



Volume 1

January 14, 2020

2020 Legislative Update

The 2020 Legislative Session began January 8th. Governor Jim Justice delivered his fourth State of the State Address:

Justice, in Fourth State of State, Says WV Economy Is A Lightning Bolt

Gov. Jim Justice promised a rocket ship ride for West Virginia's economy when he first ran for governor.

Now, as he kicks off his fourth year, Justice says it's more like a lightning bolt.

While the rocket ship goes straight up, the shape of the lightning bolt sometimes flattens out. Justice made the symbolic switch while holding up placards to illustrate his point on Wednesday evening during his fourth State of the State speech.

"When I walked in the door, I said I was going to take you on a rocket ship ride. And we've been on this rocket ship ride," he said during a speech that lasted about an hour and a half.

"Now, I want you to be really smart. The one thing I am is a business guy. And I'm going to tell you nothing that remains going straight up or straight down is healthy. So at the end of the day, what I want you to do now is change. And I want you to come on this lightning bolt ride with us. Because that's where we will go."

He used the illustration to say the budget proposed by his administration would be conservative.

At an earlier primer on the budget, state officials said revenue estimates for the coming fiscal year would be \$108 million below last year. That's due in large part to a slowdown in energy markets, particularly lower natural gas prices and a drop off in coal exports.

State leaders plan to bridge that gap by spending reserves, providing enough cushion for some new initiatives.

"The state of our state is strong"

Justice's prior State of the State addresses have included theatrics such as an impersonation of Frankenstein's monster to illustrate a financial crisis, illustrations on whiteboards, covered platters with Hershey Kisses to give to legislative leadership and a cheer from the basketball team he coaches at Greenbrier East High School.

At the latest, Justice pushed for continued progress on the state's roads by having orange safety jackets passed out to lawmakers. He put one on himself, joking that it was labeled Size 7X.

"I want us to all put one of these jackets on," he said, proposing a cheer for roadwork. ("And then when you leave, I want the jacket back.")

Gov. Jim Justice puts on a highway safety vest and waves at leaders of the state roads programs during his State of the State address.

And in a callback to his inaugural address, Justice brought back out a hatchet and tackle box. He again told the story of encountering a down and out woman along a rural road as she attempted to sell some of her last few belongings.

Justice said he bought the items for a total of \$200 to help the woman and has been carrying them in his trunk since then. He used that story to describe the tough times the state has gone through, saying the economic picture is improving.

"When I walked in the door, things were pretty tough. And I'm not patting myself on the back in any way. I want to say without question nobody does anything alone," Justice said.

"Ladies and gentlemen, the state of our state is strong. And it's growing stronger every day."

New Spending Proposals

Even though state leaders anticipate little give on the approximately \$4.7 billion general fund, Justice and his administration propose some additional spending initiatives.

That includes a \$150 million rainy day fund for Medicaid spending in case times get tough in future budget years.

It also includes eliminating the wait list for children who need financial help to deal with intellectual/developmental disabilities. That's a \$19.7 million investment.

"My budget will include the funding to eliminate the wait list," Justice said.

The administration also proposes spending an additional \$26.4 million on child protective services, where about a third of workers turn over each year.

Another \$2 million would be marked for a backpack program for kids and \$1 million would be for food banks.

Also, Justice is asking for \$1.9 million to establish a Narcotics Strike Force. He provided little indication about how it would work but did make a promise.

"I want to look right in the camera and tell anybody who is coming in the state with drugs, we are going to bust your ass," the governor said. "That's all there is to it."

Justice also endorsed a state fund to promote capital investments, the elimination of the property tax on equipment paid by manufacturers and an intermediate court of appeals.

"We need to do it, and I think we can get it across the finish line this year," he said of the court.

IIAWV Specific Legislation

So far this session, there have been 1029 bills introduced, including carryover bills from last session. Below are bills that we will be monitoring on behalf of our industry:

SB26 – [Increasing surcharge on fire and casualty insurance policies.](#) The purpose of this bill is to increase the fire and casualty insurance surcharge from .55 percent to 1 percent. The bill provides that the collected funds be distributed solely to volunteer and part-volunteer fire departments. **SB 115** also restores the one percent surcharge.

HB2063 – [Prohibiting the use of a person’s credit history in certain insurance transactions.](#)

HB2125 – [Giving the Insurance Commissioner the power to regulate and penalize self-insured employers.](#) The bill also permits noncompliant employers to be compliant without penalty within 90 days after receiving notice of noncompliance. The bill also allows monetary penalties.

HB2129 – [Prohibiting the use of a credit score in casualty insurance rate filings.](#)

HB2332 – [Relating to insurance unfair trade practices.](#) The purpose of this bill is to prohibit the use of a person’s credit history in certain insurance transactions involving passenger motor vehicles or commercial vehicle insurance lines.

