



News from Inside the Capitol

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Issues

A **Universal Carding** bill that would require everyone, regardless of age, to present ID when purchasing alcohol, is currently being drafted and will be introduced prior to the last day to introduce bills which is February 18th. Delegate Cory Palumbo is the lead sponsor of this bill. Delegates Richard Browning and Larry Williams have agreed to sign-on as co-sponsors. We have developed the following talking points in support of this bill:

- Universal carding takes the burden off the clerk, who no longer must make a judgment call about whether to card a customer. These days it is tough to tell a person's age. The only way to know if a person is 21 or older is to card everyone.
- Universal carding establishes a consistent standard, so customers always know what to expect when they buy age-restricted products in West Virginia.
- Universal carding will make it more difficult for teens to purchase age-restricted products.
- Universal carding is one tool to make sure that only people of legal age buy age-restricted products. Other tools include increased training for clerks to spot fake ID's and read birth dates correctly.

Most likely this bill will not be taken up this session however we are aiming to have the issue studied during the interim sessions. Senator Dan Foster has agreed to champion this initiative for us in the Senate.

Delegate Larry Williams has agreed to sponsor a bill regarding **checking cashing fees** retailers can charge. It will be introduced by Monday. WV retailers can currently charge \$1 or 1% to cash a check. This bill would raise us to the national average of 3% on Governmental checks, 5% on payroll checks and 10% on personal checks. Jan Vineyard will be meeting soon to encourage House Judiciary take up this bill ASAP.

Jan Vineyard met with Delegate Stemple in regards to the **plastic bag** bill and he advised that he would not be running this bill in his committee. However, it would be a good idea to continue to let your Delegates know that we are opposed to this bill.

SB 465 regarding a reduction in the **Business Franchise Tax** has been introduced in the Senate. The purpose of this bill is to eliminate the business franchise tax effective January 1, 2013. This bill passed out of House Finance with an amendment to change the effective date to 2015.

HB 4048 allowing **employees to review and copy personnel files** has passed out of House Judiciary and is now in House Finance. This bill gives the employer 30 days to hand over the employee's personnel file when asked, however, the employee may only ask twice a year, unless terminated. The personnel file is the property of the employer and the original may not be taken by the employee. Employers must notify employees of their right to access their file. This bill does cover temporary and trial employees and all computer files are subject unless they fall under one of the 11 exceptions. This bill passed out of committee with the following amendments:

1. Employer is defined as having 12 employees for 20 weeks
2. Provision was taken out that would have provided a former employee 10 days of written notice before an employer can disclose adverse information about an employee (the employee, not the employer, determines what is adverse and what is not)

SB 18 **allowing paid sick leave** to be used as family leave was introduced in the Senate. Chairman Webster has publicly stated that her committee will not address this legislation this year.

The House Judiciary Subcommittee has met several times regarding 4132, which deals with **captive audience**. It appears that this legislation will be passed to the full committee on Monday and will probably pass out. This is going to be a huge fight and something we will have to address in the Senate. Our biggest issue with this legislation is that employees are already protected by the National Labor Relations Act. A position paper on this issue is attached. If you are opposed to this legislation, you need to start calling your Senators now.

HB 4019 (companion bill SB 200) has passed the House. It would provide for two modifications to last year's **venue** legislation. The measure was introduced by Governor Manchin.

SB 632 creating **Healthy Lifestyles Restaurant Calorie Posting Program** passed out of Health in the Senate and the second reference will be waived. This bill would require posting of **calorie information for national restaurant chains** only and is on a voluntary basis. We will need to attach amendments to this bill.

HB 4381 passed out of House Banking & Insurance today and now goes to House Finance. This bill pertains to the **Insurance Commissioner's (OIC) authority to appoint an entity to manage the assigned risk pool and establishes that workers compensation insurance carriers will be covered by a guaranty association** (now covering other carriers providing other insurance lines in WV) instead of the 2005 law's mandate that carriers contribute to a guaranty pool. This removes the state from handling claims from defaulted carriers, a good thing in the long term because it supports getting the state out of managing bankrupt self-insurers' claims. The bill contains one amendment which should satisfy the Senate since it authorizes the OIC to appoint the entity and later provides for competitive bidding within 3 years. The OIC plans to appoint NCCI which has a proven record in managing the assigned risk markets in other jurisdictions and effectively depopulates residual markets elsewhere, which should be better for WV employers having difficulty finding coverage. The bill will be up for final House action early next week and is expected to pass the Senate as well.

Governor Manchin had introduced **SJR 5/HJR 101** that would amend the State Constitution to authorize the Legislature to exempt from **personal property taxes** "... personal property inventory in the form of raw materials, goods in process and finished goods employed exclusively in or resulting exclusively from manufacturing ..." If adopted by the Legislature, the constitutional amendment would be put before the voters. The alternative to this bill is **SB 617**, which would provide credits against business taxes for property **taxes paid on inventory of manufacturers**.

Legislation Introduced

Senate

In the Senate there have been **674** bills introduced. Some bills pertinent to our membership are:

<u>Bill #</u>	<u>Description</u>	<u>Comm. Assignment</u>
SB 613	Relating to liquefied petroleum gas-consuming equipment and appliances by Senator Minard	Judiciary

The purpose of this bill is to require certification of correctness as to design, construction and performance of domestic and commercial liquefied petroleum gas-consuming equipment and appliances. The bill would also:

- (1) Require the installation of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system in accordance with the instructions of the manufacturer of the appliance, equipment or component;
- (2) Prohibit the alteration, modification, maintenance or repair of liquefied petroleum gas-consuming appliances, equipment or other components of a liquefied petroleum gas delivery system unless done in accordance with the instructions of the manufacturer; and
- (3) Provide protection from liability for persons engaged in the business of selling at retail, supplying, handling or transporting liquefied petroleum gas, for acts in which they did not participate.

