance Subcommittee A

Counsel provided the committee with an abstract of Senate Bill 459 and House Bill 2280. The two bills, which are identical, died in their respective Pensions committees during the 2007 Regular Session.

The bills would have provided certain correctional officers with full retirement benefits. Specifically, officers who retire after at least 20 years of honorable service would receive full benefits. Currently, these officers are covered under the "rule of 80", which only provides full benefits to an employee over the age of 55 whose age plus years of service is greater than or equal to 80.

According to counsel, the cost of calculating a fiscal note for the bills would be around \$30,000. Members of the subcommittee agreed to hold off action on the bills until it can be determined that a cost assessment would be prudent.



**Finance Subcommittee C**

Members heard from the Berkeley County assessor about the property tax issues facing residents there.

The assessor said the county had seen rising property costs as a result of rapid economic growth. This has led to higher property values as demand increases, meaning residents must pay more in taxes when their property is revalued.

According to the assessor, this has led to exorbitant taxes for many senior citizens. As a result, many seniors are going to stop voting for excess levies and other property tax increases since they cannot afford to pay for them. This would, in turn, hurt schools and hamper other county services, he said.

He offered several suggestions for correcting the problem. One was to increase the homestead exemption. Other suggestions included an exemption for excess levies and a cap on property taxes for qualified seniors.

One member said lags in reappraisals led to sudden increases in tax bills for residents whose property had risen in value significantly since their last appraisal. The assessor agreed that this was a problem in several counties but one that he has tried to avoid in Berkeley County.

**Government Organization - Subcommittee A**

An assessment of the State Capitol Building’s compliance with the Americans with Disabilities Act (ADA) was presented, identifying problem areas and courses of action that have, or will be addressed.

Among those issues are sidewalks and external access as well as travel between wings and floors and seating in the galleries. Some issues cannot be rectified due to architectural limitations but reasonable accommodations are being investigated by the Department of Administration, General Services, Division of Veterans’ Affairs, West Virginia Department of Administration Americans with Disabilities Act Office and the West Virginia Veterans’ Coalition.

Preservation of the historic and aesthetic qualities will be maintained through oversight of the Capitol Building Commission, the Historical Preservation Section and the Archives and History Section of the Division of Culture and History.

**Government Organization - Subcommittee B**

**Municipal Liens**

Senate Concurrent Resolution 55 (SCR 55) requests a study regarding the authorization of municipalities to satisfy liens on unpaid municipal fees, including fees on uninhabitable and/or abandoned structures.

While a municipality currently may send letters to a property owner or to condemn the owner’s derelict property and/or put a lien on property for unpaid fees, the municipality does not have the means to collect the money and satisfy the liens. Also, the city may condemn and demolish the property, but it cannot obtain reimbursement for the demolition costs. Lawmakers are reviewing an idea of allowing a municipality to sell the property to satisfy the lien and retain some money from the sale.

Appearing before the committee, the financial director of Martinsburg noted that 85 percent to 90 percent of all unpaid fees come from water, sewer, fire and garbage fees – a \$1.5 million outstanding debt for the city. The city focuses on water and sewer fee collection because fire and garbage services would create a public health threat if cut off. At that, the process of filing and serving the fees costs more to the city (\$50-\$70 per filing fee; \$20-\$30 per serving fee) that city officials may wait until the fees are above the actual costs of the collection.

Citing WV Code Chapter 8, Article 20, Section 10(d), the financial director sought for the expansion of this portion of the West Virginia Code to include all fees. This section reads “municipalities are hereby granted a deferral of filing fees or other fees and costs incidental to the bringing and maintenance of an action in magistrate court for the collection of the delinquent rates and charges. If the municipality collects the delinquent account, plus fees and costs, from its customer or other responsible party, the municipality shall pay to the magistrate court the filing fees or other fees and costs which were previously deferred.”

He also said the Business and Occupation tax allows for business assessments as it is and he would like to see delinquent municipal fees become automatic liens without the city having to follow, what he described, as a long and time-consuming process.

In addition, the financial director told lawmakers that the state of Michigan levies utility fees on the property, not the owner; whereas, the fee is automatically added to a property owner’s property tax.

Government Operations, Joint Committee on & Government Organization, Joint Standing Committee on (Joint Meeting)

## Elevator Workers/ Legal Advertisement Costs

Meeting collectively, lawmakers from both Government Organization and Government Operations received reports from the Legislative Auditor's Performance Evaluation & Research Division (PERD) regarding the licensing of elevator workers and the costs of legal advertisements.

