

# W.Va. GOP ramrodding radical bills, Democrats say

By Eric Eyre



Three weeks into West Virginia's legislative session, Democratic lawmakers accused Republicans Thursday of "steamrolling" a series of bills that are "radical and wrong."

"I see things that I'm worried about, that are coming down the pike and getting ramrodded through that are going to hurt the people of the state," said Senate Minority Leader Jeff Kessler, D-Marshall.

But GOP legislative leaders said they're doing nothing of the sort. After the November election, Republicans took control of the West Virginia Senate and House of Delegates for the first time in more than 80 years.

"It's not steamrolling if you put an idea out there and you discuss it and you have the votes to move forward with it," said House Speaker Tim Armstead, R-Kanawha. "We've been on the other side of that for many years. That's not steamrolling. That's making good legislation."

The Republican and Democratic lawmakers spoke Thursday at a "legislative breakfast" in Charleston sponsored by the West Virginia Press Association.

Kessler and House Minority Leader Tim Miley, both trial lawyers, alleged that Republicans are shoving through bills – under the guise of "tort reform" -- that would shield big corporations from liability when workers are killed and injured on the job.

"I heard that a lawyer for the House Judiciary Committee said if we passed this bill it would be easier to get a conviction for murder than to recover [damages] for a death in a coal mine," Kessler said. "Why would we do that?"

Armstead said that the Democrats' criticism was nothing but "rhetoric."

"We have a court system that's totally out of sync with the rest of the country," he said. "We just want a fair system. It shouldn't be tilted toward the plaintiffs or defendants."

Miley said many bills supported by Republicans "send a bad message." Miley noted that GOP lawmakers are backing a bill that would make English the state's official language.

"Is that really an issue our state with 2.5 percent diversity?" Miley asked. "We're complaining about people coming to our state, but what message are we sending? If you're not like us, we don't want you."

Kessler pointed to an anti-vaccination bill embraced by many Republicans. The bill would allow students to opt out of vaccinations for religious reasons. Public health officials oppose the bill.

Kessler said the recent nationwide measles outbreak should be reason enough to kill the legislation.

“We’re passing bills that let people say, ‘I believe in the great flying squirrel, and because I adhere to that religion, I’m not going to make my kids get a vaccine,’” Kessler said. “That’s wrong. That’s crazy. Why are we even considering it?”

Kessler also took a swipe at GOP legislation that would end the state’s “prevailing wage” requirement on government-financed construction projects.

“In a state with one of the lowest per-capita income rates, we’re going to pass a prevailing wage law that drives those wages down further?” Kessler asked. “You tell me how that makes sense?”

Senate President Bill Cole said it makes perfect sense. The prevailing wage law drives up the cost of public projects, he said. Cole called himself a “repealing guy all the way.”

“We’ve abused that law in West Virginia,” he said. “We’ve abused that law to the point it’s an unfairly high wage that’s supported by you, the taxpayer. This is wrong.”

Party legislative leaders also sparred over a GOP-backed charter school bill. West Virginia law doesn’t allow charter schools, which receive public funding but don’t have to comply with many state education standards and regulations.

“We have an unacceptable student achievement level in West Virginia,” Cole said, noting that 42 states have charter schools. “We’ve got to try something different.”

Miley said West Virginia already has many successful schools, and the state would be better served by helping low-performing schools improve.

“To say we need to go to charter schools is like saying we need to throw a flea-flicker in a football game instead of focusing on the blocking and tackling,” he said.

Armstead said GOP’s push for charter schools and other legislation shouldn’t “shock or surprise.” He said many bills passed this year by the Republican-controlled Legislature have received votes from some Democrats.

“We don’t expect 100 percent support when you’re doing changes that are meaningful,” Armstead said. “The changes we’re making are ones we’ve needed for many years.”

Miley said West Virginia has a “workforce preparedness issue, not a jobs issue.” The state has the lowest job participation rate in the nation.

Miley plans to introduce a bill that would provide free tuition for students who attend two-year community and technical colleges. Miley suggested that racetrack casino money that now goes to subsidize greyhound breeders could pay for the free-tuition program, which would cost about \$15 million a year. Cell phone fees also could provide additional funding, he said.

Cole predicted there would be more battles over “contentious issues” that require “heavy lifting” during the remaining five weeks of the legislative session.

“It’s heavy lifting on every front,” he said. “I think we’ve done more in the first three weeks of this session than any session has done in recent history.”

Gov. Earl Ray Tomblin also spoke at Thursday’s breakfast meeting and later met with reporters.

On the GOP’s prevailing wage bill, Tomblin said there’s room to negotiate on the legislation. He said

projects that cost under a specific dollar amount could be exempt from the prevailing wage law. Tomblin also wants to investigate whether there are better ways to collect data that's used to set the prevailing wage.

About legislation that would weaken an aboveground storage tank bill that lawmakers passed last year after the Freedom Industries chemical leak, Tomblin said the current law went "well beyond" the measures he supported. But he said he would not back any changes that put West Virginia's drinking water at risk.

Tomblin, a Democrat, said he has had a "good working relationship" with Republican lawmakers so far during the session.

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