



Yesterday was cross over day - meaning that a bill had to pass its house of origin in order to be considered this session. In total, 185 bills passed in the Senate and 218 bills passed in the House of Delegates. There were 792 and 1,497 respectively introduced bills. Following is a brief recap of the bills that OMEGA will still be involved with:

HB 4023 – Raising the Minimum Wage passed out of the House of Delegates after a one and one-half hour floor debate on the bill. The vote was 87 to 10 with three Delegates absent and not voting. The bill has now been sent to the Senate where it has been triple referenced (meaning it has to get through three committees – Labor, Judiciary and Finance - before it can go to the floor). On Wednesday the Senate Labor Committee had guest speakers to address the issue. Only three Senators were present for the presentations. We are hoping that we can keep the interest down on this bill. The *Charleston Gazette* did a pretty good job of covering this issue in this morning's edition stating, "Proponents of the measure conceded that it is largely symbolic affecting perhaps no more than 1,500 workers statewide." If calls from OMEGA members are needed to Senators we will do a "Call for Action."

SB 350 - Allowing local health departments to increase licensing fees for restaurants, hotels, motor, trailer parks and other facilities that undergo health passed in the Senate and will go to Judiciary in the House. This measure would allow an increase in fees by 25 percent a year until they reach a new maximum rate that is in some cases three to four times higher than current fees. These fees have not been raised in fifteen years.

SB 562 – Allowing citizens to file certain criminal complaints directly with magistrate court passed in the Senate on Wednesday. This bill would help OMEGA members when dealing with bad checks.

SB 443 – Relating to continuation of hazardous waste management fees passed in the Senate. This bill that kept hazardous waste fees in place until 2011 was amended in Senate Finance Committee on Tuesday to have the fees only stay in place for one year – until 2007 but the amendment was taken out on the floor. DEP can not provide detail of where the dollars from these fees are used therefore business has agreed only to keep them in place for one year until an accountability can be made. In the House the bill has been referred to both the Judiciary and Finance committees therefore we stand a good chance of getting our amendment back in or in not passing the bill.

SB 581 - Amending definition of "person" relating to motor fuel excise tax passed in the Senate and is currently in House Finance. The Tax Department is promoting this change that is concurrent with language in the federal motor tax law. Most rack tax states have amended their language as well.

SB 490 – Providing gasoline tax exemption for certain county aging programs passed in the Senate on Tuesday and is now in House Finance. This exemption will take \$120,000 out of the highway fund. We have already spoken to several House members to state that we are against them addressing this bill and taking any action that further diverts monies from the Highway Fund.

SB 613 – Creating Community Empowerment Transportation Act passed in the Senate and was referred to Finance in the House. A similar bill, **SB 759 – Creating Highway Design-Build Procurement Act** has passed in the Senate as well. Both of these bills encourage alternative sources of funding for highway projects. Highway funding is a big issue throughout the state. OMEGA members' fear that an increase in the gasoline tax is forthcoming therefore bills like these are very important.

HB 4454 – Relating to wages withheld from an employee is in Senate Labor and then will go to Judiciary. Currently West Virginia's Wage Payment and Collection Act is putting businesses in the state at great risk, even for minor payroll and leave errors. The way the law is being applied, an employer can be required to pay a former employee 30 full days worth of wages in "liquidated damages" for any minor shortfall in wages or benefits, whether intentional or unintentional. This bill establishes that the employee will be paid three times the liquidated damages instead of 30 full days.

HB 4498 – Relating to **fees for licensing of money service** passed in the House and was sent to the Senate. The committee substitute, which passed changed the fees to \$20 for each location within the state (the original bill was \$15); \$250 for a renewal fee plus \$20 for each location (the original bill was \$500 for a renewal fee plus \$15 for each location); and the maximum fees are set at \$10,000 (the original bill was \$5,000).

SB 285 and SB 780- relating to **unclaimed property** passed in the Senate. These bills regulate expiration dates, dormancy fees and unclaimed gift cards and gift certificates.

HB 4133 - Clarifying that magistrate courts have concurrent juvenile jurisdiction with circuit courts with regard to enforcement of laws prohibiting the possession or use of tobacco or tobacco products by minors is pending in the Senate Health and Human Resources Committee. They are addressing this bill this afternoon. After it passes this committee it will go to the Judiciary Committee.

SB 492 – Providing **indemnity agreements in motor carrier transportation contracts void** passed in the Senate on Wednesday.

Several tort reform **issues** are still alive. The **appeal bond bill, HB 4096**, is now in Senate Judiciary. The **SB 576 that changes the calculation of pre- and post-judgement interest** is now in House Judiciary. We expect them to address it on Monday. **HB 4296 would give employers immunity from civil liability for disclosing job-related information** is now in Senate Judiciary. (HB 4767 that would require the Attorney General to comply with certain requirements when entering into contracts for legal services was on third reading in the House yesterday but was pulled from being considered by the full House by the House Rules Committee.

SB 245 – Creating Consolidated Local Government Act passed in the Senate and is presently in the House Government Organization committee. It has also referred to the Judiciary Committee.

HB 4048 – the **Eminent Domain** bill has passed in the House and the Senate Economic Development Committee. It is now in the Senate Government Organization Committee and if passed, will then go to the Senate Finance Committee.

Status on Governor's bills:

HB 4021 – Purchasing Reform - Passed the House of Delegates and has been sent to the Senate. This bill:

- makes doing business with the State easier for vendors;
- lets the State get the best deals when purchasing; and
- is a result of input from vendors and state purchasing departments.

HB 4020 – Creating Affordable Health Insurance Act is back in the House after passing the House, then the Senate. An agreement between the agencies affected and the Governor's office is being hammered out and is expected to be published on Friday.

Great news – **SB 136 – The Bottle Bill** – was not taken up by the Judiciary Committee therefore it is off the table for this year! However in a surprising move Senator White tried to bring the bill out in a late committee session on Wednesday without it being placed on the agenda. Our vote count on the bill was 3-14 therefore interest was not sustained by the members to consider the bill. It doesn't appear that there is a vehicle that this legislation could be amended into however we expect that a resolution to study the issue will be introduced.

The Legislature will adjourn at midnight on March 11, 2006. We still expect a Special Session to be called later in the year to deal with tax reform.

If you have any questions during the session or would like to express your opinion on issues, please contact Jan Vineyard at Jan@omegawv.com or call the Association Office at (304) 343-5500.