The National Coordinator for the Elevator Industry Work Preservation Fund submitted a sunrise application to license elevator workers in the state of West Virginia. Currently, there are no minimum requirements for individuals to work as elevator workers and there are no laws that prevent unskilled laborers from working on WV elevators.

However, it was noted during the meeting that 90 percent of individuals working on or installing elevators are trained by unions and are required to have journeyman experience.

And while bordering states have no licensing requirements, it was suggested to the committee by the Auditor's office that the WV Division of Labor regulate elevator workers.

To enhance public safety also, the following suggestions were submitted following the audit:

- the WV Division of Labor should create a specific fee structure for licensing elevator and escalator workers;
- the WV Division of Labor should create specific, minimum educational and experience requirements in order for individuals to be licenses and to continue their education regarding licensing; and,
- allow individuals who are already working in this occupational field to be given one year to meet licensure requirement while still being allowed to work in the field.

Lawmakers received this report without taking action.

Another recommendation by PERD suggested lawmakers consider amending the law "to allow local government entities the option to place legal advertisements on either their own website or a centralized state website, and to require all state agencies to place legal advertisements on the state's website."

The basis of the suggestions followed a finding that the state spends roughly over \$3 million a year on newspaper legal advertisements. With that cost in mind, posting the ads on a central site would prove financially negligible.

Questions from the committee included queries as to how many citizens use the Internet as a news source as opposed

to emailing, chatting, blogging, game playing, etc.? How many people actually read their local papers' legal advertisement sections? What impact would the loss of the ads have on the local papers' financial status? Do senior citizens have access to computers? And, some lawmakers questioned the larger issue of "due process" and individual rights.

Before making any decisions on the option to post on the web or in the papers, lawmakers are seeking specific information, such as exactly how many people do have Internet access in the state and the numbers of people receiving newspapers at home, among other technical and financial findings.



**Joint Standing Committee on Education**

Members from the Joint Standing Committee on Education visit BlueRidge Community & Technical College on September 10th.

Health (Sub. Com. on Certificate of Need) - Select Committee D

A representative of the National Conference of State Legislatures presented an overview of Certificate of Need laws (CON), the history and current trends.

The Federal Government mandated CON in 1974 to keep health care costs low by requiring advanced approval for hospital expansions and major equipment purchases. The Federal law was repealed in 1978 because it was found to be ineffective.

However, 36 states currently maintain some form of CON (tending to concentrate in the area of outpatient and long term care), while even the 14 that repealed CON still have mechanisms to regulate costs and duplication of services. Each state continues to investigate methods appropriate to their particular needs and demographics to manage health care costs.



Health (Sub. Com. on Oral Health) - Select Committee D

Declaring oral health, which includes tooth decay, gum disease and other medical conditions of the mouth, to be a “silent epidemic” in West Virginia as well as throughout the nation, the director of the Maternal and Child Health Bureau’s (MCHB) National Oral Health Policy Center called for lawmakers to expand access for oral health care in West Virginia.

The National Conference of State Legislatures’ (NCSL) recommended speaker told state legislators that a single systematic levelheaded plan should be considered. It should coincide with general health practitioners’ plans and relate to the overall general quality of life.

Some major problems states have in devising such plans consist of a limited workforce in dentistry; Medicaid recipients being four to five times more likely to have oral diseases; access to dental facilities is limited as are the facilities themselves; bacteria is oftentimes spread by mothers prior to their children’s’ baby teeth coming in; and, a lack of knowledge on preventative care overall.

According to the national dental expert, states are in control of most dental care policies with little support from the federal level. In the year 2003, approximately \$75 billion was spent in dental services with public expenditures being close to nothing.

A good support system would cost around \$15.20 per child per month, according to the American Dental Association. And, Medicaid rates in West Virginia do not match dental expenditures. The national expert told lawmakers that dentists would “respond” if the percentage of dollars were decent.

The presenter said certain rate increases should be targeted, such as basic diagnostic, preventative and treatment procedures that comprise the majority of services that children on Medicaid need.

He said more pediatric dentists should be available and noted that babies could use services prior to their first teeth coming in. Parents should be motivated through educational programs, “sippy” cups should be eliminated as well as dietary training.

