

H. B. 4528

(By Delegate Lane)

[Introduced February 14, 2014; referred to the
Committee on Small Business, Entrepreneurship and
Economic Development then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §5B-4-1, §5B-4-2,
§5B-4-3, §5B-4-4, §5B-4-5, §5B-4-6, §5B-4-7 and §5B-4-8, all
relating to the creation of the Office of the Small Employer
Business Advocate; providing a short title; providing the
appointment procedure for the Small Employer Business
Advocate; establishing qualifications for the Small Employer
Business Advocate; defining the powers and duties of the Small
Employer Business Advocate; determining eligible businesses;
requiring Small Employer Business Advocate to host annual
workshops in every county; providing a funding source for the
office of the Small Employer Business Advocate; and requiring
that the Small Employer Business Advocate provide the Joint
Committee on Government and Finance with an annual report.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended
2 by adding thereto a new article, designated §5B-4-1, §5B-4-2,
3 §5B-4-3, §5B-4-4, §5B-4-5, §5B-4-6, §5B-4-7 and §5B-4-8, all to
4 read as follows:

5 **ARTICLE 4. SMALL EMPLOYER BUSINESS ADVOCATE.**

6 **§5B-4-1. Short title.**

7 This article may be cited as the "Small Employer Business
8 Advocate Act."

9 **§5B-4-2. Creation of position of Small Employer Business Advocate.**

10 There is created within the Department of Commerce the Office
11 of the Small Employer Business Advocate. The Governor shall
12 nominate, and by and with the advice and consent of the Senate,
13 shall appoint the Small Employer Business Advocate to be in charge
14 of the office. The advocate shall serve at the will and pleasure of
15 the Governor.

16 **§5B-4-3. Qualifications for the Small Employer Business Advocate.**

17 The Small Employer Business Advocate shall be a practicing
18 member of the West Virginia bar or a majority owner in a business
19 registered in and actively engaged in business in West Virginia.

20 **§5B-4-4. Powers and duties of the Small Employer Business**
21 **Advocate.**

22 (a) The Small Employer Business Advocate shall assist
23 start-ups, entrepreneurs, small employers and small businesses in

1 managing and complying with tax, regulatory and licensing matters
2 of the state and its political subdivisions when requested to do so
3 by eligible businesses.

4 (b) The advocate may appear on behalf of start-ups,
5 entrepreneurs, small employers and small businesses dealing with
6 tax, regulatory and licensing matters with the state or its
7 political subdivisions when requested to do so by eligible
8 businesses.

9 (c) The advocate may appear on behalf of start-ups,
10 entrepreneurs, small employers and small businesses in any
11 administrative, quasi-judicial or judicial proceeding seeking to
12 enforce compliance with tax, regulatory and licensing requirements
13 when requested to do so by eligible businesses.

14 (d) As part of an ongoing advocacy effort by any start-up,
15 entrepreneurs, small employer or small business to comply with tax,
16 regulatory and licensing requirements, the advocate may issue a
17 stay of any enforcement actions for a period of up to one hundred
18 eighty days.

19 **§5B-4-5. Eligible businesses.**

20 A business must be in business in West Virginia for less than
21 three years, and produce less than \$10 million in gross revenue per
22 year or have less than one hundred employees in order to avail
23 itself of the services offered by the Small Employer Business
24 Advocate.

1 **§5B-4-6. Statewide Workshops.**

2 The Small Employer Business Advocate shall conduct at least
3 one workshop in each county every year to provide information to
4 local business owners about the services of the office and other
5 resources available to West Virginia employers.

6 **§5B-4-7. Funding source for the Office of the Small Employer**
7 **Business Advocate.**

8 Beginning July 1, 2014, there is a \$5 fee on new business
9 licenses which shall be dedicated to funding the operations of the
10 office of the Small Employer Business Advocate. Additionally,
11 start-ups, entrepreneurs, small employers and small businesses may
12 be encouraged to donate moneys to the office. Any business which
13 requests the advocate to intervene, advocate or negotiate on its
14 behalf shall be charged a fee of \$100, which shall be dedicated to
15 the funding of the office.

16 **§5B-4-8. Annual report to Joint Committee on Government and**
17 **Finance.**

18 The Small Employer Business Advocate shall provide the Joint
19 Committee on Government and Finance with an annual report on the
20 activities of the office. The report shall include recommendations
21 for streamlining and improving tax, regulatory and licensing
22 matters that impact start-ups, entrepreneurs, small employers and
23 small businesses.

NOTE: The purpose of the bill is to establish the Office of Small Employer Business Advocate to advocate for start-ups, entrepreneurs, small employers and small businesses before administrative and judicial bodies.

This article is new; therefore, it has been completely underscored.