

Interim Highlights

Agriculture and Agri-business Committee

Local Foods Council – Sept.

During this month's interim meeting, committee members heard from the program coordinator for WV Community Development HUB and also the program manager for HUB's WV Food and Farm Coalition regarding the codification of a West Virginia Local Foods Council.

Both representatives told the committee that their objective during the meeting was to demonstrate and explain the need for a codified Food Council in West Virginia, and to request legislative action creating the council next year.

Since June of last year, West Virginia local foods stakeholders have met to identify current projects, resources, and assets related to local food. Stakeholders at these meetings have included the WVU Extension Service and the WV Department of Agriculture. Through these meetings there has been a consensus that there is a tremendous economic potential in developing local food systems in West Virginia and believes that a state-codified council would create defined goals for a local food system.

Through these meetings, the West Virginia Food and Farm Coalition was created with the objective to "assess, develop, and support the production, processing, aggregation, distribution, and consumption of West Virginia foods."

It is estimated that West Virginians spend \$6.9 billion on food. If West Virginia had their own local food's system, there would be potential to increase tax revenue, food access, and federal program funding access.

The purpose of a food council is because there is no state or city in the country that has an agency devoted solely to food so these councils can improve coordination between government agencies that influence the food system. The food council would also:



MARTIN VALENT WEST VIRGINIA LEGISLATURE

Retired Catholic priest Father Leon Alexander dressed as Benjamin Franklin at the state Capitol during October Interim meetings to promote Money Smart Week in West Virginia.

Money Smart Week West Virginia took place October 18-23, 2010 in Charleston, WV and is a collaborative effort by community groups, financial institutions, government agencies and educational organizations to help all West Virginians learn how to better manage their personal finances.

- Connect local food system stakeholders in West Virginia.
- Educate the stakeholders in food system sustainability.
- Develop a West Virginia food system that links economic development, agriculture, health and well-being, environmental protection, and reduction of hunger and poverty.
- Implement a West Virginia food system that supports the production, processing, aggregation, distribution, and consumption of West Virginia foods.
- Make recommendations to the Governor and Legislature concerning food policy affecting the West Virginia food system.

Currently, there are 10 states with a codified food council including Connecticut, Ohio, New York, Maine, Michigan,

Interim Meeting Schedule & Agendas

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Oklahoma, and North Carolina. These states have captured federal funding and also funding through other organizations. The food council in Connecticut began in 1997. They produced a “Connecticut Farm Map” which features 300 of the state’s best agricultural destinations. They have also published a report monitoring hunger and food system indicators, like the loss of farmland. Connecticut’s food council also:

- Sponsored a statewide conference on food safety.
- Explored opportunities for the purchase of local grown agricultural products by state institutions.
- Published a report on innovative strategies to improve schools food environments.

One committee member asked the representatives if they needed approval from the legislature on something like this. The representatives said that a codified food council would have more recognition and shown support by the state.

Both representatives told the committee that elements of a food system exist in West Virginia. However, the state lacks a coordinated effort that focuses completely on West Virginia products and on developing an aligned local food system.

A codified local foods council in West Virginia could impact regulatory reforms such as facilitating startup for new and beginning farmers, improve slaughterhouse system, and simplify regulatory system for untapped markets such as cheese making.

Other issues that a local food council could address would be nutritious foods in the state’s schools, ways to put money back into the local economy, and increasing marketing efforts.

Drought

The State Deputy Commissioner of Agriculture briefly addressed the committee on the drought this summer that has plagued West Virginia, especially those counties in the east. There are currently nine counties reporting 30-60 per-

cent losses and unfortunately there is, right now, no relief in sight.

The State Deputy Commissioner of Agriculture told the committee that it is critical for farmers to know that help is on the way.

Children, Juveniles & Other Issues, Select Comm.

Foster care and the child welfare system – Sept.

The Senior Director, Casey Family Programs briefed the committee regarding foster care and the child welfare system in West Virginia.

She briefly described Casey Family Programs, which is the nation’s largest organization devoted to child welfare. Headquartered in Washington, D.C., they are champions for change and improvement within the child welfare system.

Their stated goal is to reduce the children in foster care by 50 percent nationwide by 2020, while improving the lives of the children that remain in care.

According to the director, in 2008 the number of children in the U. S. exiting foster care was larger than the number entering the system. Closer to home in West Virginia, in 2009 exits overcame entry numbers. This is a positive sign and shows a commitment on the part of West Virginia to not bounce kids from home to home and to make sure that children are not in the system when they don’t need to be there.

The director noted the importance of keeping kids in the system with a close family member or at least an extended relative when possible. She says West Virginia has done a great job with this and that the sense of family in our state seems to be stronger than in others.



The director believes that savings on reductions in the numbers of children in the system should be reinvested back into the system.

She emphasized the need to help and care for alums once they have left the child welfare system. Many alums suffer from post-traumatic stress disorder and 25 percent have to deal with homelessness when they are out of the system. Alums also tend to have achievement problems in high school and college. Her program and many others around the country are looking at ways to help and support alums.

While overall numbers of entrants to the system in West Virginia have gone down, the number of infants below age one has increased by 30 percent while the number of entrants ages 15-17 has also increased.

The director noted that neglect and parental substance abuse are the two main reasons children enter foster care in West Virginia.

She also emphasized the need for mental health services for children eight years and under in West Virginia. The state has been committing children in need of those services to psychiatric hospitals as a last resort. The committee will continue to look at legislation to provide these services as well as other ways to improve the state’s child welfare system.

Department Data Received – Oct.

The Commissioner for the Bureau for Children and Families presented the committee with the new way they do data reporting. The new manner of reporting allows these professionals to look at trends, compliance with national standards, and all the pertinent data on a wide range of subjects in real-time.

This data allows them to look at the data on a county-by-county basis and gain a better understanding of the areas in which they are doing well and the areas where they are doing poorly and may need to commit more resources. This data collection is nearly complete and will soon be available to the public on the Bureau’s website.

Economic Development , Joint Commission on

New Energy Jobs and Investment – Sept.

A Wind Energy consultant for Blackwater Environmental Services was the first to speak to the committee in the House Chamber.

He told the committee that while West Virginia is the third windiest state in the East, we are not as involved in new energy development as we should be and we are currently falling behind other states in that regard.

The consultant noted that investment in new energy has increased drastically nationwide while investment in traditional fossil fuels has declined sharply. He then used a historical reference to make his point, saying that as such a proud, traditional energy state we should embrace change. He noted that in 1817, when coal was found in the region that is now West Virginia, wood was the resource used for energy. He explained that we did not protect wood and refuse to use coal, instead we chose coal at the time of the nation’s first energy crossroads. The consultant contends that we are once again at an energy crossroads and we must look to new energy for our needs.

He also noted the increased need to develop an energy expansion fund, something West Virginia has yet to do. These are financing mechanisms that directly stimulate the development of renewable energy and energy efficiency capacity, infrastructure and innovation across the state. Twenty states across the US, including Maryland, Pennsylvania and Ohio, have dedicated funds that promote renewable energy technologies.

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Interim Highlights

The U.S. Department of Energy says state energy expansion funds have created thousands of new jobs in other states. The question then becomes how to pay for these expansion funds. The consultant had several suggestions, including using the worker's compensation severance tax instead of having it go off the books. He also suggested a power bill rate increase by a few cents, which would create a savings of far more over the long haul.

The director of the JOBS project also spoke to the committee. He would like to see an energy panel manufacturing center in West Virginia and contends that the time has never been better for it.

He believes that our state is in a good position to be a leader in this and has seen the positive results and demand for these panels buy doing business with our border states, specifically Maryland and Pennsylvania.

He gave evidence that solar power is working in our state and the industry is hiring people even in these slow economic times. He noted that people are constantly building these panels in our border states and that there is a global solar panel shortage and we need to start manufacturing them right here in West Virginia.

He believes that we are currently behind our border states because the correct policies are not in place yet. He noted that the solar panel tax credit made us visible but we need to do much more.

A West Virginia University professor briefly spoke to the committee. He declared flatly that regardless of how much coal we produce and how efficiently and cleanly we do it, change is coming to the energy landscape and our state may be left behind. He urged lawmakers to "see the stark reality, make the correct decisions and stop being in denial."

Tourism – Oct.

The economic impact from direct tourism spending in West Virginia totaled \$4.38 billion in 2008. Travel spending directly supports 44,000 jobs and millions of travel-related dollars

are generated annually in every West Virginia county (from \$1.3 million in the year 2000 to \$729.3 million last year). Tourism generated 14 million overnight visitors and 40 million day-trip visitors in 2008. And, West Virginia's landscape, culture and history present tourism development opportunity in every county.

With those factors in mind, lawmakers adopted Senate Concurrent Resolution 31 (SCR 31) in 2010, which called for the implementation of a comprehensive analysis and action plan to fully develop the tourism industry in West Virginia, including the future development of events, attractions, and facilities in the State of West Virginia.

The West Virginia Department of Commerce's Secretary provided the economic development committee with information regarding the progression of the plan.

According to the secretary, the commerce division will use the request for proposal (RFP) in securing information relative to enhancing the tourism industry. An RFP is an early stage in a procurement process that issues an invitation for individuals through a bidding process to submit a proposal on a specific commodity or service. Effective RFPs typically reflect the strategy and short/long-term business objectives, providing detailed insight upon which suppliers will be able to offer a matching perspective, according to a market definition.

The secretary noted it was the best route to study existing industry and also is asking for market studies to bring investments into possibilities. Findings as to what helps companies invest such as infrastructure and other tangible assets. She hopes to accept proposals in the next month or so she told the committee.

The RFP solicitation will be funded by the Department of Commerce with use of its promotional funds. In addition, a team will be put together to be sure the FRP is vetted. The value of the document will serve as a consensus of what needs to be studied and according to the secretary the "expertise" has been assembled.



Education Accountability, Legis. Oversight Comm. on

The goal of the RFP is to set priorities, develop a market strategy, provide information for small industries and to look for specifics to attract investments. Some members requested the study include what is necessary to lure businesses into the state, such as assistance from state entities, infrastructure, returns on investments and workforce development.

Other members suggested that tourism is related to civil war culture or historical culture. The analysis regarding fairs and festivals will be slated for another study and should be kept separate from the tourism RFP. According to the committee co-chair, while the RFP is a contract more areas can be added in the future. The existing goal of the RFP is to make it very broad so that it gives an opportunity for more people to work together using multiple companies

At the close of the meeting, the committee adopted a motion to move SB 235 out of committee to be taken up in the coming 60-Day Regular Session. Senate Bill 235 was passed by the Senate but did not make it through the House during the 2010 Session.

Senate Bill 235 relates to the Creative Communities Development Pilot Program. It also creates the Creative Communities Development Fund through which applications can be filed for the use of matching funds.

The development and enhancement of communities in West Virginia with the ability to thrive in the face of the economic and environmental challenges of the 21st Century will make for a stronger West Virginia by creating jobs, attracting new professions, and developing additional sources of capital. The public policy of the state will be served through a matching grant pilot program designed to foster innovative planning to enhance communities with key foundations of economic and environmental sustainability, the bill's legislative intent declares.

Interim Meeting Schedule & Agendas
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Test Assessments & Broadband Implementation – Sept.

The State Superintendent of Schools appeared before the education oversight committee to provide an update on West Virginia (test) Assessments and the progress of the K-12 Broadband/width implementation.

Presently the school system has 19 Assessments, 10 of which are required with the other nine recommended. Assessments are aimed at a variety of school grade levels. Lawmakers are reviewing the effectiveness of evaluating student performance through the various testing programs.

Required Pre-K tests include the Early Learning Scale for Pre-K (NIEER). The pre-kindergarten assessment launched in 2010-2011 will replace CreativeCurriculum.net. Creative Curriculum.net is a pre-kindergarten assessment that supports OSP Outcome Reports for children with special needs.