The bottom line in establishing accessible, early and continuing dental care for state residents, the UCLA School of Dentistry professor said it all would come to resources and political will in the long run.

Infrastructure - Select Committee C

Members took a bus tour of Inwood to see first-hand the traffic problems the area is facing due to population growth.

An engineer from the Department of Transportation told the committee that traffic in the area had almost doubled in the last 10 years and will likely double again in the next decade.

The engineer pointed out a couple of the more troublesome intersections. One had a zig-zag design caused by left-turn lane that often created problems. The other simply was an intersection of two high-volume roads that were only two lanes each.

The committee also saw some of the recent development in the area. According to the engineer, more than 5,000 new lots have been developed in recent years. He pointed out several developments that were constructed within the last three years.

While on the way to Inwood, members were addressed by a representative from the West Virginia Division of Highways (DOH) about bridge conditions throughout the state.

The representative told members there are 19 bridges in the state structurally similar to the bridge that collapsed in Minnesota in August. However, such bridges are routinely inspected, and he said there were no bridges in immediate danger.

In addition, the DOH representative provided an overview of structurally deficient and functionally obsolete bridges in the state. The term functionally obsolete (FO) means that a bridge’s design is outdated but does not mean it is unsafe. Structurally deficient (SD) means some major part of the bridge (the deck, superstructure and/or substructure) is deteriorated. SD bridges that are also FO are only listed as SD.

In West Virginia, the speaker said, there are 6,716 bridges in the state highway system. Of these, 1,436 (21.4 percent) are FO while 1,008 (15 percent) are SD.

To repair all of the SD bridges would cost more than \$1 billion, well more than the state could afford. However, he said routine inspections are conducted to ensure that these bridges do not pose a safety risk.

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



### Joint Commission on Economic Development

Members from the Joint Commission on Economic Development visited Harewood - a Jefferson County historic home - on September 10th. Erected in 1771, Harewood was the home of Colonel Samuel Washington. It was visited by his brother, General George Washington - as well as General Lafayette and Louis Phillipe of France. President James Madison and Dolly Payne Todd were married in this home in 1794.

## Judiciary Subcommittee A

A presentation was given explaining some of the Workers' Compensation Commission Exempt Legislative Rule, 85CSR20. Among the subjects were Medical Management of Claims, Guidelines for Impairment Evaluations, Evidence and Ratings, and Ranges of Permanent Partial Disability Award. The presenters also addressed the Committee regarding the shortage of doctors and attorneys accepting workers' compensation patients and clients and the difficulties obtaining authorization for medical treatment.

## Judiciary Subcommittee B

### Municipal Annexation

During their September meeting, Judiciary Subcommittee B lawmakers heard personal perspectives from city and county officials of the benefits and deficiencies in state law regarding the provisions for annexation of unincorporated territory by municipalities to ensure accountability and fairness.

The President of the Jefferson County Commission made it clear he is seeking the elimination of Chapter 8, Article 6, Section 4 of the WV Code. This portion of law allows citizens to petition a city to annex additional territory without a vote of the citizens.

The president told lawmakers the manner in which property is being pulled into city boundaries has left Jefferson County a patchwork of cities put together haphazardly and seeking county services. Presently, she said, Jefferson County consists of five country towns being altered by landowner petition. While the County Commission would like to see growth, it is also being infiltrated by giant retail stores instead of the high-tech, high paying jobs a county plan could provide. The president told lawmakers state law should be corrected to allow all citizens a say in the expansion of their areas, instead of city officials and developers.

"Fiscal stability" is afforded from existing annexation laws, the City Manager of Martinsburg told lawmakers. He said annexation is another tool in their economic development toolbox that can provide landowners valuable opportunities. He noted that Martinsburg has expanded but was being done in a well-planned, contiguous manner in cooperation with Berkeley County.

He asked lawmakers to ensure stakeholders (citizens, county, city officials, landowners and developers) were all brought into future discussions. The Eastern Panhandle city manager believed existing law does not need to be changed and used the pipe-stem annexations of the FBI Center in Marion County and some annexations with Morgantown and Star City in Monongalia County as good examples of cooperation and growth. (pipe-stem or shoe-string annexations are areas from outside a city that wish to be within the city boundaries but are not connected contiguously. A road is used to connect the outlying acres with the city boundaries.)

