

**2010 West Virginia State Legislature
NASW, West Virginia Chapter Involvement**

March, 2010
Susan Sobkoviak

Another Legislative Session has come and gone. While many people, including Legislators, have stated this was a “nothing session”, as there was not a lot of action or “high profile” bills addressed, there was legislation passed that will have an impact on our profession and the people we serve. NASW, lead by Executive Director, Sam Hickman, was very involved with the Session both behind the scenes and up front;--- working with and making presentations to Legislators, meeting with the Administration on issues of concern, speaking at hearings/ press conferences, proposing draft language, strategizing with coalitions etc. Many of the highlights are listed below.

THANK YOU to Chair Larry Beckett and the ELAN Legislative Action Team for a very successful Social Work Day at the Legislature. Over 130 social work students, faculty and professional social workers attended the day to learn about legislation important to social workers, hear from and observe legislators in action, meet with their representatives on issues of concern to social workers, hear proclamations of the social work profession read on the House and Senate floors, and converse with legislators during our legislative reception honoring the social work profession. Schools represented include: Concord, Marshall University, WV State University, WVU - Charleston MSW Program, WVU - Morgantown, and Mountain State University. We received terrific feedback on the day and Legislators were very aware that social workers follow public policy.

ELAN Legislative Action Committee: *Larry Beckett, MSW, ELAN Chair; Kim Tieman, MSW, ACSW; President; Diane Market LICSW; Bethany Ellard BSW LSW; Steve Burton, MSW; Jeannie Brenneman; Nancy Burkhammer, MSW; Kelli Phelps. Staff: Sam Hickman, MSW, ACSW, Chief Executive Officer; Elana Bailey. Thank you to all who participated.*

Speaking from experience..... YOU DON'T HAVE TO BE IN CHARLESTON TO HAVE AN IMPACT ON PUBLIC POLICY! It doesn't matter where you live in WV (or in Colorado!), we can still follow legislation, contact legislators and have a voice in shaping public policy. Thank you to all our NASW members, partners and coalition members who serve as advocates.

One big accomplishment that NASW has worked on for many years with the Citizens for Clean Elections Coalition resulted in the passage of the Supreme Court Public Financing Pilot Project (HB 4130). We see this as a first step to REAL CAMPAIGN FINANCE REFORM that will hopefully lead to state-wide elections. Congratulations and thanks to all of you who stuck with it and made this victory happen!

Passed Legislation

A total of 1378 Bills were introduced this Session. 120 Senate bills and 97 House bills passed for a total 217 bills that have completed legislation action. Bills of interest that NASW followed include:

SB 38	Creating WV Service members Civil Relief Act
SB 51	Relating to child custody plans for National Guard or military reserve parents
SB 81	Creating WV Official Prescription Program Act
SB 122	Increasing mental health treatment refusal age of consent
SB 218	Providing for early parole eligibility for certain inmates
SB 286	Authorizing DHHR promulgate legislative rules
SB 349	Requiring child care centers have written evacuation plan

