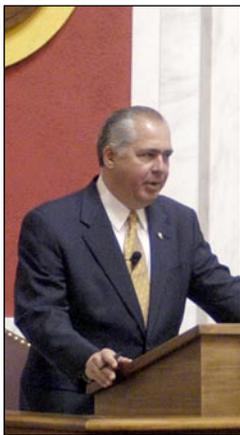


# Interim Highlights

## Legislature Passes Fourteen Bills During 2007 2nd Special Session, August 19-21

The Legislature was called into a 2nd Special Session this August to address issues facing the state. Lawmakers were already gathering in Charleston to attend the scheduled monthly interim meetings and the scheduling provided a perfect opportunity for legislators to grapple with issues listed on the special session agenda. Also included were appropriation bills that provided allocations to state agencies to further the completion of their required functions.



Senate President  
Earl Ray Tomblin

The bills on the session agenda ranged from one dealing with copper theft, which had been vetoed during the Regular Session to other supplemental appropriation measures. One added \$200,000 in state dollars to the \$250,000 in federal funds for a drought disaster relief and also added \$200,000 in state money for the Department of Agriculture's Bee Program. The funding will be used for disease control, and to purchase bees and bee food.

Another bill taken up by the Legislature was a measure which was vetoed by the governor following the Regular Session of 2007. Revised during the Special Session, the bill addressed the recent surge in the theft of copper wire and other metals. To obtain the valuable material, individuals have trespassed into mines or cut telephone lines often resulting in mine rescues or electrocutions. Safety concerns of employees were also an issue because thieves might tear out the protective cover of the lines exposing workers to highly unsafe environments

House Bill 202 cleared up language contained in the original, vetoed bill. Its purpose is to enhance the record-keeping and reporting requirements for persons involved in the receipt and transfer of any form of copper, aluminum, brass, lead or other nonferrous metal, stainless steel kegs or steel railroad track and track material. It also requires scrap dealers to keep detailed records of the sellers' identities and penalizes dealers who fail to keep or falsify records.

A scrap metal dealer is to retain information on the seller and the sale at his or her business for at least three years.



House Speaker  
Richard Thompson

The records are to be available for inspection by any law-enforcement officer or, upon written request and during the purchaser's regular business hours, by any investigator employed by a public utility or railroad to investigate thefts.

Or, the dealer may file the records with the local detachment of the State Police and with the chief of police of the city or the sheriff of the county in which the business is domiciled within 72 hours of the purchase. These records are to be retained by these law enforcement officials for at least three years.

Penalties for dealers failing to comply with the law include a first offense fine of \$1,000 to \$3,000. Upon conviction of a second offense, the penalty would include a fine of \$2,000 to \$4,000 and a six month suspension of a business license. Upon conviction of a third offense, the dealer would be fined from \$3,000 to \$5,000 and have his or her business license cancelled.

Also taken up during the August special session was SB 2001, a measure that provides a tax exemption for motorists using electronic parkways authority commuter (PAC) cards, called EZ passes.

This bill authorized a West Virginia personal income tax deduction, as of January 1, 2007, for certain parkways authority commuter card toll expenses charged by the West Virginia Parkways, Economic Development and Tourism Authority. The deduction does not hold true for those motorists who are reimbursed toll costs by an employer.

Another bill which received quantitative media coverage during the Special Session was House Bill 204. This bill relates to the way in-home electronic surveillance is conducted by law enforcement. The bill requires law enforcement to obtain a warrant before using a body wire in a suspect's home. A body wire is any audio or video recording device or a radio transmitter that is worn into a suspect's home by an officer or an informant working with law enforcement.

### View 2007 2nd Special Session Legislation

Please visit West Virginia Legislature's Web site:  
[http://www.legis.state.wv.us/Bill\\_Status/bill\\_status.cfm](http://www.legis.state.wv.us/Bill_Status/bill_status.cfm)



Agriculture & Agri-business

A warrant can be obtained from a magistrate or a circuit judge, but probable cause must exist for the warrant to be granted. If probable cause exists but exigent circumstances prevent an application for a warrant, law enforcement may conduct the surveillance and then apply for a retroactive authorization within three business days.

Two bills clarifying the duties and administration of certain state agency funds also were passed during the August Special Session.

Senate Bill 2006 clarified that the Tourism Promotion Fund is to be administered by the Commissioner of the Division of Tourism. It also authorized the Tourism Commissioner to enter into an agreement with the Division of Highways over how to spend the fund. In addition, it added Internet advertisements to the definition of direct advertising. Current law requires at least 20 percent of the fund be used on direct advertising for travel and tourism.

