



**BIG i** | WEST VIRGINIA

News From Inside The Capitol

**Volume 2**

**January 31, 2022**

## **State of the State Address – Executive Summary**

Rounding out the 2nd week of West Virginia's legislative session, Gov. Jim Justice presented his State of the State Address. Starting with a moment of silent prayer for the 5,697 West Virginians we've lost to COVID, Justice eventually pivoted to highlighting the great accomplishments of the mountain state during these tough times. Here are some of the items Justice foot-stomped in his 90-minute address in the House Chamber at the end of last week:

### **Economic Development:**

- Total Employment: WV is up 36,000 jobs, resulting in a record low level of unemployment (3.7%)
- 3 Major Investments
  - Owens & Minor Inc: Healthcare supplies company's \$50M investment will create 125 jobs in partnership with WVU
  - GreenPower Motor Company: 200 jobs immediately in South Charleston, with an end goal of 900 jobs created
  - Nucor Corporation: New steel mill represents the largest investment ever made in WV, and the largest investment ever made by Nucor
- State Budget: Justice stated that he is introducing an "entirely flat budget", adding there's "no reason to dip into rainy day funds" and "no reason to grow government"
- Worker's Comp: \$3.5B deficit eliminated, \$57M surplus created
- State Labs: Called for a joint public health, agriculture, and police lab to be created – funded by ARP
- Tourism: Justice recognized the Division of Tourism for their great work on our ATV trails, National Park, but he believes the "meat and potatoes" of WV's tourism profits are yet to come

### **Natural Resources:**

- Banking: Providing support for Treasurer Moore's decision to drop BlackRock market funds from WV's investment portfolio, Justice made clear that he also isn't supportive of banking institutions that choose to not invest in the coal, oil, and natural gas industries
- Missing Item: Notably missing from Justice's speech was any mention of carbon capture and sequestration bills, ideas, or progress

### **Education:**

- Coding Classes: Proposed a bill to make computer programming classes mandatory in middle and high schools – something Justice believes will provide long-term opportunities for students in WV
- Tuition: Called for a bill to cover the cost of college classes for our high school students taking those courses early

- Increased Pay: Justice suggested a 5% pay raise for all school employees – teachers and service personnel
- Dropout Prevention: Highlighted “Communities in Schools”, a dropout prevention program in 31 counties and 171 schools, affecting 70k students – ranking #1 in the nation
- Infrastructure
- Roads: Touted an increase of 17k miles of roads maintained over the past three years, which represents over a 50% increase
- Broadband: Declared that “we need to crawl out of the dark ages a little bit” and connect our state with broadband internet; explained that Department of Economic Development is hard at work to help reach this goal with their billion-dollar broadband strategy

Of course, no summary would be complete without mentioning Justice’s stunt at the end of his speech -- bringing his dog onto the floor, turning “Baby Dog” around, and saying that “Baby Dog tells Bette Midler and all those out there, kiss her hiney” -- in response to the comments the award-winning singer made about the state earlier in the year. However, Justice wasn’t all jokes as he wrapped up his State of the State Address. Directly prior to that, Justice left the legislative body with a much more serious, inspirational message. Touting the state’s economic development, our fight against the opioid crisis, and making education our centerpiece, Justice reminded everyone that the world has begun to realize that West Virginia is the “diamond in the rough”.

## **General Business**

[SB 464 Including independent contractor within the definition of employee.](#) The purpose of this bill is to include independent contractors within the definition of employee to receive the same wage and earnings protections and legal remedies.

[HB 4398 Relating to reducing the consumer sales and service tax.](#) The purpose of this bill is to reduce the consumer sales and service tax, as well as establish a process which continues to gradually reduce the consumer sales and service tax every time the combined balance of the Rainy Day Fund reaches \$1,100,000,000. This legislation would allow that: (b) *Amount of tax.* - ~~The~~ (1) Except as otherwise provided under this subsection and after December 31, 2022, the general consumers sales and service tax imposed by this article shall be at the rate of ~~six~~ four and three-fourths cents on the dollar of sales or services, excluding gasoline and special fuel sales, which remain taxable at the rate of five cents on the dollar of sales.

