



# INTERIM HIGHLIGHTS

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

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Volume XXIV, Issue 4

September 4, 2012

## Agriculture and Agribusiness Committee

### Apiary Industry

Lawmakers on this committee heard a report about the apiary, or beekeeping industry in West Virginia from the State Apiarist, WV Department of Agriculture.

The state Department of Agriculture, as it relates to the apiary industry, seeks to conduct the annual registration of all in-state beekeepers, survey and inspect apiaries for diseases and parasites, recommend treatment of diseased or infested colonies, enforce all state apiary quarantines, provide sterilization service for diseased colonies, provide information and education on all aspects of honeybees to beekeepers and the general public and promote the beekeeping industry in West Virginia.

Another presenter, a representative from the Cabell-Wayne Beekeepers Association told the committee that genetics is becoming an increasingly important issue in beekeeping. He said a shrinking gene pool is bad news for the industry and the best way to remedy this is by using queen bees to mix genes

One study found bees were healthier in a hive where the queen mated with 20 drones versus a hive where the queen mated with 10 drones. However, only a few of the state's 25 separate beekeeping associations produce queens. The biggest problem, however, is that most beekeepers want queens early in the spring but with the weather as it is in West Virginia, producers cannot raise queens to be ready for sale in April.

Currently, 16 associations in various parts of the state produce queens. The goal is to have three or four queen raisers in each association. Beekeepers also have had the opportunity to learn from researchers and scientists how to raise queens, which are currently shipped from southern and western states, according to the representative.

Further, he noted that pesticides pose the second greatest threats to the state's bee industry. Dust pesticides, especially Sevin dust, are particularly harmful because bees mistake it for pollen. But when the bee takes Sevin dust back to the hive, it has a deadly effect. The representative suggested gardeners and farmers use spray pesticides in the evenings, when bees aren't as active and the pesticide has time to dry.

## Joint Commission on Economic Development

### Development Office Update

Committee members were given an update on the state's Development Office by the State Commerce Secretary during the August interim meeting.

One focus of the Development Office has been geared towards a publication sent out twice a year called EDGE. The publication is a pro-economy and pro West Virginia magazine that is sent across the country. Its intention is to recruit new companies and promote the state's businesses, advantages and success stories. Around 25,000 copies are mailed to executives in small businesses, state business development agencies such



## Interim Highlights

as Small Business Development Centers, state and local government officials, West Virginia economic development agencies, and the state's trade associations. The Commerce Secretary told the committee that the magazine, which is done entirely in-house, has had a favorable response from businesses.

Another focus of the Development Office is to generate conversation and discussion to develop opportunity around the World, especially Europe. One downfall to this has been the loss of some staff, but the Commerce Secretary told the committee that the Development Office is forming a new plan that will utilize the office's resources better, which includes reorganizing the small business outreach.

The Cabinet Secretary told the committee that expanding outreach is working and the Development Office is encouraged by that. The United Kingdom is expanding in West Virginia at the Better Technology Park located in New Martinsville Marcellus related development and infrastructure is also being focused on by the Development Office.

West Virginia continues to excel when it comes to export expansion. For the past two years the state has ranked in the top two. This year, West Virginia's exports were 31.2 percent above last year's record growth.

Economic Development efforts in Europe are a work in progress, the Cabinet Secretary said. The state has overseas offices in Japan and Germany to promote West Virginia to foreign businesses. Germany is one of the state's greatest partners. Currently, 70 European companies have invested in West Virginia. However,

the state is not as effective in Europe outside of Germany. One reason for this is the language barrier with many countries. Another reason is because West Virginia has been perceived as being too regional which makes it difficult to reach out to countries like Spain, France, the Netherlands, and in some cases the United Kingdom.

Virtual office creation with very little money needed is one route the Development Office is trying to increase the appeal of doing business in West Virginia globally.

When asked by a committee member what the greatest assets are for West Virginia, the Cabinet Secretary answered management components are much stronger than other states. The state's Workers Compensation rates fell again, the trust fund is at \$160 million, and was the only state that cut taxes last year. Also mentioned as an asset was the opportunities West Virginia will receive from outshoots of Marcellus drilling that could result in growth over the next several decades.