Senate Bill 2007 transferred the powers and duties of the Governor's now-defunct Cabinet on Children to the Secretary of Health and Human Resources. In addition, it continues the state Children's Trust Fund and transfers control of the fund from the cabinet to the Bureau of Children and Families.

Lawmakers also approved a bill during the recent special session that affords protection to victims of domestic violence when they register to vote. The bill, House Bill 203, will enable interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic abuse, sexual assault, or stalking. The program is designed to enable state and local agencies to accept an address designated by the Secretary of State by a program participant as a substitute mailing address.

This designated address is provided in order to prevent assailants or probable assailants from finding their victim. State and local agencies will be able to respond to requests for public records without disclosing the location of a victim of domestic abuse, sexual assault, or stalking.

Additionally, state and local agencies will be able to accept an address designated by the Secretary of State by a program participant as a substitute for a mailing address.

A final issue addressed by the Legislature during its brief Special Session addressed higher education in general. Senate Bill 2005 clarifies the meeting requirements for the Higher Education Policy Commission and authorized the Commission to transfer real property. This bill also permits institutions to provide certain salary increases to classified employees if funds are available.

Not only was \$200,000 provided to the Dept. of Agriculture for additional drought relief but also another \$200,000 was provided for bee research during the Second Extraordinary Session conducted in August. Since the close of the 2007 Regular Session, members of the interim Committee on Agriculture and Agribusiness have been hearing reports regarding drought conditions in the state and from beekeepers that responded to inquiries about bee populations in West Virginia.

It was clear that additional dollars would be needed by farmers whose crops were affected by drought conditions in early summer. However, it was also noted that the unseemly dry spell had expanded from the original counties that called for federal and state aid. According to the Deputy Commissioner of the West Virginia Department of Agriculture, a total of 42 counties have been affected as of mid-August. The additional dollars included in HB 209 will be applied to drawing down the funds required.

Also, the committee's concern over West Virginia's bee population proved effective in securing another \$200,000 for bee research, which was also included in HB 209 and approved by the governor upon its passage.

During the August meeting, the Agriculture Committee heard from the Co-Founder of the WV Equine Rescue Organization regarding discrepancies in the law regarding horse abuse and neglect. She told lawmakers that the manner in which the law is interpreted by county officials, courts and public safety officers appears to differ and she was seeking legislation that would clarify the roles and responsibilities of officials who deal with neglect and abuse complaints.

For instance, existing code calls for each sheriff to appoint one deputy to serve as a humane officer who "must" respond to each complaint of horse neglect. However, the co-founder of the rescue organization said that law enforcement does not always act in a timely manner and that, oftentimes, abused and neglected horses are saved only as a result of media publicity.

On the other side of the coin, she noted law enforcement's response is financially related in that not enough personnel are available to inspect. In addition, public safety officials do not understand the veterinarian perspective of neglect.

The WV Equine Rescue Organization spokesperson told lawmakers that the organization would be willing to pay veterinarian bills but the focus of the visit initially would be



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for educational purposes to the owner. She noted no one wishes to remove a horse from a family and it simply may be a matter of misunderstanding how one would care for horses.

In closing, she told legislators that her group would be willing to arrange meetings in counties and identify law enforcement officers who would be interested in talking with lawmakers regarding the issues of horse abuse and neglect. Perhaps it could be arranged to allow magistrates CEUs (Continuing Education Units) if they attended.

In other business of the committee, lawmakers considered the concept of creating a fund similar to the State Rainy Day Fund for use during agricultural disasters, such as Avian Flu in chickens or diseases affecting cows, among other items dealing with Agribusiness in the state of West Virginia.

### Broadband - Select Committee E

Members of the East End Main Street Program presented the committee with information about the Charleston East End Wireless Service. The new service, unveiled in July, is intended to provide WiFi Internet access to East End residents and businesses.

The speakers said the Main Street Program is an organization of about 150 volunteers who want to encourage business growth on the East End. The program is part of the Charleston Area Alliance.

The WiFi project was planned for years, they said, but was not realized until Main Street discovered it had \$25,000 leftover in Budget Digest money appropriated by the Legislature. With this money and additional funds from charitable contributions, East End Main Street was able to put the program into practice.

Currently, Main Street is reviewing proposals for the service, the representatives said. The program is only intended to last about three to five years since the technology is likely to change dramatically by then.

The speakers did point out that the system being implemented on the East End would not be practical for the problem the committee is trying to address. The East End project, they said, will provide free access to a densely populated urban area. The committee, on the other hand, is trying to find a way to provide broadband access to more rural areas that currently lack any broadband options.

The committee also heard from the Director of the West Virginia Division of Homeland Security and Emergency Management. The director provided an overview of how his office was helping the state broadband initiative.

