

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 1109**

3 **Standing Committee on Industry and Labor, Economic Development and**
4 **Small Business**

5 **TITLE: INCENTIVES FOR SMALL BUSINESS**

6 **I. ISSUE**

7 Small businesses are the engine for economic growth in our nation and
8 account for approximately 75% of the net new jobs added to the economy. Despite
9 their importance to the economy, entrepreneurial firms and small businesses have
10 not been well supported by West Virginia’s existing economic development
11 strategies.

12 **II. CURRENT FACTS AND STATISTICS**

- 13 • Some say nearly 70% of all economic growth is due to small business.
- 14 • One third of the positive change in national economic growth is due to
15 entrepreneurial/small business activity.
- 16 • 35% of the Fortune 500 companies are displaced every three or four
17 years by entrepreneurial/small businesses which have expanded.
18 These businesses grow at an average rate of 1300% over five years.
- 19 • Nationally small businesses:
 - 20 ○ Represent 99.7% of all employers
 - 21 ○ Employ 50.1% of the private work force
 - 22 ○ Provide 41% of private sales in the country

23 **III. OPTIONS AND FUTURE IMPLICATIONS**

24 State development efforts and programs need to be restructured and given
25 proper resources in order to aid the success of more entrepreneurial companies and
26 help enable small businesses to compete.

27 To improve the competitiveness of the state’s small business community and
28 to encourage entrepreneurial development, the West Virginia Silver Haired
29 Legislature proposes the following:

- 30 1. West Virginia should exempt “business related” equipment

31 purchased by small businesses (50 or fewer employees) from
32 personal property tax assessment for the first three years. Such
33 actions would give West Virginia small businesses an added
34 incentive to purchase or upgrade equipment so they could
35 remain competitive in today's economy.

36 2. West Virginia should recognize the Personal Income Tax
37 deductions and exemptions for small businesses that the federal
38 government recognizes.

39 3. ~~West Virginia small businesses should be provided with a one~~
40 ~~time \$1,000 a year (per employee) training skills tax credit that~~
41 ~~would be applied on a per employee basis for employees who~~
42 ~~the work force for the first time.~~ *West Virginia small business*
43 *should be provided \$1,000 per year, per each new employee,*
44 *with training skills tax credit that would be applied on the basis*
45 *for employees who are entering the work force for the first time*
46 *up to and including 3 years of continuous services.*

47 4. West Virginia should allow certain extra deductions for expenses
48 of small businesses (50 or fewer employees), such as allowing
49 the deductibility on state taxes of the other half of the federal
50 employment tax.

51 5. West Virginia should consolidate forms needed and issued by all
52 state departments for small business reporting requirements
53 and tax requirements ~~and ample time provide 20 days to~~
54 *business owners. Once a business is chartered, all state offices*
55 *should use the same ID numbers for each business in all*
56 *departments within the state of West Virginia.*

57 6. *West Virginia should help provide liaison sources of active and*
58 *retired business mentors to assist start up of small businesses*
59 *and businesses in crisis.*

61 **IV. FUNDING**

62 ~~How much will it cost?~~

63 *Cost will vary in accordance with business requirements.*

64 ~~Where will the money come from?~~

65 *Funding could come from existing small business grants and West Virginia*
66 *Economic Development Programs.*

67 **V. RESOURCE INFORMATION**

68 West Virginia Chamber of Commerce

69 Fenton Glass – Mr. George Fenton

70 W. A. Wilson

71 Logston Contracting

72 Dale's Feeds

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 1209**

3 **Standing Committee on Finance**

4 **TITLE: DRIVER VICTIM PROGRAM**

5 **I. ISSUE**

6 Drunk driving threatens the safety of all West Virginians, putting individuals
7 and families at risk and causing senseless death, injury and property loss on our
8 state’s highways.

9 **II. CURRENT FACTS AND STATISTICS**

10 In 2006, one third of all roadway crashes in West Virginia were drunk driving
11 related, with one hundred nineteen (119) fatalities and over 2,600 persons injured,
12 sixteen (16) percent (416) of those injured sustaining severe or life-threatening
13 trauma. In addition, drunk driving crashes cost the public over \$700,000,000 in
14 economic losses each year here in West Virginia.

