

**Senate Bill No. 316**

(By Senators Kessler (Acting President), Unger, Jenkins, Foster,  
Stollings and Miller)

[Introduced January 27, 2011; referred to the Committee on Health  
and Human Resources; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new chapter, designated §5I-1-1, §5I-1-2,  
§5I-1-3, §5I-1-4, §5I-1-5, §5I-1-6, §5I-1-7, §5I-1-8, §5I-1-9,  
§5I-1-10 and §5I-1-11, all relating to the codification of the  
West Virginia Partnership to Promote Community Well-Being;  
duties and powers; membership; date by which members must be  
appointed by the Governor; reporting dates; creation of fund;  
operative dates; designation of partnership as repository of  
data related to substance abuse; and rule-making authority.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new chapter, designated §5I-1-1, §5I-1-2, §5I-  
1-3, §5I-1-4, §5I-1-5, §5I-1-6, §5I-1-7, §5I-1-8, §5I-1-9, §5I-1-10  
and §5I-1-11, all to read as follows:

**CHAPTER 5I. ALCOHOL AND SUBSTANCE ABUSE.**

1 **ARTICLE 1. West Virginia Partnership to Promote Community Well-**  
2 **Being.**

3 **§5I-1-1. Short Title.**

4 This article is known as the "West Virginia Partnership to  
5 Promote Community Well-Being Act".

6 **§5I-1-2. Legislative findings.**

7 The Legislature finds and declares that:

8 (1) The severity and pervasiveness of substance abuse and  
9 dependency in West Virginia has reached alarming proportions;

10 (2) Substance abuse problems affect a broader segment of West  
11 Virginia's citizens and their state and local governments than any  
12 other single issue confronting us today and stand as barriers to  
13 the state reaching its full potential;

14 (3) Substance abuse places a financial burden on state  
15 government in West Virginia of \$1.86 billion each year, according  
16 to the Public Consulting Group;

17 (4) According to the federal Office of Justice Programs, drug  
18 users are more likely to commit crimes, and those arrestees were  
19 often under the influence of a drug at the time they committed  
20 their offense;

21 (5) The West Virginia Governor's Commission on Prison  
22 Overcrowding reports that the state has one of the highest  
23 increasing rates of prison growth in the nation, and prison  
24 population forecasts predict an increase of state inmates from

1 6,300 in 2009 to 10,304 in 2017, if the state continues with  
2 policies and practices currently employed by our criminal justice  
3 system;

4 (6) The state's ability to prevent, treat and control the  
5 problem of substance abuse is severely hampered by fragmented state  
6 efforts and an adherence to failed past practices and an appalling  
7 lack of financial resources brought to bear on the problem;

8 (7) A carefully planned and adequately funded approach to the  
9 substance abuse problem is needed coordinating all branches of  
10 state government, affected agencies, organizations and communities;

11 (8) The recommendations of the blueprint for the states  
12 developed by a National Policy Panel convened by Join Together and  
13 the Boston University School of Public Health, calls for:

14 (A) States to create or strengthen alcohol and drug advisory  
15 boards; and

16 (B) Responsibility for a statewide and authoritative strategy  
17 to address substance use and related problems, incorporating all  
18 appropriate agencies, to be held at the highest possible level in  
19 state government;

20 (9) An organization or alliance of affected state agencies,  
21 organizations and community representatives should exist to foster  
22 collaborative planning, policy recommendations, funding strategies,  
23 programs and services. This body should make recommendations to  
24 and be directly accountable to the Governor and Legislature;

25 (10) The recently published Governor's Comprehensive Strategic

1 Plan to Address Substance Abuse in West Virginia contains a call  
2 for bold, aggressive action that reaches beyond the status quo in  
3 changing the environment in our state that currently permits the  
4 problem to thrive; and

5 (11) The Legislature further finds and declares that in order  
6 to accomplish these purposes that the West Virginia Partnership to  
7 Promote Community Well-Being, created and established by this  
8 article, will be acting in all respects for the benefit of the  
9 people of the State of West Virginia to serve the public purposes  
10 of improving and otherwise promoting their health and safety, and  
11 that the West Virginia Partnership to Promote Community Well-Being,  
12 so created and established, is empowered to act on behalf of the  
13 State of West Virginia and its people in serving those public  
14 purposes for the benefit of the general public of this state.