A major part of the director's presentation centered on the Tower Assistance Fund. This is a state fund that provides subsidies to companies or organizations attempting to construct wireless towers in areas currently lacking coverage. So far this year, nine such towers have been built with this assistance.

These towers are important to homeland security because they follow interoperability standards, the speaker said. Interoperable communications allow police, fire and other first responders to use wireless towers for voice and data communications, in addition to traditional radios. Interoperable towers increase the reliability of communication both within and between agencies.

While the \$1 million-per-year Tower Assistance Fund has been a success so far, the director said many counties are not applying. He said the state needs to get the word out about the fund and recommended expansion of the program.

Finally, a representative from Verizon addressed the committee about the company's partnership with Connected Nation. Connected Nation is a non-profit group from Kentucky that tries to bring broadband access to rural areas. The group partners with corporations, governments and communities to both increase broadband availability and demand.

According to the speaker, the Verizon-Connected Nation partnership focuses on three elements: mapping of current broadband availability, finding ways to fill the gap in broadband coverage and spurring demand for high-speed Internet.

He provided the committee with a map of the Verizon's DSL coverage in Boone County, including recent additions, but added that Connected Nation's mapping would include all providers, not just Verizon.

Spurring demand for broadband requires educating consumers on the value of being online, the speaker said. In addition, the state needs to improve on the fact that less than two-thirds of West Virginia households have a computer. Getting more computers in homes would be a significant step forward to getting more broadband.

The speaker concluded by applauding the efforts of Connected Nation and urged additional Internet service providers to partner with the group.



Children, Juveniles & Other Issues, Select Committee A

The committee continued discussions on a piece of draft legislation that would prohibit parents and guardians from allowing their children to come into contact with a registered sex offender. Over concerns that the original draft was unduly harsh, counsel presented the committee with a revised version.

The bill specifically deals with when a court is considering whether a child has been abused. Under the original bill, counsel said, any contact between a child and a person whom the parent knew was a registered sex offender would have been considered a form of child abuse. Under the revised bill, such contact is only considered abuse if the contact was with a sexually violent predator.

In addition, the new draft provides exceptions for family members and situations where a parent cannot legally avoid allowing such contact (e.g., visitation rights for another parent).

As with the last meeting, the committee refrained from taking any action on the bill to allow for further discussion.

Economic Development, Joint Commission on

**Carbon Sequestration**

To better be prepared regarding the concept of carbon sequestration and the role it may play in West Virginia's economy, the legislative economic development committee heard from a Mingo County Redevelopment Authority project engineer and from a geologist from the WV Geological and Economic Survey.

The study was initiated with adoption of Senate Concurrent Resolution 54. Since the federal government is considering the regulation of greenhouse gas emissions from fossil fuels and some states are already implementing the warehousing of carbon dioxide (CO<sub>2</sub>).

According to the resolution, the United States Department of Energy has established a national network of public and private sector partnerships to determine the most suitable technologies, regulations and infrastructure needs for carbon capture, storage and sequestration in different areas of the country. The Midwest Regional Carbon Sequestration Partnership is a public and private consortium that is assessing the technical potential, economic viability and public acceptability of carbon sequestration in a seven-state region, which

includes West Virginia, and is one of many such national and international research groups.

West Virginia's efforts, as part of the Midwest Partnership, to identify potential methodologies and resources for sequestering carbon dioxide have shown that this state and region have substantial resources for sequestration, both in deep geological reservoirs for underground injection and through improved agricultural and land management practices (terrestrial sequestration).

The committee is attempting to be ahead of the curve in securing an immense potential market for geologic sequestration in this state and region as evidenced by the world's first geologic storage experiment located at the Mountaineer coal-fired power plant, West Virginia's extensive efforts in restoring mine lands and commercial experience with implementing a variety of agricultural and land management practices.

"Carbon sequestration is an important part of energy projects such as FutureGen, an integrated sequestration and hydrogen production which may employ coal gasification technology integrated with electricity generation and sequestration to be a near-zero emissions power plant, which would utilize two of West Virginia's most abundant natural resources--coal and water...These new energy technologies challenge West Virginia's existing statutory and regulatory framework which offer guidance for prospective energy development and terrestrial and geologic sequestration projects, but are not designed for technologies that were not envisioned when the framework was put into place. The viability of new energy projects within the state requires an assessment of the impact of such statutory and regulatory requirements," according to the study resolution.

The committee plans to review legislative options for the state to create an environment that produces a competitive advantage for West Virginia in attracting new fossil fuel projects through comprehensive carbon dioxide sequestration statutes and rules. With public health and safety, as well as environmental consequences in mind, the committee will also explore methods to encourage land and forest use that sequesters carbon dioxide.