HB2616 – [Providing a maximum repair cost for insured owners of motor vehicles if a collision with a deer caused the damage.](#)

General Business

SB10 – [Allowing use or nonuse of safety belt as admissible evidence in civil actions.](#)

SB49 – [Allowing counties to implement one-percent consumers sales tax in certain circumstances.](#)

SB 124 – [Establishing intent of Legislature that corporate “veil piercing” claims may not be used to impose personal liability on certain persons.](#) The purpose of this bill is to establish that the intent and policy of the Legislature is that common law corporate “veil piercing” claims may not be used to impose personal liability on a member or manager of a limited liability company. The bill nullifies the Supreme Court of Appeals of West Virginia’s decision in Joseph Kubican v. The Tavern, LLC., 232 W. Va. 268, 752 S.E.2d 299 (2013).

SB238 – [Making state’s whistleblower law applicable to private employment sector.](#) The purpose of this bill is to make the state’s whistleblower law also be applicable to the private employment sector. The bill prohibits an employer from discharging, threatening, or otherwise discriminating against an employee because the employee reports, or is about to report, a violation or a suspected violation of a law or a governmental regulation to a public body. The bill modifies, deletes and defines terms.

SB275 – [Creating Intermediate Court of Appeals.](#)

SB276 – [Creating Intermediate Court of Appeals.](#)

SB300 – [Updating certain terms in West Virginia Corporation Net Income Tax Act.](#)

The purpose of this bill is to update the meaning of “federal taxable income” and certain other terms used in the West Virginia Corporation Net Income Tax Act by bringing them into conformity with their meaning for Internal Revenue Code’s definitions, and to specify effective dates.

SJR4 – [Protection of Electronic Communication and Data Amendment.](#) The purpose of this resolution is to propose an amendment to the West Virginia Constitution that would protect the electronic communication and data of citizens from unreasonable searches and seizures.

HB2056 – [Repealing the West Virginia Workplace Freedom Act and restoring prior law.](#)

HB2057 – [Reestablishing prevailing wages for certain state government contracts.](#)

HB2062 – [The Healthy and Safe Workplace Act.](#) The purpose of this bill is to create a new cause of action to deter workplace bullying. The bill makes it an unlawful employment practice to subject an employee to an abusive work environment that exists when the defendant, acting with malice, subjects an employee to abusive conduct so severe that it causes tangible harm to the employee. The bill makes it an unlawful employment practice to retaliate in any manner against an employee who has made a charge, testified, assisted or participated in any manner against an employee who has made a charge, testified, assisted or participated in any manner in an investigation or proceeding regarding bullying in the workplace.

HB2068 – [Providing counties the power to establish a county sales tax under certain circumstances.](#) The purpose of this bill is to allow counties that contain municipalities with a home rule sales tax to also enact a sales tax equal to that of the municipality.

HB2646 – [Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employee.](#) The bill prohibits an employee from seeking liquidated damages or attorney’s fees when bringing an action for the underpayment or nonpayment of wages and benefits due upon the employee’s separation of employment without first making a written demand to that employer. The bill permits only those employees who have made a written demand on the employer to be included in a class action brought for the underpayment or nonpayment of wages and benefits due upon the employee’s separation of employment. The bill defines the term “written demand”.

HB4104 – [Clarifying the definition of an employee for the purposes of unemployment compensation and workers’ compensation.](#)



Find Your Legislators

The Legislature's website is an excellent resource to find contact information for your local Legislators and the committees on which they serve. Below are links to the member rosters for both the Senate and House.

[Members of the West Virginia Senate](#)

[Members of the West Virginia House](#)

2020 LEGISLATIVE CALENDAR



First Day - January 8, 2020: First day of session. ([WV Const. Art. VI, §18](#))

Twentieth Day - January 27, 2020: Submission of Legislative Rule-Making Review bills due. ([WV Code §29A-3-12](#))

Thirty-fifth Day - February 11, 2020: Last day to introduce bills in the House. [House Rule 91a](#) does not apply to originating or supplementary appropriation bills, and does not apply to Senate or House resolutions or concurrent resolutions.

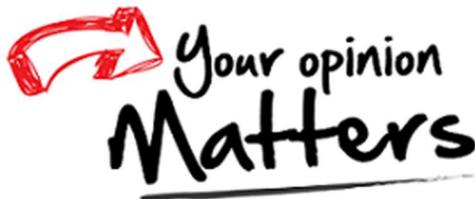
Thirty-fifth Day - February 11, 2020: Last day to introduce bills in the House. *House Rule 91a* does not apply to originating or supplementary appropriation bills, and does not apply to Senate or House resolutions or concurrent resolutions.

Forty-first Day - February 17, 2020: Last day to introduce bills in the Senate. [Senate Rule 14](#) does not apply to originating or supplementary appropriation bills, and does not apply to Senate or House resolutions or concurrent resolutions.

Forty-seventh Day - February 23, 2020: Bills due out of committees in house of origin to ensure three full days for readings.

Fiftieth Day - February 26, 2020: Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills. ([Joint Rule 5, paragraph b](#))

Sixtieth Day - March 7, 2020: Adjournment at Midnight. ([WV Const. Art. VI, §22](#))



If you have any questions during the session or would like to express your opinion on issues, please contact Daniel Hall at daniel@omegawv.com or you can call the office at 304.342.2440 and leave him a message. You may also contact Traci Nelson at traci@omegawv.com or at 304.342.2440.