15 Currently, there is a “Drunk Driving Prevention Fund” administered by the
16 Tax Commission and supported by sales tax collected from sales to the public and
17 retail licensees. This position paper is advocating for a separate fund to be entitled
18 “Drunk Driver Victim Program.”

19 There is a “Crime Victims’ Compensation Fund” that helps pay victims of
20 crime that includes drunk drivers’ crashes.

21 **III. OPTIONS AND FUTURE IMPLICATIONS**

22 The West Virginia Legislature is currently studying WV D.U.I. laws. The laws
23 need to be reformed and strengthened to protect our citizens and visitors to our
24 state. It is unacceptable that more than one hundred die on our highways and
25 thousands are injured on an annual basis. It is hoped that stronger drunk driving
26 laws will reduce the senseless killing, injury and property loss on our highways. In
27 the meantime, the proposed “Drunk Driving Victim Compensation Fund” will assist
28 with the costs associated with injuries, deaths and property losses.

29 “Sin Taxes,” as these taxes are also known, are extremely popular with the
30 general public and can generate funding to support the “Drunk Driving Victims’
31 Compensation Fund.”

32 **IV. FUNDING**

33 The "Crime Victims' Compensation Fund" is funded through court costs that
34 offenders have to pay. "Drunk Driver Prevention Fund" is funded by a 6% excise
35 tax on beverages sold by private retail liquor stores to private clubs. The "Drunk
36 Driving Victims' Compensation Fund" will be funded by a: *an;*

37 ~~One cent per 12 oz of beer sold (Based on 331 cans in a barrel)~~

38 *Increase in the current beer barrel tax rate from \$5.50 to \$8.80 per barrel.*

39 *This will provide approximately \$4.6 million additional tax.*

40 ~~One cent per 12 oz of wine sold (Based on three cans in a liter)~~

41 *Increase in the wine liter tax rate from 26 cents to 27 cents per liter. This will*
42 *provide approximately \$60,000 to \$70,000 additional tax.*

43 ~~One per cent additional markup on ABCA products sold~~

44 *Additional mark up of 1% on ABCA products sold. This should provide*
45 *approximately \$1.5 million additional tax.*

46 This should provide \$4.6 million for beer + \$60,000 for wine = \$4.6 million
47 additional tax *for the basic fund, not to include administrative overhead.*

48 ~~It is unknown, at this time, the amount of revenue to be gained via the ABCA~~
49 ~~additional 1% markup.~~

50 Monies derived from the above calculations should be of some assistance to
51 the "Crime Victims' Fund" in that drunk driving victims ~~could~~ *would* be paid from
52 this fund.

53 **V. RESOURCE INFORMATION**

54 Annual Assessment of Motor Vehicle Crash Analysis

55 Suzanne Dobson, WV Tax Department

56 Donna Hawkins, MADD

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 2109**

3 **Standing Committee on Veteran’s Affairs and Homeland Security**

4 **TITLE: WEST VIRGINIA SENIOR VOLUNTEER DRUG AND GUN WATCH**

5 **I. ISSUE**

6 Illegal drugs, a major source of finance for terrorist groups and other criminal
7 organizations, have become a ~~home~~ *homeland* security threat in many West
8 Virginia neighborhoods, including rural areas inhabited by senior citizens. *West*
9 *Virginia has three major interstate systems connecting to neighboring states.*
10 *Public transportation provides an inconspicuous line of drug trafficking to rural*
11 *areas.* These seniors fear exposure to informants if they report drug activities in
12 their neighborhoods to law enforcement agencies. A program utilizing senior
13 volunteers is needed that informs the public of procedures that are available that
14 offer anonymity to those reporting drug crimes in their community. This program is
15 to be administered by the appropriate officials in each county.

16 **II. CURRENT FACTS AND STATISTICS**

- 17 • West Virginia has one of the highest drug problems in the United
18 States.
- 19 • Most crimes in West Virginia are drug and alcohol related.
- 20 • *Illegal drugs are a major problem for newborns born to addicted*
21 *parents.*
- 22 • Drug infested neighborhoods decrease property values.
- 23 • Income from sale of illicit drugs finances terrorist groups.
- 24 • Illegal drug activity in a neighborhood produces social isolation for
25 seniors.
- 26 • Crime victims tending to be the most vulnerable are seniors.