Because of the complexity involved with the scientific processes involved with carbon dioxide sequestration, the committee invited the project engineer and the geologist to provide them with background relative to the process.

To further support the deeply involved science explanation, lawmakers were provided a briefing paper to ensure some clarity to the issue.



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The briefing paper said that West Virginia's "vast experience in energy geology, chemical production and power generations positions West Virginia with not only the skills but the natural resources for implementing what most agree will be part of the greenhouse solution ...carbon sequestration."

An abbreviated explanation of carbon sequestration follows, according to the scientific paper: the process "effectively decarbonizes fossil fuel by capturing CO<sub>2</sub> from fossil fuel sources and...return the CO<sub>2</sub> to the place from which it came: underground...The process involves injection of CO<sub>2</sub> into porous and permeable spaces of sedimentary rock where it is trapped by less permeable rock layers."

The paper goes on to note that "sequestered CO<sub>2</sub> will become more secure over time as geochemical reactions dissolve the carbon dioxide in formation waters and eventually convert it to minerals such as calcium carbonate."

As lawmakers begin their extensive studies on the concept, more meetings are planned in the coming months, which promise further discussion on the economic and global impacts of securing greenhouse gases.

### LOCEA

Members of this committee heard Chancellor's reports from the Higher Education Policy Commission (HEPC) Chancellor regarding a status report on the West Virginia Research Agenda and Vision 2015 and a report from the Chancellor of the Community and Technical Colleges Systems (CTCS) regarding a response to Senate Concurrent Resolution 42.

The representative from HEPC stated that Vision 2015 was developed in late 2005 and released by the West Virginia Experimental Program to Stimulate Competitive Research (WVESCO) Advisory Council in 2006. Governor Joe Manchin endorsed the plan as the state's approach to science and technology development in October 2006 at the National Academies of Science convocation on its "Rising Above the Gathering Storm" report. The Vision 2015 plan calls for an investment of \$250 million over 10 years to create a research infrastructure platform at West Virginia's major research universities. By so doing, West Virginia will be able to develop the resources necessary to successfully compete for both privately and federally sponsored research funding.

Vision 2015 is now being recognized as a model program. Few of the 27 states and jurisdictions in National Science Foundation's EPSCoR program have such a plan, but all are now being challenged to meet the standard set by West

Virginia. Recently, the governor of Oklahoma requested that a committee of his top advisors review Vision 2015 and come up with an appropriate response for the state of Oklahoma. Other states also have requested copies of the detailed plan.

The representative stated further that with Congress's passage of The America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science (COMPETES) Act, \$43.3 billion in federal spending for 2008, 2009 and 2010 in science, engineering, mathematics and technology research, and education programs has been earmarked and approved. These funds will go toward improving, expanding and establishing programs that will improve the quality of education in these fields in the United States.

Next, a representative from the CTCS responded to Senate Concurrent Resolution 42, which mandated a comprehensive study on vocational, technical and adult education in West Virginia. The Community and Technical College System of West Virginia offered the following initiatives to take Career and Technical Education to the Next Level in West Virginia: Establish a "system" vision and clarify partner roles/missions. Prepare all students for work and post-secondary education with the same rigorous curriculum. Strategically align economic development with workforce development by targeting five to six primary statewide industry clusters and promoting the National Career Readiness Certificate.

Also, provide more effective, responsive workforce training services to business and industry and higher-level technical skills to students/workers. Strategically invest in bricks and mortar and technology infrastructure – through the construction of regional advanced technology centers (ATC) and the expansion of on-line learning opportunities. Enhance seamlessness, alignment and rigor by developing Career Pathways as a framework for systemic change. Develop a new model for career counseling, student support and academic advising. Eliminate competitive funding models and provide incentives and resources (both new and reallocated) for collaboration and new program development. Require accountability and return on investment reporting to document the effective use of resources.

Finally, develop a comprehensive relational database and data analysis system for student tracking and workforce information. Enhance training services to 25-44 year olds and rural populations. Develop a promotional campaign to help West Virginians understand the value of career and technical education and the importance of post-secondary education and lifelong learning in the global economy.



Education Subcommittee C - Public School Finance

A representative from the West Virginia Higher Education Policy Commission (HEPC) spoke to members about the use of purchasing cards, or P-Cards, by state universities. These are special credit cards that certain employees can use to make purchases that would normally require a purchase order. The subcommittee is looking at ways to get K-12 schools to use the cards.

The State Auditor first implemented the Purchasing Card Program in fiscal year 1997. In that year, there were about \$1.9 million in P-Card transactions statewide. By fiscal year 2007, this number had increased to \$181.3 million. About half of those purchases were for higher education, the representative said.