Grades 3-11 are required to participate in WESTEST 2, which is the state's summative assessment that measures student performance in the content areas of math, reading/language arts, science and social studies. This test is aligned to the state's 21st Century SCIs. Data profile information on a student's academic strengths and weaknesses.

An assessment for WV students taught on alternate academic achievement standards in the content areas of reading/language arts, math and science entitled the Alternative Performance Task Assessment (APTA) is also provided to grades 3 through 8 as well as to 11th graders.

The National Assessment of Educational Progress (NAEP) is given to grades 4, 8, and 12 utilizing a stratified random state sample of 2,500 to 3,000 students per grade, per subject. Also referred to as the Nation's Report Card, it is administered every other year in the content areas of reading and math. Other content areas are administered as



Interim Highlights

determined by the National Assessment Governing Board. This test fulfills federal requirements and allows the state to qualify for federal funds.

The Global 21 Career/Technical Education (CTE) Performance Assessment targets career/technical education students who complete a career concentration. This test fulfills the Federal Carl Perkins Act Requirement and is directed toward grades 9 through 12.

For 12th graders and targeted toward students in career/technical concentrations - ACT Work Keys Assessment addresses areas of applied math, reading for information, locating information and technical concentration. This Assessment is also required and fulfills the Federal Carl Perkins Act.

WESTELL is a required assessment administered to students (K-12) who are not native English speakers or who have a home language other than English. This test measures performance in the area of English language acquisition and it fulfills requirements to qualify for federal technology funds.

Rounding out the required Assessments are HEAP and FitnessGram. HEAP is a health assessment comprised of questions that align the WV K-12 Health Education CSOs and is given to 6th and 8th graders and high schools. FitnessGram is an assessment administered in select physical education courses for 6th and 8th graders and high schools

According to the State Superintendent, standards for the tests have been raised and are rigorous. West Virginia students have made gains in ACT testing.

Lawmakers furthered their inquiries regarding areas that are underserved in math and queried the need for possible selections in curriculum or for more professional development needs. Some committee members noted that science and social studies could be better evaluated through performance based assessments as opposed to the current multiple choice standard.

According to the superintendent, all of the assessments are tools in checking “ground level capacities.” WESTEST2 is the only overall arching assessment, he told the committee.

Debate ensued regarding required assessments versus recommended assessments. The recommended ACT EXPLORE, which measures 8th graders’ general educational development and complex, critical thinking skills covering English, math, reading and science, is recommended, not required. Also recommended but not required is the ACT PLAN, which measures 10th graders’ knowledge and complex critical thinking skills acquired in the early years of high school. Areas covered include English, math, reading and science.

Another plan, the PSAT, a preliminary SAT containing the same type of questions which measures student performance in three areas: critical reading, writing and mathematics, was not even mentioned in the assessment package provided by the state superintendent. Since the test is a good predictor of advanced placements in high school, some committee members believed it should be reconsidered as an Assessment.

The recommended tests were perceived to be significant teaching by members of the subcommittee who have served in education as professionals. Since state law does not require all the Assessments, lawmakers are seeking answers as to how the tests are selected by the state board.

According to lawmakers affiliated with the field of education, top-level students believe WESTEST 2 leaves a lot to be desired but it is given priority because students use it to get into college. It is a criterion that deals with comparability among states.

In closing the Assessment portion of the agenda, lawmakers are requesting the dollar amount, both federal and state, are used to provide the tests, particularly the amount of money spent on federally required tests.



In terms of receiving federal dollars for West Virginia, the committee heard from the state superintendent that with Congress passing the Education Jobs Fund in August of this year, \$10 billion would be distributed throughout the nation to save teaching jobs that were slated for lay-offs. West Virginia has received \$54.6 million in federal dollars. The money will be applied for compensation and benefits, after-school programs, extra tutoring sessions and other programs designed to assist students who have real needs.

The committee also heard about a successful program being conducted in the Cabell County Career Technology Center. The program has been implemented to encourage people to pursue their GED. About 46 to 49 parents and children showed up at the Center to seek help in returning to school or furthering their education. The committee chairman suggested that some federal dollars could be applied to similar programs. The state superintendent believed that funding such programs statewide would not be exorbitant in cost.

In a further report, a representative in the superintendent's office provided insight into West Virginia's K-12 Bandwidth Implementation.

During a brief presentation, the spokesperson noted 17 counties had bandwidth present in the 2008-2009 school year. Those included Brooke, Ohio, Wetzel, Monongalia, Harrison, Upshur, Braxton, Wood, Wirt, Cabell, Putnam, Kanawha, Greenbrier, Logan, Mingo, Mercer and Jefferson.

In the 2009-2010 school year, Marshall, Tucker, Pleasants, Jackson, Mason, Nicholas, Fayette, and Raleigh counties were added to total 25 counties receiving bandwidth.

In the 2010-2011 school years, the total number of counties is expected to increase to 50 with Preston, Ritchie, Calhoun, Lincoln and Summers working toward finalizing full, state-wide implementation of bandwidth in all state schools.

Education Subcommittee A

Prepare More Students for College and Careers – Sept.

This month, committee members heard from the Assistant State Superintendent of Schools' Division of Technical and Adult Education Services on a publication created by the West Virginia Board of Education with recommendations from the Southern Regional Education Board.

The publication is entitled "Ready for Tomorrow: Six Proven Ideas to Graduate and Prepare More Students for College and 21st Century Careers", and took seven years to compile all of the information. The publication is rather large but can be found online at http://publications.sreb.org/2009/09V20_Ready_for_Tomorrow.pdf.

The six proven ideas listed in the publication are:

1. Provide students in every program of study with a rigorous academic core curriculum. West Virginia has a broad core, but are still lacking student success at that level.
2. Insist on high-quality career/technical course sequences that blend academic and technical content through challenging, authentic assignments. The Assistant Superintendent said that one thing that Technical Centers have to overcome is the culture or reputation of technical centers and therefore do not realize what's available.
3. Equip all students with 21st-century skills through high-quality career/technical programs. An event was held on September 29th at the Civic Center for a number of industries to come together and discuss what they need in their workforce in order to improve technical centers' programs. Around 50 businesses and industries agreed to come.
4. Expect every student to strive to meet standards in academic and career/technical classrooms. West Virginia is the only state currently that provides a program that has students and teachers go online to encounter real life problems that they can be assigned to solve for a class.

Interim Meeting Schedule & Agendas
 Please visit West Virginia Legislature's Web site:
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5. Guarantee students have the support needed to meet readiness standards for college, career training, or both. West Virginia is doing a good job in this area.

6. Connect every student to an adult adviser or mentor who has the time and skills to provide guidance and support. The Assistant Superintendent told the committee that West Virginia's Technical Centers are currently lacking in this department because it is difficult to find the right individuals to mentor each student and that this step has a lot to offer if done correctly.

Also mentioned during the committee meeting was the pilot project that gives individuals the opportunity to receive their GED. Three schools are currently offering this program this semester and 26 schools offering it next semester. One school offering the program has 46 students attending and 100 students wanting to participate at two other schools.

Athletic Directors – Oct.

The Executive Director of the West Virginia Athletic Directors Association addressed committee members on the need to set standards of assigning school athletic directors during this month's interim meeting.

According to the Executive Director, many high school athletic directors are a faculty member already which makes it difficult to complete all responsibilities in the classroom as well as those entailed in planning, managing, operating and evaluating a school's entire athletic program.

An athletic director has many duties that are important since athletics is the main moneymaker and business aspect for a school. Some of the responsibilities of an athletic director of a school include:

- Organizes and is the administrator of the overall program of athletics
- Coordinates the operation of all athletic contests including scheduling of transportation for away events, contracting of officials, contracting for security, arranging for facilities to be properly prepared and also schedule

support personnel

- Helps prepare athletic schedule
- In charge of athletic budget and bookkeeping
- Supervises ticket sales and fundraising activities
- Supervises coaching staff
- Fostering good school-community relations
- Serve as school liaison to and attend booster club meetings and activities

Most athletic directors in the state get a stipend for their work ranging from \$1,000 to as much as \$8,000. However, the Executive Director stated that this was still very little concerning all of the work they have to do especially all the after hours work.

With all of the duties that come with a school athletic director, the Executive Director told the committee that the West Virginia Athletic Directors Association would like to see legislation enacted that would require all state high schools to employ a full time athletic administrator.

The Executive Director told the committee that most states now require full time athletic administrators in their high schools now that high school athletic programs have more than doubled during the past 20 years. Hawaii went as far as to require their athletic directors be certified athletic administrators through the national federation of high schools certification program.

One committee member asked the Executive Director if there were any high schools with no athletic director? The Executive Director said that every school has a name listed beside their name but most of those listed as the athletic director do not have the time to work on it. The Executive Director said that Capitol High School's, in Kanawha County, is one of the larger schools in the state and their athletic director gets one period during the school day to fulfill their duties as athletic director.

The Executive Director told the committee that superintendents are not receptive to the idea of allowing for full time athletic administrators for monetary reasons. This led to



one member asking the Executive Director as to if it would be wise for the Legislature to tell the school boards how to use their money even after the Legislature changed the school aid formula a couple of years ago in order to provide more funding for positions like the athletic director. The Executive Director told the committee member that this would be something brought up when discussed before superintendents. However, the Executive Director told the entire committee that all athletic directors are asking for is to be recognized as a position in the school system and that proposed legislation would not have to require schools to hire a full time athletic director.

Education Subcommittee B

OEPA Performance Audits – Sept.

In 1998, House Bill 4306 was passed which establish an office of education performance audits (OEPA), which shall be operated under the direction of the state board independently of the functions and supervision of the state department of education and state.

The mission of the Office of Education Performance Audits (OEPA) is “to assist the WV Board of Education (BOE), the Legislature, the Governor and the Process for Improving Education Council in establishing and maintaining a system of education performance audits which measures the quality of education based on a variety of statutes and policies. Essentially, the independent audits are to identify deficiencies and to hold schools accountable for school system performance.

During its September meeting, Education Subcommittee B heard from OEPA regarding a variety of county school district performances. If the OEPA independent school audit indicates school district experiences problems in curriculum and instruction, facilities, finance, leadership and compliance with the WV BOE, then a state intervention takes place until circumstances leading to the take over are corrected.

Some districts addressed included Mingo, Lincoln, Hampshire and Grant county schools. Problems ranged from areas stemming from possible consolidations, personnel issues, teaching practices, finances, administrative issues and policies. While each district problems varied, the OEPA director noted the interventions have shown promise and schools are working to improve their practices.

Facilities are improving, graduation rates are rising and morale is improving to some degree.

According to the director, sometimes an intervention comes as a relief to those involved and settling things in a county is the outcome of most of the school system audits.

The audit is designed for improving the systems. While the director says the office does emphasize the positives, primarily it is looking at deficiencies.

Best practices and recommendations are provided if progress has been made and ultimately the system is provided exemplary status.

The auditing office does not participate in state managed schools. The audit team goes in after specific progress has been made. The director noted that a state takeover doesn’t always seem to be the answer if local boards do not cooperate nor want to cooperate with the state board. However, in years more cooperation has been achieved.

One lawmaker expressed dismay regarding the Process for Improving Education Council. It was indicated the council has never met and should have been eliminated in recent legislation.

Another lawmaker noted his county continues to struggle over the issue of consolidation. Parents want a greater say in the outcome and believe they are being dismissed over their concerns. According to the legislator, leadership “follows what constitutes the promised land but citizens want to keep local schools.”



During further inquiries from the committee to the OEPA director, lawmakers were told the way out of an intervention would not only include student achievement but also resources, personnel and management.

Drop Out Rates – Oct.

