

# UNDER the DOME



MARCH 9, 2016

## Welcome

Under the Dome is an update on actions and activities of the West Virginia Legislature, provided during the regular legislative session and interim sessions for West Virginia University faculty and staff by WVU's Office of State, Corporate and Local Relations. This issue provides a review of legislation critical to WVU and other legislative activity, including the budget proposals that were revealed this week by the Legislature.

## Protecting WVU Tech

A bipartisan group of House and Senate members have introduced bills to ensure the continued viability of WVU Tech. **HB 4310** (sponsored by Delegates John O'Neal, Bill Anderson, Lynne Arvon, Mick Bates, Paul Espinosa, Barbara Fleischauer, Cindy Frich, Brian Kurcaba, Tim Miley, Eric Nelson and Joe Statler) was introduced last week. A companion bill, **SB 386** (sponsored by Senators Jeff Mullins, Bob Beach, Craig Blair, Ed Gaunch, Mike Hall, Jeff Kessler, Roman Prezioso, Charles Trump and Bob Williams), was introduced as well. The bill has passed both the House and the Senate. Because the Senate Education Committee amended the bill, it returns to the House to concur with the Senate's amendments. If the House concurs, the bill will go to the governor for his signature.

## The Budget

The governor introduced his budget bill during his State of the State speech in January. The budget presented used no money from the State's Rainy Day Fund, fully funded PEIA and raised several taxes, including on tobacco and tobacco products, a telecommunication tax increase, as well as other revenue generating measures.

On Tuesday, the Senate Finance Committee and the House Finance Committee unveiled their budget proposals.

**SB 269** is the Senate's budget bill. It uses no money from the State's Rainy Day Fund, fully funds PEIA, raises the tobacco tax, raises the gas tax, eliminates subsidies to greyhound racing, as well as other revenue-enhancing measures, and does not make further cuts to state agencies. The bill passed the committee and is being considered by the full Senate.

**HB 4017** is the House's budget bill. It balances the budget by using additional money from the State's Rainy Day Fund, sweeping several agency revenue accounts for additional funding and making some minor increases in cuts to state agencies. However, higher education institutions are not included in those additional cuts. It contains no additional tax increases, while still fully funding PEIA. The bill passed the committee 15-10 and moves to the full House for consideration.

The governor is expected to extend the 60-day regular session of the Legislature into next week in order to work on the budget. Due to the conflicting proposals from both chambers to balance the budget, it is likely that the budget session could extend into late spring or early summer before a final bill is crafted and passed. A balanced budget must be passed by the Legislature and signed by the governor before the new fiscal year begins on July 1.

## Right to Brunch

**SB 298**, commonly referred to as the “Right to Brunch” bill, would allow for the sale of alcoholic beverages at restaurants, bars and private establishments at 10 a.m. on Sundays. The bill passed the Senate on February 16. The bill was stalled in the House, but it was ultimately considered by the House Roads and Transportation Committee on Thursday. A referendum was added to the bill to allow each county commission to put the issue before the voters in a referendum on the general election ballot. The House Judiciary Committee amended the bill to provide the election choice to be either on the primary or general election ballot. It now goes to the full House for consideration.

## Uber/Lyft

**SB 430** and **HB 4305**, Authorizing Transportation Network Companies to Operate in the State (also known as the Uber bill), were introduced at the request of Governor Tomblin. They are expected to have bipartisan support and pass both houses this session. **HB 4228** is a similar bill. It passed House Roads and Transportation and House Finance. It passed the House overwhelmingly and the Senate unanimously. Because the Senate amended the bill, it will return to the House for approval. The House is expected to concur with the Senate amendments, and the governor is expected to sign the bill when it reaches his desk.

## Tobacco Tax

**SB 420**, introduced by Senator Jeff Kessler at the request of Governor Tomblin, increases the tax on cigarettes, tobacco products and other related goods, such as e-cigarettes. **HB 4494**, a companion bill that is sponsored by Delegate Tim Miley at the request of the Governor, was introduced Thursday. **SB 420** passed the Senate 26-6. The Senate included a \$1 increase on the tax. The governor’s original proposal called for an increase of \$0.45. The House Finance Committee debated the bill on Thursday. Several amendments were proposed and debated, but the bill ultimately failed to pass committee.

## Other Legislative Activity

More than 1,800 bills have been introduced. So far, high-profile bills include:

### **Charter Schools**

**HB 4011**, Providing for the Authorization and Oversight of Public Charter Schools, establishes a charter school system in the state. It was introduced on January 20 and assigned to House Education. **SB 407** is the companion bill introduced in the Senate.

### **Firearms**

**HB 4145**, which is referred to as “Constitutional Carry” or “Permitless Carry” bill, provides for open carry of firearms to West Virginia citizens and provisional concealed carry permits to 18- to 20-year-olds. The bill retains concealed carry permit processes for reciprocity rights with other states. The bill passed the House 68-31. It passed the Senate 24-9. Due to the Senate’s amendments, it returned to the House for approval of the changes. Governor Tomblin vetoed the bill on Thursday, citing safety concerns for law enforcement. On Friday, the House voted to override the governor’s veto, and the Senate did the same on Saturday.