P-Cards have a maximum \$5,000 limit, but many cards have lower limits. The Auditor sets higher limits for cards used for recurring payments, like utilities, postage and software licenses. In addition, higher limits are authorized for emergency management personnel when an emergency is declared.

The representative said the purchasing cards save schools both time and money for the university. Instead of having to request a written purchase order, a P-Card user can immediately make needed purchases. Purchase card transactions are audited every month by the institution. In addition, he said, the State Auditor performs a post-audit periodically of P-Card transactions. If any employee is found to have abused P-Card privileges, he or she can have these privileges revoked.

The committee heard next from a representative of the State Board of Education. He told the committee that county school boards have the option to use P-Cards under current policy. However, very few take advantage because of the difficulty of training administrators to use them. The process of auditing and handling P-Card purchases is different from that for traditional purchase orders, he said.

The subcommittee decided to draft a letter asking the State Board to take an in-depth look at ways to implement P-Cards statewide for K-12 education. The draft will also ask the board to look at what is impeding counties from moving toward P-Cards and any potential rules changes that would have to be made.

Members also heard from secretary of the West Virginia Library Commission (WVLC) about library funding issues. Specifically, he talked about the impact of Senate Bill 541,

which was passed in the 2007 Regular Session and changed the way library funding is handled.

He said that 60 percent of library funding came from nine special acts that created library systems throughout the state. Those special acts compelled county school boards to give some of their funds from school excess levies to the local library system.

However, S.B. 541, which took effect July 1, 2007, increases the local share that county boards of education get to keep from 2 percent to 6 percent. Under the new law, the county's obligation to the libraries is taken from the regular school levy fund after the local share is taken out. If the remaining funds are not enough to cover the obligation, the obligation is reduced. In addition, a county may transfer the obligation from its regular school levy to an excess levy.

The WVLC secretary said that libraries were still receiving funds and thanked the Legislature for its efforts in funding the state's libraries. However, he addressed some of the concerns that libraries have about the new law, namely, that if an excess levy fails, libraries could lose funding. He recommended the Legislature change this during the next regular session.

Forest Management Review Commission

A representative from the Forest Health Protection Programs presented to the committee the status of the gypsy moth in West Virginia as well as other information on other forest pests including the emerald ash borer, the hemlock woolly adelgid and the syrex wood wasp.

The gypsy moth, members were told, is the most serious insect pest ever to invade West Virginia's forests. The first adult male gypsy moths were trapped in West Virginia in 1972. The first caterpillars were found in 1978. Since then this destructive insect has continued to spread, while funding to combat the pest has been difficult to maintain. These circumstances created the need for a gypsy moth cooperative suppression program for landowners in the generally infested areas in West Virginia.

Severe economic loss of valuable timber, significant impact on outdoor recreational opportunities in heavily infested areas, adverse effects on some forms of wildlife through food loss and changes in habitat, and destruction of the aesthetic beauty of our forested communities are expected results of the onslaught of the gypsy moth. In addition, a health problem, in the form of an allergic reaction, may occur in a



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few people when they come in contact with large numbers of gypsy moth caterpillars.

However, the Department of Agriculture is working to minimize the adverse impact on forest resources, and protect people from the health problems associated with these pests while trying to slow the spread of the gypsy moth by reducing populations on the advancing front. The WVDA has completed treatments on 11,156 acres in the Gypsy Moth State County Landowner (SCL) Suppression Program. They will continue to apply treatments to the affected areas. In 2007, 77,910 acres of gypsy moth defoliation were mapped from the air in 10 counties. This was up from last years total of 17,272 acres.

The committee also learned about several other forest pests that the Department of Agriculture is currently monitoring and treating. The emerald ash borer, the hemlock woolly adelgid and the syrex wood wasp are non-native pests, which can now be found in West Virginia forests. The emerald ash borer is a non-native pest that poses an enormous threat to our urban and rural forests. EAB kills healthy trees and is so aggressive that ash trees may die within two or three years after they become infested with the beetle. If it is not contained and eradicated, the impact on our forests could be great.

The hemlock woolly adelgid has been in the United States since 1924. This introduced insect, believed to be a native of Asia, is a serious pest of eastern hemlock and Carolina hemlock, a tree once prevalent in West Virginia.

Finally, the syrex wood wasp is considered a secondary pest of trees in its native range. However, it is a major pest in exotic pine plantations in the Southern Hemisphere. Females carry a fungus that they deposit in trees when laying their eggs. This fungus and the mucus injected by the wasp rapidly weaken and kill host trees, and the developing larvae feed on the fungus.

The committee will continue to hear updates in future meetings regarding these forest pests.