According to Southern Region Education Board (SREB), West Virginia has a 77% high school graduation rate as opposed to the national average of 74%.

In 2009, the Alliance for Excellent Education noted that West Virginia ranks 27th in the nation for high school education.

In 2008, more than 6,500 West Virginia students failed to graduate.

These statistics indicated losses of more than \$634 million in potential accumulated wealth and nearly \$1.7 billion in potential lifetime earnings, noted the Alliance in 2008. Overall, it was agreed, the numbers hampered the economy of the state regarding job creation and also strained state resources.

With these statistics, lawmakers, during the 2010 Regular Session, adopted Senate Concurrent Resolution 23, which called for a study to find ways to reducing the number of school dropouts in the Mountain State.

Funded by a \$50,000 federal grant, a strategic “Achieving Graduation For All” plan has been devised by working groups under the direction of the governor’s education policy advisor. Appearing before the education subcommittee the advisor explained the strategies of the program to lawmakers.

It addresses four major concerns: promotes high school graduation, targets youth at risk of dropping out, re-engages youth who have dropped out and provides rigorous, relevant options for earning a high school diploma.

Of significance is targeting youths who are at risk of dropping out based on attendance, behavior and course per-

formance. While West Virginia reviews the performances of 3rd and 9th graders, a John Hopkins researcher determined a review of 6th and 9th graders provided a clearer projection.

Using those grades, the findings indicate that of the 22,244 6th graders in 2008-09, 20 percent of the pupils attended school less than 90 percent of the time, 18 percent had one or more suspensions, 10 percent failed at least one course and 13% overall exhibited two or more indicators.

Of the 25,315 West Virginia 9th graders in 2008-09, 17 percent attended less than 85 percent of the time, 15 percent had two or more suspensions, 15 percent had failed two or more courses and 19 percent overall exhibited two or more indicators.

Math and English were key indicators in courses failed.

In the area of re-engaging students, the advisor told committee members that schools don’t have incentives, don’t have financial support regarding behavioral issues and have varying programs from school to school.

Examples of successful re-engagement programs included dropout recovery centers, successful in Colorado, Philadelphia, New York City and Boston. It was quickly noted by the education advisor that these programs were all located in urban areas and that rural states would have to incorporate a different plan involving a funding formula which would reward schools and have money follow the student.

Looking at the fourth element of the program - to provide rigorous, relevant options for earning a high school diploma, suggestions including multiple pathways such as a GED option, funding for alternative schools, and technical colleges. The students should be awarded credit for competency, not “seat time.”

In mapping the scope of the problem of high school dropout rates, a collaboration of groups from the Department of Education, Higher Education Policy Commission, Educa-



tion and the Arts, Education Alliance, Early Childhood Education, the 21st Century Jobs Cabinet and the Governor's Education Policy Advisor have been working to define the solutions.

Lawmakers were informed an individual has been hired as the Student Success Advocate Coordinator within the education department to focus on the whole package.

Thus far, strategies provided to the committee include focusing on attendance, behavior and course performance, support of the local problem solving, promotion of further collaboration (particularly on local levels) and seek other available resources.

The preliminary recommendations provided by the education advisor also includes the expansion of data systems, open opportunities to students who have left school, launch an awareness and education campaign, provide training on dropout prevention, hold a multi-agency summit, expand alternatives to traditional classroom and create a Commission on High School Completion and Success.

The governor's education advisor told lawmakers that a lot of problems cannot be worked out through the passage of legislation but rather through community efforts.

In agreement that the study should focus on attendance, some lawmakers stressed the importance of including local boards, superintendents and teachers. The policy advisor was encouraged to come up with concrete programs that will have an impact on the students. Specifically, changes in reading programs were mentioned as well as curriculum addressing vocational schools with math and some science included.

Community colleges, online learning and community centers were mentioned by lawmakers as being persuasive ports for students wishing to return to school. In that line, it was suggested that a commission should be created supporting a strategy for local levels. The forums should include a variety of stakeholders, such as individuals involved

in the juvenile court system, local social service providers, parents, and community leaders, to name a few. Some lawmakers indicated the solution most likely would lie in the local efforts with the support of the state.

While the plan to prevent students from dropping out of school is in its infancy, lawmakers leaned toward seeking help from the bottom up as well as from the top down.

According to SCR 23, a report from the study group is expected to be provided to lawmakers by the regular session of the Legislature, 2011, regarding the findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate the recommendations

Teacher Retention and Recruitment – Oct.

First to speak to the committee was a representative from the WV AFT teacher union to hand out some information regarding a working contract recently ratified by the Washington D.C. Teacher Union. However, the representative was unable to provide any further information or answer questions regarding this topic and promised to bring more information to the next meeting.

Next, lawmakers on this public education subcommittee heard a report from the Superintendent of Pendleton County Schools about his ideas to help improve both teacher recruiting and retention. He stated that he's hired applicants who meet the qualifications for a vacancy but aren't a good fit for the job. He also stated that school systems should also have the opportunity to re-post job openings if none of the applicants for the initial job posting are deemed suitable.

He called for legislators to provide school systems with more flexibility in teacher hiring and more student accountability. For instance, he said he isn't allowed to sign up promising recruits at regional job fairs as neighboring states do. As for student accountability, he said one way to test for student achievement could be done by requiring graduation examinations, as are mandated for high school seniors in many other states.



The Superintendent also urged lawmakers to revisit the weight given educator seniority saying it puts too much emphasis on seniority. He said the current system demoralizes hardworking, newer teachers. He said the current system discourages young, talented teachers from staying in West Virginia, knowing they could be passed over for promotions simply because of seniority.

Education Subcommittee C

Time and Learning – Sept.

During this month’s meeting, the President and CEO of the National Center on Time and Learning addressed committee members on why expanded school time is necessary.

The President of the National Center on Time and Learning told the committee that changing of the school calendar is the newest trend in education reform and that there is a revolution going on pushing for significant changes. A 180-day school calendar, she said, is not enough time to ensure that:

- All students reach proficiency in core subjects
- Teachers have time to strengthen their skills through collaboration, the review of data and school-based professional development.
- Well-rounded education to broaden student skills and engagement.

Charter schools are pioneering in the time department. High performing charter schools have added more than 50 percent more time than traditional public schools.

One of the complaints by many teachers regarding the American school calendar is that there is not enough time for students or teachers. A survey of 153,000 teachers in seven states found that most educators do not believe they have sufficient instructional time to meet the needs of the students. Some states with expanded learning time are allotting more time to work with other teachers and more

planning time. Added time also allows for more enrichment opportunities like gym, music, and art which have been scaled back recently with changes made in the curriculum.

According to the National Center on Time and Learning, over the past year, Expanded Learning Time (ELT) schools gained in proficiency at double the rate of the state in ELA and math and gained nearly five times the rate of the state in science.

One state focused on by the National Center on Time and Learning is Massachusetts who implemented its own strategy to redesign the school day in 2005 by launching a state-wide grant program that enabled schools to add 300 more hours per year to their schedules. There are currently 22 schools in 12 districts participating with 12,000 students now attending school for eight hours a day. The President told the committee that these school districts must meet the requirements listed in the ELT initiative in three years in order to keep their funding. If they do not, then funding would then go elsewhere. Initiatives required to be met includes:

- Must expand its schedule for all students by at least 300 hours per year. Schools can opt to add more hours to the day, days to the year, or a combination of the two.
- Must add time in three areas; core academics, student enrichment programming offered primarily in partnership with community organizations, and time for teachers to plan, collaborate, review data, and participate in professional development.
- \$1,300 is allotted per student to support the expansion. Union agreements regarding teacher compensation issues are agreed upon locally.
- Receive modest funding to engage in a yearlong planning process before the expanded schedule’s implementation.

A total of eight schools will be accountable for meeting these targets in the spring of next year. However, it is already being shown that schools in these areas are improving in their proficiency rates in the subjects of math, English, ELA, and science. Middle school students are improving



Interim Highlights

exceptionally well through this program and are narrowing the achievement gap significantly. However, some schools aren't showing great marks.

In 2008, a number of congressmen introduced the "Time for Innovation Matters in Education Act, or Time Act, which is designed to jumpstart state and district initiatives to expand time in school by at least 300 hours for all students performing in participating low-performing, high-poverty schools.

The President and Congress have provided a number of new resources through the American Recovery and Reinvestment Act for education funding, including the "Race to the Top" grants. These grants are competitive and are used in order to advance reforms around standards and assessments, data systems, teacher and principal effectiveness, and school turnarounds. Another grant is the School Improvement Grant program that aims at transforming chronically low-performing schools using increased learning time as one of its key strategies.

The President of the National Center on Time and Learning told the committee that this isn't a perfected concept and the results vary with little data since this is somewhat of a new initiative. She also said that there hasn't been created an ideal model just yet. Some ELT schools have different methods in expanding the school calendar. Some do a combination of a 9-5 school day and three weeks of school in the summer.

One committee member asked the President of the National Center on Time and Learning if they are tracking these students attending ELT schools long-term? The President told the committee that they are currently tracking through their current school performance but tracking later would be a future possibility.

Also asked by the committee was how the teacher turnover rate is, attendance rate and parent participation has been affected. The President told the committee that teacher turnover rate was slightly higher and no real change in attendance. However, parent participation is higher with

the additional time focused on performing arts and music where parents can come and watch their students in a play or concert.

The committee asked if through the increased school calendar affected transportation. The President told the committee that it did not raise the cost of transportation. However, some bus companies do have time constraints that may affect the longer school days.

There are currently 700 schools across the country with an expanded school day, 75 percent of which are charter schools. The National Center on Time and Learning want to focus more on public schools and get them involved in adding time to the school calendar with positive results.

Equal Pay Commission

West Virginia Women's Commission – Sept.

The director of the West Virginia Women's Commission gave the committee of the roles and duties of her office.

This organization provides education, outreach and advocacy for women and families throughout West Virginia. In addition to sponsoring Women's Day at the Legislature, the WVWC also sponsors many other events that celebrate the long history of female achievement in West Virginia.

March is National Women's History Month. Celebrating its 30th Anniversary this year, the West Virginia Women's Commission highlighted themes from previous years recognizing aspects of women's achievements from ecology to art.

Many events are designed to recognize the fact that from humble beginnings, West Virginia has been grown on the shoulders and hard work of women and their tireless efforts in areas of empowering, community service, government, and non-traditional jobs.



In addition to sponsoring events the WVWC also is a tireless advocate for equal pay for women in the work place as well as all government and policy decisions that can help women prosper.

The WVWC also provides a host of educational workshops and programs on topics ranging from how to deal with postpartum depression to how to limit domestic violence against women.

Pay Equity Appropriation Distribution for 2011 – Oct.

A representative from the West Virginia Division of Personnel presented the committee with the proposed distribution for fiscal year 2011.

In coming up with these figures the Division defined female dominated jobs as jobs where 70 percent or more of the employees are women. Male dominated jobs were defined by jobs where 80 percent or more of the employees are men.

The Division used their budget to fill in the gaps where they found that female dominated jobs paid less than male dominated jobs of similar complexity and responsibility.

The figures show an increase ranging from \$25 to \$40 a paycheck or \$480 to \$300 annually based on the gap in pay equity for jobs with similar complexity and responsibility

Social Service Supervisors will get the maximum increase while Health and Human Resources managers, directors and service aides, along with social service coordinators will get an increase of \$30 per paycheck or \$360 annually. A group that includes tax audit clerks, social worker 3, housekeeper, family support supervisor, economic service worker and food service supervisor will get the low-end increase.

Finance Subcommittee A

State Financial Burden due to Substance Abuse – Sept.

The committee heard that West Virginia spent more than \$30.9 million last year to keep individuals arrested for substance abuse issues confined in the state regional jail system during the last fiscal year.

That represents nearly 40.87 percent of the \$75.6 million in total expenditures for the regional jail system last year.

