

# Statehouse Beat: Worst session in 27 years

By Phil Kabler

If I were to rank the 27 legislative sessions I've covered from best to worst, I would immediately be able to assign the just-ended 2016 session to 27th place.

I've seen many sessions that didn't accomplish much, but no other session compares in terms of the outright damage done to the state's image, its economic health and its immediate future.

Arguably, the biggest issues facing the Legislature as the session began were jobs and highways.

As the ended, the session will be remembered not so much for job creation and road-building, but for allowing just about anyone to pack heat without background checks or training, wasting endless hours debating whether the state should sanction discrimination against the LGBT community, imposing more unconstitutional restrictions on abortion and attempting to bar schoolchildren from learning about mankind's contribution to global warming.

Nationally, on a more light-hearted level, the session will be remembered for those unfortunate legislators who fell ill around the same time passage of the bill legalizing raw milk was being celebrated with the aforementioned beverage. No link between the sickness and milk has been proven.

Other than the dubious potential of the new right-to-work law, there wasn't much in the way of job creation measures — and it could be argued that debate on the aforementioned issues would deter business investors (or anyone else, for that matter) from wanting to relocate to the state.

Meanwhile, as Gov. Earl Ray Tomblin noted, a potential state budget impasse will give investors even more pause about locating in a state that seems incapable of maintaining its own financial stability.

Despite the terrible state of state roads, legislators let die a plan to provide nearly \$320 million a year in new highways funding, as the House was obstinate in opposing any tax increases, no matter how many jobs or economic benefit they might provide.

I'm apparently not alone in my assessment of the session. Flipping over to “Sunday Morning” last week, I inadvertently caught a commentary by Bray Cary, arguably the state's biggest cheerleader for the current legislative leadership.

Cary said the legislative session “came out the gate hot” (he considers right-to-work and repeal of prevailing wage as positives), but noted, “but then we sputtered — sputtered badly. We spent hours and hours tinkering with unnecessary measures.”

Perhaps the most disheartening thing about the session was the level of pettiness and

vindictiveness, reflected in the high number of gubernatorial veto overrides, as well as the temporary rejection of six gubernatorial appointees by the Senate Confirmations Committee for no reason but that they represented political rivals.

We've heard a lot recently about structural problems with the state budget. Likewise, the decision of legislative leadership to dismantle — or at least short-circuit — long-standing legislative structures contributed to the dismal 2016 session.

I've railed a couple of times about how leadership short-circuited the traditional committee process, by sending most bills to a single committee before they reach the House or Senate floor. That meant bills were inadequately vetted before reaching the floor, leading to ultra-long, multi-hour floor sessions, since the floor sessions were the first time a majority of members have a chance to discuss or amend bills.

It came to a head last Saturday when SB 597, a bill that would exempt Cabell Huntington Hospital from anti-trust laws to allow it to purchase St. Mary's Medical Center, was up for a passage vote in the House.

Even though the bill deals with complicated anti-trust law, and conceivably could make it easier for other teaching hospitals in the state to absorb rivals, the bill had gone through just one minor House committee, Health and Human Resources, and had bypassed Judiciary Committee, to Chairman John Shott's chagrin.

“Frankly, I'm frustrated and embarrassed we were not given that opportunity,” said Shott, R-Mercer. Former House speaker, now Minority Leader Tim Miley, D-Harrison, concurred, noting, “The committee process is drastically different than asking the Chair some questions on the floor. ... When we rush through policy-making is when we create bad policy.”

Ultimately, the House did the right thing — and what should have been done in the first place — by voting to send the bill to Judiciary Committee.

Likewise, the short-circuiting of the legislative interim committee process also contributed to legislative failures this session.

Unable to reach a compromise on House and Senate bills to eliminate some \$20 million a year of state subsidies for greyhound racing, legislators opted to study the issue for a year.

But wait a minute — weren't greyhound subsidies an interim study topic last year?

Yes, but with legislative interim meetings shrunk from the traditional three-day sessions at least eight times a year to four day-and-a-half sessions (and a two-and-a-half day session in January), there just wasn't much time to study greyhound racing or any other issue in depth.

The Joint Committee on Finance had one one-hour meeting on greyhound racing, consisting primarily of owners and breeders defending the subsidy. At one other point, the Racing

Commission executive director briefly addressed the committee on declining greyhound wagering.

And that was it. No wonder there was no agreed-to plan to address greyhound subsidies when the Legislature convened in January. Perhaps there would have been if leadership hadn't been hell-bent on showing how "efficient" they could be by truncating interims to the point of near-uselessness.

Finally, we knew at some point this session, this Legislature was going to do something to humiliate the state, and sure enough, legislators getting sick the same time raw milk was passed around to celebrate the legalization of raw milk was national media gold, popping up everywhere from Gawker to the Today show. Being fair, there was reportedly a stomach bug going around the Capitol at the same time and nothing's been proven to show the lawmakers' milk made them sick.

To give legislators the benefit of the doubt, they have so much access to free food and drink, over time, it becomes sort of an instinctive response to partake of whatever's put before them.

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