SB 362	Prohibiting providing false information to obtain controlled substances prescription
SB 442	Clarifying PEIA Finance Board may offset certain annual retiree premium increases
SB 446	Clarifying deceased public employees' survivors participate in comprehensive group health insurance plans only
SB 449	Relating to PEIA preexisting conditions limitations
SB 483	Authorizing HMOs offer point of service option
SB 490	Relating to domestic violence
SB 498	Updating language relating to adult social services
SB 514	Clarifying certain language in Controlled Substances Monitoring Act
SB 515	Relating to firearms' purchases and licensing
SB 533	Revising statutory language regarding child abuse
SB 597	Requiring women seeking abortion opportunity to see fetus ultrasound image
SB 604	Extending mental hygiene procedures' sunset provision
SB 636	Reconstituting Commission to Study Residential Placement of Children
SB 664	Relating to duties of protected person's guardian
SB 669	Allowing municipalities to operate teen courts
SB 696	Relating to limited liability partnerships
HB 2773	Increasing the monetary penalties for selling tobacco products to minors
HB 4130	Creating the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program
HB 4133	Clarifying the requirements to practice marriage and family therapy
HB 4164	Creating of a pilot program for the placement of children four to ten years of age in foster care which shall be known as Jacob's Law
HB 4167	Creating a special revenue fund, known as the Department of Health and Human Resources Safety and Treatment Fund
HB 4188	Anti-Criminal Street Gang Act
HB 4194	Codifying the Division of Criminal Justice Services being incorporated into the Department of Military Affairs and Public Safety
HB 4248	Relating to the solicitation of charitable funds
HB 4281	Replacing references to "mental retardation" with "intellectual disability"
HB 4299	Providing that nonstate retired employees who have worked for their last nonstate employer for less than five years are responsible for their entire premium cost
HB 4354	Relating to conditions and arrests in domestic violence matters
HB 4361	Removing provisions prohibiting sharing domestic violence information with other governments
HB 4373	Eliminating the twelve-month look-back period for certain children who have had employer sponsored insurance
HB 4374	Caregivers Consent Act
HB 4425	Developing a pilot program for unlicensed personnel to administer medication in a nursing home
HB 4531	Mandating that shackling of pregnant women who are incarcerated is not allowed except in extraordinary circumstances
HB 4534	Increasing the criminal penalty for failing to stop and render aid after a motor vehicle accident; Erin's Law
HB 4557	Reviewing all of the Department of Health and Human Resources requests for proposals or change orders valued at over \$500,000 prior to their release
HB 4582	Creating reciprocity for West Virginia small, women and minority-owned businesses who receive such preferences in other states
HB 4623	Adding six additional members to the Equal Pay Commission, three from the House of Delegates and three from

	the Senate
HB 4652	Establishing a school calendar committee for each county

Information regarding passed domestic violence legislation that we worked on with in the Coalition for Safe Families:

SB 490: Relating to Domestic Violence Protective Orders (DVPOs)

- Adds “stalking” to the civil definition of domestic violence.
- Provides for the protection of pets/animals as permissive relief.
- Gives court discretion to order any permissive relief necessary to protect the petitioner’s physical safety.
- Adds provision for automatic extensions of 180-day orders for an additional 90 days.
- Allows for 1-year orders when aggravating factors are present or when the court determines necessary.
- Allows for extensions beyond one year if there is a material violation of the existing PO.
- Closes loophole for civil contempt bonds.
- Increases penalties for 2nd, 3rd and subsequent misdemeanor offenses for violations of POs.

HB 4354: Relating to Firearms Seizure

Allows law enforcement to seize weapons possessed in violation of a PO within a final divorce order.

HB 4361: Relating to the Domestic Violence Registry

Allows for the sharing of information between governments for the effective functioning of the DVPO Registry.

To see the list of all bills that passed both chambers, or access the specific bills, please go to http://www.legis.state.wv.us/Bill_Status/Bills_all_pass.cfm?year=2009&sessiontype=rs&btype=bill

Budget Information

House and Senate conferees completed work on the 2010-11 state budget the week after the Session ended. The budget includes an additional \$15 million for Medicaid waiver programs to provide in-home care to senior citizens and for persons with developmental disabilities. Earlier in the session, legislators were told that more than 900 seniors around the state are medically eligible for the program, but could not receive in-home care because there’s not enough state funding. Advocates of the program say it ultimately saves the state money by allowing senior citizens to remain in their homes instead of moving into costly nursing homes.

Funding increases in the two waiver programs were an exception to the rule in the 2010-11 budget, as most agencies and divisions will absorb 2.5 percent spending cuts, compared to the current budget.

Overall, the costs of operating state government from this July 1 through June 30, 2011 will total \$11.6 billion, \$3.7 billion of which comes from state tax collections.