Also appearing before the committee was the Mayor of Ranson who supports allowing property owners to petition a city for incorporation. Providing background information, the mayor told legislators that prior to 2001 (when the law was passed allowing for the petition process) only 30 acres were annexed by Ranson. With the new law in effect, the city council held public hearings and adopted a Growth Management Plan and released its Growth Management Policy to the general public in 2002.

From 2002 to 2007, Ranson has accepted 33 annexation petitions totaling 4,422 acres. During his presentation, the Mayor focused on economic development, the construction of new streets and stop signage provided by the developers as well as large sums of money gathered from permit fees. He noted the construction of affordable housing units mixed in neighborhoods for single families, duplexes and townhouses. The Mayor of Ranson believes the law as it stands is highly functional for growth and planning.



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Lawmakers also heard from the mayors of Harpers Ferry and Bath (Berkeley Springs). Harpers Ferry has 320 full time citizens and entertains 300,000 visitors a year. It receives no financial aid from the Federal Government but is protected by Section 106 of the Federal Land Preservation Act. It is opposed to pipe-stem or shoe-string annexations since the only path it could take would be on the B&O Railroad line. The mayor of Harpers Ferry fears a loss of cultural entities should petition annexations continue in the Eastern panhandle.

The city of Bath (Berkeley Springs) is home to 700-800 citizens. Consisting of 200 square miles, its average yearly revenue is \$600,000 with \$20,000 coming in as business and occupation taxes. It is the county seat of Morgan and is bisected by Rt. 522. Although 400 business licenses were sold last year, according to the Mayor, the town does not have a working arrangement with its county commission when it comes to annexing.

Presently, Berkeley Springs manages the Public Service District that provides water works to the county while the city pays the bill. In addition, the mayor of Berkeley Springs believes annexing an historic cemetery one-tenth mile out of the city limits would be denied although city police have been cruising it because of recent acts of vandalism. With the cemetery out of the city limits, a jurisdictional problem could arise.

Jurisdictional problems also cause concern in the offices of the county clerks, according to the Clerk of Jefferson County. An annexation affects the election process when it crosses existing boundaries. Since some elections are countywide and others are statewide, county clerks may have to prepare as many as four elections in some areas.

Having 54 annexations since 2002, the Jefferson County Clerk told lawmakers citizens are confused as to their precincts. One precinct in her area only has federal and state elections and another precinct holds the municipal and magistrate seats.

She noted there is a lack of confusion regarding boundary lines. Since digital maps are not required in annexation reporting, lines are crossed and confused sometimes. Her sole request to lawmakers was to require, by law, that GIS computer software be made a tool in the clerks' offices and developers and city officials be required to submit GIS maps.

In closing the meeting, a representative of the Jefferson County Citizens for Economic Preservation told lawmakers that many annexation myths must be broken. For instance,

annexation should not be construed as a land grab nor being unrestrained.

The spokesperson declared that annexation was voluntary and only involved property owners who wish to be annexed.

Lawmakers are expecting a ruling from the WV State Supreme Court of Appeals in the coming days to determine the constitutional authorities of county commissions on the issue of annexation.

### Judiciary Subcommittee C

**License Renewal Vision Screening/ Bar Hours/ DUI Interlock**  
Subcommittee C on the Judiciary heard reports from legislative staff regarding license renewal vision screening and the hours of West Virginia's bar operations as well as from the WV State Police and the Director of Market Development from the National Interlock Service regarding DUI interlock systems.

Senate legislative counsel initiated the proceedings by providing an explanation of proposed legislation that would require a vision test for renewal of a driver's license. The draft proposal incorporates the current license renewal provisions and adds the requirement of a vision test prior to renewal for drivers of all ages. The bill also extends the period for notifying a driver of his or her license expiration from 30 to 90 days before the license expires to allow time for a vision exam.

Also explained to the legislative membership by staff counsel was House Concurrent Resolution 69 (HCR 69). The resolution calls for a study of the closing times of establishments licensed to sell alcoholic beverages for "consumption on the premises" in West Virginia.

The study is to review closing times for bars in the five contiguous states surrounding the Mountain State to determine if the differences in closing times have a negative effect on West Virginia. Data provided by the WV State Police generally indicates bars in Ohio close one hour earlier (2:30 AM) than in WV (3:30 AM Sunday through Friday and 3 AM on Saturday.) Most public taverns in Maryland and Virginia close at 2 AM, with exception of Saturday and Sunday closing hours set at midnight for some counties. Virginia also has some dry counties where liquor by the drink is not authorized which close at midnight) Kentucky has a variety of county authorized closing times since some counties are dry. Only Boyd County in Kentucky closes at 1:30 AM and





2 AM only in Pikeville, KY. Overall, it appears West Virginia keeps its bars and taverns open at least an hour longer than all bordering states.