The biggest challenge facing West Virginia is workforce development. The Cabinet Secretary told the committee that it is essential to create long-term growth. One way in doing this is to continue to work with community colleges in order to provide specific job training opportunities. One challenge is convincing West Virginia citizens, both young and old, that workforce development and education are long-term goals. This is especially key as industries are operating very differently than they were years before. It's key, according to the Cabinet Secretary, to be responsive to the changes being made in various industries such as manufacturing. Businesses reaching out to the Development Office and community colleges



want trainable employees that have central skills in math, science, technology, etc.

West Virginia continues to have a problem with the percentage of individuals unemployed who are actually seeking employment. There are various reasons for this, the Cabinet Secretary said.

Continue to have a problem with the percentage of the workforce that is looking for work. Ranked very low in percentage of available workforce that was seeking employment

The Chancellor of the Community and Technical College System briefly addressed the committee on what the community colleges are doing in preparing the state's future workforces. While the Legislature has provided beneficial funding to the community colleges the last few years, the Chancellor told the committee that there are still some needs at some of the colleges equipment wise to make them better. He also told the committee that the Community and Technical College System continues to work closely with the Development Offices and tries to keep abreast of what industries are coming for West Virginia so they can begin providing training for West Virginia's workforce.

An issue still facing community and technical colleges is that they aren't as important or prestigious as four year colleges. Degrading community colleges in the past has created a stigma and it needs to stop, the Chancellor told the committee. He told the members that these are serious, high paying jobs that require high technical skills.

## **Joint Standing Committee on Education**

### **Mountain State University Update**

Committee members were updated on the status of Mountain State University after losing its accreditation last month, by the Chancellor of the Higher Education Policy Commission (HEPC) and the Chancellor of the Community Colleges and Technical Centers (CCTC).

The HEPC Chancellor told the committee that the goal of HEPC has been to assist Mountain State University students in receiving their degree. The Higher Learning Commission (HLC) informed Mountain State University of their revoked accreditation on July 9. Their accreditation has been extended through December 31. The Higher Learning Commission recommended to Mountain State University to come up with a "teach out plan" which is an agreement between Mountain State and other state accredited institutions to provide Mountain State students opportunities to obtain their degree.

It is believed that 2,000-3,000 students are affected by Mountain State losing their accreditation. However, the HEPC Chancellor told the committee that it is tough to pinpoint the exact number of students affected because many were enrolled in online programs.

The Higher Education Policy Commission has sponsored a couple of counseling sessions with students to discuss their options and have also set up a toll free number that students can call to get more information.

The University of Charleston has announced an agreement with Mountain State to play a major role in the teach out plan as have other state institutions. There



are questions as to how many credits students earned from Mountain State University will transfer to other institutions. The University of Charleston has already said that many credits would be used solely as elective credits. Also in question is what programs will be picked up by these institutions.

The CCTC Chancellor that community and technical colleges have stepped forward to help Mountain State University students complete their degree.

Discussions have taken place between Mountain State University and New River Technical College for New River to take over some programs such as many Associate level programs like Allied Health and Medical Assistant.

Details in what roles other institutions will be have in the teach out plan have not been approved by the Higher Learning Commission therefore the Higher Education Policy Commission could not discuss the changes and options coming for Mountain State University students.

**Education Subcommittee A**

**Child Nutrition Program**

A Coordinator with the Department of Education’s Office of Child Nutrition informed committee members of the Fresh Fruit and Vegetable Program (FFVP) available to elementary schools in the state during this month’s meeting.

FFVP provides all children in participating schools with a variety of free fresh fruits and vegetables throughout the school day. Eligible schools must have at or above 50

percent enrollment in free/reduced price eligibility. The Federal Government awards a state a grant and the state disperses the funds to the schools as they see fit. The state allots each school \$50 per student for the school year. The Coordinator told the committee that this might not sound like much but this money is in addition to, not instead of, funding for other foods. This money is solely used for fresh fruits and vegetables.

