



Peeling back the layers of historic legislative session in West Virginia

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After more than eight decades, the West Virginia Republican Party basked in the light at the end of the tunnel of the 2015 legislative session.

With a 64-36 majority in the House of Delegates, Republican lawmakers were no longer constantly on what they referred to as "the defensive" that comes with being the minority. For the first time in over 80 years, it was Republicans who set the agenda and enjoyed the comfort of having numbers on their side.

Lot to catch up on

As a result of being held to a Democratic agenda for so long, Delegate John Overington, R-Berkeley said there was a big backlog of issues that had, from a conservative's perspective, been ignored decade after decade.

Since being first elected in 1984, Overington said those issues were finally taken up and addressed during the most recent regular session.

"The thing I've found that is unique is after 30 years, we suddenly have those issues being taken up and that's the part I find especially rewarding," he said.

For 30 years, Overington said he's been pushing for prevailing wage rate reform; and for 30 years it went nowhere.

This year, prevailing wage rate reform passed both legislative houses in the form of Senate Bill 361. Gov. Earl Ray Tomblin signed the measure into law March 12.

Making the English language the state's official language was also legislation Overington had been introducing for decades, as well as promoting the national motto on public buildings at no taxpayer expense and on a voluntary basis. While English as the state's official language didn't pass this legislative session, promoting the national motto did in the form of House Bill 2187. Tomblin had not taken action on the proposed measure by press time.

But Overington said the issue closest to his heart is a balanced budget amendment.

"One of the things that motivated me to run for office the first time was a balanced budget amendment," he said. "When I first ran, I was especially concerned about the deficit spending."

"I introduced a resolution calling for a balanced budget convention (of the states) and at that time, we had 32 states that had adopted that. This year, we literally have 67 members of our House that have supported House Resolution 100."

The resolution calls for an Article V Convention of States to propose a balanced budget constitutional amendment.

On Feb. 9, Ohio Gov. John Kasich visited the Mountain State to encourage lawmakers to call for the convention.

Thirty-four states are needed to call a convention and 38 states are needed to ratify the proposed constitutional amendment before it becomes a part of the U.S. Constitution.

The proposed measure passed the full Senate March 12, but then died in the House.

For Overington, a convention of the states would allow the Mountain State to assert the constitutional authority given by the Founding Fathers.

"As (the Founders) studied governments back in the 1700s, they recognized that when they went all the way back to the Roman and Greek empires, as well as France and other countries at the time, that power got consolidated on a national level and very seldom ever got returned back to the people," he said. "That's why they put Article V in (the Constitution) and that's why it's encouraging to me to have the majority of the House of Delegates supporting it."

When he was first elected, Overington said he had hopes of reaching the required number for a convention of states.

"Back in 1984 when I was first elected, I was hoping we'd become the 33rd state," he said. "Two or three other states were discussing it. I think there's an excellent chance that by June, we will have our 34 states. I just hope West Virginia is one of them."

Adjustment period

For Delegate Brent Boggs, D-Braxton, going from the majority to the minority was a big adjustment.

"For me personally, it's been a big adjustment ... having been Majority Leader, Finance (Committee) chairman and having a say in setting the agenda," he said. "Not having that anymore has been quite an adjustment. ... It took me about halfway through the session to settle into the new role."

The "settling in" hasn't come without some frustrations, however. Boggs said he was a little frustrated with the budget process.

"I really did hope that with the amount of possible funding we had available through racetrack money and not having to take as much out of the Rainy Day (Fund) this year, that we'd do more for seniors," he said.

Boggs also said he would have liked to see an increase in the budget for Mountaineer Food Bank.

House Bill 2016, the Fiscal Year 2016 Budget bill, passed the House Finance Committee March 9 and restored funding to transportation, higher education, veterans, seniors and special assistance programs for children and families — \$11.5 million went back into the State Road Fund, with \$7.5 to be directed for

secondary roads; full funding was restored to veterans, seniors and programs for families and children; \$8 million was reinstated for the state's higher education and community college institutions, a restoration from the \$12 million cut proposed by the Governor's original budget. Reductions included \$2 million in cuts from the lottery purses to subsidize dog and horse racing and a \$1 million reduction from the House and Senate budgets.

Finalization of the proposed budget bill was still underway by press deadline.

House Speaker Tim Armstead, R-Kanawha, said moments after the regular session ended that his party would start getting ready for the next year's agenda.

"I'm very proud of what we were able to accomplish," he said. "I think our members worked tremendously hard, and we're going to start tomorrow getting ready for 2016."

Different ideology this time

Boggs said he also was "concerned about the perceived and sometimes real attacks on our middle class and working families" and what he felt was an unwillingness to "reach across the aisle" coming from the GOP.

"I would cede there's a lot of frustration," Overington said. "(The Republicans) have been in that position — me more than anyone else — and I sense that same frustration."

While being in the minority, Overington said if he wanted to get anything passed, it had to be non-ideological issues.