15 **§5I-1-3. West Virginia Partnership to Promote Community Well-**  
16 **Being, creation, members, and compensation.**

17 (a) There is created the West Virginia Partnership to Promote  
18 Community Well-Being, and it is designated as the state's substance  
19 abuse prevention, intervention, treatment and recovery planning  
20 body charged with producing a plan for the funding and effective  
21 delivery of alcohol and drug treatment and prevention services,  
22 including a thorough review of state law that establishes the  
23 state's alcohol and drug policies.

24 (b) The partnership shall:

25 (1) Establish grant application processes, make

1 recommendations to the Governor and the Legislature as to grant  
2 recipients and oversee the implementation of grants to be expended  
3 from federal, state and other public or private funds;

4 (2) Establish a long-term strategic plan for substance abuse  
5 prevention, intervention, treatment and recovery and make  
6 recommendations to the Governor and the Legislature for funding the  
7 plan, including recommendations for:

8 (A) A strategy for delivering state-funded treatment and  
9 prevention services;

10 (B) A priority of funding for treatment and prevention  
11 services;

12 (C) Strategies to maximize accountability for performance of  
13 treatment and prevention services;

14 (D) Methods to standardize data collection and reporting;

15 (E) A strategy to consolidate treatment and prevention  
16 services and reduce the fragmentation in the delivery of services;  
17 and

18 (F) Changes to the state's current alcohol and drug laws and  
19 policies as they apply to the full continuum of substance abuse  
20 services (i.e., prevention, early intervention, treatment and  
21 recovery) necessary to reflect the most recent information and  
22 strategies.

23 (3) Establish a data-gathering system to monitor the social  
24 and financial impact of substance abuse in West Virginia, compile  
25 and analyze the data, make annual reports to the Governor and the

1 Legislature and disseminate the reports publicly by electronic and  
2 other means for state, regional and local level prevention,  
3 intervention, treatment and recovery planning and evaluation; and

4 (4) Conduct a review of state laws and rules that control drug  
5 and alcohol policies and make recommendations for legislation  
6 corresponding to the long-term strategic plan.

7 (c) The partnership may:

8 (1) Communicate with public bodies impacted by substance abuse  
9 and its attendant problems, including, but not limited to, law  
10 enforcement, corrections, courts, health care, including mental and  
11 behavioral health care, child welfare, education, family resource  
12 networks, counseling services and the faith-based community;

13 (2) Review and evaluate substance abuse prevention,  
14 intervention, treatment and recovery programs to determine  
15 comprehensive, scientific strategies for data-driven planning and  
16 evidence-based practices;

17 (3) Adopt bylaws governing the management and operation of the  
18 partnership;

19 (4) Establish a steering committee and subcommittees. These  
20 committees may be continuing or temporary;

21 (5) Subject to available funding, borrow, accept, hire or  
22 contract for services of personnel;

23 (6) Accept any and all donations and grants of money,  
24 equipment, supplies, materials and services, and to receive,  
25 utilize and dispose of it;

1 (7) Establish a budget; and

2 (8) Exercise all other powers necessary for the discharge of  
3 its duties and the implementation of this article.

4 (d) The West Virginia Partnership to Promote Community Well-  
5 Being shall select one of its members as chairperson and another as  
6 vice chairperson, for the terms and with the duties and powers  
7 necessary for the performance of the functions of those offices as  
8 the partnership determines.

9 (e) A majority of the voting members of the partnership  
10 constitutes a quorum for the transaction of business.

11 (f) Official action of the partnership requires the approval  
12 of a majority of the voting members on the partnership.

13 (g) Members may not receive compensation. Each ex officio  
14 member of the partnership is entitled to be reimbursed by their  
15 employing agency for actual and necessary expenses incurred for  
16 each day or portion of a day engaged in the discharge of official  
17 duties in a manner consistent with guidelines of the travel  
18 management office of the Department of Administration. All other  
19 members of the partnership are entitled to expenses incurred by  
20 them in the performance of their official duties in a manner  
21 consistent with guidelines of the travel management office of the  
22 Department of Administration.