The program began as a pilot project in West Virginia during the 2008/2009 school year with initial funding of \$691,736. There were 30 schools in 20 counties selected to participate. These included elementary, middle, and high schools. For the 2009/2010 school year only elementary schools could participate. The program expanded that year to 72 schools in 30 counties with a funding level of \$930,700. For the 2010/2011 school year, funding increased to \$1,421,269 which served 27,000 students in 108 schools in 35 counties. This upcoming school year, funding is over \$2 million and will provide fresh fruits and vegetables to 39,018 students in 43 counties and 150 schools.

The Coordinator told the committee that these fruits and vegetables, some of which they weren’t familiar with, exposes them to new tastes and experiences. Many times it opens communication at home and children begin asking their parents to buy these items for a snack instead of a bag of chips or candy. Kids are now asking for more fruits and vegetables when they go to middle school as well.

More information on this program can be found at <http://wvde.state.wv.us/nutrition>.



The Farm to School Program, which gives money to schools so that they can buy locally grown foods, was also mentioned by the Coordinator.

Farm to School helps support the local economy while also providing better food options for students. There is also a growing trend in involving students in the growing of foods as well.

One obstacle in this, the Coordinator said, was trying to convince farmers that there is a market to sell their product to local schools.

There are various ways schools purchase local foods through this program. One way is schools may choose to buy produce directly from a farmer. Another way is farmers forming cooperatives and selling their produce to schools. Other options have been schools working together through their local farms and Adopt a Farmer/Farm.

Funding was provided to eight counties to grow food for their own cafeterias. One Tucker County school had lettuce growing in their greenhouse in April and was able to feed kids fresh lettuce from the greenhouse. Monroe County will be providing all produce for salad bars at the beginning of the school year. These are just to name a few.

Through this program, the Office of Child Nutrition has a close partnership with the Department of Agriculture.

## **Education Subcommittee C**

### **Truancy Issues**

During the August interim meeting, Education Subcommittee C continued discussion of HCR 102/SCR 97 which requests a study regarding the impact of truancy.

Speakers during the meeting were the Director of Probation Services through the Supreme Court of Appeals of West Virginia and the 7th Judicial Circuit Court Judge, both of which discussed the partnership with West Virginia schools and probation truancy officers that tackles the ongoing truancy problem in the state.

Seven counties currently have in-schools juvenile probation officers, which have proven to be effective in reducing truancy in these counties, according to both speakers.

According to the 7th Circuit Judge, the reasoning for the effectiveness of these in-school probation officers is because these officers can intervene quickly when a student reaches five unexcused absences. Without this quick intervention, it takes a minimum of four to six weeks to go through the traditional reporting process of receiving a juvenile petition in court.

The 7th Circuit Judge oversees Logan County, one of the counties with the in-school probation officers, and told the committee that during the last school year the probation officer received 1,972 referrals for absences from Logan’s six junior high and high schools. All of these referrals were resolved except 51 which had to go to court. Logan was the first county to hire an in-school probation officer.

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The other counties that have hired in-school juvenile probation officers include: Boone, Greenbrier, Mercer, Monongalia, Putnam and Wayne. Hampshire and Cabell counties are expected to come on board within the next few months.

County school boards pay the probation officers' salaries. However, the Director of Probation Services informed the committee that these officers are employees of the Supreme Court. This means that they must go through the same hiring process as a regular probation officer. This includes a Bachelors degree in a specific field of study, background check, and rigorous written and oral psychological testing.

Both speakers addressed that this is not a cure all because truancy in itself is a multifaceted issue with many components. In-school juvenile probation officers are just one component in combating the truancy issue.

The Director stressed to the committee that this is not a solely school problem, court problem, home problem, etc. However, the hiring of these officers of the court that are assigned to these schools are able to address truancy issues more quickly and so far these counties have shown progress in their truancy numbers.

When asked if the hiring of these officers are cost effective, the Director pointed out that 80 percent of current inmates incarcerated in state prisons were high-school truants or dropouts. We pay now instead of later.

## **Finance Subcommittee A**

### **Community and Technical School Funding**

The Community and Technical College System (CTCS) of West Virginia Chancellor told lawmakers during an interim committee meeting that it's not easy balancing the budgets for 10 schools that don't all agree on funding.

He stated that the Governor's recent request for agencies to trim about 7.5 percent from their budgets for Fiscal Year 2014 amounts to about a \$5 million cut for all schools in his system.