27 **III. OPTIONS AND FUTURE IMPLICATIONS**

- 28 • Elimination of drug traffic in local neighborhoods will reduce income for
29 terrorist and other criminal groups.
- 30 • Use senior volunteers to accept calls in neighborhoods to forward to
31 law enforcement agencies, thus producing the desired anonymity.
- 32 • *Increase the penalties for loss of public housing benefits for all drug*
33 *and gun related activities.*
- 34 • *Identify and require registration of all convicted drug and gun felons in*

35 *the state of West Virginia.*

- 36 • With increased neighborhood involvement in the eradication of drug
- 37 traffic, judges and magistrates will be encouraged to impose maximum
- 38 sentences and stiffer penalties for offenders.
- 39 • Decrease the availability of drugs to young children.
- 40 • Decrease the availability of drugs to young mothers-to-be, saving the
- 41 State of West Virginia millions of dollars.
- 42 • Make our neighborhoods safer for all age groups.
- 43 • Increase property values.
- 44 • Discourage out-of-state criminals from moving into our state.
- 45 • Produce a sense of family once again in our neighborhoods and state.
- 46 • Future generations would have more promising futures than in a drug-
- 47 infested state.
- 48 • Decrease the number of break-ins of homes and businesses.
- 49 • Decrease West Virginia's high violent crime rate, which is twice the
- 50 national rate per capita (2004 data)
- 51 • Encourage economic development by offering a safer work
- 52 environment.
- 53 • *Greatly* decrease the number of drug related deaths, *incapacitating*
- 54 *injuries, and murders.*
- 55 • Discourage the formation of gangs.

56 **IV. FUNDING**

- 57 • This program could be integrated into present programs in operation
- 58 within each county, city, town or community.
- 59 • Cost would be miniscule if volunteers are used to communicate the
- 60 information to the law enforcement agencies thus insuring the
- 61 anonymity of individuals.
- 62 • Cost, if any, would be further reduced when compared to the savings
- 63 in law enforcement costs.

64 **V. RESOURCE INFORMATION**

65 FBI, Uniform Crime Reports (www.disastercenter.com/crime/wecrime.htm)

66 Drug-Addicted Babies Cost State Millions – News – the Charleston Gazette –
67 WV November 14, 2008

68 National Drug Intelligence Center – Distribution – Appalachia HIDTA Drug

69	Market Analysis
70	Crime Report for Charleston, WV, HomeSurfer.com – Data from FBI
71	Uniform Crime Rage database for 2004
72	Tracking Down Terrorists Financing – Council on Foreign Relations
73	Larry Barker, Delegate from Boone County
74	Athol Halstead, Boone County Commission President
75	Jeff Meadows, Deputy Sheriff of Kanawha County Drug Enforcement
76	Mark Taylor, Director of Charleston/Kanawha County Housing Authority

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 2209**

3 **Standing Committee on Judiciary**

4 **TITLE: IMPROVEMENT OF EDUCATIONAL QUALIFICATIONS FOR**
5 **MAGISTRATE JUDGES**

6 **I. ISSUE**

7 Insomuch as the code concerning the qualifications of magistrates, training,
8 oath, continuing education and time devoted to public duties was originally
9 implemented by the Legislature in the last century, educational qualifications should
10 be changed by law to reflect the increasingly complicated duties and responsibilities
11 of the magistrate in the 21st century and beyond.

12 **II. CURRENT FACTS AND STATISTICS**

13 The qualifications for magistrates as set down by the present implemented
14 code of West Virginia were quite sufficient for the time period of the last century, in
15 which they were enacted. These qualifications were:

- 16 A. Applicant must be 21 years of age
- 17 B. He or she must reside in the county in which they wish to serve
- 18 C. Must have no felony convictions
- 19 D. Be the recipient of a high school ~~degree~~ *diploma* or an equivalency
20 GED

21 At the time these standards of education for magistrates were amended in
22 1931, only 16% of West Virginia’s citizens held high school degrees. An eighth
23 grade education, mandated by the state of West Virginia was all that most could
24 hope to attain. A high school degree was considered a cut above the average
25 person’s education. This is no longer the case, when over 90% of our population
26 has a high school degree, and nearly 16% now hold college degrees, or about the
27 same percentage as held high school degrees in 1931.