### Government Organization - Subcommittee B

Members welcomed a representative of the city of Huntington who discussed the issue of municipal liens. Municipalities place liens on property when taxes or fees are owed on it.

The representative said the current issue with municipal liens is that they are given low priority under state law. Because of

this, the amount of the lien is rarely recovered at tax sales. Municipal liens are often only satisfied when the property is transferred or sold. Because of the ineffectiveness of municipal liens, the city of Huntington, he said, has more than \$6 million in delinquent municipal fees and taxes.

Property taxes, which are given higher priority under current law, make up a small portion of municipal revenues, the speaker told members. These taxes make up about a quarter of the general revenue for a typical West Virginia city. Municipal fees and business and operating taxes provide most of the remaining revenue.

The speaker recommended that the state give municipal liens the same status as property tax liens – a concept called totality. In addition, the state should provide a means for municipalities to piggyback onto property tax sales and other collection methods, he said.

He also suggested requiring anyone preparing a closing statement on the sale of property to ascertain if any taxes or fees are due on the property. In addition, he said the state should clarify statutory language to make sure the procedures to satisfy liens for fees does not make them “taxes” for legal purposes.

The speaker went over some of the Governor’s suggestions. One was establishing a statewide clearinghouse for delinquent fees and taxes. This would allow state and local jurisdictions to list delinquent properties in a central registry. This would make the collection process more efficient and effective, he said.

Another suggestion was requiring insurance companies to include a debris removal provision in all fire insurance policies. Many times, he said, the owner of property that has burned down will abandon it without clearing the debris. This means the city gets stuck cleaning up the debris, forcing them to place a lien on the property that becomes the responsibility of the next owner. Including a debris removal provision would help prevent this scenario, he said.

### Health - Select Committee D

The West Virginia Legislature has put health care studies on the front burner for the past decade. Presently, lawmakers are looking at all options that might provide health care for all residents of the state.

Starting from the drawing board, the co-chairs invited Sally Richardson, of the WVU Institute for Health Policy Research



Robert C. Byrd Health Sciences Center, to address the committee. Sally Richardson was running the West Virginia Public Employees Insurance Agency (PEIA) in 1993 when President Bill Clinton asked her to serve on his health-care commission. Prior to that request, she was engaged with WV's Planning Commission, which was investigating universal health care. It was the workings of the latter commission that interested state lawmakers.

The WV plan of 1991 came after several statewide public hearings in which the public voiced its concerns about services it wished to have made available. Some of the suggestions included a single-payer plan and an all-payer plan among others but the gist of the ideas called for the provision of health care to all West Virginians.

The planning commission's first report in November of 1991 provided a framework for guidelines. The second report of December 1992 listed a summary of intent. Some of the goals included: access, financial equity, public consensus on costs, primary services first and an integrated system based on team concepts and developed on local levels.

Regional differences were to be recognized and funding had to be flexible when allocating resources.

Senior support and the concept of independent living were given high marks and all children were to be given access to all health care procedures.

It also had to be implemented comprehensively, not in a piece-meal fashion. The actual delivery service could be done incrementally, according to the 1991 WV Planning Commission, but the legislation to implement the overall program had to be complete in one bill.

Reflecting upon the early attempts, Richardson said West Virginia did accomplish the goals of securing rural health care providers via internships, which also encouraged a higher residency retention rate. She also noted the Mountain State was one of the first to address medical malpractice laws and insurance reforms, which ultimately kept many doctors in the state. The state also has expanded Medicaid coverage, implemented some cost controls and focused on education, prevention and individual responsibilities with its healthy lifestyle initiatives.

In the past two decades, not much has changed otherwise. With the employment base loss and company pension plans going to bankruptcy, more West Virginians today are uninsured than 20 years ago.

## LOCHHRA

Members of this commission heard a report from a representative of the Bureau for Medical Services (BMS) regarding the Medicaid Redesign Program.

The representative stated that the program, Mountain Health Choices, is designed to ensure that members receive the right care, at the right time and by the right provider through care coordination. It provides a medical home where primary health care is provided and records are kept for every Medicaid member. Mountain Health Choices gives members a choice of benefit plans, requires responsibility, sets expectations for behavior and rewards success. It is designed to encourage healthy habits for all West Virginia Medicaid members.

In its initial phase, Mountain Health Choices will be offered in Clay, Lincoln and Upshur counties. However, Medicaid members enrolled in an enhanced benefit package will remain in it, even if he or she moves to another county where implementation has not yet taken place. Enhanced services will still be available from the original medical home or may be obtained from a provider in the county to which the member moves. Some of the enhanced services may not be available in all counties, however.