He told lawmakers he plans to trim each of the 10 community and technical colleges equally, even though not all of them are funded equally. He also said that the direction he received from the state budget office was that everyone needed to "tighten their belts," so it's "figuratively" across the board.

He informed the committee that when the economy dips, community college enrollment goes up for both traditional students and adult students, but enrollment numbers leveled out last fall. Last fall also was the first time students older than age 25 made up more than 51 percent of the CTC student population. He then explained to lawmakers that the biggest decision they have to make is how to distribute funds to the schools. He said four colleges last year received funding by using an "equity model," and six schools did not receive funds, but each school is listed individually as a line item in the state's general revenue budget.

He said performance-based or outcome-based funding concerns him because while no one gets rich, the rich get richer and the poor get poorer and he can't get an



agreement out of the schools for how they would like to be funded because some would benefit from one model and others wouldn't.

The community and technical colleges in the Kanawha Valley have done a good job of sharing resources, such as a financial aid director and communications director, but more could be done.

**Finance Subcommittee C**

**Boy Scout Tax Exemption for Fayette County Facility**

Lawmaker on this Finance Subcommittee A during the August interim meetings heard a presentation from a leading Boy Scout official regarding a Constitutional amendment that would open up the massive Fayette County Boy Scouts of America complex to other activities without putting its tax-exempt status in jeopardy.

During the 2012 Regular Session, the state Senate agreed to let West Virginia voters decide the matter passing the proposal but it ran out of time in the House of Delegates.

The Summit Bechtel Family National Scout Reserve is expected to welcome a projected 40,000 visitors next summer Scout Jamboree. The representative made it clear that the Boy Scouts are not looking to have an open exemption that would allow the Boy Scouts to run this facility as some kind of amusement park year-round to generate revenues, rather, they are looking to use it occasionally in a manner consistent with the Boy Scouts' vision and mission of the property

He also told the panel that some \$160 million already has been poured into the Fayette County complex and that 500 people work daily there on two shifts. One year from now, some \$325 million will have been invested into the facility. The work entails some 83 miles of underground utilities and the removal of 6.5 million cubic yards of dirt in the Glen Jean area.

Under both the Constitution and the State Code real property used by a charitable group is exempt from taxation. Parameters outlined in a 1944 Supreme Court case are narrowly defined, the official told lawmakers.

Already, he noted, a number of communities in the region have inquired about using an 80,000-seat "amphitheater on grass" but legally they are denied unless the use is for charity.

Without changing the Constitution the Scouts are forbidden to open up the facility to anyone save for a charitable group using for its intended purpose, and then the lease can only be employed to cover overhead costs. Since property taxes aren't paid now there is no net revenue loss anyway for either the state or counties.

The committee will continue to examine this issue in preparation for the 2013 Regular Session

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## **Joint Government Organization/ Government Operations Committee**

### **Legislative Auditor's Report on the Bureau for Medical Services' Purchasing Exemption**

Lawmakers and citizen members of the Joint Government Organization and Government Operations Committee heard a special Legislative Auditor's Report on the Bureau for Medical Services' Purchasing Exemption.

According to the audit, West Virginia's Medicaid agency is fumbling the awarding of one of the state's most lucrative government contracts, and the report advises the Legislature to consider repealing a law that has allowed the Bureau to bypass the normal contract bidding process.

The report states that the Bureau of Medical Services has botched two attempts to request bids for a Medicaid Management Information System, which is supposed to process claims and oversee records for the health coverage program.

The 2009 exemption the Bureau sought has failed to aid its efforts, and the agency suffers from inadequate staff expertise as well as potential conflicts of interest, the report said.

While questioning some of the audit's findings, acting Secretary of the Department of Health and Human Resources, which oversees the Medicaid bureau, agreed to the recommended repeal in a written response.

The contract in question which the agency wants to award is for 10 years, with up to three annual extensions.

Its current version is worth \$20 million a year, but that's expected to increase because of the federal health care law. The auditors also cited how the handling of this massive information system, West Virginia covers 330,000 people through Medicaid, has become a nightmare in at least a half-dozen other states.

According to the report, other states have seen the departure of their selected vendor, have been forced to eliminate projects in the middle of an extended contract, or have experienced significant delays and cost overruns causing great harm to state programs that many of their constituents depend on.

