

UNDER the DOME



APRIL 3, 2017

The Week in Review

This issue of Under the Dome provides a review of the fifth and sixth full weeks of the regular legislative session. Bills and actions that pertain to WVU, higher education and the State budget are highlighted.

Governor Brings SOS Tour to WVU

Governor Jim Justice visited West Virginia University on March 29 as part of his Save Our State tour. President Gee, Provost McConnell and Dr. Marsh introduced the governor and guest speakers, including DOT Secretary Tom Smith and DHHR Secretary Bill Crouch.

To watch the governor's visit, please see www.youtube.com/watch?v=hCrueqoE4PoWVU.

Institutional Flexibility (HB 2542 and HB 2815)

HB 2542, which provides flexibility on personnel to higher education institutions, passed the Senate on March 14. Governor Justice signed it into law on March 23.

The governor's higher education reform bill, **HB 2815**, which gives increased freedom to higher education institutions from the Higher Education Policy Commission, passed House Education on March 22 and House Judiciary on March 24. It passed the House 98-2 on March 28. It passed Senate Education on Saturday and now goes to the full Senate for consideration.

The Budget

On March 25, the House Finance Committee unveiled its budget framework for FY 2018. While the Legislature announced two weeks ago that approximately \$170 million in additional cuts would be directed at higher education, public education and DHHR, the current framework does not rely on those heavy reductions. However, the projections depend greatly on the passage of several bills, including **HB 2933**, which reduces the State sales tax rate from 6% to 5% but broadens the base by removing exemptions for professionals (like accountants, lawyers, architects, real estate brokers, financial services brokers and engineers), adding a 3% sales tax to food, imposing the sales tax on telecommunication services and other measures to fill the budget gap.

The proposed House budget retains Governor Justice's 4.4% recommended budget reduction to WVU and Marshall and also includes the 2% midyear cut enacted by Governor Tomblin to higher education institutions. The House Finance Committee is expected to begin debating and considering the Budget Bill early this week

However, **HB 2933** did not gain traction in the House and was not acted upon before "crossover day."

The Senate did act upon several revenue and tax measures, including **SB 477**, which would raise DMV fees and gasoline tax for infrastructure investment, and **SB 409**, which would increase the State sales tax from 6% to 7%, levy a 3.5% tax on food, remove certain exemptions on professionals and change the personal income tax brackets for West Virginia residents.

For questions or more information, contact Travis Mollohan, director, State and Local Relations, email: tmolloh1@mail.wvu.edu; phone: 304-400-4963

On Friday, Governor Justice announced that the West Virginia State Chamber of Commerce is in full support of his Commercial Activity Tax, which would levy a .045% tax on business activity and generate approximately \$45 million. The business community announced “it is time to solve this budget crisis and give West Virginia businesses stability and predictability.” The news is considered good progress as the negotiations continue between the governor and Legislature.

Public Health

SB 537, which allows for a religious or personal exemption to mandatory immunizations, passed the Senate Education committee on March 23. On the floor, the bill was taken up for immediate consideration. However, after debate, the bill was sent to the Senate Health and Human Resources committee. WVU faculty and staff, along with WVU Medicine personnel, have been directly involved in providing information on the harmful effects these exemptions would cause. The bill was moved from the Senate calendar back to committee, effectively killing it this session.

SB 549, which allows for those 21 or older to operate or ride a motorcycle without a helmet, passed the Senate Transportation committee on March 21. The bill went to Senate Judiciary for consideration. The WVU School of Public Health and the Injury Control Research Center have been involved in providing information on the harmful effects of repealing the helmet law. The full Senate debated it on March 29, and it was defeated 19-15 after a long debate on the floor.

Legislation Introduced

1,801 bills have been introduced so far in the House of Delegates and the State Senate. Bills relating to higher education and higher-profile bills include:

SJR 6 – Governor’s Constitutional Amendment to Finance \$1.6 Billion in Road Bonds, called the “Roads to Prosperity Act”

SB 7 and **HB 2124** – Requiring House of Delegates Members Be Elected by Single Member Districts

SB 18 – Requiring ACT and ACT Aspire Be Used as Comprehensive Statewide Student Assessment

SB 27 – Relating to Microprocessor Permits (the “Pickle Bill”)

SB 32 – Increasing Higher Education Student Success

SB 75 – Creating the Small Business Regulatory Review Board

SB 76 and **HB 2107** – Creating the West Virginia Second Chance for Employment Act

SB 181, **SB 420** and **HB 2711** – Abolishing Regional Education Service Agencies

SB 184 – Transitioning the West Virginia School of Osteopathic Medicine to Nonprofit Corporation