(2) After June 30, 2022, and annually every year thereafter and in accordance with **\$11B-2-20** of this code, the consumer sales and service tax imposed by this article shall be reduced by a rate of one-quarter cent on the dollar of sales or services, excluding gasoline and special fuel sales, which remain at the rate of five cents on the dollar of sales, if the combined balance of funds in the Revenue Fund Shortfall Reserve Fund and the Revenue Fund Shortfall Reserve Fund - Part B established in **\$11B-2-20** of this code exceeds \$1,100,000,000: *Provided, That the effective date of this reduction shall be after December 31 of that year.*

[HB 4394 To reaffirm and enhance the workers compensation exclusive remedy rule or doctrine.](#)

[HB 4372 Creating the Public/Private Small Business Enhancement Program.](#)

[HB 4367 Establishing a tax credit for businesses who hire, promote and develop women and minorities into executive, professional or administrative roles.](#)

[HB 4366 Relating to the modernization of West Virginia's wage and payment laws.](#) The purpose of this bill is to allow employers to pay wages to their employees by either direct deposit or payroll card.

[HB 4354 Ban-the-Box Act.](#) The purpose of this bill is to enact the Ban-the-Box Act which prohibits public employers from asking applicants for employment to disclose information concerning the applicant's criminal record or history, under certain circumstances.

[HB 4350 Relating to a tax credit for certain small businesses.](#) The purpose of this bill is to create a tax credit for a small manufacturing, mining, or industrial business with less than 100 employees or that grosses less than \$5 million a year. The tax credit is granted if a new labor- and capital-intensive heavy industry expands or develops in the State of West Virginia and draws employees within the boundaries of the State of West Virginia from existing small manufacturing, mining, or industrial businesses. The bill provides that these small businesses that are affected are entitled to a tax credit per employee lost equivalent to the employee's or employees' one year base salary.

**Following are bills specific to our industry:**

[SB 491 Establishing Family and Medical Leave Insurance Benefits Act.](#) The purpose of this bill is to establish a state sponsored medical and family leave insurance program for all persons employed or self-employed in the state; providing eligibility and coverage conditions; directing the Insurance Commissioner to administer the program; providing up to 12 weeks of eligible coverage annually; requiring employers to allow family leave to insured employees; protecting employees from retaliatory actions; providing notice of availability to employees; providing for a special revenue account; establishing public education program; annual reports to the Legislature; and legislative rules to implement the program.

[HB 4413 To clarify that secondary sources on insurance are not controlling authority.](#)

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**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.

If you would like to contact your **Senators** about an issue, their information is [available here.](#)



If you would like to contact your **Delegates** about an issue, their information is [available here](#).

## 2022 LEGISLATIVE CALENDAR



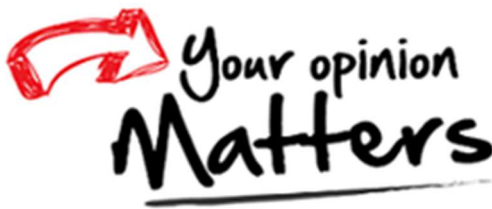
**Thirty-fifth Day** - February 15, 2022: Last day to introduce bills in the House.

**Forty-first Day** - February 21, 2022: Last day to introduce bills in the Senate.

**Forty-seventh Day** - February 27, 2022: Bills due out of committees in house of origin to ensure three full days for readings.

**Fiftieth Day** - March 2, 2022: Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills.

**Sixtieth Day** - March 12, 2022: Adjournment at Midnight.



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](mailto: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](mailto:traci@omegawv.com) or at 304.342.2440.



**2022 WV LEGISLATIVE SESSION**

Join HAWV for  
Live Weekly  
Virtual Conversations  
About Industry Issues  
& News From Inside  
the Capitol



**Every Thursday  
During the Legislative Session  
4:00 - 5:00 p.m.  
VIA ZOOM**

Tune into the Capitol Conversation live every Thursday evening, beginning February 10<sup>th</sup>, from 4:00 - 5:00 p.m., during the 2022 WV Legislative Session. We will be discussing the leading industry issues and updating members about what is going on at the Capitol. We will have special guests each week. **Each weekly session has been approved for one hour of continuing education credits.** The following weekly sessions will occur on:

- Feb 10, 2022 04:00 PM
- Feb 17, 2022 04:00 PM
- Feb. 24, 2022 04:00 PM

- Mar. 3, 2022 04:00 PM

To register, please complete the [Registration Form](#). A confirmation email will be remitted after receiving your registration form, multiple registrations can be remitted on one form.

If you have any questions, please feel free to contact [Sarah Estep, Programs Coordinator](#).

**PLATINUM PARTNERS:**



**GOLD PARTNERS:**



**SILVER PARTNERS:**



**BRONZE PARTNERS:**



**Nationwide**

Hehr & Associates -

Division of Commercial Sector

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[Mutual Church Insurance](#), [Travelers Insurance](#), [US Premium Finance](#), [West Virginia Fair Plan](#), and [West Virginia Mutual Insurance Company](#).

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