### **Transportation and Infrastructure**

**HB 4009**, Letting Our Counties Act Locally Act, was introduced and assigned to House Roads and Transportation. This bill, whose lead sponsor is Delegate Joe Statler of Monongalia County, would generally allow counties to use a 1 percent sales tax to fund the construction of new roads and bridges and upgrading of current roads and bridges. The bill passed the House last week 60-39. It will be considered by Senate Judiciary this week.

### ***Religious Freedom Restoration Act***

**HB 4012**, titled the Religious Freedom Restoration Act, passed House Judiciary last week after being amended. Proponents argue that the bill will preserve religious freedom for individuals, while opponents believe that religious freedom will be used as a tool for discrimination. The bill passed the House 72-26 with bipartisan support and bipartisan opposition. In the Senate, the bill was changed by the Senate Judiciary Committee. On the floor, a majority of senators successfully amended provisions protecting local nondiscrimination ordinances and state vaccination policies in the bill. The Senate ultimately defeated the bill last week.

### ***Common Core***

The House Education Committee held a public hearing on **HB 4014**, which prevents the State Board of Education from implementing academic assessments and standards, commonly referred to as “Common Core.” A number of bills have been introduced this year related to this issue. Gypsy Denzine, dean of the WVU College of Education and Human Services, spoke at the public hearing. Dean Denzine and the College researched, assessed and analyzed data collected through the State Board’s Academic Spotlight review in 2015. The bill passed the House on February 26. The Senate Education Committee will soon consider the bill.

### ***Horizontal Well Unitization/Forced Pooling***

**HB 4426**, the Horizontal Well Unitization and Landowner Protection Act of 2016, was introduced on February 5. It is commonly known as horizontal well unitization by proponents and forced pooling by opponents.

### ***Upper Kanawha Valley Resiliency and Revitalization Program***

Senator Bill Laird (D-Fayette) introduced **SB 656** on February 20. The Department of Commerce will establish a council for the Upper Kanawha Valley Resiliency and Revitalization Program. A council is to be established by the Department of Commerce to provide resources and expertise to study and create ideas to improve the economy and quality of life of the Upper Kanawha Valley area of Kanawha and Fayette counties. The bill passed both the House and the Senate. It now goes to the governor for his signature.

### ***Election Reform***

**SB 5**, Requiring Voters Present Photo ID When Voting, was introduced and assigned to Senate Judiciary. A similar bill, **HB 4013**, passed the House. It now goes to the Senate for consideration.

### ***Right to Work***

**SB 1**, Establishing West Virginia Workplace Freedom Act (commonly referred to as Right to Work), was passed by the Senate and House. Governor Tomblin vetoed the bill. A simple majority of both houses is needed to override the governor’s veto, and the Senate and House voted to override the veto.

### ***Prevailing Wage***

**HB 4005**, which repeals prevailing wage, passed the House and Senate. Governor Tomblin vetoed the bill. A simple majority of members is needed to override the governor’s veto, and the House and Senate voted to override the veto.

### ***Judicial Reform***

**SB 9**, Creating Intermediate Court of Appeals, was introduced and sent to Senate Judiciary and Senate Finance. The bill was not considered by the Senate this session.

## Legislative Calendar

60th Day (March 12, 2016) – Final day of session. Adjournment at midnight.

## Fast Facts

- There are 49 WVU alumni serving in the Legislature.
- Governor Tomblin received his undergraduate degree from WVU.
- Three of the five justices on the West Virginia Supreme Court graduated from the WVU College of Law.

## WVU at the Capitol

Travis Mollohan and Rocco Fucillo, both from WVU's State, Corporate and Local Relations, will represent WVU at the Capitol during the 60-day session. They will answer questions, monitor progress of issues and bills and help to coordinate requests from members and legislative staff that would involve WVU.

If you, your colleagues or your students are planning to make a visit or presentation on behalf of WVU, please contact Travis or Rocco before you go. They can facilitate your visit and ensure that all WVU efforts are coordinated – to create a stronger presence and unified voice.

Contact info: Travis Mollohan ([tmolloh1@mail.wvu.edu](mailto:tmolloh1@mail.wvu.edu)) or Rocco Fucillo ([rsfucillo@mail.wvu.edu](mailto:rsfucillo@mail.wvu.edu)).

## More Information

To learn more about the Legislature, including district maps, bill tracking, committee assignments and a daily summary of legislative activities, please visit [legis.state.wv.us/index.cfm](http://legis.state.wv.us/index.cfm).

To see daily legislative activities, including introduced bills and committee hearings, please visit the Legislative Bulletin Board at [legis.state.wv.us/Bulletin\\_Board/Bulletin\\_Board\\_menu.cfm](http://legis.state.wv.us/Bulletin_Board/Bulletin_Board_menu.cfm).

To learn more about WVU's legislative initiatives, please visit [staterelations.wvu.edu](http://staterelations.wvu.edu).