23 **§5I-1-4. Partnership Membership.**

24 (a) The membership of the West Virginia Partnership to  
25 Promote Community Well-Being consists of:

1 (1) The following voting ex officio members:

2 (A) A representative from the Department of Revenue, Alcohol  
3 Beverage Control Administration;

4 (B) A representative from the Department of Education, Office  
5 of Healthy Schools;

6 (C) A representative from the Department of Health and Human  
7 Resources, Bureau of Behavioral Health and Health Facilities;

8 (D) A representative from the Department of Health and Human  
9 Resources, Bureau of Children and Families;

10 (E) A representative from the Department of Health and Human  
11 Resources, Bureau of Public Health, Office of Epidemiology & Health  
12 Promotion;

13 (F) A representative from the Department of Health and Human  
14 Resources, Bureau of Public Health, Office of Maternal, Child &  
15 Family Health;

16 (G) A representative from the Department of Military Affairs  
17 and Public Safety, Division of Criminal Justice Services;

18 (H) A representative from the Department of Military Affairs  
19 and Public Safety, Division of Juvenile Services;

20 (I) A representative from the Department of Military Affairs  
21 and Public Safety, WV State Police;

22 (J) A representative of the Department of Military Affairs and  
23 Public Safety, Division of Corrections;

24 (K) A representative of the Supreme Court of Appeals, Division  
25 of Probation Services;

1 (L) A representative of the Supreme Court of Appeals, Division  
2 of Court Services;

3 (M) A representative of the West Virginia Judicial  
4 Association, who shall be a nonvoting member;

5 (N) A representative of the West Virginia prosecuting  
6 attorneys Association;

7 (O) A representative of the West Virginia Sheriffs  
8 Association;

9 (P) A representative of the West Virginia Chiefs of Police  
10 Association;

11 (Q) A representative of the West Virginia county commissioners  
12 Association;

13 (R) A representative of the West Virginia Board of Pharmacy;

14 (S) A representative of the West Virginia State Medical  
15 Association;

16 (T) A representative of the West Virginia Hospital  
17 Association;

18 (U) A representative of the West Virginia University or West  
19 Virginia State University Cooperative Extension Service;

20 (V) A representative of the West Virginia Behavioral Health  
21 Care Providers Association;

22 (W) A representative of the West Virginia Drug and Alcohol  
23 Counselors Association;

24 (X) A representative of the West Virginia Controlled  
25 Substances Advisory Group;

1 (2) Nineteen members appointed by the Governor, including:

2 (A) A consumer of drug or alcohol treatment services currently  
3 in recovery;

4 (B) A representative of Medicaid or the health insurance  
5 industry;

6 (C) A representative of the local business community;

7 (D) A representative of faith-based organizations;

8 (E) An alcohol or drug prevention professional specializing in  
9 youth;

10 (F) A representative of the County Prevention Partnership in  
11 Region One;

12 (G) A representative of the County Prevention Partnership in  
13 Region Two;

14 (H) A representative of the County Prevention Partnership in  
15 Region Three;

16 (I) A representative of the County Prevention Partnership in  
17 Region Four;

18 (J) A student at a state university;

19 (K) A student of a state high school;

20 (L) Four representatives of public or private nonprofit  
21 organizations; and

22 (M) Four persons representing the community-at-large; and

23 (3) Two members of the Legislature appointed to the  
24 partnership as nonvoting members, acting in an advisory capacity  
25 only and including:

1 (A) One member from among members of the Senate appointed by  
2 the President of the Senate; and

3 (B) One member from among members of the House of Delegates  
4 appointed by the Speaker of the House of Delegates.

5 (b) (1) The nineteen members appointed by the Governor shall  
6 have the following terms:

7 (A) Six for a term of four years;

8 (B) Six for a term of three years; and

9 (C) Seven for a term of two years.

10 (2) Successors to appointed members whose terms expire are  
11 appointed for terms of four years. Vacancies are filled for the  
12 unexpired term. An appointed member may not serve more than two  
13 successive terms. Appointment to fill a vacancy may not be  
14 considered as one of two terms.

15 **§5I-1-5. Appointment of Members by Governor.**

16 No later than July 1, 2011, the Governor shall appoint to the  
17 West Virginia Partnership to Promote Community Well-Being the  
18 members specified in subdivision (2), subsection (a), section four  
19 of this article.