When asked if the long serving times have an impact on DUIs or other crash data, a spokesperson for the State Police indicated the numbers appeared to be higher in border counties but also indicated that those counties may have other factors relative to the higher numbers, such as Interstate traffic, university populations and overall numbers of people living in the counties.

Counsel did receive letters from three sheriffs. The Hancock County sheriff believes Ohio and Pennsylvania drivers increase the numbers of DUIs and other disorderly conduct offenses. The Mineral County sheriff also indicated that Maryland drivers cross over from Ridgeley and Keyser to drink in West Virginia and whose presence increases the numbers of related complaints such as disturbing the peace, fights, and speeding. And, a letter from the West Virginia Sheriffs' Association noted that the Mineral County sheriff thought the later closing hours in West Virginia caused potential hazards on the highways but the Jefferson County sheriff indicated most of the bars in his area are located within the city limits and he may be unaware of any problems.

Also during their discussions regarding drinking, driving and the highways was a detailed review of the ignition interlock system provided by the director of Market Development of the National Interlock Service.

An ignition interlock is a mechanism similar to a breathalyzer that is installed in a vehicle's dashboard. Before the vehicle can be started, the driver must breathe into the device. If the analyzed result is over a programmed blood alcohol concentration, commonly .02% or .04%, the vehicle will not start.

According to the State Police, approximately 1,000 people in this state have the system attached to their car ignitions. In 2006, the ignition interlock device (IID) was made mandatory for repeat offenders and a points program was instituted that extends the program time for offenders who repeatedly fail the IID test.

The devices keep a record of the activity on the device and the interlocked vehicle's electrical system. This record, or log, is printed out or downloaded each time the device's sensors are calibrated, commonly at 30, 60, or 90-day intervals. Authorities may require periodic review of the log. If violations are detected, then additional sanctions can be implemented. To date, the state has issued over 400 additional months.



**Forest Management Review Commission**  
Members from the Forest Management Review Commission visited Caperton Furniture Works on September 9th.

**Pensions & Retirement, Joint Standing Committee on**

The committee met to hear the cost impact of alternative scenarios for the transfer of participation in the West Virginia Teachers Defined Contribution (TDC) Plan to the West Virginia Teachers Retirement System (TRS).

The TDC Plan requires a member contribution of 4.5 percent of salary and a State/County contribution of 7.5 percent to be invested as the member chooses from an array of options. Upon retirement or termination, the benefit is equal to the accrued value of the contributions multiplied by the members vested percentage, which is 33.33 percent for 6 to 9 years, 66.67 percent for 9 to 12 years and 100 percent after 12 years.

TRS is a Defined Benefit Plan requiring a 6 percent contribution of salary and upon retirement, is a monthly annuity for life equal to 2 percent of the final salary (averaged over 5 years) times the number of years service. A member is fully vested (payable at age 62) after 5 years of service.

Five scenarios were presented that allow the member to elect to transfer to TRS, of which the first four transfer the TDC account balances to TRS.

Scenario 1 determines the TRS benefit from the total years of member service (TDC and TRS service) with no make-up required for the 1.5 percent difference between TDC and TRS payroll contribution.

Scenario 2 determines the TRS benefit to be the same as 1, providing the member contributes a "make-up" of the 1.5 percent difference in the TRS and TDC contribution (without



interest). Otherwise there is a 25 percent reduction to the TDC service in determining the TRS benefit.

Scenario 3 is the same as 2 except that the “make-up” includes 7.5 percent interest per year, accumulated from the member’s date of TDC participation.

Scenario 4 determines the TRS benefit to be based on TRS service and 75 percent of TDC service with no “make-up” contribution.

Scenario 5 is based solely on TRS service (including prior TRS service that was not transferred to TDC). Accrued TDC benefits will continue without future contributions.

The additional unfunded liability to the State (should all 19,983 members of TDC choose to transfer to TRS) is the greatest to the least for Scenario 1 to 5, respectively.

**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 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.

October 7 - 9	<b>2007-2008 Interim Committee Meetings</b>
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January 6 - 8, 2008	
<b>Note:</b> All dates are subject to change.	

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