As a result, the audit faults the agency for failing to require whichever firm wins the contract to post a performance bond to offset costs from system problems. The agency instead plans to keep a portion of the eventual vendor's monthly administrative fee.

The report also cites how a private consultant helped develop the agency's contract bidding process but also works for Fenwick Technologies, which was listed by a vendor during the second round of bidding as a subcontractor. The agency threw out those bids after the Legislative Auditor raised concerns about that situation.

The agency's procurement chief told the committee lawmakers that state law exempts around 30 other agencies or programs from the normal contract bidding process. A representative from the Legislative Auditors office said the Medicaid bureau and others have historically had problems with the Division of Purchasing, which runs that process, and the agency sought the 2009 legislation while arguing it could not work with that office.



The Legislative Auditor’s representative stated that if the Legislature decides not to repeal the 2009 exemption, it should consider adding safeguards or adopting a model contract law for the Medicaid bureau and other exempted agencies to follow. Neighboring Kentucky has such a model law, and the National Conference of State Legislatures can help with that as well.

**Government  
Organization Subcommittee A**

**Home Rule Pilot Project**

The West Virginia Municipal League, following a successful pilot program in four cities across the state, urged lawmakers on the Government Organization Subcommittee A during the August interims to extend the home rule pilot program, which is scheduled to sunset this year.

The executive director of the League spoke to the committee and said she thinks cities have proven they can govern themselves effectively. She added that mayors and council members hear directly from residents about problems they see in their cities.

The mayor of Wheeling, who previously was a state Senator when the home rule pilot program was approved in 2008, also spoke to the committee. The mayor stated that upon being elected mayor of Wheeling he wanted to make changes that would have a direct and immediate impact on residents and taxpayers. The home rule program allowed them the flexibility to do what needed to be done without having to come to Charleston and ask for permission.

One change Wheeling city government made under home rule was to streamline bureaucracy. When home rule was implemented, the city had 77 licenses residents and businesses were required to obtain for various reasons. However, he found that cities do not have the authority to eliminate licenses – that authority lies with the Legislature. To skirt that, Wheeling city government went back and amended its home rule application so it could absorb that authority. Today, Wheeling has three licenses at a cost of \$15.

Another problem Wheeling has had is concerning vacant and dilapidated buildings. At one time the population of Wheeling was more than 60,000 and now it is about half that number, leaving many buildings abandoned and falling apart. Under home rule, Wheeling has been able to demolish or renovate these buildings and reincorporate them in society.

These and other policies home rule cities have implemented over the past few years are being reviewed, and that report will be submitted to the Legislature before the end of the year, the municipal league executive director said.

**Judiciary Subcommittee B**

**Forensic Lab Operation and Management**

The Director of the West Virginia State Police Forensic Lab gave an informational presentation to committee members on the laboratory as a follow-up from last month’s committee meeting.



The State Police Forensic Lab was created in 1994 through the American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB) to improve the operation of the criminal justice system.

According to the State Police website, the laboratory is composed of seven specialized sections that provide the following services:

- Analysis and identification of controlled substances (Drug Identification Section).
- Analysis, identification and quantification of ethyl alcohol, suspected alcoholic beverages, and blood alcohol content level. Analysis of urine and blood specimens for the presence of drugs (Toxicology Section).
- Identification and comparison of paint, glass, and building materials, analysis and identification of ignitable liquids in charred debris and other forms of evidence, analysis and identification of gunshot residues (Trace Evidence Section).
- Analysis of biological materials (Biochemistry Section).
- Analysis, comparison, evaluation and verification of friction ridge skin impressions (Latent Prints Section).
- Identification and comparison of tool marks, firearms comparisons, and distance determinations. Analysis of obliterated marks, fractured, cut, torn items, and impressions (Firearm/Toolmark Section).
- Analysis and comparison of questioned documents. Analysis and comparison of footwear and tire tread impressions (Questioned Documents Section).

Currently, there are 30 full time analysts working within

the specialized sections. Each year, roughly 6,300 cases are received and disbursed to the appropriate section. This year, the projected number of cases is 6,350. More than half of these cases are drug related, followed by fingerprinting.

