

# UNDER the DOME



APRIL 29, 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 the WVU Office of State, Corporate and Local Relations. This issue provides a review of final action on certain bills by the governor and the legislature, as well as an update on the budget negotiations.

## Protecting WVU Tech

A bipartisan group of House and Senate members 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 on January 27. 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.

**HB 4310** passed the House on February 22. It passed the Senate on March 7 with amendments. The House passed the amended bill on March 12, and it was signed by Governor Tomblin on March 25. The law goes into effect on June 9.

## Efficiencies for Higher Education

Three bills passed that provide critical efficiencies and cost-savings for the University's operations.

**SB 594** allows the State Auditor to consider an agency-generated electronic invoice as an original invoice, provided that the invoice contains the vendor's name, address, invoice number, date, amount, description of items purchased or services provided, as well as other details. This will provide efficiency and cost-savings. It passed both chambers unanimously and has been signed by the governor.

**SB 439** eliminates the requirement that the state budget director must approve personal services payment under certain circumstances. This will streamline the payroll process, while retaining transparency and accountability. The bill passed both chambers and has been signed by the governor.

**SB 369** reduces the number of reports that the University must make to the Legislative Oversight Commission on Education Accountability. It passed both chambers and has been signed by the governor.

## The Budget

Negotiations continue on the budget between the governor and Republicans and Democrats in the House and Senate. While the governor introduced a budget during his State of the State address in January, it was not ultimately passed by either chamber. Additionally, the budgets proposed separately by the House and Senate were not agreed to by the other chamber. Therefore, the legislature adjourned on March 15 from the extended session that focused on the budget.

Further complicating the fiscal outlook, on April 21, Standard & Poor's downgraded the State's bond rating from AA to AA -. S&P cited the declining coal industry, long-term financial challenges and a weakening statewide economy for the reasons. They gave high marks to the State for its Rainy Day fund of nearly \$748 million, which may decrease in the coming months because the revenue shortfall continues to increase dramatically.

It is expected that the legislature will be called into special session in the next few weeks by the governor to consider a final budget. The new fiscal year begins on July 1, 2016.

Click here to read the [letter from Standard & Poor](#).

Click here to [read the governor's statement](#) on S&P's downgrade.

## Actions by the Governor

Governor Tomblin has signed and vetoed several bills. Highlights of the governor's actions include:

- Signed **SB 656**, which creates the Upper Kanawha Valley Revitalization and Resiliency program and establishes a council under the West Virginia Department of Commerce, will provide resources and expertise to study and create ideas to improve the economy and quality of life of the Upper Kanawha Valley region in Kanawha and Fayette counties.
- Signed **SB 6**, which creates a pilot program to test recipients of TANF (Temporary Aid for Needy Families) for substance abuse.
- Signed **HB 4228**, which allows for transportation network creation, commonly known as Uber and Lyft. The bill will go into effect on July 1, 2016.
- Signed **SB 597**, which creates hospital cooperative agreements through the West Virginia Healthcare Authority that are not subject to FTC review and approval.
- Vetoed **SB 254**, which would have not permitted county park boards of recreation to outlaw firearms in their facilities.
- Signed **HB 4334**, which increases the scope of practice for advanced practice registered nurses (APRN).
- Signed **HB 4009**, which allows county commissions, through referendum on the primary or general election ballot, to impose a 1% countywide sales tax for road construction and maintenance.
- Signed **HB 4618**, which limits the use of a public officials' name and likeness on items purchased with taxpayer money.
- Signed **SB 298**, commonly known as the "Right to Brunch" bill, which allows counties, through a referendum vote, to allow the sale of alcohol at bars, restaurants, wineries and distilleries starting at 10 a.m. on Sundays.
- Vetoed **HB 4014**, which repeals certain statewide academic standards, commonly known as Common Core.
- Signed **SB 619**, called the Regulatory Reform Act, which requires agencies to seek and publish public comments on agency rules, as well as obtaining an economic impact and public health impact study. The bill also phases out every rule after five years.
- Signed **HB 2615**, known as the West Virginia Small Business Capital Act, which would assist small businesses to obtain capital through nontraditional means, such as residents directly investing in the business or idea. This is commonly known as "crowdfunding."

- Signed **SB 339**, the Judicial Compensation Commission, which creates a taskforce to study pay for Supreme Court justices, circuit court judges, family court judges and magistrates.
- Signed **HB 4013**, which requires voters to present identification when voting at their polling place and also automatically registers individuals to vote when they obtain a driver's license or state ID at the DMV, unless they opt out.
- Signed **HB 4364**, the Internet Privacy Protection Act, which prevents an employer from compelling an employee or applicant from providing user-name, password or other information for social media accounts, unless the technology used is provided by the employer.
- Vetoed **HB 4307**, which would have allowed a firearm to be carried for self-defense in state parks, state forests and state recreational areas.
- Signed **SB 68**, which disallows the state Health Care Authority from conducting rate review and rate settings for hospitals.
- Signed **HB 4463**, which permits the practice of telemedicine.
- Signed **HB 4365**, which modernizes the Certificate of Need (CON) process for hospitals.

To search all actions by the governor on any bill passed by the legislature, please visit the governor's "Bill Status" webpage at [governor.wv.gov/media/Bill%20Status/Pages/default.aspx](http://governor.wv.gov/media/Bill%20Status/Pages/default.aspx).

## High-Profile Bills Not Completing Legislative Action

### *Soda Tax*

**SB 604** increased the current soda tax by \$0.05 on 16 oz. and half-liters, \$4 on gallons and \$0.05 on dry mixtures. The additional revenue would have been divided by giving 40% of the new money to the WVU School of Medicine, 20% to Marshall's medical school, 20% to the West Virginia School of Osteopathic Medicine and 20% to DHHR for Medicaid expansion programs.

**HB 4504** increased the current soda tax by \$0.01 on 16 oz. and half-liters, \$0.80 on gallons and \$0.01 on dry mixtures. The additional revenue would have been divided by giving 75% to fund maintenance and operations of higher education institutions and 25% to fund county health departments.

### *Higher Education Tuition*

**SB 677** would have allowed higher education institutions to increase the cost of tuition for students taking more than 16 credit hours and also change the formula for calculating tuition on online courses.

## Generation Next: 40 Under 40

For 11 years, the State Journal has honored 40 West Virginians under 40 with their "Generation Next: 40 Under 40" award. WVU was well-represented among the honorees. Six individuals from WVU were honored by the State Journal and Governor Tomblin on March 31.

Brian Anderson  
Director, WVU Energy Institute

George Capel  
Student Body President

John Deskins  
Director, Bureau of Business and Economic Research

Dr. Hannah W. Hazard  
Physician-in-Chief and Director of Clinical Services, WVU Cancer Institute

Sean McWilliams  
Professor of Physics and Astronomy

Jen Wood Cunningham  
Director of University Relations, WVU Institute of Technology

Click to see a full list of [honorees](#).

### **WVU at the State Capitol**

Travis Mollohan and Rocco Fucillo, both from WVU's State, Corporate and Local Relations, represented WVU at the Capitol during the 60-day session. They can answer questions about any bill addressed during the legislative session.

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 summary of legislative activities, please visit [legis.state.wv.us/index.cfm](http://legis.state.wv.us/index.cfm).

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