28 As our citizens have become more educated and issues more complicated,
29 the requirements for the important position of Magistrate Judge should reflect the
30 educational standards of our society. ~~Therefore, this position paper is advocating~~
31 ~~for a higher standard of education for magisterial candidates i.e. a two year~~

32 ~~associates degree or a four year from an accredited Jr. College or University.~~

33 *As an example, the District of Columbia and the State states of Virginia, Ohio, and*
34 *Pennsylvania currently requires their magistrates to do possess a Bachelors degree.*

35 **III. OPTIONS AND FUTURE IMPLICATIONS**

36 ~~In order for our Magistrate court system to maintain the same level of~~
37 ~~professionalism as our other court systems, we must upgrade the education level of~~
38 ~~our Magistrates so they have a more complete broad knowledge in all areas~~
39 ~~pertaining to the legal system. In order for our Magistrate Court System to~~
40 ~~maintain the same level of professionalism as Tthe Judicial Court System, we must~~
41 ~~upgrade the educational level of our magistrates so they have a broader knowledge~~
42 ~~in many areas. Laws are more complicated than ever; criminals are more~~
43 ~~sophisticated. We need not only keep up, but to keep ahead in today's fast paced~~
44 ~~world.~~

45 ~~In order to have any chance of passage in either the house or senate,~~
46 ~~political reality dictates that all elected and appointed magistrates now serving~~
47 ~~would have to be exempted from this requirement that they hold a minimum 2 year~~
48 ~~Jr. College degree to serve as magistrates, and be qualified for life to run for~~
49 ~~election as a magistrate in any such court. All elected magistrates currently serving~~
50 ~~would be subject to the following. All magisterial candidates possess as a minimum~~
51 ~~qualification either an Associates degree in criminal justice or a Bachelors degree~~
52 ~~from an accredited college or university. However, four or more years of previous~~
53 ~~experience as magistrate may substitute for the degree.~~

54 This change in the code would ~~in no wise~~ not be the final answer to the need
55 for reform of the whole magistrate system, which we have been informed is the
56 case by everybody from the Supreme Court to the county level of our judicial
57 system. It would however, be a significant first step in the beginning process of
58 bringing our magistrate courts in West Virginia into the 21st century.

59 **IV. FUNDING**

60 The only cost to the taxpayers in order to implement this educational
61 requirement will be the insistence of citizens that our legislature enact a change of

62 W. Va. Code to reflect this new standard for magistrates.

63 **V. RESOURCE INFORMATION**

64 Administrative office of the Supreme Court of West Virginia

65 Honorable Alfred Ferguson, Judge of Circuit Court, 6th Judicial District

66 Honorable Michael Woelfel, Judge, Cabell County Magistrate Court

67 Code of Judicial Conduct

68 West Virginia Constitution - Article 8 – section 10 Magistrate Courts

69 Administrator, Cabell Co. Magistrate Court, Barbara Wills

70 West Virginia code, Judicial Reorganized Amended 1974

71 Universal Education West Virginia (web site)

72 Marshall ed/cber (web site)

73 Honorable John McCallister, Magistrate Judge, Cabell County

74 *Honorable Jack Pauley, Magistrate Kanawha County*

75 *Honorable Joe Shelton, former Chief Magistrate Kanawha County*

76 *Chris Childes, Prosecuting Attorney, Cabell County*

77 *Diploma.com (website)*

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 3109**

3 **Standing Committee on Agriculture and Natural Resources**

4 **TITLE: IMPROVED HANDICAPPED ACCESSIBILITY in OLDER WEST**
5 **VIRGINIA STATE PARKS and IMPOUNDMENTS**

6 **I. ISSUE**

7 Many of the older West Virginia State Parks, such as those built during the
8 "New Deal Era" by the WPA (Works Progress Administration) and the CCC (Civilian
9 Conservation Corps), have not been totally brought up to ADA (Americans with
10 Disabilities Act) compliance.