The Director told the committee that the lab faces some challenges including a 20 percent increase in cases which adds to the current backlog.

To decrease the turnaround time for analyzing cases, two more analyst positions were created. This addition decreases the time it takes to review a case by 30 days.

The Drug Identification Section has 3,500 cases. In the last three years, the lab has lost three analysts in that section. On top of that, the Director said, new analogs have to be created when the Legislature adds new drugs to state Code. This requires more testing which in turn requires more time.

The State Police does have projects in partnership with universities that help. For example, Marshall University's lab does criminal paternity testing and has also completed a study with property crimes forensics. WVU has helped the State Police lab by completing a foresight project which allows the lab to see how much it costs to run just one case. This is helpful information to determine what funds are needed to run the lab.

One specialized section that has no backlog is the latent print section. This is because the section has a sufficient number of analysts with stable staffing the last few years. When a case is brought in, it takes 15 days to analyze.

On July 1, 2012, the laboratory has begun the process of hiring five new lab analysts. However, the Director told the committee that this will be a long process because each candidate goes through a lengthy application process.

The Director told the committee that the major problem facing the laboratory is the continuous loss of analysts. This is mainly due in part because of the pay. It becomes problematic because each time they lose an analyst; they have to train new analysts which is costly and takes a year to train them.

To retain employees, the Director suggested that a bump in the salary would be a good place to start to be competitive with West Virginia's bordering states. The salary for a forensic analyst trainee is \$29,400. Kentucky, the next lowest salary is still \$32,042. The pay gap becomes more evident with trained analysts. A trained analyst makes \$33,036. A trained analyst in Kentucky makes \$46,907. Those that come in to these jobs with a Masters only get a \$1,000 bump in salary. Even within West Virginia, other labs pay their analysts more than those working at the State Police lab. There is also little to no lateral movement possibilities.

The Director closed by telling the committee that in the last decade \$2 million has been spent on analysts who have ended up leaving for other positions after being trained.

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## **Judiciary Subcommittee C**

### **Civil Commitment Laws**

A pair of national experts told the committee that West Virginia must reform its mental-hygiene procedures so fewer people with severe mental illnesses spend time in jail and more receive necessary treatment.

The executive director of the New York-based Mental Illness Policy Organization told the committee that strong civil commitment procedures can protect patients and the public while cutting down on incarceration and saving money. It does this, he said, by sending the most seriously ill back to the mental-health system and away from criminal justice.

In West Virginia, mentally ill people are twice as likely to be sent to jail than to a mental hospital, according to a recent study. The committee started a study of West Virginia's involuntary commitment system last spring, after state Supreme Court Chief Justice Menis Ketchum told lawmakers that the state could save \$3 million a year if it changed its mental hygiene procedures.

Ketchum noted that West Virginia was paying private lawyers \$1.2 million a year to work as "mental hygiene commissioners." The courts also were spending money to hire special prosecutors to handle involuntary commitment cases.

In West Virginia, more than 7,000 involuntary commitment cases were filed last year, but people were committed to mental institutions in only about half of those cases according to the study. The director of mental hygiene and treatment for the West Virginia Supreme Court said the cases are either dismissed or withdrawn.



The executive director said the state must change the standards required to commit someone to a mental-health facility. He noted that in West Virginia, you cannot treat someone who is mentally ill and refuses treatment until after they become a danger to self or others. He told the committee that this is ludicrous and that our laws should allow treatment before there is danger or violence, not after.

Also, policy director for the Treatment Advocacy Center, suggested that West Virginia adopt a more progressive “need for treatment” standard that would commit patients, if they were unable to “seek care voluntarily.” Eighteen states have adopted the broader standard for involuntary hospitalization. This would involve people that are not in position to help themselves.

The House-Senate committee plans to study the issue through the end of the year, and propose changes to West Virginia’s mental hygiene procedures during next year’s regular legislative session.

## **Finance Subcommittee B**

**Impact of Marcellus Shale on County Government**  
Committee members heard from the Executive Director of the West Virginia Association of Counties discuss the impact the Marcellus drilling industry is having on the state’s counties.

Through a policy statement created last year, counties recognized several issues that affect the county differently than the state when it comes to the industry.