The West Virginia Regional Jail Authority programs manager and the Operations Chief presented the report to lawmakers

According to the report, the regional jail system housed 18,055 inmates on substance abuse charges between July 2009 and June 2010.

Of those, 5,913 were incarcerated on drug-related charges with the remaining 12,142 committed on alcohol-related charges. The system housed a total of 44,177 inmates during the fiscal year.

In dollar terms, total expenditures amounted to \$10.1 million for drug-related incarcerations with \$20.8 million going to incarcerations stemming from alcohol-related charges.

Of the drug-related charges, the majority of offenses (3,724 charges) were for possession or possession with intent to deliver a controlled substance; 670 charges were tallied for delivery of a controlled substance.

The leading offense under alcohol related charges included 3,981 incidents of first-offense driving under the influence. That number however does not include other first-offense DUI charges such as DUI causing injury or DUI with a minor in the vehicle.

Also, individuals who post bond at arraignment prior to being incarcerated at a regional jail are not included in the numbers.

Interim Committee Information

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The study did not include how those numbers compared to past years.

The project manager detailed several programs the regional jail authority has available that can reduce an inmate's time in their system including work credit, graduate equivalency degree credit, credit for good conduct and credit for attending education and rehabilitation classes.

Through those programs, the number of days billed to counties for inmate incarceration was reduced by a total of 248,037 days, translating into a savings of nearly \$11.8 million.

The projects manager said that the education and rehabilitation classes - which were already offered to felony offenders in state penitentiaries but not regional jails - were a new feature to last year's numbers.

Classes include anger management and domestic violence treatment programs, life skills and parenting education, and substance abuse and moral therapy treatments.

Through completion of the classes, inmates logged in 1,859 fewer days than they would have been incarcerated had the programs not been implemented. That reduction in days saved counties a total of \$88,302 last fiscal year. He looks for those savings to double in the next year.

The project manager said these programs have been a benefit for people convicted of misdemeanor offenses because it offers them an incentive to pursue education and treatment that used to only be provided to felony offenders in the Division of Corrections.

Finance Subcommittee B

Impact of Coal on State Budget – Sept.

The committee listened to two different reports and their vastly different interpretations of coal's impact on the state budget.

Two teams of researchers funded by competing special interests have reached very different conclusions about the impact of coal mining on the state's budget. Both claim there are gaps in the other team's data.

The first report by West Virginia University and Marshall University economists found the coal industry generated more than \$676 million in state taxes as well as provided more than 20,000 jobs in 2008 alone. It was funded in part by the West Virginia Coal Association.

The second study by the West Virginia Center on Budget and Policy and Downstream Strategies of Morgantown found the industry resulted in an economic loss of \$97.5 million when one looked at the state's general fund and road fund budgets alone.

The authors also pointed to potentially billions of dollars in industry "legacy costs" that taxpayers may get stuck with. The study was partly funded by the Sierra Club and Natural Resources Defense Council.

Either study could be used to shape state policy about the industry, although one lawmaker believes that that situation was less than ideal. The lawmaker contended that while these two reports give different but useful information, they only provide a snapshot of the industry.

The authors of the second study presented their findings to lawmakers as part of that body's ongoing examination of the coal industry. They were followed by a Marshall Economist, one of the lead authors of the first report, who passed out a lengthy memorandum arguing why his team believed the Downstream Strategies' report was incomplete.

For their part, the Downstream Strategies team said the WVU-Marshall study only looked at coal's benefits and not its costs. They contended that it is imperative to look at both sides of the coin to find true perspective.

The Downstream Strategies report raises real questions about whether the industry is taxed and regulated enough



to cover the impacts it has or whether its economic benefits are enough to make up for those costs.

Both the Downstream Strategies and WVU-Marshall studies looked specifically at the impact of coal on the state. However the WVU-Marshall team believes the Downstream Strategies report made several errors in honing its focus on the impact of coal on the state's general fund and road fund. They said it failed to measure several direct and indirect sources of revenue from the industry, and as a result concluded coal raised \$307 million for the state in a single year. The Marshall-WVU report concluded it raised \$676 million.

For instance, the Downstream Strategies report didn't include the millions of dollars in local property taxes that go to public schools — funding the state would likely have to make up if it wasn't available.

The WVU-Marshall team also took issue with other parts of the report, such as how the authors calculated the cost of wear and tear by coal trucks on the state's roads. The authors themselves were skeptical of some of the criticisms. In the case of the coal trucks they noted the gap between the amounts needed to maintain roads and what the industry actually pays.

The Downstream Strategies team contends that even state agencies continuously say the coal industry is not coming anywhere close to making up that cost and the state taxpayers are paying that bill instead.

Given both teams received funding from interest groups on opposite sides of the issue, one lawmaker requested the subcommittee look into whether any independent, peer-reviewed studies exist that look at the impact of the coal industry. The lawmaker believes that West Virginia needs a legislative fiscal office in the state that can do non-biased, non-partisan research.

Drug Courts – Oct.

This month, committee members heard from the Director of West Virginia's Adult Drug Courts.

Drug courts, as mentioned, in a report from the Governor's office, is an alternative to incarceration for non-violent drug offenders through intensive treatment and drug monitoring, and regular appearances before a judge.

The National Association of Drug Court Professionals, or NADCP, has concluded that the scientific evidence is overwhelming that adult drug courts reduce crime, reduce substance abuse, improve family relationships, and increase earning potential.

West Virginia currently has 10 drug courts covering 24 counties. They are:

- Northern Panhandle First Circuit Drug Court
- Northern Panhandle Second District Drug Court
- Southern Region Drug Court
- West Central Regional Drug Court
- Southwestern Regional Drug Court
- Southeastern Regional Drug Court
- Cabell County Drug Court
- Kanawha County Drug Court
- Monongalia County Drug Court
- Preston County Drug Court

A handout by the West Virginia Supreme Court of Appeals Division of Mental Hygiene & Treatment Court Services states that participation into the program is a minimum of one year and there have been 172 graduates of the drug court program so far. Of that number, only 13 have been repeat offenders. There are over 738 West Virginians enrolled.

The handout also states that offenders brought forth in the drug courts gain training, change in work habits, and other therapeutic benefits with community services hours. Community service has included work with Habitat for Humanity, volunteering at homeless shelters, community cleanup events at parks, restoring community properties, and serving meals at soup kitchens. Already 62,751 community service hours have been logged.



A handout given to the committee states that drug courts have saved regional jails over \$3 million already.

Aside from offsetting the costs in the criminal justice system, drug courts have reduced health care utilization, reduced foster care placements, and created sober, non-criminal living of participants and graduates. Drug courts in West Virginia have also helped with 20 drug free babies born.

Highway Funding – Oct.

The Department of Transportation’s (DOT) long-range plan covering the building and maintenance of new and existing roads and bridges was presented to the Finance subcommittee by the Division of Highway’s secretary.

The secretary explained how the division establishes and sets programs. The DOT long range, 25-year plan covers all modes of transportation. It uses a benefits calculator is associating costs with the project. The plan links goals and objectives with performance measures, evaluates programs and projects, estimates the budget and numbers of staff with the actual performance achieved.

A statewide distribution of funds includes 46% for existing roads, 13% for bridges, six percent for expansion and 35% on non-capital funding.

Of the expansion projects, 86% of moneys are used in lieu of preservation for priority project advancements and 14% are mandated expansion projects.

Seventy-two percent of bridge expenditures go to bridge replacements, six percent are used for improvements such as widening and strengthening while 22% goes to bridge preservation and rehabilitation.

The 2010 federal paving program included \$32.5 million on Interstates; \$11.5 million for APD (Appalachian Development Highway System); and, other federal aid routes at \$42.5 million. The state 2010 state contract paving program during the spring costs \$28.5 million and during the summer was \$39.5 million

The 2011 program includes \$27 million for Interstates, \$12 million for APD and \$31 million for other federal highways. Federal money can only be applied to federal highways. The state contract-paving program includes \$15 million for spring work and \$40 million for summer highway work.

A complete review of the DOT Long Range Plan can be located on the DOT’s website www.transportation.wv.gov/highways/programplanning/planning/statewide/Documents/West Virginia Long Range Multi-modal Transportation Plan.pdf

Finance Subcommittee C

Drop and Crop – Sept.

With an Other Post Employment Benefits (OPEB) obligation from the existing \$8 billion in 2010 to \$15 billion in 2015, lawmakers are reviewing a variety of concepts to curb the debt down.

The Subcommittee Senate Chairman stressed that the following options were simply options and ideas. He noted that all lawmakers want to honor the benefits pledged to public employees and will seek alternatives designed not to damage pensions by creating a mechanism to deal with the liabilities associated with OPEBs.

Prior to the “Drop and Crop” presentation, the chairman noted that many groups are working with financial data, continuing discussions and reaching out to everyone from staff to agency directors for ideas. He indicated that talks were being conducted with a broad group of participants.

A handout provided to lawmakers and interim observers and citizens listed the “Drop and Crop” options:

“* DROP - Deferred Retirement Option Plan - would allow a person to retire yet keep working in his/her full time job for a specific period of time. The would-be annuity payments

would be deposited in an account for the time the person is in the DROP program. At the end of the DROP period, the person would receive a lump sum payment of the contributions, plus compound interest.

*CROP - Concurrent Retirement Option Plan. Identical to DROP except that instead of reserving and investing the annuity payments until the person drops out of the program, the payments would be disbursed to the participant monthly, as with a normal annuity payment while still earning regular compensation. This would offer the person an opportunity to accelerate debt payoff, to participate in the 457 deferred compensation plan or to enjoy a different lifestyle for the period of CROP eligibility.

*Employees must be of “normal retirement age” (60-yrs-old with 5 years of actual employment). Participation would be limited to five to 10 years.

*Of the employer retirement match, 7% would be contributed to the Consolidated Public Retirement Board (CPRB) plan and the other 5% would go to the OPEB Trust.

*The DROP/CROP employee would be considered a retiree as far as PEIA goes, but the employer would make a contribution equal to the greater of the PEIA premium subsidy amount and the “would be” employer match had the employee continued as an active participant. Any amount of the employer contribution that is in excess of the subsidy amount would be paid into the OPEB Trust.

*The DROP/CROP employee would be required to participate in PEIA as a retiree, paying retiree premiums and/or converting leave for premiums as is presently permitted.

*The DROP/CROP would shorten the period over which unfunded OPEB benefits are provided and allow more employees to be Medicare-eligible by the time they exit the DROP/CROP program.

*The DROP/CROP participant could be permitted to carry forward his or her pre-retirement leave balances to take va-

cations or be paid for absences due to illness, which would also help limit the exposure to OPEB leave conversion benefits, and would either not earn leave prospectively or would receive a smaller number of paid time days off.

The handout provided to the Subcommittee also provided a paid time off (PTO) plan, which would change the way leave is earned, banked, capped and used.

Essentially, the idea would be to allow current employees to carry forward all unused sick and annual leave but a lessor or no further leave would be provided until while the sick and annual leave balance still exists.

New employees could earn PTO days on an established level subjected to caps. The state could also create a sick bank for each employee. The days would only be available upon the exhaustion of PTO balances and only for illness.

The author of the CROP/DROP idea noted that while the PTO method provides fewer days in total, the time earned would be available without restriction other than supervisor approval. Employees would not have to obtain a doctor's excuse, family leave limits, paternity/maternity limits, etc.

Paid Time Off days could carry a cash value and be used to provide an enhanced severance benefit. The state could also provide for any unused PTO days in excess of carry-over caps or days traded in by the employee up to some level to be converted into a bonus payment. In addition (according to the hand-out), PTO could provide greater opportunities for future pay raises due to gained efficiencies.