11 **II. CURRENT FACTS AND STATISTICS**

12 The American with Disabilities Act defines handicapped as "a physical or
13 mental impairment that substantially limits one or more major life activities." First,
14 we want to applaud what has been done so far by the Parks Division in the
15 Department of Natural Resources. In 1991, the National Park Service mandated
16 that all parks, national and state, come with "massive transition plans" to comply
17 with ADA guidelines. The West Virginia Plan was the first one in the United States
18 to be approved. With this approval, West Virginia began aggressively to address
19 the objectives of that plan. By addressing the plan aggressively, all the newer
20 parks and resorts are mostly in compliance with all lodges now handicapped-
21 accessible. The ADA guidelines state that some park amenities, such as rooms in
22 lodges and cabins, must have at least 5% of their facilities handicapped-accessible,
23 while restroom facilities must be 100% accessible to those who are disabled. The
24 parks and resorts all have at least one or more cabins handicapped-accessible. A
25 few still need to pave parking lots for the cabins, driveways and walkways to so
26 that those in wheelchairs can be mobile. This is particularly true in camping sites
27 and picnic areas in the very rural parks that have very rough terrain. Stonewall
28 Resort, the newest state park, is 100% compliant with ADA guidelines.

29 At this time, there are 34 state parks, recreational facilities at seven state
30 forests, recreational facilities at five Wildlife Management Areas and two rail trails
31 under the responsibility of the DNR to become ADA compliant. In 1996, a bond was
32 issued to complete various projects in West Virginia. The state parks received 41
33 million dollars of those funds, with a significant portion of those funds going to
34 improve accessibility to the disabled. The DNR found that in the older parks, it

35 would be easier to build new, handicapped cottages rather than upgrade the ones
36 built by the WPA and the CCC. At that time, they built 22 new handicapped-
37 accessible cabins at the older state parks at a cost of \$240,000 each. Parking areas
38 and pathways were paved, entrances to buildings were widened and restrooms
39 were made handicapped-accessible. Elevators were installed at Hawks Nest State
40 Park, Blackwater Falls State Park, North Bend State Park, and Cacapon State Park.
41 At all the lodges, the "required percentage" of rooms were made handicapped-
42 accessible. At this time, there are 32 accessible cottages, 94 accessible campsites
43 and 50 accessible lodge rooms throughout the West Virginia State Park System.
44 System-wide improvements have also been made to restrooms.

45 The state's population is growing older; consequently, we need, in as many
46 ways as possible, to make all our state facilities accessible to the people who are
47 disabled. Not only do we need more camping sites handicapped-accessible, the
48 boating and fishing areas need to be also. Once again, at many areas system wide,
49 fishing piers and paved walkways have been introduced along the lakes and
50 streams. The older, more remote facilities also require updating. The state park
51 division is working on some of these facilities at this time. Camp Creek State Park
52 is getting a handicapped fishing area this year. The state is also working on
53 improvement of picnic areas for handicapped individuals in several of the older
54 parks. At Carnifex Ferry State Park, a new fully ADA-compliant restroom facility
55 was opened three years ago after construction costing several hundred thousand
56 dollars. This replaced an older facility that was both impossible for the disabled to
57 access and that was impossible to retrofit for accessibility due to terrain.

58 **III. OPTIONS AND FUTURE IMPLICATIONS**

59 As our state's population grows older because of the baby boomers, the need for
60 handicapped-accessible state park facilities will be even greater. We also have
61 many children who are physically handicapped as a result of Muscular Dystrophy,
62 Multiple Sclerosis, Spina Bifida and loss of limbs due to accidents. In addition to
63 the older and younger populations who are physically handicapped, we have young
64 to middle-aged veterans coming back from wars who are in need of recreational
65 facilities that are ADA-compliant. If we do not address this issue in all our State
66 Parks, we are telling the citizens in our state who have disabilities that they are not

67 worth the cost of paving parking lots, driveways or walkways, or they are not worth
68 the cost of building wheelchair accessible fishing piers or paved walkways along the
69 lakes and streams so that they can enjoy the wonderful outdoor facilities we have.
70 Although park system facilities have been greatly improved and largely brought up
71 to compliance standards system-wide, it is incumbent upon us as a state to attempt
72 to exceed compliance level and go above and beyond for the benefit of these
73 special populations.

