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## **West Virginia Business & Industry Council Recaps 2019 Session**

**CHARLESTON, WV** – By the time the clock struck midnight on March 9, bringing the 2019 legislative session to a close, lawmakers had passed a record 294 bills this year, and now we all wait for Gov. Jim Justice to render his opinion.

After a teachers' strike derailed comprehensive education reform — and teacher pay raises along with it — lawmakers focused their attention in the final days of session on passing a balanced budget and completing work on other high-priority bills. At the same time, Justice called for a special session on education reform that began March 10 but actually will not commence for several weeks or months while legislators meet with stakeholders in their districts. Whether teachers and other personnel get their second pay raise in two years remains to be seen.

While the media loves to highlight the failures of the legislative session — education reform, the campus carry gun bill, and of course, the high-profile social-issue controversies in the House of Delegates — the Legislature actually accomplished a great deal this session.

For example, lawmakers approved bills that will make strides in workforce preparedness, including SB1, which will provide grants for community and technical college education, and HB2004, which will coordinate workforce-related education at the high school level and via on-the-job training. The Legislature also took a major step forward in addressing the foster care crisis with passage of HB2010.

For the second year in a row, the Legislature completed the state budget before session ended, avoiding the prolonged budget negotiations of years past that went beyond Day 60. The Legislature also enacted several bills aimed at removing barriers to work for those with non-violent criminal records. These bills can go a long way toward bringing more West Virginians into the workforce.

Below is a sampling of the many bills advocated for by BIC members that crossed the finish line by March 9, followed by a short "graveyard" of bills that didn't quite make it.

### **2019 Legislative Session Bill Highlights**

- SB1: Increasing access to career education and workforce training (Passed 3/7/2019)
- SB3: Establishing WV Small Wireless Facilities Deployment Act (Passed 3/5/2019)
- SB4: Relating generally to Municipal Home Rule Program (Passed 3/8/2019)

- SB119: Specifying documents not subject to discovery in certain proceedings (Passed 1/29/2019; signed by Governor 2/5/2019; effective from passage)
- SB152: Relating generally to criminal offense expungement (Passed 3/9/2019)
- SB163: Authorizing DEP to promulgate legislative rules (Passed 3/5/2019)
- SB318: Transferring Medicaid Fraud Control Unit to Attorney General's office (Passed 3/7/2019)
- SB340: Repealing obsolete provisions of code relating to WV Physicians Mutual Insurance Company (Passed 3/8/2019)
- SB360: Relating to third-party litigation financing (Passed 3/7/2019)
- SB510: Relating to medical professional liability (Passed 2/29/2019)
- SB522: Creating Special Road Repair Fund (Randy's Dream) (Passed 3/9/2019)
- SB635: Relating generally to coal mining activities (Passed 3/9/2019)
- HB2001: Relating to exempting social security benefits from personal income tax (Passed 3/9/2019)
- HB2004: Providing for a program of instruction in workforce preparedness (Passed 3/9/2019)
- HB2010: Relating to foster care (Passed 3/8/2019)
- HB2020: Budget Bill (Passed 3/7/2019)
- HB2049: Relating to a prime contractor's responsibility for wages and benefits (Passed 3/9/2019)
- HB2351: Relating to prior authorizations (Passed 2/20/2019; signed by governor 3/1/2019; effective from passage)
- HB2405: Imposing a healthcare related provider tax on certain health care organizations (Passed 3/6/2019)
- HB2481: Permitting retail sale of alcoholic beverages on Sundays after 1 p.m. (Passed 2/19/2019; signed by governor 3/1/2019; effective from passage)
- HB2538: Providing banking services for medical cannabis (Passed 3/5/2019)
- HB2550: Creating a matching program for the Small Business Innovation and Research Program and the Small Business Technology Transfer Program (Passed 3/7/2019)
- HB2661: Relating to natural gas utilities (Passed 3/8/2019)
- HB2673: Creating the Oil and Gas Abandoned Well Plugging Fund (Passed 3/9/2019)
- HB2829: Relating to the termination of severance taxes on limestone and sandstone (Passed 3/1/2019)
- HB3142: Relating to reducing the severance tax on thermal or steam coal (Passed 3/9/2019)
- HB3144: North Central Appalachian Coal Severance Tax Rebate Act (Passed 3/9/2019)

**2019 Graveyard (a sample of bills that did not pass):**

- HJR17: Business Inventory, Machinery and Equipment Tax Exemption Amendment
- SB29: Creating five-year tax credits for businesses on post-coal mine sites
- SB52: Entitling natural resource producers to economic opportunity tax credit
- SB258: Establishing common law "veil piercing" claims not be used to impose personal liability
- SB266: Creating Intermediate Court of Appeals and WV Appellate Review Organization Act of 2019
- SB366: Authorizing Division of Protective Services issue electronic key cards to qualified applicants to enter State Capitol
- HB2008: Relating to nonpartisan election of justices of the Supreme Court of Appeals
- HB2038: Relating to the procedure to determine if an occupation or profession should be regulated

- HB2365: Clarifying the definition of an employee for the purposes of unemployment compensation and workers' compensation (turned into a study)
- HB2646: Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees
- HB2708: Local Government Labor and Consumer Marketing Regulatory Limitation Act

For additional information, contact Chris Hamilton at (304) 342-4153.

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