The DROP/CROP plan would also provide benefits to the state as well, according to the idea designer. Paid Time Off would end all unfunded leave conversion prospectively, providing a bonus to both state retirement plans and OPEB. There may be some offsetting costs, especially if a new opportunity to convert PTOs to cash. The hand out noted that liabilities could be fully reserved and funded from the outset of the program. For new hires, the severance benefit could require vesting.



Interim Highlights

Other considerations to the plan to be made would be what PEIA participating employees would be extended this opportunity/new-hire leave policy (state-PERS employees, higher education employees, teachers and school service personnel, troopers, deputy sheriffs, county employees, etc.), how many days of PTO would be a fair trade for the sick and annual leave currently earned by these employees, what caps would be reasonable, and how the sick bank might function.”

Other than the DROP/CROP initiative on the agenda, the Subcommittee Senate Chairman told attendees that he had met with members of the PEIA board who were receptive to changes in its existing plan. He urged lawmakers to continue to think studiously on areas of drug charges in Medicare and changes in Federal law.

The House Subcommittee Chairman urged all to pursue this idea and others so that numbers could be put together for feasibility and financial considerations. He made a motion to secure the numbers needed to further discussions, which was adopted. He also called for all information to be provided to all stakeholders.

OPEB – Oct.

In their efforts to eliminate the \$8 billion unfunded liability for future health care costs for retired public school and state employees, lawmakers sought dollar figures from actuarial studies relative to Public Employee Insurance Agency (PEIA). They are looking into the financial impact of alternative benefit plans currently under consideration by the state. Numbers provided to the Finance Subcommittee could reduce the massive deficit to a more manageable under-\$2 billion long-term liability by 2025, according to the PEIA director.

The reviewed proposal would call for the state to set aside about \$230 per employee per month - money that would be put into a fund for the foreseeable future to pay down the deficit. That amounts to about \$160 million in the coming budget year, peaking at about \$205 million a year in 2021 and 2022. State and public school employees hired after

July 1 of this year will not receive PEIA retiree health coverage when they retire, so they will not be a liability for the state under OPEB (Other Post-Employment Benefits).

This idea, known as the “Pay-Go” plan, combined with another proposal to give state and public school employees financial incentives to continue working to age 65 - could alleviate the unfunded liability, according to the plan’s advocate. Currently, many state and public school employees are eligible to retire at age 55. That is a major factor contributing to the massive OPEB liability, since those retirees have their full health coverage under PEIA until they become eligible for federal Medicare benefits at age 65.

State and public school employees hired before 2001 can also convert unused sick days into free or discounted PEIA coverage when they retire. However, the director noted that benefit accounts for a relatively small amount of the total OPEB liability, and currently amounts to about \$800 million.

Forest Management Review Committee

Statewide Forest Resource Assessment – Sept.

Commission members heard a report regarding the West Virginia Statewide Forest Resource Assessment.

The report states that commercial timber production is the most important economic and social use of the state’s timber resource, but it is just one of several historic direct and indirect uses, i.e., wild land recreation, wildlife production, watershed protection, tourism development, wilderness set asides, rural housing etc. Better management will overcome anticipated detrimental effects on production goals while still providing for these entities.

This strategic plan contains objectives for the management, improvement and renovation of West Virginia forests, discussions of needed research, suggestions on how to better



transfer modern management and technology to the landowners and industrial components, how to improve the use of up-to-date information in forest policy development and how to improve techniques for continual dissemination of up-to-date forest management information.

It also states that although global demand for a wide range of forest products is increasing, the involved experts believe the best opportunity for West Virginia producers is to continue to produce high-grade hardwood timber on a sustained yield basis for domestic and foreign markets. A common theme deduced from the subcommittee reports is that intensive management by professional foresters along with the proven ability of wood technology to continually stretch the timber resource have probably been underestimated.

Consequently, forestry, as an industry, can continue to occupy its place as the most widespread and one of the most important industries within the state, but there is a lot that needs to be done if the industry is to produce in the maximum sustainable manner needed to insure the future economic and social health, stability and vitality of the state. This report indicates that the continuation of the industry at current decadal levels will involve the investment of an additional approximately \$1.5 million dollars over each of the next 15 years to provide educational materials for landowners and to develop and implement techniques for the restoration of damaged lands.

Finally, the report states that it is important that the Director of Forestry immediately organizes committees to plan for the use of specific finances made available for implementing the elements of this plan including tabular outlines for mandatory semiannual reports to the FMRC to show how the suggested expenditures, once provided, are reaping benefits for the state. It is also important that the Division of Forestry be empowered by legislation and finances to carry out this plan, the implementation of which will improve competitiveness with adjacent states, provide for the protection and enhancement of both the direct and indirect amenities provided by forests and will insure sustainability for future generations.

Also, it noted that West Virginia is a young state in regard to forest rotations and professional forestry did not exist for four fifths of its first century and was limited for half of its second. Research and observations have now provided much of the data necessary for profitably managing the state's most widespread natural resource in a sustainable manner that will greatly improve the economy for present and future generations.

Logging Industry Challenges, SB 505 – Oct.

A representative from the Mountain Logger Association gave a recommendation and support for Senate Bill 505, which updates the Logging Sediment Control Act, while also discussing the various challenges the industry is currently facing.

The representative explained that the West Virginia Logging Sediment Control Act (LSCA) ensures safe water quality by minimizing soil erosion and preventing stream sedimentation from commercial timber harvests.

The West Virginia LSCA mandates the use of best management practices (BMPs) to prevent soil erosion and stream sedimentation. It sets guidelines for logging companies to use when harvesting timber that includes:

- Timber operators must be licensed through the Division of Forestry before beginning work in the state.
- Every harvesting job must have at least one certified professional logger on site at all times. Loggers must complete training in forestry best management practices, tree felling and personal safety, and first aid before being designated as a certified professional.
- Timber operators must file a notification form at the start of new harvesting operations.

To ensure compliance with mandatory BMPs, Division of Forestry personnel inspect every harvesting operation in the state at least once. Loggers in violation of LSCA receive compliance orders in which they have one to 10 days after issuance to correct the problem. Those that continue to be in violation may be fined and have their licenses suspended.



Last year, 1,194 operators were licensed through the Division of Forestry; 2,883 timber harvesting notifications were filed; and 9,162 inspections were performed throughout the state.

The bill was originally passed in 1992 and Senate Bill 505 would update it to include an exclusion for 10 acres or less of privately owned land, establish a biennial licensure and fee and make other technical corrections. The representative believes these changes are necessary to bring what he termed a very good law into current standards.

The representative also stressed the importance of increased communication between various logging stakeholders to make sure timber gets to the mills and gets processed. He also mentioned diminished capacity and downsizing, with many loggers choosing other work opportunities away from logging as a real threat to the industry.

He also discussed how contract logging rates have not kept up with the cost of parts and that increased insurance premiums on employers is making it very hard for many loggers in West Virginia to stay in business.

The representative also mentioned that equipment financing for loggers has been a problem during the recession, creating a barrier for new loggers that desire to work in the industry. He briefly touched on the issue of road bonding in the state that deals with a scenario where loggers, coal operators and oil and gas operators all use the same roads to do business. It is an issue that needs resolved so that all three industries can do business in a more efficient manner.

Joint Meeting - Gov. Operations/ Gov. Organization

West Virginia State Athletic Commission – Sept.

Members during the September Interims heard a performance review of the West Virginia State Athletic Commission.

According to a report presented by the Legislative Auditor’s Performance Evaluation and Research Division, the State Athletic Commission could improve its oversight of the sport of boxing and increase its public accessibility by being placed under the authority of the West Virginia Lottery Commission.

The Commission is currently not adequately accessible to the public. The Commission is not listed in the Government section of the Charleston area telephone book, has little presence on the Internet and utilizes a Commissioner’s residence as office space. Consolidating the Commission under the authority of the West Virginia Lottery Commission should improve the accessibility issues.

Also, the Commission currently has a \$5,500 spending limit set forth in West Virginia State Code (WVC) §29-5A-5. This spending capacity is inadequate to best regulate the sport of boxing, and is supported by the fact that the Commission has been appropriated and spent well over that in recent fiscal years. There are also perhaps some missed opportunities to increase revenue by raising license fees. West Virginia currently charges the lowest fees for boxing related licenses compared to surrounding states. By raising fees to that of some surrounding states, the Athletic Commission could become a more self-sufficient agency.

The Legislative Auditor’s review also identified several other areas of concern. For instance, the Commission has not made biennial reports to the Legislature as required by WV State Code. The Commission should also make improvements to its record keeping which has been strictly paper files.

Interim Committee Information
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Also, waivers signed by boxing contestants do not expressly exempt the State from liability. There have been instances of Commission members acting as officials in boxing events. This is allowed for in emergency situations in the Legislative Rules, though emergency situations are not clearly defined. Finally, changing the name of the Athletic Commission back to the Boxing Commission would be more descriptive and may improve public accessibility.

The Committee also discussed House Concurrent Resolution 92, which asks for a study of the feasibility of the creation of an administrative unit of state government to assist professional licensing boards.

The Legislative Auditor's office has determined that creating an umbrella board for licensing boards is possible, however, the possibilities are somewhat limited due to the lack of state owned property and private sector facilities in the Charleston and surrounding areas.

The achievements of creating an umbrella board would provide uniform accessibility and enforcement, and some efficiency; however, it's uncertain how much cost savings would occur. The Legislative Auditor analyzed two scenarios: bring the majority of Chapter 30 boards within an umbrella board; and, bring 16 of the smaller licensing boards within an umbrella board. The first scenario includes 32 licensing boards. The second scenario includes five boards that do not have staff or office space.

The report concluded that there are some possibilities to create an umbrella board for licensing boards. However, it is not clear what the cost savings would be in total office space. Based on estimates provided by the Real Estate Commission, there is a possibility of cost saving in both scenarios, over \$157, 00 in the first scenario and over \$6, 000 in the second. Sharing staff after bringing boards within the same building would provide additional cost savings and efficiencies. The report further concludes that several smaller boards, as in the second scenario, could benefit from sharing office space and staff, and with the relatively small amount of office space needed, it appears the most feasible plan.

Tax Department Performance Audit – Oct.

Heard a report from the Performance Evaluation and Research Division of the Legislative Auditors office regarding an audit overview of the state Tax Department.

The evaluation stated that the Tax Department has increased enforcement efforts and collections through advances in technology and internal policies and procedures. In May 2006, the Legislative Auditor issued a Full Performance Evaluation on the Department of Revenue's Tax Department. This review stated that the Department was not using the full extent of its enforcement authority for business tax collections, causing the State to lose millions of dollars in potential revenue.

In response to this finding and upon the implementation of GenTax, a system containing both hardware and software, was purchased from Fast Enterprises at a total cost of \$22.3 million, the Department issued new policies and procedures relating to the refusal to renew and revocation of business registration certificates as a means of enforcement. These new tools for enforcement, combined with an increased effort on behalf of the Department has resulted in increased revocation notices served and the creation of a new set of refusal-to renew guidelines.

The Department, using the new GenTax system, now uses a risk score system to determine a company's standing before renewing its business license. The Legislative Auditor recommends the Tax Department continue to refine the risk score analysis function provided by GenTax to reduce outstanding tax liabilities.

It should be noted that the initial investment of \$22 million for the GenTax system, has at least partially contributed to the increase in collections of nearly \$40 million. At this point, it is proving to be a sound investment on the part of the Legislature.

Also, the Legislative Auditor recommends that the Tax Department continue to increase focus on enforcement as a means of collecting delinquent taxes.



Government Organization - Subcommittee A

Emergency Dispatch Center Training – Oct.

This subcommittee heard a discussion regarding Senate Concurrent Resolution 81, which requests a study of the emergency dispatch center training. There are no national minimum training standards for 9-1-1 telecommunicators, the committee was told. There’s also little consensus on how much training in what subjects is necessary and how, and whether, to fund such training.

