



**AMERICANS FOR
PROSPERITY®**
WEST VIRGINIA

Path to Prosperity 2021-2022

Despite steps in the right direction, Mountaineers still live in a two-tiered society between the “haves” and “have nots.” West Virginians still face significant internal and external barriers to opportunity that limit them and their families from reaching their potential. For every barrier there is a special interest that benefits, and they fight to keep these barriers in place at the expense of West Virginians and their future. Mountaineers deserve better.

We know what works. Free market economic policies have lifted billions of people around the world out of poverty—one of the greatest humanitarian achievements in history. Using these proven resources, we have a plan to quickly improve our state through this Path to Prosperity. Free people are capable of extraordinary things.

Allow Families to Have Robust Educational Freedom

- Enact Universal Education Savings Accounts, which gives families, students, and educators the flexibility they deserve by ensuring every child has access to the education that best meets their unique needs.

Expand and Protect Workplace Freedom

- Protect worker’s freedom of speech by enacting Paycheck Protection legislation, which provides necessary transparency when it comes to paycheck deductions by third-party entities.
- Swiftly reject attempts to roll back West Virginia’s right-to-work law, which protects workers by preventing them from being fired if they choose not to join a union or pay fees to a union.
- Reject attempts to reinstate so-called prevailing wage government price fixing, which promotes the construction of lower quality infrastructure projects at higher costs.

Reimagining Health Care

- Make the following Governor Justice COVID-19 Response Executive Orders permanent through legislation:
 - End practice restrictions on nurse anesthetists: Pursuant to the Governor’s Executive Order 17-20, the West Virginia Board of Examiners for Registered Professional Nurses suspends requirements for supervision or presence of any other healthcare provider when anesthesia is administered by a certified registered nurse anesthetist (CRNAs) (WV Code §30-7-15).
 - End prescribing restrictions on advanced nurses: Pursuant to the Governor’s Executive Order 17-20 the West Virginia Board of Examiners for Registered Professional Nurses suspends the requirement for APRNS to enter collaborative agreements with physicians for the prescribing of medications.
 - The West Virginia Board of Medicine has promulgated an emergency rule to allow physicians and physician assistants from other states, who are in good standing, to practice in WV—including through telehealth—without obtaining an additional license.

- Audio-only telehealth: Pursuant to the Governor's Executive Order 7-20, the West Virginia department of health and human services authorizes providers to deliver telehealth through audio-only phone calls, including for Medicaid patients.
- Ensure that telemedicine reimbursement rates are to be negotiated between providers and insurers by *opposing* a price-fixing scheme known as Payment Parity.
- Eliminate all Certificate of Need laws, which allow government bureaucrats and private sector competition to arbitrarily deny medical practitioners the ability expand or add new services for West Virginia families.

Continue to Expand Freedom of Speech

- Adopt a New Voices Law that protects public school student journalists and their advisors from censorship by school administrators and other government actors. Student journalists should learn how to exercise their free speech rights, helping increase their awareness and responsibilities of a free and independent press. Every citizen must be able to express themselves freely and we cannot allow the government to abuse its power to dictate what we can or cannot say.
- Enact an Anti-Strategic Lawsuits Against Public Participation (or Anti-SLAPP) Law, which protects people from frivolous suits that attempt to suppress their free speech. SLAPPs are a legal form of cancel culture – they weaponize the legal system to target citizens for exercising their most basic rights.

Cut Red Tape Through Regulatory Reform

- Task the Office of Fiscal and Regulatory Affairs with reviewing all state occupational licensing requirements through the lens of least restrictive means and best practices.
- Enact occupational licensing reforms that remove unnecessary barriers to West Virginians looking for employment by creating statutory sunrise/sunset provisions and institute a statutory requirement of least restrictive means for all occupational regulations.
- Update West Virginia's independent contractor standards to expand work flexibility and opportunity for West Virginia families in the 21st century as well as during emergencies such as the Covid-19 pandemic.

Make West Virginia a Technology Start-Up State

- Modernize drone technology regulations by allowing more state and local officials to lease overhead public rights of way for the transmission of drones. Drones are quickly becoming a key means of commerce and West Virginia should position itself ahead of the national curve.
- Create a regulatory environment that allows for the development of autonomous vehicles. Driverless transportation at scale is rapidly approaching and West Virginia has an opportunity to seize its economic benefits rather than fall behind other states.
- Continue closing the digital divide by removing regulatory barriers to broadband deployment and ensuring that every public-private partnership designed to expand digital access both achieves its objectives and is fiscally responsible.

Tax, Budget, and Spending Reform

- Use 2021 to develop and build consensus around a legislative plan to enact comprehensive tax reforms, which will eliminate the Personal Income Tax and the Business Inventory Tax through revenue offsets, removing loopholes and carveouts, and significant reductions to non-essential base-budget spending on the part of both the legislature and the executive; this must include a constitutional amendment that gives lawmakers statutory access to reduce the Business Inventory Tax.
- Governor Justice should immediately utilize his considerable fiscal power to reduce non-essential spending at the agency level.
- Find savings in current state appropriations by eliminating all non-essential government spending

- Continue to make government live within its means by rejecting tax hikes, spending increases beyond population plus inflation, and budget gimmicks.
- Implement a system of budgeting for outcomes, which will help to focus state government on essential priorities and modernize the budget-making process.
- Get government out of the business of picking economic winners and losers by eliminating crony corporate welfare schemes, starting with decoupling dog racing and keeping film tax credits off the books.

Continued Criminal Justice Reforms That Are Smart on Crime and Soft on Taxpayers

- Reduce the amount of criminal laws.
- Allow for ongoing sentencing reforms to be retroactive for non-violent offenses.
- Increase the felony theft threshold.
- Significantly narrow, and in some cases eliminate, sentencing enhancements.
- Place a moratorium on any additional sentence enhancements.
- Increase funding for reentry and transition housing through corrections cost savings and reducing funding for other budgetary items that do not represent a genuine priority.
- Institute a default *Mens Rea* Standard.
- “Ban the Box” for state employment applications.
- Limit use of no-knock warrants/SWAT raids.
- Encourage non-monetary and non-jail alternatives.
- Institute police duty to intervene when another officer is engaging in excessive force or gross misconduct.
- Require officers to report excessive use of force and ensure the record retention of police misconduct.
- Use police misconduct records in subsequent hiring decisions. This would prevent an officer who has resigned or been fired for criminal activity or serious misconduct from serving elsewhere without considering the circumstances of their departure.
- Institute mandatory justice system data transparency.
- Make fines and fees proportionate to one’s ability to pay.
- Decriminalize Marijuana.

Through broad-based grassroots outreach, *Americans for Prosperity (AFP)* is driving long-term solutions to the country’s biggest problems. AFP activists engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another. AFP recruits and unites West Virginians behind a common goal of advancing policies that will help people improve their lives. *For more information, visit www.AmericansForProsperity.org*