74 **IV. FUNDING**

75 At the present time, park system officials estimate that they could easily use
76 \$200,000 to \$300,000 per year for the foreseeable future as a regular investment
77 on further accessibility improvements to either address already known needs or
78 those that are further identified in years to come to retrofit older facilities or to
79 build replacements for facilities where modification costs may equal or exceed the
80 cost of new facilities.

81 Some funding can be obtained through the Federal Government via the ADA.
82 The state legislature also can be asked for funds for further ADA-compliant projects
83 in the budget each year for the State Parks Division.

84 **V. RESOURCE INFORMATION**

85 Regina Mayolo, WVU Center for Excellence in Disabilities, Technical
86 Assistance Specialist

87 "A Guide to Accessible Recreation in West Virginia", WVU Center for
88 Excellence in Disabilities

89 "Wild and Wonderful West Virginia State Parks and Forests" – Power
90 Point Overview on ADA Compliance Program – Department
91 of Natural Resources

92 Ken Caplinger, Chief of the West Virginia State Parks Division

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 3209**

3 **Standing Committee on Health and Human Resources**

4 **TITLE: A SAFE ENVIRONMENT FOR NURSING HOME AND LONG-TERM CARE**
5 **PATIENTS**

6 *Definition – Nursing home and long-term care patients shall be defined as residents*
7 *living in a private nursing home, a state nursing home, a nursing home*
8 *operated by a hospital and all assisted living facilities regulated by the State*
9 *of West Virginia.*

10 **I. ISSUE**

11 Senior Citizens in West Virginia are becoming increasingly concerned about
12 the safety of residents in long-term care facilities. Chief among these concerns are
13 issues relating to sexual predators, the need for special care for individuals
14 suffering traumatic brain injury and controlled access to long-term facilities.

15 **II. CURRENT FACTS AND STATISTICS**

16 The State of West Virginia does have laws that are intended to create a safe
17 environment for long-term care residents. However, the existing law and regula-
18 tions do not specifically address the needs of persons suffering from traumatic
19 brain injury, who are more likely to exhibit aggressive behavior, and currently
20 nursing homes do not have guidance in dealing with sexual predators.

21 **III. OPTIONS AND FUTURE IMPLICATIONS**

22 Options for improving safety are:

- 23 1. The West Virginia Department of Health and Human Resources should
24 be required to develop and implement a consistent Safety Policy
25 relating to all long-term care facilities. For example

26 a) Require all staff and employees of the facility to wear a *color*
27 *coded* photo identification tag including: Name, ~~and~~ job title,
28 *facility/logo. A poster explaining the different color codes shall*
29 *be posted in a central location in addition to every resident's*
30 *room. This would allow residents, family and visitors to know*
31 *who is entering the room.*

32 b) Require all visitors including guest and family members to sign

33 in and receive a temporary visitor's pass that shall be returned
34 before leaving. The State Department of Education has
35 developed a policy for access to public schools. It seems
36 reasonable that it would be a simple task to use the Education
37 Policy as a model and modify it to long-term care facilities.

38 2. Currently, the State of West Virginia has no long-term care facility to
39 provide care for persons with traumatic brain injury who are not able
40 to adjust to a life in a non-institutional setting. These individuals
41 many times are younger and stronger than the typical patient and
42 many times exhibit aggressive sexual behaviors. The State of
43 Kentucky sought and was awarded a Medicaid waiver to establish
44 facilities and a rate scale to meet the needs of persons in the category
45 alluded to in this position paper. In addition to the creation of
46 traditional nursing homes to address the traumatic brain injured
47 patient, the Medicaid waiver should allow for the creation of
48 community-based group homes tailored to provide care in a smaller
49 setting and in many instances closer to the patient's home. The
50 Governor should direct DHHR to explore the possibility of seeking a
51 Medicaid waiver to address the need of traumatic brain injury patients
52 not able to adjust to a normal environment.

53 3. Currently there is no notification mechanism in place to alert long-term
54 care facilities of persons who have been charged and convicted of
55 crimes of a sexual nature that would require their names to be placed
56 on a sex crime register. A policy permitting long-term care homes to
57 have access to the sexual predators listing ~~should~~ *shall* be developed
58 and implemented. Such a policy would not deny admission but would
59 alert the long-term care facility about the special circumstances of a
60 person seeking admission ~~and~~.