SB 188 – Correcting Definition of Telehealth in Medication-Assisted Treatment Programs

SB 199 and **HB 2018** – Budget Bill

SB 221 – Composition of PEIA Finance Board

SB 244 – Gas Co-Tenancy and Lease Integration

SB 246 and **HB 2506** – Related to Water Quality Standards

SB 266, **SB 367** and **HB 2004**, **HB 2492** and **HB 2622** – Relating to State Vehicle Fleet Management

SB 274 and 2542 – Relating to Higher Education Personnel

SB 277 – Creation of an Intermediate Appellate Court

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- SB 335** – Tax Reform
- SB 359** and **SB 537** – Allowing Exemptions from Mandated Immunizations
- SB 385**, **HB 3045** and **HB 3085** – Related to Tax on Bottled Soft Drinks
- SB 386** – Creating the West Virginia Medical Cannabis Act
- SB 402** – Relating to Covenants Not to Compete between Physicians and Hospitals
- SB 408** – Eliminates Civil Service System for Public Employees Excluding Higher Education Personnel
- SB 409** – Modifying Exemptions for Consumer Sales and Service Tax
- SB 415** – State Severance Tax Tiers
- SB 418** – Governor’s Comprehensive Substance Use Reduction Act
- SB 420** – Governor’s Education Reform Bill
- SB 446** and **HB 2879** – Authorizing the Governor to Furlough State Employees
- SB 477** – Increasing State Road Fund by Raising DMV fees and Motor Fuel Excise Taxes
- SB 511** and **HB 2815** – Governor’s Higher Education Governance Bill
- SB 523** – Converting to Biweekly Pay Cycle for State Employees
- SB 524** – Relating to West Virginia Academic Standards
- SB 534** – Relating to Incentives for Consolidating Local Governments
- SB 549** – Allowing Individuals at Least 21 or Older Operate or Ride Motorcycle without a Helmet
- SB 578** – Relating Generally to Copies of Health Records Furnished to Patients
- SB 634** and **HB 3006** – Relating to Certain Agreements between DHHR, WVU and Marshall
- SB 651** – Relating to Research, Development and Technology Parks
- HB 2001** – Relating to Ethics and Transparency in Government
- HB 2071** – Allowing the Medical Use of Cannabis-Based Pharmaceutical Products
- HB 2079** – Abolishing the Higher Education Policy Commission
- HB 2144** – Relating to Relocation or Closure of State Higher Education Institution
- HB 2159** – Healthy and Safe Workplace Act
- HB 2194** – Reducing Personnel Employed by the West Virginia Department of Education
- HB 2212** – West Virginia Firearms Freedom Act
- HB 2335** – Protecting Academic Freedom in Higher Education
- HB 2559**, **HB 2713** and **HB 2835** – Permitting Concealed Carry on Higher Education Campuses
- HB 2572** – Public Charter Schools
- HB 2623** and **HB 2670** – Prohibiting Discrimination Based upon Age or Sexual Orientation
- HB 2686** – Independent Evaluation of State’s Revenue Estimates by WVU and Marshall Business Colleges
- HB 2711** – Abolishing RESAs
- HB 2852** – Relating to the Preparation of Comprehensive Annual Financial Report
- HB 2887** – Relating to Retirement and Separation Incentives
- HB 2904** – Reorganizing the West Virginia Health Care Authority
- HB 2973** – Preserving and Transferring Firefighter Training Courses

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HB 3001 – Abolishing the Higher Education Policy Commission

HB 3082 – Establishing a Different Amount of Annual Leave for State Employees

HB 3083 – Replacing Annual and Sick Leave for State Employees with Personal Leave

HB 3095 – Allowing Retired Teachers to be Employed by a Higher Education Institution

To view all bills introduced, visit the “Bill Status” page of the West Virginia Legislature’s website at www.wvlegislature.gov/Bill_Status/Bills_all_bills.cfm?year=2017&sessiontype=RS&btype=bill.

Legislative Calendar

- Nurses Unity Day – Wednesday, April 5, 2017
- Last Day of Regular Legislative Session – Saturday, April 8, 2017

WVU at the State Capitol

Travis Mollohan and Rocco Fucillo, both from WVU’s State and Local Relations, represent WVU at the State Capitol during the legislative session. They can answer questions about any issues addressed by the Legislature.

Contact info: Travis Mollohan (tmolloh1@mail.wvu.edu) or Rocco Fucillo (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 www.legis.state.wv.us/index.cfm.

To learn more about WVU’s legislative initiatives, please visit <http://staterelations.wvu.edu>.