The first issue identified was county records management and the use of county courthouses by the oil and gas industry. The Executive Director told the committee that this issue is a work in progress. Many county clerks have looked to the Association on guidance when it comes to records management. The Association’s stance on this issue is that county clerks are responsible for records therefore they set rules for records rooms. Some counties have put into place rules regarding how many can be in the room at one time. Not only does this help in protecting the county records but it will make sure the courthouse does not violate building fire laws. The industry has called and complained about the rules put in place but the Association maintains that this is a county matter.

The Association of Counties would like to see all county records digitized and made available to the public. This would also make them more readily available to drilling companies. However, digitizing is expensive so the Association is asking for financial assistance from the industry.

Through Senate Bill 816, passed during this year’s regular session, allows the acceptance of credit cards as a form of pay method at county courthouses. The ability to do this brings counties further into the 21st Century, the Executive Director said.

Another concern facing counties regarding the gas industry is whether to allow after hour courthouse use to the industry’s employees. This is again strictly a decision of the county.

Counties believe that they are losing revenue by not receiving a hotel occupancy tax on those workers who



stay in local hotels more than 30 days at a time. The counties are also not receiving personal property tax on vehicles from out of state but that are, yet again, here for months. The Executive Director told the committee that the Association is aware that it is unenforceable to get individuals to register their vehicles. The Executive Director added that the Association would support doing away with the 30 day hotel occupancy waiver with certain exceptions to allow counties to receive the hotel occupancy tax revenue. Currently, significant revenue is lost to counties because the tax is not collected. One of the big questions asked about collecting this tax from out-of-state workers is what services they are receiving. The Executive Director told the committee that these employees receive the services of law enforcement and emergency services, both of which services have been used by the industry.

One of the biggest complaints by counties where the boom of the oil and gas industry is occurring is road conditions. Some county sheriffs have noted that workers from other states not used to curvy country roads have caused some accidents. This problem leads into another area of importance which is the industry and counties working together. The Executive Director has encouraged counties to do what Marshall County did early on which was to create a task force that meets regularly once a month. Marshall County has been able to work out problems simply through these meetings. One outcome to combat the road issue has been an agreement from the industry to not run trucks on the county roads while school buses are being run.

The last issue the Association listed in their policy statement created last year was the need for more

industry inspectors, which the Legislature took care of that during the 2012 regular session.

The Executive Director also told the committee that the Association would be interested in possibly looking in to long-term savings and mineral trust funds as the industry continues to grow in the state.

## **Joint Committee on Health**

### **Traumatic Brain Injury**

Various speakers addressed the committee regarding Traumatic Brain Injury, also known as TBI during Joint Committee on Health's August interim meeting.

A mother, whose grown son has suffered from TBI told lawmakers that West Virginia is very lacking in rehabilitation services for those who are suffering from TBI. Eventually, after a long fight with insurance companies, the mother had her son sent to a rehabilitation center in Texas, which requires all insurance companies to cover TBI rehabilitation services, for treatment where he received around the clock care and was able to overcome certain deficits from his injury. The mother told committee members that there are other states who provide services to TBI patients. For example, in Kentucky rehabilitation services are paid through Medicaid for TBI patients.

The mother concluded by telling lawmakers that many TBI patients who receive intensive therapies and strong family support can overcome many obstacles. However, these patients are falling through the cracks of our healthcare system here in the state. The only option



currently offered to those TBI patients is a Medicaid waiver program, which was just approved in February. This program has one patient receiving services. The problem, according to various speakers attending the meeting, is the patient has to be at a nursing home level of care and a certain percentage below the national poverty level.

The Director of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund Board, established in 1996, told the committee that West Virginia has only six facilities that hand TBI rehabilitation services due to funding issues. She told committee members that 26 states currently offer some sort of waiver program to TBI patients. Some states have set up some form of trust fund for those patients who do not meet Medicaid guidelines. When asked how West Virginia ranks in services offered to TBI patients, the Director answered that West Virginia is very lacking and would rank nationally near the bottom.