Medicaid members who sign the Member Responsibility Agreement will have access to services not provided in traditional Medicaid Benefits. By visiting their medical home for a check-up and working with their healthcare providers to set goals for health improvement, members qualify for the Enhanced Benefit Package. This package provides the opportunity for members to participate in weight management, physical activity and other educational opportunities for health improvement. Members who choose not to sign the Member Responsibility Agreement will still have the Basic Benefit Package.

## Judiciary Subcommittee A

During the August meeting of the Judiciary Subcommittee A, members heard a representative from the Office of the Insurance Commissioner (OIC) respond to subcommittee member questions regarding Workers' Compensation.

The representative provided the committee with a 12 page typed handout detailing the 18 questions members had for the OIC and briefly discussed the typed answers for each question. Some of the questions dealt with Brickstreet Insur-



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ance and the salaries of Brickstreet employees and the ability of the Legislature to control costs by controlling salaries in the future. Other questions related to various funds managed by the Insurance Commission dealing with Disabled Workers' Relief and Pneumoconiosis Funds, which were previously under the state Workers' Compensation Commission.

Committee staff and members all have received a copy of the questions posed by the committee and the answers as given by the OIC.

### Judiciary Subcommittee B

Municipal annexation provisions of unincorporated territory by municipal corporations greatly affect citizens in both the municipality and the county involved in the annexation process. There are potential savings to municipalities and counties involved in the annexation process and citizens may benefit from improvements in the accountability and public discussion of annexation. But, there are pitfalls also included in the process.

To hear comments regarding the process, Judiciary Subcommittee B heard from the Director of the County Commissioners' Association, the Executive Director of the WV Association of Counties and the Executive Director of the WV Municipal League as well as a Greenbrier County Commissioner and a Raleigh County Commissioner who provided professional insight into an existing annexation debate within Raleigh County and the town of Mabscott. Mabscott is seeking to annex approximately 1.25 miles of Robert C. Drive in Raleigh County.

According to the County Commissioners' Association director, legislation addressing annexation was passed in 2001 but, upon its implementation, has some citizens believing they are disenfranchised from the process. Jurisdictional issues include 911 and fire protection as well as election boundaries. In addition, county commissioners contend they have no say in annexation petitions. One area the director indicated the committee should review was a portion of the new law, which struck the density requirement of 500 people per square mile when land is annexed.

The director of the West Virginia Association of Counties agreed with county commissioners by believing the new law only allowed commissions to invite citizens to air complaints about proposed annexations but gave them no other authority to act. She also told lawmakers that the new law might put people in a position of being taxed without being represented.

Coming from a different perspective, the executive director of the West Virginia Municipal League told committee members that counties might question a petition and even the signatures on it when an annexation issue arises.

But, according to a Raleigh County Commissioner, when the county commission sought to block Mabscott's petition on grounds that both the map and the petition were flawed. The circuit court determined the Raleigh County Commission had no standing at all and the State Supreme Court of Appeals upheld the ruling. Citizens opposed to the annexation have since filed a civil suit, which is still pending.

The county organizations were quick to note that they are not anti-annexation since some annexations have proven very effective. However, the organizations also believe they should have some veto power so that towns could not grab land almost at will through the petition process and disenfranchise citizens who do not want to be taken in.

From the municipal standpoint, a survey of the WV Municipal League indicated that the Business & Occupation Tax is not a deterrent to economic development - a factor some opponents cite as a reason to resist annexations, according to its executive director. The League also noted there are no real problems sharing 911 systems and law enforcement officers work together when the need arises anyway. In fact, she noted, without some annexations, the state's failing systems would be worse than they are at present in some areas. In finalizing her comments, she indicated no area is annexed without its permission.

The committee is further reviewing existing law regarding annexation processes, which include petitions - one of three methods cities can use to take in more property. The other two are by election and by minor boundary adjustment.

### Parks, Recreation & Natural Resources Subcommittee

The director of the North Carolina Division of Parks and Recreation spoke to members about his state's Parks and Recreation Trust Fund (PARTF). The Fund is a dedicated source of revenue for the North Carolina parks system.

PARTF was created by the North Carolina General Assembly in 1994, the director said, as a response to the park system's dire financial situation. Before 1993, state parks were struggling to make ends meet and had very little money for capital projects and land acquisition. In addition, there was a severe shortage of trained park rangers.



## Interim Highlights

According to the speaker, in 1993, North Carolina responded with a statewide bond referendum that successfully passed and provided the state parks with about \$35 million. The next year, a trust fund was proposed and established. The new fund would be supported by the state’s tax on real estate deed transfers and administered by the Division of Parks and Recreation.