20 **§5I-1-6. West Virginia Partnership to Promote Community Well-Being**  
21 **Fund.**

22 (a) The West Virginia Partnership to Promote Community Well-  
23 Being Fund is created for the purposes specified in this article.

24 (b) The West Virginia Partnership to Promote Community Well-  
25 Being Fund is comprised of:

1 (1) Money made available to the fund by general or special  
2 fund appropriations;

3 (2) Money made available to the fund by grants or transfers  
4 from governmental or private sources; and

5 (3) Money realized by investments, interest, dividends or  
6 distributions.

7 (c) The Treasurer may only disburse money from the fund for:

8 (1) Costs associated with the staffing, administration and  
9 technical and legal duties of the partnership;

10 (2) Reasonable and necessary expenses incurred by the members  
11 of the partnership in the performance of official duties; and

12 (3) Grants awarded by the partnership.

13 (d) Money remaining in the fund at the end of a fiscal year  
14 does not revert to the General Revenue Fund of the state, but shall  
15 remain in the fund to be used for the purposes specified in this  
16 article.

17 (e) The estimated budget of the fund for the next fiscal year  
18 shall be included with the budget of the office of the Governor.

19 (f) The fund shall be audited annually.

20 **§5I-1-7. Initial Reporting Dates.**

21 (a) No later than November 1, 2011, the West Virginia  
22 Partnership to Promote Community Well-Being shall report to the  
23 Governor with a specific plan for funding and more effectively  
24 delivering alcohol and drug treatment and prevention services  
25 across all agencies affected by substance abuse.

1 (b) The report must be completed in time for the Governor's  
2 consideration in the development of the Governor's budget for the  
3 year 2012.

4 (c) No later than November 1, 2011, the partnership shall  
5 report on the plan to the appropriate interim committee of the  
6 Legislature and may include recommendations to the Legislature for  
7 legislative changes necessary to implement the plan.

8 (d) No later than October 1, 2013, the partnership shall  
9 report to the Legislature on the progress made to date regarding  
10 outcomes of policy changes made by the Legislature and may make  
11 recommendations for legislative changes.

12 **§5I-1-8. Abolishing the West Virginia Partnership to Promote**  
13 **Community Well-Being.**

14 (a) The West Virginia Partnership to Promote Community Well-  
15 Being established by Executive Order No. 8-04 is abolished. On the  
16 operative date specified in section five of this article, the  
17 tenure of office of the members of the West Virginia Partnership to  
18 Promote Community Well-Being ceases.

19 (b) All of the duties, functions and powers of the West  
20 Virginia Partnership to Promote Community Well-Being are imposed  
21 upon, transferred to and vested in the West Virginia Partnership to  
22 Promote Community Well-Being.

23 **§5I-1-9. Operative Date of the West Virginia Partnership to**  
24 **Promote Community Well-Being.**

1 Section five of this article becomes operative on the date on  
2 which a majority of the members of the West Virginia Partnership to  
3 Promote Community Well-Being have been appointed by the Governor.

4 **§5I-1-10. Designation as the state Repository of Data Related to**  
5 **Substance Abuse.**

6 (a) The West Virginia Partnership to Promote Community Well-  
7 Being is the state's primary repository of data concerning the  
8 social and financial aspects of substance abuse.

9 (b) All state agencies shall report annually to the  
10 Partnership on the burden substance abuse places on the agency,  
11 including the financial costs associated with substance abuse.

12 (c) The State Board of Education shall require all secondary  
13 schools in West Virginia to participate in a biannual statewide  
14 student survey that is sufficiently comprehensive to capture  
15 regional and local-level information on drug and alcohol use by  
16 students.

17 **§5I-1-11. Rule-Making Authority.**

18 The Partnership is authorized to propose legislative rules and  
19 emergency rules necessary to implement the provisions of this  
20 article in accordance with the provisions of article three, chapter  
21 twenty-nine-a of this code.

NOTE: The purpose of this bill is the codification of the West Virginia Partnership to Promote Community Well-Being. The bill sets forth its duties and powers. The bill sets forth who may serve as members and the date by which members must be appointed by the Governor. The establishes operative and reporting dates. The

bill creates a special fund. The bill designates of partnership as repository of data related to substance abuse. The bill further grants rule-making authority.

This chapter is new; therefore, strike-throughs and underscoring have been omitted.