Under West Virginia State Code (24-6-5) all public safety telecommunications operators are required to complete a 40-hour basic training course from an accredited agency within one year of hire. All dispatchers that were employed at the time were given one year to complete a similar course to remain employed.

However, this has not been mandated according to the assistant director for Mercer County (W.Va.) Comm. Center. The state attempted to pass Emergency Medical Dispatch (EMD) certification requirements in 2009. The bill did not pass and is expected to be reintroduced this year. The legislation, which would recognize the Association of Public-Safety Communications Officials (APCO) Institute’s EMD course and would require 40 hours of training for initial EMD certification and 20 hours of instruction every two years for re-certification.

There is no state funding for training under current state code.

The committee will continue to study this issue in anticipation of legislation during the 2011 Regular Session.

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.

Government Organization - Subcommittee C

Real Estate Acquisitions by WV – Sept.

The committee was told that demolition crews will be clearing nine properties on the east side of the Capitol Complex in the coming weeks, ultimately creating 250 new parking spaces for the state Capitol.

That should help ease a parking crunch for employees and visitors to the Capitol complex, the Director of the state Real Estate Division. The director noted that on any given day, the complex is about 500 parking spaces short for people wanting to come to the Capitol

He said no decision has been made on how many of the new spaces will be designated as employee or visitor parking. He said there is a particular need for additional handicapped parking spaces close to the Capitol complex.

According to the director, some of the properties were acquired by the state in 2005, as part of a since-abandoned plan to build an office tower next to Washington Street East and California Avenue.

Meanwhile, the director told legislators that, since its inception on July 1, 2007, his division has saved the state more than \$42 million in rental and construction costs for state offices.

However, \$25 million of that savings came from the decision to “walk away” from plans to renovate the old Stone and Thomas building downtown, he said.

Department of Health and Human Resources administrative offices now housed in Capitol Complex Building 3 are instead moving to the One Davis Square building downtown. The director said that location made more sense, since it is across the street from the Diamond building, where most other DHHR offices are located.

When the \$27 million renovation of the eight-story Building



3, is completed, none of the former tenants will return. Instead, the offices of the state auditor and treasurer -- which occupy most of the first floors of the east and west wings of the Capitol -- will move to Building 3.

The director said that would free up space for legislative and executive branch offices, and let the state relocate all offices currently in the basement of the Capitol building. He said the long-term goal is to get workers out of the basement and use that space for storage, which it was originally intended for.

The director discussed the purchase of the City Center West office tower as headquarters for the state Lottery, and to eventually house a number of Tax and Revenue offices.

The Lottery paid \$21.5 million for the 13-story office building, and set aside \$8 million for renovations and upgrades.

He said about half of the office space in the building is occupied by private tenants, and said the state plans to honor those leases, the longest of which extends to 2014. The director said the plan is, as more private tenants move out, more Tax and Revenue agencies will move in.

He also noted that despite negative publicity, the purchase of the former Parkersburg Holiday Inn as a work release center was a good deal for the state.

As part of the recommendations of the Governor's Commission on Prison Overcrowding, the division was given the mandate to build or acquire four 80-bed facilities for work release centers around the state.

He said the division logically looked for properties that had been originally designed for overnight or longer stays -- locations including former hospitals, dormitories, or hotels.

The director said the state paid \$2.2 million for the former hotel, below its appraised value of \$5 million, because the owner had financial obligations and was under pressure to sell the property.

Finally, the director praised the recent renovation of the 10th floor of the Building 5 office tower at the Capitol Complex. The original design featured a series of offices surrounding a dimly lit center lobby. He said the new, open-space design not only allows daylight and Capitol views from throughout the floor, but also is more cost-effective. The new design provides space for 134 employees, compared to space for only 95 employees under the old office design.

Health - Select Committee

Substance Abuse in Regional Jails – Sept.

This committee heard the same presentation from the West Virginia Regional Jail Authority that was discussed in Finance Sub A.

Following that presentation, staff counsel addressed the drug K-2. The drug comes from China and is rolled and smoked as incense. It is becoming prevalent in the state.

While the drug is not regulated in West Virginia, nine states have made it a class one controlled substance along with marijuana

One lawmaker spoke up in opposition to regulation of the drug, stating that regulation would be putting more work on the plate of an already over stressed drug enforcement team in the state. The lawmaker contends that the drug, like marijuana is not dangerous and does not lead to violence.

However, other lawmakers disagree, saying that we currently know nothing about K-2, and calling for more research to be done as to the drug's affects.

The committee will continue to study this issue.

Impact of Health Care Reform on Hospitals – Oct.

The President and CEO of the West Virginia Hospital Association appeared before the Select Committee on Health to



provide insight into the impact of health care reform on hospitals. To date, the president saw no negative positions on reform from the hospitals but he told lawmakers that it was tough to talk about things in a “10-year-bucket”. To date he noted that issues need changing and tweaking

According to the spokesperson, there are a lot of provisions within the health care reform measure but of significance to the hospitals is the expansion of Medicaid by as many as 32 million individuals nationwide. It is estimated that approximately 50% of the new covered lives will be under state Medicaid programs and the remaining 50% will be covered under the “to be formed” state health insurance exchanges.

The latest estimate in West Virginia is that there could be an additional 160,000 new Medicaid recipients when coverage is expanded to 133% of the Federal Poverty Level (FPL) which is expected to occur in 2014, and the Insurance Department is working on issues related to the state’s health insurance exchange product, according to the speaker’s handout.

Medicaid federal match for new enrollees at 133% of the FPL were outlined in the report:

- 100% from 2014 to 2016
- 95% for 2017
- 94% for 2018
- 93% for 2019
- 90% from 2020 and beyond

The CEO also noted concern relative to the medical system to have an adequate supply of medical practitioners to care for the new population, although he noted West Virginia might not be as affected as other states.

One provision in the new federal law calls for readmission penalties and reimbursement penalties. For instance, if a hospital readmits a patient within one month of his or her original discharge, either related to treatment or not, his or her hospital stay will not be paid to hospitals beginning October of 2012. Also, infections acquired while a person is in a hospital allows for a financial penalty.

According to material provided by the hospital association spokesman, the total 10-year impact of the estimated payment reductions to West Virginia hospitals, plus “additional miscellaneous provision not specifically stated”, will be close to \$1.3 billion in payment reductions to West Virginia hospitals.

There are a variety of other provisions affecting hospitals from a national pilot program on “bundling” of payments to different providers involved in an episode of care to the creation of Accountable Care Organizations which would allow qualifying health care providers to form organizations to share in the cost savings they achieve for the Medicare program.

Some other provisions, noted in the association’s handout to the committee, are included in the areas of workforce and graduate medical education; wellness and prevention; quality disparities and comparative effectiveness; and, regulatory oversight and program integrity that will affect both Medicare and Medicaid.

Lawmakers told the association CEO that some of them have been receiving positive feedback regarding some of the provisions in the federal law, such as having the opportunities to increase effectiveness and efficiencies. However, there are rules related to provisions that will slow immediate changes. The CEO told legislators that those changes would make it a long-term effort.

One lawmaker noted that she heard that primary health care clinics believe that they’ll get more doctors but also stressed the need to expand residencies.

Members noted that some hospitals are willing to make changes and move away from an entrenched mindset.

The Chair of the Board of the WV Health Care Authority added her comments at the close of the meeting. She noted it would be very difficult for WV hospitals to sustain reductions in federal monies, beginning Oct. 1, 2010, until 2014. The issue of coverage and costs is a difficult thing to



grasp since it involves a tremendous amount of money. She noted the bill takes innovative steps but time will tell regarding what provisions remains intact, provisions that could be transforming.

Infrastructure, Select Committee on

SCR 73 and SCR 68 – Oct.

A representative from the Contractors Association of West Virginia discussed green public policy initiatives as well as alternative green road and highway paving processes and construction.

The representative admitted that by its very nature construction changes the physical and environmental landscape to some degree but that doesn't mean that we cannot take on these large projects in a sound, environmentally smart manner.

He showed a video produced but the American Road and Transportation Builders Association that showed the process of building a large underground train system that connects New York and New Jersey. The video highlighted that this project has been done with far less environmental footprint than most undertakings of its kind and has also used many recycled materials in the building process.

A representative from the West Virginia Division of energy also discussed green public policy initiatives. He discussed the solar panel tax credit and its use in our state, while emphasizing the need to make West Virginia buildings more energy efficient before tackling more rigorous LEEDS standards.

The representative explained that LEED is an internationally recognized green building certification system, providing third-party verification that a building or community was designed and built using strategies aimed at improving performance across all the metrics that matter most: energy savings, water efficiency, CO2 emissions reduction, improved

indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

LEED is flexible enough to apply to all building types – commercial as well as residential. It works throughout the building lifecycle – design and construction, operations and maintenance, tenant fitout, and significant retrofit. And LEED for Neighborhood Development extends the benefits of LEED beyond the building footprint into the neighborhood it serves.

He recognized the usefulness of the LEEDs system and believes it is something the state should embrace in the future but for now, he believes, it goes beyond what West Virginia needs to do. He emphasized the need to focus on the state's 2009 energy standards and make new buildings as energy efficient as possible before delving into the LEEDS standards that he termed somewhat complicated.

Finally, a representative from Chesapeake Energy that deals with the marketing and development of natural gas powered vehicles explained the use of natural gas vehicles to the committee. The vehicles can have either dual gasoline and natural gas engines or be powered solely by natural gas. The performance of all of these vehicles from compact cars, to trucks, vans and SUVs mirrors that of gasoline powered cars. He explained that outside of California and Utah there are currently not enough fueling stations to market natural gas vehicles to individual consumers, but they can be useful in fleet form. He suggested that school buses and state vehicle fleets could take advantage of natural gas to save money on fuel in the long term, while lowering their carbon footprint.

Judiciary Subcommittee A

Gubernatorial Succession – Oct.

Committee members heard three presentations from state Senate and House counsel and a West Virginia University



law professor regarding gubernatorial succession laws in West Virginia during the committees first meeting of the month.

With the passing of one of West Virginia’s State Senators earlier this year who had two years left in his term, there has been some confusion as to how best to handle filling the vacancy. A special session during the summer determined that a special election was to be held and that the vacant seat would be placed on the ballot in November. More questions have been brought forth now that the current Governor is running for the vacant seat as to who would then fill the vacant Governor’s seat if he were to win in November.

All three attorneys were in agreement that, as stated currently in state code, the state would have to put two gubernatorial races on the ballot in 2012, one for the two remaining months of the preceding Governor plus the already scheduled election for a new four-year term. The Senate President would serve as acting governor as well as Senate President until then.

The law professor told the committee that state law conflicts with the state constitution because current state statute allows for two elections for governor in 2012 but he believes that the law misses the original intent stated in the state constitution, which was to choose a new governor before the next general election.

The professor told the committee that in order to correct the discrepancy, the legislature would either have to write a new law or the state Supreme Court would have to issue a ruling once a lawsuit is filed challenging the statute.

The co-Chair of the committee urged the rest of the committee that the issue needs to be addressed no matter what happens in the Senatorial race next month because a governor could leave office at any given time.

Judiciary Subcommittee C

Insurance Coverage for ASD – Sept.

During this month’s meeting, the committee heard from a number of representatives on both sides of the aisle on the topic of Insurance coverage for children diagnosed for Autism Spectrum Disorder, or ASD.

First to address the committee was the Medical Director for WV PEIA who told the committee that Autism includes a number of disorders that can range from mild to severe. She also said that only 15 percent of children diagnosed with autism are able to live independently as adults but there is a lack of good quality evidence on the effectiveness of intervention programs and other treatments for children with autism. However, she also said that there has been a consensus made in the medical community that intervention is likely to be beneficial.

