



## NWGA Legislative Report: March 10, 2017

### WASHINGTON

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Last week was the originating chamber deadline, meaning all bills (to be kept alive) had to move out of their first chamber. Tax bills are starting to get introduced. So far have included: a vapor tax but no or beer tax yet.

#### **HB 1351 – Off Premise Single Licensure**

**Support**

NWGA's licensure bill that would authorize, under one license, the sale of spirits, beer, and wine at retail for off-premises consumption. The bill passed the house this week and has been scheduled for a hearing in the Senate next week. We are not aware of any opposition at this time.

#### **HB 5145 – Private Labels**

**Support**

Allows for all (retailers/on premise) to provide private labels. We have added language to make distributors feel more comfortable with the bill, but still have some opposition from distributors of lower-grade products. We will see some challenges in the house. **The WA Liquor Board has officially confirmed that private labels will need to be pulled from our shelves by the end of Session, if the bill does not pass. This would have a huge impact on our members, so passing this bill is currently our highest priority.**

#### **HB 1047 – Pharmacy Takeback**

**Support/Amended**

This bill died in the House before last week's cut-off deadline. WA language has been shared with Oregon for their efforts.

#### **SB 5032/HB 1116/SB 5829 – Paid Family & Medical Leave**

**Oppose**

NWGA has been invited to engage in negotiations with the greater business community. The vast majority of participants in these discussions are non-union or large company. There are still some business groups who don't want to engage in any negotiations. The current negotiation focus is crafting a plan with a 75% employee paid/25% employer paid program. Lots of talk around PTO vs. vacation vs. sick leave time, and which of these would have to be exhausted before switching over to a state-provided paid family leave program.

### IDAHO

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#### **HB 191 – Pharmacy Authorization**

**Support**

HB 191 authorizes the Board of Pharmacy to prescribe and administer low risk conditions that

don't require a diagnosis, are self-limiting, and are short term associations. Bill is scheduled for consideration the Senate.

**Draft Proposal – Grocery Tax Repeal**

**Monitor**

The bill would phase out the grocery tax over two years, while eliminating the credit. When Idaho first enacted its grocery tax credit, it is seen as a means to offset a portion of the sales tax individuals pay on food. Draft has not yet been released.

**LBB 6-83 – Liquor Division Appropriation**

**Monitor**

The Governor had asked the State Liquor Division for funding (\$428,000) to build two new liquor stores. The funding request was denied. Senator Mortimer objected to building more liquor stores if only for convenience. Rep. King objected to more liquor stores if only to expand access on weekends. Idaho currently has 66 liquor stores.

**HB 255 – Municipal Liquor Licenses**

**Monitor**

This bill aims to protect current license holders that have state-issued liquor licenses while creating a new tier of licenses for restaurants that want to sell liquor by the drink. It will allow counties and cities to sell these licenses, called municipal licenses, to restaurants that have full kitchens, and dedicate the vast majority of their business to serving food.

**OREGON**

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**HB 2005 – Pay Equity Bill**

**Oppose**

Both versions of the bill have been heard in their respective committees. This will be a tough issue to stop this Session, as several proponents are looking for a partisan vote in the House. NWGA is in discussions with the broader business community and moderate Democrat supporters to craft something that mirrors the first step of the CA pay equity bill (gender only) and align major provisions of both laws. The bill has been scheduled for a work session on Monday and NWGA will continue working with key legislators for compromising amendments. Even if it moves out of the House, we feel confident additional amendments will be made in the Senate.

**HB 2193 / SB 828 – Predictive Scheduling**

**Oppose**

Requires employer to pay employee equivalent of at least four hours of work if employee is scheduled or called in to work but, due to employer, does not work entire shift. Prohibits employer from retaliating against employee who requests preferred work schedule. A hearing was held this week in the House and we can expect amendments to limit to restaurants, retail, grocery and hospitality.