**Select Committee on PEIA,  
Seniors and Long Term Care**

**Employee Trust Fund**

A trust fund being set up to help pay for retiree healthcare coverage for state employees hired after July 1, 2010, could be worth \$330 million with interest earnings by the time the first retirees become eligible for it in 2040 according to the PEIA agency director.

However the director told the committee that would only be enough to provide a monthly payment of about \$64 per retiree. Adjusted for inflation that would be roughly

\$11 in 2040. State employees hired after the 2010 date will not receive PEIA coverage when they retire, unless they pay the full cost of the premiums.

Last year the Legislature approved a plan to put \$5 million a year into a retiree healthcare trust fund, beginning in 2016, to help those employees obtain PEIA or other health coverage if they retire before they are eligible for Medicare.

Besides the issue of whether the trust fund will be large enough to cover retirees, the director also suggested that the fund should be under the state Consolidated Public Retirement Board, not the PEIA Finance Board. He said the retirement board would have more leeway to operate the trust fund than PEIA, and could look at options such as using it as a health savings account for future retirees.

**Legislative Oversight Committee  
on Regional Jail and Correctional  
Facility Authority**

**Agency Updates**

Agency updates from the Division of Corrections, Regional Jail and Correctional Facility Authority, and the Division of Juvenile Services were presented to committee members at the August Regional Jails meeting.

The Division of Corrections included in their report the grand opening of the new Parkersburg Correctional Center that took place earlier in August. The new 130 bed facility was an old Holiday Inn that closed in 2007. It was bought for \$2.2 million and another \$7 million has been spent in the construction and renovation of the



building. The Parkersburg Correctional Center includes a residential substance abuse treatment unit and other rehabilitation services. It also houses the Parkersburg parole offices. Those who will be housed at the new facility will be minimum security inmates.

The report from the Regional Jail and Correctional Authority listed a number of plans and continuing work occurring within the Authority including expanding all video capabilities in every facility and to also add audio to all intercom boxes in all sections. The project has been moved forward and has been put out for bids.

The Acting Executive Director of the Regional Jail Authority also added as a follow-up from last month's meeting, a spreadsheet that reflects all positions within the West Virginia Regional Jail Facilities less the Correctional Office 1 and Correctional Officer 2 which are basic duty post positions. The spreadsheet shows that there are 21 vacant positions in the state's regional jails. However, those numbers reflect all employees, even those who were on the payroll but not available for scheduling. When this is factored in, the Executive Director told the committee that the facilities fall short on staffing. For example, South Central has two vacant positions and has 62 filled positions. However, at the time the data was pulled, only 56 employees were available to work. The number of positions required to meet staff minimums for South Central is 67.

Regional Jails has a high turnover rate for these positions. When asked what the reasoning for this was, the Acting Executive Director stated that it was because of the pay and job burnout. The starting pay for an entry level correctional officer is between \$22,000 and \$23,000.

The long work hours add to many seeking employment elsewhere. The Acting Executive Director also told the committee that this he worries about the safety of the staff with shortfalls in staffing. It's also a major concern as the projected number of inmates is expected to rise tremendously.

The Division of Juvenile Services report contained two items. The first was the continuing construction of the Davis Juvenile Center for female offenders. The second item was participation in training for the nationally recognized "Performance Based Standards" which provides the agency with an accurate analysis of the state's facilities and programs. The data entry phase begins on October 1.

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

### **Impact of Projected Climate Change**

The committee adopted a motion to support the WVU Water Research Institute's proposal to study the impact of projected climate change on the water resources in West Virginia.

The study would look at several different climate scenarios over the next 50 years and explain how each of the scenarios would affect our water resources. The study is expected to cost approximately \$67,000 with the majority of the funding coming from various grants.

The state Department of Environmental supports this effort and believed it will open the door for others to



take this data as a starting point and use it to do more in-depth research. The committee had questions of scale that were answered and the committee was assured that this study complies with new regulations in the Potomac River Basin. The study will also be peer reviewed.

The study will look at climate change strictly from a stream and environmental perspective and not from a water usage perspective.

**Interim Committee Meetings  
2012/ 2013**

August	13 - 15, 2012
September	10 - 12, 2012
October	8 - 10, 2012
November	26 - 28, 2012
December	10 - 12, 2012
January	7 - 9, 2013
February	10 - 12, 2013



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