The WV PEIA Director told the committee that insurance premiums would assuredly go up and that it would cost more than \$7 million a year using the national autism rate and \$13.4 million using the state rate to ensure those with Autism. These figures would increase between \$8-\$14 per policy. He asked the committee to consider where PEIA’s financial resources would best be allocated.

The Director of the WVCHIP program addressed the committee on CHIP’s mission, which is to provide comprehensive coverage for as many children as possible who are over income limits for Medicaid, but still cannot afford to participate in commercial insurance.

CHIP defines medical necessity as services and supplies provided by a hospital, physician, or other licensed health care provider to treat an injury, illness, or medical condition. According to a handout from CHIP, a service is considered medically necessary if it is:

- Appropriate for the diagnosis and treatment of the illness or injury and consistent with generally accepted

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medical practice standards.

- Not solely for the convenience of the child, family, or health care provider.
- Not for custodial, comfort, or maintenance purposes.
- Rendered in the most cost-efficient setting and level appropriate for the condition.
- Not otherwise excluded from coverage under the plan.

The Director of WVCHIP told the committee that cost estimates show that serving about 245 children with ASD has an equivalent cost of covering 3,802 children in CHIP for all other preventive health and health illnesses and injuries condition currently covered. According to CHIP, A change as significant as this questions the ability of the program to fulfill its mission.

CHIP, however, does cover the following expenses for children diagnosed with ASD:

- Assessment and diagnostic services leading to the early detection and diagnosis of ASD.
- Speech therapy, physical therapy, and occupational therapy (with limits that can be exceeded with prior authorization).
- Cover services under the Birth-To-Three program, which has a network of specialized providers for the early detection and treatment of developmental delays in children between birth and three years of age.

A representative with the WV HMO Association told the committee that any type of mandate cause an increase insurance and that Autism, in general, is a developmental disorder best addressed by the education system and not the medical system.

He also informed the committee on limitations and requirements other states have placed on Autism coverage like:

- Treatment must be ordered by a physician, psychologist in accordance with “treatment plan.”
- Treatment to be evidence based medicine
- Medically necessary

Some states, such as Arizona have placed annual caps on coverage and vary depending on age of the insured. They also place more emphasis on early years. States also place age limitations on coverage. Age limitations vary by state. Maine provides Autism coverage up until the age of five while Nevada provides coverage until the age of 22 if the individual is still in high school.

The representative also told the committee that another consideration is for treatments are administered by individuals with national certification in treating Autism.

The Associate Professor of Child Development at WVU’s School of Medicine told the committee one of the problems in West Virginia is that there are few diagnosticians able or willing to diagnose Autism early and that those located in West Virginia has a 3-6 month waiting list. In West Virginia, there are approximately three centers where multi disciplinary teams are involved in making diagnosis.

WVUCED is currently involved in a three-year effort to train more than 100 physicians and psychologists across West Virginia, since these are the only ones who can make a diagnosis of Autism. Through this effort, WVUCED is providing these physicians with evidence-based diagnostic materials and helping develop a road map for treatment.

There are approximately 3,507 children with autism in West Virginia and not quite 2 percent are receiving any evidence-based treatment. It is recommended that children with Autism receive 25-40 hours a week of speech therapy alone. However, the Birth-To-Three program at most provides three hours a week of speech therapy.

The Professor told the committee that it is important to understand that Applied Behavioral Analysis, or ABA, has more than 40 years of research proving to be effective in the treatment of Autism. ABA interventions can also be used to build academic skills in children but the education system is not required to remediate the core symptoms of Autism and lacks resources to provide the treatment needed to reduce symptoms.



Magistrate Responsibilities and Caseloads – Oct.

A Kanawha County magistrate spoke to the committee about the responsibilities and caseloads of the state’s magistrates.

There are 158 magistrates statewide, with at least two in every county and 10 in the largest county. She explained that magistrates issue arrest and search warrants, hear misdemeanor cases, conduct preliminary examinations in felony cases, and hear civil cases with \$5,000 or less in dispute. Magistrates also issue emergency protective orders in cases involving domestic violence.

The magistrate presented the committee with data from 2009. The data shows that the 158 magistrates handled 326,886 cases. The majority of the cases (129,872) involved motor vehicle offenses. Other misdemeanor offenses totaled 77,688 cases, while special proceedings and civil cases were each in excess of 45,000.

The magistrate emphasized the incredible caseloads that they take on. She mentioned that they also handle every preliminary proceeding for felony cases and that one magistrate in each county is on call 24 hours and day to issue search warrants and protective warrants that must be handled in person. The theme of her presentation was that, just as with circuit courts, magistrate courts handle it all. The magistrate emphasized the strain on her and her colleagues

The magistrate also touched on a fairly controversial bill from last session that would have required that magistrates in West Virginia have a four-year college degree. She offered that 80 percent of the state’s current magistrates already have some form of education beyond high school and that while widely contested, a slim majority of current magistrates are in favor of the bill.

One lawmaker mentioned that he would have preferred to get the data broken down into county by county as opposed to statewide. He believes that with that data lawmakers could study the possibility of lowering the number of magistrates in lower caseload areas and increasing the

number in higher caseload counties.

The Professor told the committee that West Virginia already contains pockets of excellence when it comes to treating Autism and that the services would increase significantly with the passage of insurance legislation since currently most parents cannot afford the needed ABA care and that those waiver programs set up in order to help has a long waiting list. She also told the committee that West Virginia providers have the skills and abilities to meet the needs, once families have access to necessary resources.

Minority Issues, Select Committee on

HB 4161 – Oct.

During this month’s meeting, committee members reviewed and discussed House Bill 4161, which was introduced during this year’s regular session.

House Bill 4161 would have created the Herbert Henderson Office of Minority Affairs. Some of the objectives and responsibilities held within this office would be:

- Provide a forum for discussion of issues that affect the state’s minorities.
- Identify and promote best practices in the provision of programs and services to minorities
- Review information and research that can inform state policy with regards to the delivery of programs and services to minorities.
- Make recommendations in areas of policy and allocation of resources.
- Possibly award grants, loans and loan guaranties for minority affairs programs and activities in West Virginia.
- Provide recommendations to the governor and the Legislature regarding the most appropriate means to provide programs and services to support minority groups.



Parks, Recreation & Natural Resources Subcommittee

Mast Survey and Hunting Outlook – Oct.

Committee members heard from the Supervisor of the state’s Game Management Services on the mast survey and hunting outlook for this year in West Virginia

Since 1970, through the Division of Natural Resources (DNR), and in cooperation with the Division of Forestry, a survey is conducted in West Virginia to determine relative abundance of 18 species of soft and hard mast of important trees and shrubs throughout 353 locations covering all regions in the state. Various professionals help in the study including wildlife managers, foresters, wildlife biologists, several conservation officers and many others. The survey was mainly created in order to forecast squirrel populations and hunting outlook.

The Supervisor told the committee that the mast this year compared to last year increased considerably except for yellow poplar and dogwood. Soft mast species such as crabapple, grape and apple, were marginally better than the 40-year average. The Supervisor also said that, as a rule, lower elevations statewide appeared to have improved more than higher elevations.

When determining the hunting outlook, a number of factors are considered such as current and previous years’ mast conditions, nuisance complaints, information from other surveys, and adjustments in game regulations.

The Supervisor told the committee that harvests of most games species are expected to be either higher or lower than last year’s harvests depending on the conditions of the mast in each region. He did, however, state that with the abundance of hard mast this fall the squirrel population is expected to rebound next year.

For white-tailed deer, the survey projects slightly lower numbers for 2010. There is expected to be a lower archery harvest due to the abundance of mast conditions although

those deer that are harvested will be very healthy. Low projections are expected for buck season as well.

A record black bear harvest is expected this year with the expansion of the bear season and also with the abundant mast crop will keep bears out of the den longer. Weather permitting, West Virginia should have an all time record gun harvest. There were 19 counties with an early gun-hunting season where hunters could use dogs. Also changed is the statewide bag limit has increased from one to two as long as one bear is from Kanawha, Fayette, Raleigh, and Boone counties.

The hunting outlook includes other game such as rabbits, ruffed grouse, raccoon, wild boar, and wild turkey. Grouse and wild turkey are expected to have higher numbers of harvest from last year and raccoon harvests are projected to be similar to last year’s numbers. Rabbits and boar are expected to have lower harvest numbers.

PEIA, Seniors & Long Term Care, Select Committee on

Patient Protection & Affordable Care Act of 2010 – Sept.

According to the Senior State Director of AARP, the Patient Protection and Affordable Care Act of 2010, under the new federal program more people will be covered by the unprecedented reforms. The changes, she told lawmakers, will help slow the growth of health care costs, reduce out-of-pocket expenses; and reduce the federal budget deficit over the next 10 years.

It provides immediate benefits through 2014, improves Medicare and extends its solvency and provides many new opportunities for state involvement.

Starting with plan years beginning on or after September 23, 2010, pre-existing condition coverage exclusions for children will no longer exist, patients’ choice of doctors will



Interim Highlights

be protected and young adults can remain on family policies until they are 26-years-old. The director told lawmakers that 6,990 young adults in West Virginia would remain on their families' policies.

The plan also prohibits insurers from imposing lifetime limits on benefits, prevents insurers from arbitrarily rescinding coverage and requires coverage of prevention and wellness benefits in all new plans that will be exempt from deductibles and cost sharing.

In 2011, the federal government will invest \$11 billion for increased access to community health care centers. Insurers who do not spend at least 80 percent of premium dollars on medical costs will have to provide rebates to consumers. Health Information Technology (HIT) payment incentives will be made available for Medicare/Medicaid providers. Also, 10% Medicare bonus payments will be directed toward primary care physicians and general surgeons.

In 2012 and 2013 there will be further Medicare physician payment reforms. A new, voluntary long-term care insurance program will be in the works. The Act also requires health plans to adopt and implement uniform standards for the electronic exchange of health information to reduce paperwork and administrative burden.

And, in 2014, Medicaid is to be expanded to 133% of the poverty level. Health insurance premium tax credits and prevention and wellness programs are to be available. These include requiring chain restaurants to display calories on menus.

According to the material provided by the AARP director, if a person is on Medicare then benefits will be protected. There will be no co-payments or deductibles for preventive care benefits, incentives will be provided for doctors and hospitals in rural communities. And, a crack down on waste, fraud and abuse will occur.

Lawmakers inquired as to how the federal act will affect the Medicare Advantage (MA) plans. According to the AARP spokesperson's presentation, beginning 2011, "MA will be

paid more in the line with traditional Medicare payments. Changes are intended to address flaws in the current payment approach that result in excess payment to private MA plans compared with the traditional Medicare program."

It has been estimated by an actuary from the CMS Office that savings to the Medicare Part A trust fund will extend solvency 12 additional years from 2017 to 2029.

The federal health care law allows states to have discretion and authority regarding the implementation of the law. The Office of Health Enhancement and Lifestyle Planning (GO-HELP) will coordinate all reform initiatives within the executive branch state agencies, departments and bureaus within West Virginia. It will also coordinate development, improvement and implementation aspects.

West Virginia has received a grant for \$6 million from the State Health Access Program (SHAP), which will be directed toward the design of a West Virginia health insurance exchange in 2011, as well as a variety of services. The money will also go toward enhancing and developing health information technology (HIT) and a centralized portal.

Also involved in the planning for changes in the state's health system is the Insurance Commission. It will be reviewing exchanges, receiving technical assistance from national experts, engaging stakeholders and discussing all available options relative to any decisions.

The AARP director closed her presentation by noting the Patient Protection and Affordable Care Act of 2010 will expand the use of team-based care coordination for delivering cost-effective, high quality care to West Virginians.

More information about the law provided by the AARP can be obtained through their website at www.aarp.org/getthefacts

State Health Access Program WV Connect – Oct.