**HB 2386/HB 2645 – Drug Takeback**

**No Position**

Directs manufacturers of certain types of drugs that are sold within this state to develop and implement drug take-back program for purpose of collecting drugs for disposal. HB 2386 is the Counties' version of drug takeback program, that mirrors Washington's efforts. It is a voluntary

program but does not include preemption, which NWGA is pushing for. HB 2386 had a hearing this week, along with a similar takeback bill (HB 2645). HB 2645 is the likely vehicle and NWGA continues to work on preemption inclusion.

**HB 2746 – Bottle Bill/April 1 \$.10**

**Support**

The bill has been scheduled for a hearing in the Senate Environment and Natural Resources Committee. We are still on track to get this to the Governor's desk before April 1<sup>st</sup>.

**HB 3052/HB 3087 – Paid Family & Medical Leave**

**Oppose**

Creates family and medical leave insurance programs. NWGA is coordinating a paid Family leave joint discussion for Oregon and Washington in an attempt to mirror negotiations and programs in both states. The Oregon bill will require a supermajority vote (3/5 of members) to pass because it is considered a tax measure. This has increased our leverage significantly for negotiations.

**SB 113 – Gift Card Bill**

**Oppose**

Unused remaining balances on gift cards would be transferred to the Department of State Lands under this bill, provided that the cardholder has not used the gift card within five years after date of last transaction. It is introduced by Sen. Riley (Rep. Rayfield backed off on his earlier attempts to craft a bill). The bill had a hearing this week and key votes in the Committee, including the Chair expressed concerns. NWGA is optimistic about stopping this bill.

**SB 301 – Drug Free Work Environment**

**Oppose**

This bill would make it illegal to condition employment on refraining from using any substance that is lawful to use in this state (marijuana). The bill does not have any momentum and is likely dead in Committee.

**SB 743 – Cough Syrup ID Bill**

**Oppose**

This bill was requested by the Consumer Healthcare Products Association. The bill prohibits business that makes retail sales of product containing dextromethorphan to individual 17 years of age or younger unless individual has valid prescription. The first round of amendments are closer to the Washington's law, but need additional changes.

**Other bills to watch in Oregon:**

**HB 3270 – Soda Tax**

ODFW has recommended a soda tax to fund their department. The bill will likely be scheduled for a hearing but does not have momentum, given the broader tax discussion already in play.

**HB 2019 – Corporate Disclosure**

This bill has not advanced four sessions in a row after facing strong business opposition but remains a priority for trade unions.

**HB 2128 – Pseudoephedrine**

A public hearing was held on Rep. Post's bill today which would take pseudoephedrine off the controlled substance list. We do not expect this bill to advance this session.

### **HB 3178 – Tobacco**

An e-cigarette wholesale tax has been introduced— equivalent to the cigarette wholesale tax. NWGA will be neutral as long as the tax remains on wholesalers, not retailers. But we will oppose any increase in the cigarette tax.

### **Update: Portland Specialty Baking Case – Daily/Weekly Overtime**

This week a Multnomah County Judge ruled in favor of the employers and found that overtime needs to only be paid once, not for both daily and weekly rates as proposed by the plaintiffs. We will still move forward with our bill in the 2017 Legislative Session, however the decision will provide good direction for Legislators as they consider the fix and for employers to continue to adhere to the pre-December 2016 'Technical Assistance for Employers' manual advising employers to calculate overtime wages for hours worked on both a day and weekly basis and then paying the greater amount of the two. The Court did acknowledge that the overtime statutes do not specifically address the relationship between the two overtime laws and how they should be calculated (more than 10 hours/more than 40 hours). Plaintiffs argued that the daily and weekly overtime laws are distinct types of overtime and that they must be compensated separately. However, the Court found that BOLI's pre-December 2016 interpretation of overtime pay creates a consistent reading of the statutes by treating an overtime hour as something that is paid once "not twice in some circumstances and once in others." [View the opinion: https://www.docdroid.net/8dEkYJH/opinion-order-pdx-baking.pdf.html](https://www.docdroid.net/8dEkYJH/opinion-order-pdx-baking.pdf.html)