NASW Involvement

- Organized a Feb. 16th presentation to Women’s Caucus (member of both House and Senate) on legislation affecting women, children and families
- In the final days of the session, successfully suggested that Del. Brown to draft a letter to the Governor on behalf of the Women’s Caucus asking that he preserve funding for programs that assist women, children and families; all members of the House Women’s Caucus signed the letter.
- During Budget Week, provided a copy of Women’s Caucus letter to Del. Perdue in preparation for his discussion of the health portion of the state budget
- Help to clarify Miss WV Talia Markham’s understanding of workforce issues in child protective services (she is an outspoken advocate children and had access to legislators; afterward she began to focus her public remarks more on hiring incentives and retention strategies); she convinced Del. Carmichael to introduce a bill to increase DHHR social worker salaries (an good educational gesture but current budget realities dictated that the bill did not get serious attention)
- Organized a meeting with the WV Medicaid Commissioner about consumer and advocate concerns regarding the Mountain Health Choices programs

Kept in contact with administration officials on:

- Child welfare legislation
- Medicaid programs and funding
- Substance abuse prevention, treatment and recovery programs and funding
- Inclusive language (changing 'mental retardation' to 'intellectual disability')
- Removing language from a bill that would have allowed felons restricted from gun ownership to obtain antique or muzzle loading weapons
- Stimulus funding

Kept in contact with and/or provided suggested language to staff of the following legislative committees regarding specific bills:

- House Health and Human Resources Committee
- House Government Organization Committee
- House Judiciary Committee
- Senate Judiciary Committee
- Senate Finance Committee

Successfully supported the following bills:

- 'Jacob's Law' creating enhanced specialized foster care pilot projects
- Updating domestic violence protective orders
- Supreme court 2012 public ally financed elections pilot project

Successfully worked to modify prior to passage:

- A bill updating legal language from 'mental retardation' to 'intellectual disability'
- A bill regarding guardian responsibilities for at risk persons
- Taking out language that would allow felons to obtain antique or muzzle loading weapons

Supported bills that did NOT pass:

- Creation of the Office of the Child Advocate
- Creation of the Herb Henderson Office of Minority Issues
- Unemployment modernization
- Student loan forgiveness

Opposed bills that did not pass:

- Urine testing for public assistance recipients
- Constitutional amendment to define marriage

Participated in press conferences and public actions on:

- Health care reform
- Unemployment modernization
- Ultrasound bill (in opposition to)
- Health disparities
- Equality and Social Justice issues
- Public utilities
- Publically financed elections (Supreme Court 2012)

Spoke at public hearings on:

- Unemployment modernization (in favor of)
- Ultrasound bill (in opposition to)

Attended public hearing on:

- Substance abuse prevention, treatment and recovery
- Surface owner's rights

Collaborations with coalitions and like-minded organizations:

- Legislative Action Team for Children
- Fair Shake Network
- West Virginians for Affordable Health Care
- West Virginia Citizen Action Group
- FACES on Medicaid Coalition
- WV FREE (reproductive freedom coalition)
- Alliance for Children
- Substance abuse prevention, treatment and recovery
- Equal rights
- First amendment freedoms
- Citizens for Clean Elections
- Coalition for Safe Families

This was a very busy session for NASW. WE MUST CONTINUE OUR WORK THROUGHOUT THE YEAR!!! WV-NASW continues to establish ourselves as a viable force in policy making and we are sought out for our recommendations and testimony. The media often contacts us for comments on pending legislation. As social workers, we need to stay involved in public policy issues. Interims will be held on a monthly basis where issues for the next legislative session will be discussed. The formation of many policy decisions is made outside of the regular session. NOW is the time to contact your representatives. During the Session, they often do not have a lot of time to meet with constituents. Let them know you are a social worker and are concerned about public policy. YOU have expertise in many areas that they are unfamiliar with. Invite them to your organizations. Attend town meetings and let them know of your issues and concerns. Take the time to meet them. They make decisions every day affecting YOU and the people YOU serve.

THIS IS AN ELECTION YEAR. You will soon be receiving information from our political action committee, NASWAC. We encourage you to become involved with NASW in your region's political activities. If you would like to learn how to become more involved, please contact our office or visit our website at: www.naswww.org.

NASW will continue our work with various coalitions in forming policy issues throughout the year. For additional information on legislation or how you can become more involved with issues please give us a call at 345-NASW (6279).

Thank you to everyone who made phone calls, wrote letters, sent e-mails, attended "Social Work Day at the Legislature", and met with their representatives. NUMBERS TALK. The more social workers that get involved, the stronger our voice is in shaping public policy. THANK YOU for your assistance in shaping policy for West Virginia.