Since then, the director said, more than \$92 million has been provided for land acquisition and \$133 million for capital projects, such as visitor centers, exhibit halls and trail renovations. Another \$109 million has been provided to local parks and recreation projects as part of matching grants.

The legislation that created the fund authorizes 65 percent of revenues for state park projects, 30 percent for local matching grants and 5 percent for providing beach access. Very little of the money – less than 3 percent – is used for administrative purposes, the director said.

The director told members that the trust fund has received strong public support. In addition, he said, PARTF provides a dedicated funding source, freeing the parks system from the burden of having to lobby lawmakers every year to get funding.

While the director emphasized that every state has different needs, he added that state parks typically need a dedicated funding source, partnerships with non-profit and government agencies and credibility with the public in order to thrive.

### Pensions & Retirement, Joint Standing Committee on

A representative from the Center for Economic and Policy Research spoke to the committee about Universal Voluntary Accounts (UVAs). These accounts are similar to Individual Retirement Accounts (IRAs) for which the state acts as an intermediary.

The speaker emphasized the fact that only about half of the workplace has a pension, with less than 20 percent with a defined-benefit plan. UVAs, he said, can help rectify this situation.

With UVAs, the state acts as a go-between for employers and investment companies, he said. The state contracts out the actual investment management for the accounts. This allows smaller employers to pool their resources through the state, which has far more bargaining power than one small business. He added that UVAs free small business owners from having to be actively involved with investments and

pensions. He also emphasized that these accounts are not a replacement for Social Security, nor are they a replacement for retirement plans already offered by larger corporations.

The speaker then went on to describe the accounts in more detail. Like IRAs, UVAs are a defined-contribution plan. In a typical UVA setup, employers can choose whether they want to provide matching contributions. For tax purposes, a plan with employer matching would be considered a SIMPLE IRA while one without matching would be considered a Traditional IRA.

UVAs are a fairly new concept, the representative said. While no state has yet implemented a UVA, legislatures in two other states – Washington and Maryland – have considered creating them. He also pointed out that surveys show strong public support for the accounts, regardless of political affiliation.

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### On the Road in September

Invited by community leaders to visit Martinsburg, lawmakers will travel to the Eastern Panhandle from September 9 through 11 for their interim meetings.

Regularly scheduled, monthly committee discussions will be conducted at the Martinsburg Holiday Inn while visitations to area businesses, health care facilities, schools and district state offices are also being planned.

Since 1990, when traveling interims were revived, lawmakers have traveled to the Eastern Panhandle four times. This regional visitation will be the fifth time in 20 years lawmakers will hit the road to survey issues relevant to districts well distant from the capital city.

“By visiting different locales around West Virginia we not only get an up-front and personal view of regional challenges, but we get to hear how the grass roots of our political system feel about the issues which have a direct effect on the entire State,” said Senate President Earl Ray Tomblin. “We also get an opportunity to exchange ideas about the way things are done in the South, for example with those who live and work in the North, or in this case the Eastern Panhandle. I am looking forward to the exchange.”

According to the West Virginia’s Legislative Redistricting Office’s US Census figures, the population of Martinsburg has jumped from 14,073 in 1990 to 16,392 in 2006. Touted as the fastest-growing region in the state, the city and sur-



rounding developments are currently facing a variety of issues that do not impact other areas of West Virginia. From seeking additional dollars for education and public safety to developing an adequate infrastructure, the growing region is beginning to feel a variety of effects it wishes to share with the lawmaking body.

“By periodically moving our monthly interim meetings to other regions of the state, lawmakers are provided with the chance to gain a better understanding of the unique aspects of that area,” Speaker of the House of Delegates Richard Thompson noted. “West Virginia is a geographically diverse state with significant regional differences, and I look forward to learning more about the economies and communities in the Eastern Panhandle and to interact with the people living there.”

All meetings and visitations are open to the public. A preliminary schedule of events is available on the Legislature’s website:  
<http://www.legis.state.wv.us/committees/interims/intcomsched.cfm>

## 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.

September 9 - 11\*  
October 7 - 9  
November 16 - 18  
December 9 - 11  
January 6 - 8, 2008

### 2007-2008

#### Interim Committee Meetings

**Note:** All dates are subject to change.

*\* Held in Martinsburg, WV*

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## The West Virginia Legislature’s Office of Reference & Information

Building 1, Room MB 27  
State Capitol Complex  
Charleston, WV 25305  
(304) 347-4836

Charlene Glagola  
**Director**

Drew Ross  
**Deputy Director**

Dee Spelock  
**Resource Manager**

Joe Merial  
**Public Information Officer**

Dave Martin  
**Web Administrator**

Randy Cain  
**Webmaster**

John Tice  
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Martin Valent  
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