"Now issues that motivate me as a conservative are being taken up and I don't have to work (as much) with leadership," he said. "I guess the Democrats (felt) the same frustration."

"If they want a bill to pass, they have to sort of cater around a more conservative aspect."

But despite the challenges and the new roles, Boggs said he refused "to be an obstructionist."

"I want to see good legislation pass. I want to see good things happen to the state ... and all the folks represented," Boggs said.

Armstead said it's just the reality of the 60-day session that not every idea will come to fruition.

"Of course, you're going to have bills that aren't going to make it — that's the nature of every session, and there are only 60 days, and so when you work as hard as I think our team worked this time and you put as many things out there in debate, we knew from day one we weren't going to get everything passed, but that's OK because I'm very proud about what we did get passed," he said.

During the March 10 House floor debate regarding Senate Bill 30, which permits the consumption of raw milk through a shared animal ownership agreement and completed legislation but had not been acted on by Tomblin by press deadline, Delegate John Shott, R-Mercer, explained the difference in past and current ideology. The old ideology, he said, was one that sought to protect an individual from himself, from any negative consequences as a result of a decision made from free will and from outside influences through the mentality of "government knows best." The new philosophy, he said, is about allowing the individual to choose, even if that individual chooses something not in his or her best interest. The freedom from exercising free will means mistakes will be made.

For Overington, the new philosophy is about releasing the individual, even if mistakes are made.

"Making mistakes is not bad," he said. "It means you learn and you won't make the same mistake next time. You're going to rely more on yourself and your judgment rather than letting the government take care of you."

While critics cite a "war on the middle class and working people," Overington said the Republican perspective is just as strong.

"We want you to have a job," he said. "We don't want you on a dependent government program. We want you to be able to take care of yourself. We want you to be successful."

"We're not going to call you a bad guy if you make \$100,000 or more. We're going to be praising you. The thing that disturbs me the most that has been prevalent over the last few years has been the attitude of class warfare. Successful people are looked at with suspicion."

Through all the "political theater" and political consternations, Overington said, "you have to have a sense of humor to survive this." He also said it's important to not take any of it personally and he's learned two principles over his 30 years as a legislator: Being right doesn't always prevail and perception is the reality that politics is based on.

Looking across the hall

In the chamber across the hall, the House's colleagues also gave critiques with the final gavel of the regular session.

Senate President Bill Cole, R-Mercer, said educational issues, specifically charter schools, will reappear next session.

"We'll take these 10 months in the off session, and we'll craft a better bill and we'll be back with other educational solutions next session," he said.

Following the session, the higher education community weighed in on the job done by a new majority leadership.

In a letter addressed to Tomblin and the Legislature, concerned student body presidents of the Mountain State's four-year colleges and universities expressed the negative effects of "disinvestment."

The letter also states the budget for higher education has remained "stagnant" over the past decade with few increases and two consecutive years of cuts. Lawmakers were currently meeting to pass a budget bill by press deadline.

Those who penned their names to the letter asked Tomblin and the Legislature to begin restoring cuts to higher education.

Some of the 2015 legislative session critique came from an unlikely source, such as the Diocese of Wheeling-Charleston. In a statement, Bishop Michael J. Bransfield congratulated the work done by delegates and senators, specifically overriding Tomblin's veto of the Pain-Capable Unborn Child Protection Act, which prohibits non-medically necessary abortions after 20 weeks.

"I am very pleased with the wonderful work done by our state senators and delegates this legislative session in protecting children, born and unborn, and in strengthening the care of older West Virginians in poor health," he said. "I join with so many others across our Mountain State in thanking our legislators for overriding the Governor's veto and ensuring that the unborn are protected from induced pain."

Bransfield also commended the Legislature for passing the West Virginia Caregiver Advise Record Enable (CARE) Act, which would provide support for family caregivers and enables the ill and elderly to remain in their homes while receiving healthcare services. The bill passed both houses, but Tomblin hadn't taken

action by press deadline.

"For the second year in a row, the Legislature has acted to ensure that the state's budget reflects the values of its citizens, who are so deeply committed to the care of children, the elderly and the working poor among us," he said. "West Virginians can be proud of the state Legislature they elected this past fall."

However, not everyone agrees with the glowing reviews.

On March 7, the West Virginia AFL-CIO organized a rally at the Capitol to protest Republican proposals that the group stressed are bad for workers.

In a statement, the Democratic Party thanked West Virginia Democrats for "fighting against the extreme, radical Republican leadership."

Party Chairman Belinda Biafore said in a statement that "the only 'jobs bills' we saw were the ones that were gutting our wages and the quality of the jobs that West Virginia already has."

Republican Party Chairman Conrad Lucas disagreed.

"This session has been focused on jobs, protecting the ones we have in our coal and energy industries and growing the economy so that new faces can move here, grow here and help us prosper going forward," Lucas said in a statement. "The last eight weeks are a jumping off point; there is more to do. We can throw off the rust and atrophy of the last 80 years and make this truly a state our children and grandchildren can be proud to raise their own."

Government Reporter Mandi Cardosi contributed to this report.