61 ~~4. Long-term care employees should be required to wear color-coded~~
62 ~~uniforms reflecting the workers status. A poster explaining the~~

63 ~~different color codes should be posted in a central location in addition~~
64 ~~to every resident's room. Such a policy would allow residents, family~~
65 ~~and visitors to know who is entering the room.~~

- 66 **4.** *Long-term care facilities shall be required to provide information about*
67 *the sex offender registry, including how to access it, to residents and*
68 *their families at the time of admission.*

69 **IV. FUNDING INFORMATION**

70 Items (1), (3) and (4) would have minimal cost. The monitoring could be
71 accomplished during ombudsman visits, both planned and unplanned. Also
72 long-term care facilities are reviewed on a scheduled basis by DHHR licensing
73 personnel who could also review these requirements.

74 Item (2) would require funding; however, Medicaid waivers are currently
75 matched by the Federal Government on a three to one ratio, meaning the state can
76 draw down three (\$3.00) for every one (\$1.00) they contribute. It further seems
77 logical that a small amount of lottery funds could be used for matching purposes.
78 In addition, a large amount of traumatic brain injury patient received the injuries
79 while serving on active military duty. Therefore, the State should work closely with
80 the Federal Veterans Administration for assistance with the funding of such special
81 homes.

82 **V. RESOURCE INFORMATION**

83 Gerry Schmidt – Valley Health Care, Morgantown, WV

84 Daphne Schreiber, Ex. Director, The Heritage Pointe, Morgantown, WV

85 Deanna Kramer, OFLAC – Department of DHHR, Charleston, WV

86 Cheryl Perrone, CEO, Valley Health Care, Morgantown, WV

87 *Suzanne Messenger, WV Long-Term Care Ombudsman*

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 4109**

3 **Standing Committee on Education**

4 **TITLE: FUNDING FOR PUBLIC LIBRARIES**

5 **I. ISSUE**

6 Changing the Legislative Rule for funding the West Virginia Public Libraries.

7 **II. CURRENT FACTS AND STATISTICS**

8 In the past, the amount of state funding a library received was determined
9 solely on a per capita basis. This has changed effective with the 2009-2010 fiscal
10 year. To receive its state funds each library will have to match the per capita
11 amount with local funding; this will be very difficult for small rural libraries.

12 There are two types of local funds. You have local funds that come from tax
13 based entities (City, county, and board of education). Also, you have local non-
14 taxed based funds which include donations, fund raising, grants, ~~in~~ etc. The
15 amount of non-taxed funds counted cannot exceed the total tax based local funds.

16 **III. OPTIONS AND FUTURE IMPLICATIONS**

17 Public libraries in West Virginia have proved their value to the community.
18 Whether it is the traditional print services or the latest technology, libraries are
19 meeting the needs of those they serve. In the current economic times the
20 American Library Association estimates visits to the libraries have increased 16%
21 nationally. Displaced workers are using libraries to search for jobs.

22 West Virginia Public Libraries must grow if they are to meet the needs of all
23 they serve. In many of our communities the public library provides the only
24 broadband access to the Internet. For small business, students taking online
25 courses, the support of e-government, or traditional students, we must provide
26 them the same or better opportunities than other states. They give seniors contact
27 with government programs such as Social Security or Medicare. However,
28 electronic resources are only one tool used by the libraries. Traditional library
29 service has not disappeared! From best sellers to the latest government research,
30 all are available at the public library. Add to this the trained staff in libraries to
31 assist the patron and the added value is immeasurable. If some of the large
32 companies ~~where~~ were run as ~~efficient~~ efficiently as our libraries are on a small

33 amount of money they received the economy would not be in the condition it is in
34 at the present.

35 Currently there are 97 public library systems in West Virginia composed of
36 173 library buildings. Twenty-three of the 97 systems receive more in State dollars
37 than they do in local government funding. There are eleven public library systems
38 with local special laws. In these systems a specific percentage of the local tax base
39 supports the library system. Under most of these laws, a given millage of county
40 commission tax dollars, board of education tax dollars, and municipal tax dollars
41 are set aside for the operation of the public library. Because the library touches all
42 ages and needs, all should invest in their survival.