SB 628	Relating to motor vehicle accident reports by Senator Love The purpose of this bill is to allow persons involved in motor vehicle accidents to receive pertinent information at no charge in order to file a timely insurance claim.	Judiciary then Finance
SB 680	Relating to corporate net income tax and business franchise Tax by President Tomblin and Senator Caruth	Finance
SJR 12	Proposing amendment to Constitution designated " Manufacturing Inventory and Tangible Personal Property Tax Exemption Amendment " by Senator Tomblin and Senator Caruth	Judiciary then Finance

House

In the Senate there have been **1205** bills introduced. Some bills pertinent to our membership are:

<u>Bill #</u>	<u>Description</u>	<u>Comm. Assignment</u>
HB 4447	Healthy Families Act by Delegates Stephens, Reynolds, Caputo, DeLong, Perdue, Hrutkay, Martin, Longstreth, Fleischauer, Rodighiero and Brown This bill would require employers with more than 15 workers be mandated to provide up to seven six days a year, depending on whether the worker is part-time, seasonal or full-time. The state Commissioner of Labor will have inspection and enforcement powers.	Judiciary
HB 4457	Including roads used by multiple families in the state road system by Delegates Pethtel, Williams, Ennis, Perry, Kominar, Evans, Azinger, Stephens and Varner	Roads then Finance
HB 4466	Expanding the powers of the Office of Consumer Advocacy within the Office of the Insurance Commissioner by Delegates Webster, Caputo, DeLong, Fragale, M. Poling, White, Morgan, Miley, Hrutkay, Proudfoot and Fleischauer	Judiciary
HB 4480	Relating to proof of financial responsibility in motor vehicle insurance by Delegate Michael The purpose of this bill is to increase the property damage liability limit for motor vehicle insurance to \$50,000 from \$10,000.	Roads then Finance
HB 4497	Requiring certification of correctness as to design, construction and performance of domestic and commercial liquefied petroleum gas-consuming equipment and appliances by Delegates Proudfoot, Varner, Kominar and Stalnaker	Ind. & Labor then Judiciary
HB 4526	Relating to municipalities that impose user fees by Delegates DeLong and Lane The purpose of this bill is to require municipalities that impose user fees to impose the fee on all users who reside within the municipality and allowing for exemptions and prohibiting municipalities from imposing user fees on certain persons who reside outside the municipality.	Judiciary
HB 4544	Eradicating limited video lottery after the thirtieth day of June, 2011 by Delegate Lane	Judiciary then Finance

HB 4547 Relating to the **legal employment** status of West Virginia workers by Delegates Schoen, Schadler, Duke, Ellem, Walters, Porter, Tansill, Canterbury, Rowan and Sumner Ind. & Labor then Judiciary

The purpose of this bill is to require public employers and those contractors and subcontractors who contract with the state to register and participate in the Department of Homeland Security's Federal Work Authorization Program; update the code to comply with corresponding federal law; and discourage discrimination on the basis of race, ethnicity and national origin.

HB 4551 Relating to the **Streamlined Sales and Service Tax** and Use tax and the West Virginia Consumer Sales and Service Tax and Use Tax by Delegates White and Doyle Finance

The purpose of this bill is to conform the provisions of the West Virginia Streamlined Sales and Use Tax statute, West Virginia Code §11-15B, to the current provisions of the Streamlined Sales and Use Tax Agreement as amended, to provide certain definitions of terms and to make certain technical and typographical corrections.

HB 4556 Increasing the tax on purchases of **intoxicating liquors** outside corporate limits by Delegates Eldridge, Ellis, Barker, Rodighiero, Hrutkay, Shaver, Reynolds, Boggs and Argento Judiciary then Finance

The purpose of this bill is to increase the tax on purchases of intoxicating liquors outside corporate limits of municipalities from five percent to six percent, with the increase being deposited into the Regional Jail Operations Partial Reimbursement Fund for distribution to counties.

HB 4565 Relating to **how cost is determined in retail businesses** by Delegates D. Poling, Hamilton and Williams Judiciary

The purpose of this bill is to allow retail store owners to markup nonintoxicating beer up to twenty percent for retail sale.

HB 4587 Making changes to the **combined tax reporting** requirements for the West Virginia corporate net income tax and business franchise tax and reducing the Corporation Net Income Tax rate by Speaker Thompson and Delegate Armstead Finance

This bill which makes corrections to last year's bill. We are in support of this legislation.

As a new service to its members, the **West Virginia Chamber of Commerce is videotaping the presentations provided during their Legislative Briefing Sessions** and enabling these to be viewed via the internet. The topics of these sessions thus far have been: Session #1 - "Human Resource Issues In The 2008 Session;" Session #2 - "Tax Reform and The 2008 Legislative Session;" and Session #3 - "Civil Justice Reform and The 2008 Legislative Session". To view these sessions, visit <http://www.wvchamber.com/NewsInformation/Multimedia/tabid/66/Default.aspx>.

If you have any questions during the session or would like to express your opinion on issues, please contact Jan Vineyard at Jan@omegawv.com or call the association office at (304) 345-2800.