

FROM YOUR DELEGATE - August interims are complete.

DELEGATE GARY G HOWELL · THURSDAY, AUGUST 31, 2017

The August interim meetings of the West Virginia Legislature have now been completed.

This was the first meeting of the interim committees of the 83rd Legislature, which are made up of both Senate and House members. I serve on the Government Accountability Transparency and Efficiency Committee (GATE), and I am the House chairman of the Joint Committee on Government Organization and the Government Operations committee.

The Senate chairman was one of our local senators, Senator Craig Blair, but he has been appointed as the Senate finance chairman, after Senator Mike Hall resigned to become the Governor's chief of staff.

The GATE Committee held hearings regarding the use of Construction Managers by the West Virginia School Building Authority. The debate on the controversial practice centers around whether or not the practice saves taxpayer money. Don Gatewood, chairman of the WV Chapter of Associated Builders and Contractors, INC, Adam Krason, executive committee member of the WV Chapter of the American Institute of Architects, and Dr. Mark Manchin, superintendent of Harrison County Schools, all spoke against the practice., basically saying there was no cost savings. There were letters of support for the practice, most coming from Marshall County which recently built a new high school in Cameron. The school had a lot of issues that led to cost over runs. Scott Raines, director of school planning and construction at the School Building Authority, praised the practice, but many disagreed with his presentation. More information will be presented at the next meeting in September.

When the Committee on Government Organization met, we first heard from the Purchasing Division, the WV Board of Registration for Professional Engineers, and the Contractor Licensing, on the licensee and debarment of those involved in defrauding the state's taxpayers through a kickback scheme which caused \$1.5 million worth of highway work to be routed to the Dennis Corporation, a Columbia, South Carolina engineering consulting firm. West Virginia firm Bayliss and Ramey, Inc. submitted invoices with a 20 percent mark-up to ensure that it would be compensated for its role in the scheme. I requested the agencies update the committee because most of the co-conspirators pled guilty, but the loss of licenses and debarment for those individuals was not immediate, which was the reason for the committee briefing.

We were next given a presentation by the Department of Revenue and their various divisions, that included staffing levels and how they were trying to increase efficiency for the taxpayer. We also received what is called a "Sunrise Report," which is a group seeking to require licenses. The purpose of licensing is to protect the safety of the public, but many times it is professionals trying to making it harder for people to enter the profession by increasing requirements and cost. These costs are passed on to consumers in the form of higher prices. In this case, they wanted to create a licensing board for music therapists. The board, if created, would have regulated those involved in music improvisation, song writing, lyric discussion, singing, music combined with other arts, music-assisted relaxation, and electronic music technology. None of our surrounding states regulate this profession and the Sunrise Report indicated there is no risk to public safety if the industry remains unregulated. The time spent on hearing this report could have been better spent.

Legislative Auditors next presented a regulatory board review of the Board of Respiratory Care Practitioners, which reviewed the boards practices and found them to be generally doing a good job. It did note that several board members failed to attend the mandatory State Licensing Board Seminar for regulatory board members and senior staff.

Two reports presented to the Government Organization Committee really stood out. The first was on the West Virginia Real Estate Appraiser Licensing and Certification Board. The board violated the law by hiring persons specifically bared from being employed by the board, because it created a conflict of interest in handling disciplinary actions. The hires acted in the capacity of board members for the purpose of disciplinary actions. It was further suggested this violated the state constitution as the Governor is tasked with appointing board members with the approval of the Senate.

What was more disturbing was that Glenn Summers, board chairman, indicated in testimony that the board would not be able to correct the situation until 2019. When offered the chance to question Mr. Summers, I asked when the board would comply with the law and he was unsure. I suggested they comply with the law at the very next meeting. He then asked me how they could handle disciplinary actions, and I told him the same way every other board does with the board reviewing the evidence as the law requires. It is amazing how many people believe there is nothing wrong with not following the law in Charleston.

The final audit presentation was more on the state vehicle fleet. It keeps getting worse with every report. This report showed the 69 percent of state agencies do not have a written fleet management policy. 5 state agencies never even responded to the inquiries on how they are using state vehicles. Only 23 of 88 agencies

that responded had a vehicle maintenance policy, meaning these vehicles could be going without regular maintenance causing increased maintenance related expenses to the taxpayer. Only 13 agencies had a commuter policy, meaning many vehicles could be taken home with the taxpayer paying for the fuel and wear and tear, and only two had an optimization policy making sure the vehicles were being used in a way to save the maximum amount of taxpayer money.

Charleston is a swamp, just like Washington, D.C., with many showing a disregard for the law and the taxpayer's money. We are working on fixes, but it will be a long road and I will not rest at protecting the taxpayer. It is why I consistently vote against raising taxes, because right now the only reason to raise taxes is to fund the waste. It has to stop.

As always if you have a question, a suggestion on how to improve our state government or need help with a state agency, then you can always call me at (304) 340-3192 or if you prefer e@mail me at Gary.Howell@WVHouse.gov. Make sure you leave your full name, address and phone number so I can contact you if you leave a message.