43 **IV. FUNDING INFORMATION**

44 There are two possibilities for stable support of public libraries in West
45 Virginia. The first option is to pass a law at the state level that follows the current
46 special local laws—for example, a law that provided for a given percentage of local
47 taxes to go to the operation of the libraries. If the structure of Kanawha, Cabell,
48 Ohio, or Wood County’s law were passed statewide, all counties would be treated
49 equally. A second possibility is to follow the action of Ohio. In Ohio, a law was
50 passed that provided a tax for the support of libraries. The funds would be
51 administered by the West Virginia Library Commission in the same way the current
52 grants-in-aid are distributed. Currently the state support for libraries is \$4.61 per
53 capita. In West Virginia the average for local funding is \$10.15 per capita. This
54 falls well below the national average for operating income of \$33.87 per capita.

55 For many years the state has said, “We are not the problem.” Local
56 government on the other hand says, “We do not have the resources.” The finger
57 pointing must be overcome. The state must either provide the funding stream or
58 direct local government to provide the funding stream. Without such action,
59 current and future generations will continue to fall behind the citizens of states that
60 have stepped up to provide stable funding for library services.

61 **V. RESOURCE INFORMATION**

62 J. D. Waggoner, Library Commissioner
63 Debbie Goddard, Rainelle Public Librarian
64 Myra Zigler, Summers County Public Librarian

1 **2009 WEST VIRGINIA SILVER HAired LEGISLATURE**

2 **POSITION PAPER 4209**

3 **Standing Committee on Roads and Transportation**

4 **TITLE: RENEWAL OF EXISTING DRIVER’S LICENSES OF CITIZENS IN**
5 **COUNTIES WITHOUT REGIONAL OFFICES**

6 **I. ISSUE**

7 The distance between regional offices and the citizen’s residence creates a
8 financial hardship for all residents in counties not having a Regional Office.

9 **II. CURRENT FACTS AND STATISTICS**

10 The Department of Motor Vehicles does not have license centers in 30
11 counties in West Virginia. Regional offices do not stay open for extended hours, nor
12 are they open on weekends.

13 Thousands of West Virginia citizens must travel many miles (in some cases
14 over 100 miles round trip) to *obtain or* renew ~~an existing~~ a driver’s license. As a
15 direct result of this travel, citizens may lose a day of work and wages for renewals.

16 The cost of gasoline is an outrageous price and costing many as much as (if
17 not more than) \$25.00 in gasoline, not counting ~~the other~~ *additional* expenses.

18 Most regional offices are crowded with citizens, and long waiting periods are
19 required to just get to the desk to proceed with business. Telephone numbers for
20 Regional offices are not available to public. Equipment failure is not known until a
21 person has traveled to the Regional offices only to find the computer is not working
22 that day, or that the required documentation to renew an existing driver’s license
23 has not been brought from home.

24 **III. OPTIONS AND FUTURE IMPLICATIONS**

25 All of the above place a financial burden and inconvenience on the citizens of
26 West Virginia. The government should be aiding the public, not burdening its
27 citizens.

28 Therefore, we propose the renewal of an existing driver’s license be *made*
29 *available* ~~returned to the State Police Office~~ in those counties not having a Regional
30 Office. A trained employee from an existing Regional Office could be sent to *those*
31 *counties at least* ~~the State Police Office~~ once a month with equipment to complete
32 renewals of existing driver’s license.

33 The DMV has in their records the renewals due each month and could use
34 that information to determine the scheduling.

35 It ~~would also be~~ *is very* important for a ~~citizen~~ *all current and perspective*
36 *drivers* to be ~~made aware~~ informed of any and all documentation required to *obtain*
37 *or renew an existing a* driver's license.

38 **IV. FUNDING INFORMATION**

39 This cost could be covered by an additional ~~\$1.00~~ *\$5.00* added to the *existing*
40 *fee for each driver's license renewal and renewal*. Information from last year
41 indicated that West Virginia had a total of 1,289,942 licensed drivers. ~~\$1.00~~ *\$5.00*
42 added to each *driver's license and* renewal would bring in a sizeable amount to be
43 used for this purpose **only**.

44 **V. RESOURCE INFORMATION**

- 45 WV DMV Website
- 46 Public Opinion
- 47 Personal Experiences
- 48 Charleston Gazette
- 49 Intermountain Newspaper