Members heard a presentation from representatives of the state Department of Health and Human Resources regarding the State Health Access Program (SHAP) WV Connect.



Interim Highlights

West Virginia received the SHAP WV Connect grant funding, which will help establish the WV CONNECT program to subsidize the expansion of coverage and access to care for working uninsured West Virginia residents as well as reduce delays in care. West Virginia's grant was a comprehensive grant which went to states with a more extensive health reform initiative and will total roughly \$6 million a year for 5 years.

WV CONNECT will be implemented in phases, jointly administered through the state's Department of Health and Human Resources and Insurance Commission and will include three main components.

First, the state will develop an insurance exchange (compatible with a national exchange or with other state exchanges), which would provide enrollees with information on insurance products, available sources of health care, and quality measures of participating providers. The exchange would also include a call center, online enrollment for insurance plans, premium collection and or remittance, and a system to administer eligibility determination and premium subsidy program components. Funding from the grant will also be used to link providers to adults urgently needing oral health care, and will support the West Virginia Telehealth Alliance's (WVTA) efforts at using technology to improve rural health through education and outreach.

Second. WV CONNECT will link uninsured residents in a pilot program with suitable medical homes, through expansion of previous pre-paid clinic pilots, specifically addressing chronic care, individual medical homes, community-centered medical homes, and medical homes for the uninsured. These pilots would help provide limited benefit wrap-around coverage to enrollees with sliding-scale premium assistance available. The target population for this initiative is working parents between 115 percent Federal Poverty Level (FPL) and 250 percent FPL.

Finally, this portal will allow providers participating in the pilot(s) above to submit service/clinical information needed to evaluate program effectiveness, measure patient health outcomes, and populate patient personal health records.

There are several requirements in order to become eligible to participate in the WV Connect program. A person must have been without health insurance coverage for a period of six months unless coverage was lost due to a qualifying event. A qualifying event is a loss of coverage due to emancipation, loss of coverage under a former spouse's plan, termination of employment whether voluntary or involuntary and/or exhaustion of COBRA benefits.

Pensions & Retirement, Joint Standing Comm. on

Firemens Association – Oct.

In its on-going efforts to recruit and retain volunteer firefighters, the West Virginia State Firemen's Association sent a spokesperson to address the Committee on Pensions and Retirement.

Noting that volunteer firefighters protect 80 percent of the state's population and 85 percent of the Interstate highway system, the spokesperson told lawmakers that 90,000 calls for help were made last year in the state of West Virginia. He also noted that trends show over 1,000 volunteers have left the stations over the past five years.

The Association spokesperson reminded the committee that the volunteer fire service's allocation of the insurance surtax funds was increased from 0.75% to its current funding level of 0.08% in 2001. While it was a six percent increase, when amortized between 1988 and 2008, it becomes a neutral revenue position. An "average" fire truck costs about \$275,000, up from \$100,000 in 1988. Ladder trucks easily range up to \$1 million or more. The increases in equipment versus state funding is straining all volunteer departments.

In addition, volunteer fire departments are mandated to carry workers' compensation coverage. Unlike the 37 paid departments who are supported by municipalities, volunteer departments are having trouble finding dollars to support their memberships. As of June 2011, they will have no coverage.



The Association spokesperson told the committee he was working with other states regarding a length of service program. Some have a benefit fund package for volunteers whose fire departments contribute to the fund. Firefighters receiving benefits are eligible under a number of substantial requirements established by law.

Another method of retaining volunteers would be the provision of tax credits. The State Firemen’s Association proposed a direct state income tax credit for active volunteer firefighters. Itemization would be prohibited, they would be randomly audited, and it would be a felony to file fraudulently for both the firefighter and the fire chief who signs off on the form.

The Association spokesperson also noted that state law does not protect a firefighter’s regular, paying job if the firefighter is off because of injuries caused during a firefight. He said many young people are concerned about job protection if they are called out to fight a fire.

Having heard the presentation, lawmakers noted the array of issues. While some may be under the purview of the Pension committee, others are under the jurisdiction of the Insurance Commission.

In closing the discussions, the fire association’s spokesperson noted that 13 states fund their volunteer departments in the same manner as West Virginia. Concerns from the committee membership dealt with eligibility requirements as well as the definition of “active or inactive” firefighter. Stringent criteria would have to be developed for eligibility.

Regional Jail & Correctional Facility Authority

Agency Updates – Sept.

This month, committee members were given information updates from agency representatives with the Division of Corrections, Regional Jail Authority, and Juvenile Services.

A report from the West Virginia Regional Jail and Correctional Facility Authority showed that the current number of inmates in lockup is 4,260 with an overcrowding population of 371. Also included in the report were updates on the Governor’s highways work crew, current construction project statuses, new correctional officer training class, as well as other programs.

A report from the Division of Juvenile Services provided various highlights of what is going on within the division including plans that will enable more youth to remain in West Virginia for treatment. Youth reporting centers are being expanded within the state, which will create additional, specialized treatment programs while also adding on to the current bed capacity. The new Youth Reporting Center in Mercer is now open and is accepting new admissions.

The Division of Juvenile Services also mentioned in their report about still looking at a time frame of October 1 of this year to open the Dr. Harriet B. Jones Treatment Center which will house around 42 juveniles who have been committed to the Division of Juvenile Services due to sex offending behaviors. There are currently 743 youth assigned to the Division of Juvenile Services.

Out of State Placement – Oct.

This month, committee members heard from the 27th Judicial Circuit Court Judge from Nicholas County and the Director of the Bureau of Children and Families regarding the topic of out of state placement of youth with emotional, social and behavioral problems.

The Circuit Court Judge provided the committee with a report from 2009 by the West Virginia System of Care, an organization that he is a part of, which is a public/private/consumer partnership formed by the Legislature in 2005 in order to create reform for youth at risk of out-of-home residential placement.

System of Care has a number of key principles including:

- Support required by children with emotional, social and behavioral challenges must be found in their commu-



nity.

- Services must be available regardless of the ability to pay.
- Families must be equal partners and colleagues
- Services must be individualized to meet the needs of each child and family
- Services and supports must be trauma-informed.

The partnership focuses on the target population of youth through the age of 17 and youth between 18 through their 20th birthday who are in legal custody of DHHR and are in or are at risk of out-of-home placement.

West Virginia System of Care will be reviewing existing services that address the needs of the population that will be used to guide decisions and develop strategies to better serve the state's youth.

The report broke down the numbers of youth placed out of state by four regions. Region I, which includes the northern panhandle, had 138 youth that were placed out of state with the majority of those being male. Region II, which includes Kanawha County, had 41 youth that have been out of state. Region III, which includes the eastern panhandle, had 162 youth placed out of state. Region IV, including much of Southern West Virginia, had 57 youth placed out of state.

The Judge told the committee that the reason that these youth are being sent out of state is due to the lack of services offered in West Virginia able to tend to each youth's individualized needs.

The Judge suggested that the committee consider draft legislation that would require a court order to state the reason for an out of state placement for better data collection in order to determine what services West Virginia should focus on in order to keep our youth in state.

Next to address the committee on out of state placement of youth was the Commissioner for the Bureau of Children and Families who told the committee that there are 111 vacancies within West Virginia's residential facilities for youth.

However, he told the committee that each residential facility handles certain kinds of care so the Bureau for Children and Families has to look at each individual child's situation in order to see what kind of care he/she needs.

Between September 1, 2009 to August 31 of this year, there are 179 adjudicated delinquents in West Virginia. Of those, 94 are receiving some sort of care whether it be residential, non-clinical or psychiatric residential.

Agency Updates

The Commissioner with the Division of Corrections, or DOC, presented the committee with a monthly report that shows that the inmate population continues to grow as was expected. As of October 5, the number of inmates is 6,607.

The Commissioner also provided the committee with information that was requested during August's interim meeting regarding comparable data of West Virginia's recidivism rate to that of other states. In 2006, West Virginia's recidivism rate was 30 percent compared to 2005's rate of 26.5 percent, a change of 3.5 percent. Of the 22 states listed in the comparison, 10 had an increase in their recidivism rate, the largest increase being in New Hampshire. The Commissioner did, however, inform the committee that West Virginia has the sixth lowest recidivism rate in the country.

The Director of the Division of Juvenile Services also provided a monthly report. One of the highlights within the report was to continue working on plans that will keep more West Virginia children within the state. Plans include the expansion of the state's Youth Reporting Centers, creating additional specialized treatment programs, and adding to the current bed capacity.

The Director told the committee that the Division of Juvenile Services has been funded for 12 Youth Reporting Centers for the 2011 fiscal year with a budget of over \$4.3 million for the year.

This funding includes the cost for the community resources officers as well as the community assessment teams. The

Veterans' Affairs, Select Committee on

WV Veterans' Legal Support Project – Sept.

During this month's interim meeting, committee members heard from the Grants Manager for Legal Aid West Virginia (LAWV) regarding their Veterans Legal Support Project. .

This spring, LAWV was selected to spring to receive a highly competitive Equal Justice Works/AmeriCorps grant to fund a Veterans' Legal Support Project. The grant will support two attorneys during a one year pilot project at LAWV to staff West Virginia's first legal support project for Veterans and military families. However, there was one stipulation before LAWV could receive the funding; Legal Aid would need to raise about \$70,000 in matching funds to support the two attorneys in a very short time frame in order to receive the grant money. With funding from the Governor's Contingency Fund, WV State Bar, area attorneys and other friends of legal aid, the matching fund stipulation was met.

Two attorneys have already been hired and are located in the LAWV Clarksburg and Martinsburg offices. These attorneys are expected to begin accepting clients by Veterans Day.

Services provided by LAWV through this pilot program will target legal issues for direct services including veterans' and disability benefits, housing concerns, child support, and problems with consumer and medical debt. The attorneys funded through the pilot program will also work closely with community partners at WV veterans' hospitals and centers. They will also work with the state bar and College of Law to secure pro bono representation of veterans and military families.

The pilot program will target low-income veterans and military families.

The Director of West Virginia Division of Veterans' Affairs and the District Administrator of West Virginia Division of Natural Resources also updated committee members on various projects within their prospective agency.

LOCWIED


Marcellus Shale Economic Opportunities – Oct.

Legislators heard a presentation during October Interims from a representative of Universal Well Services regarding the economic development and workforce aspects of Marcellus Shale development. The Marcellus Shale formation lies primarily in New York, Pennsylvania, Ohio and West Virginia, in some places a mile and more below the surface.

Universal Well Services is a provider of pressure pumping services for Marcellus shale wells. The company owns several 2,250 horsepower Quintaplex pumps used for hydro-fracturing shale. It also provides hydro-fracturing and cementing of wells being drilled and has operations in Pennsylvania and West Virginia.

He described the types of jobs that come with the development of Marcellus Shale drilling operations. The type of drilling being done in the Marcellus shale is called horizontal drilling. It is different from normal oil and gas drilling in that a horizontal well, or several of them, is drilled outward from the rig site, up to a few thousand feet so that the reservoir can be more effectively drained of natural gas. The types of jobs that result from horizontal drilling can be much the same as conventional natural gas drilling jobs.

However, due to the technical nature of the fracking liquid used to break up the shale and extract the natural gasses, there is also demand for skilled labor jobs with experience in chemistry and other sciences. Also, there is a large burden on construction companies to build the infrastructure needed for these types of operations, storing sand, chemicals and other liquids as well as the roads and pipes needed to transport the natural gas.

As an example he cited a report put out by Penn State University that predicted the Marcellus Shale production from Pennsylvania to create around 98,000 jobs and \$14.17 billion in revenues by 2010. 



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.

Interim Committee Meetings

2010/ 2011

November 15 - 17, 2010

December 13 - 15, 2010

January 9 - 11, 2011

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