



# Legislative bulletin

Contractors Association of West Virginia

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Starting today, and running through the 60-day legislative session, members will receive the CAWV Legislative Bulletin every Monday morning. The bulletin contains legislation and activities that will affect contractors, subcontractors and suppliers.

Members will be asked to contact their legislators on issues affecting the construction industry. Members will receive Legislative Alerts during the session detailing the issues and containing contact information. A list of House and Senate members with their contact information and committees will be sent in next week's Legislative Bulletin.

## **GOVERNOR MANCHIN TOUTS STRENGTH OF CONSTRUCTION PROGRAM IN STATE OF THE STATE ADDRESS**

“Last July, West Virginia became the first state to use the Qualified School Construction Bonds statewide, which is letting us build or improve dozens of schools at a much lower cost,” Governor Joe Manchin said in his sixth “State of the State” address. “We currently have \$540 million in ongoing school construction -- the largest amount in the history of the School Building Authority, but much more needs to be done,” he told members of the legislature on Wednesday, opening the regular session for 2010. “I am asking the Legislature to give the SBA more borrowing flexibility. This will not increase our debt limit, but will allow us to create a steady revenue stream and provide safer schools and more construction jobs at cheaper bond rates.”

The governor continued, touting the impact that construction has on the state's potential for economic development. “When we build a school, construct a road, install a water line or expand broadband and wireless technology, we are creating a lasting impact,” he said, noting that West Virginia is a top state for utilizing stimulus money for highways, water and sewer lines. “We are working hard with limited resources and have planned an aggressive construction program for 2010.”

Governor Manchin told attendees that the WV Division of Highways has the most projects ongoing since the interstates were first built noting that, “this year marks the 10th consecutive year we have budgeted over a billion state and federal dollars for our roads. Last year, we opened half of Corridor H, advanced sections of U.S. 35, Route 9, Route 10, the Coalfields Expressway, the Mon/Fayette Expressway, the King Coal Highway and the Fairmont Gateway Connector, to name just a few. We are constructing more than 80 miles of four-lane highway.”

He also discussed the state's Clean Water Revolving Fund, which is ranked among the top in the nation. “Last year alone, we funded 18 different projects to provide wastewater treatment for an additional 12,400 West Virginians.”

Except for the school bonds, the governor did not propose any new funding mechanism to fund infrastructure projects. There is some indication that existing highway user fees may be modified which would increase funding for secondary road improvements.

To view the full speech visit <http://www.wvgov.org/sec.aspx?id=117>.

## **GOVERNOR PROPOSES CHANGES TO SCHOOL CONSTRUCTION BOND LAW**

Gov. Manchin has introduced [S.B. 229](#) and [H.B. 4041](#). The bills would allow the School Building Authority to have up to \$500 million in bonds outstanding at any given time. The current statute gives the SBA authority to issue in the aggregate \$500 million. The SBA is nearing the \$500 million aggregate amount. This bill gives SBA the authority to continue to sell bonds as old bond issues are retired. The SBA was formed in 1989 and no one recalls why the statute was written to cap school construction bonds at the \$500 million level, especially since the SBA has a dedicate revenue source to retire the bonds.

## **CARRY-OVER BILLS AFFECT LABOR/MANAGEMENT ISSUES**

A number of bills from last year's legislative session are carry-over bills this year. Included are bills to either eliminate or recalculate the state's prevailing wage rate, requiring contractors to submit a list of their subcontractors to owners two hours after bid opening, providing an employee the right to decline work more than forty hours in a workweek, requiring contractors awarded a state public works construction work to meet the time restrictions for completion and verifying the legal employment status of workers. The bills, all House bills, are noted below.

## **MANDATORY HEALTH BILL REINTRODUCED IN HOUSE**

A bill requiring contractors performing public works construction projects to show that at least 75 percent of the workers on a project over \$500,000 have health insurance, which has been defeated in previous sessions, was introduced this week and referred to the House Energy, Industry and Labor, Economic Development and Small Business Committee, then Finance Committee. [H.B. 2425](#) is sponsored by Delegates Don Perdue, D-Wayne, Bobbie Hatfield, D-Kanawha, and Mike Caputo, D-Marion. The CAWV cites a number of reasons why the legislation is not necessary or constitutional.

## **WEST VIRGINIA LEGISLATURE BILL INFORMATION**

House and Senate bills can be accessed from the CAWV's Legislative home page at [www.cawv.org/legislative.html](http://www.cawv.org/legislative.html). Members can view status updates on bills of interest to the construction industry and see what legislation is introduced that affects the construction industry. A summary of each day's activities will be uploaded each afternoon.

**Below is a list of bills that have been introduced this week that have an impact on the construction industry or some CAWV members. Anyone needing further information can contact Mike Clowser at (304) 342-1166 or email [mclowser@cawv.org](mailto:mclowser@cawv.org).**

### **HOUSE BILLS**

[HB 2016](#) Del. Sumner-Providing for removal and election of Public Service Commissioners-To Government Organization then Judiciary

[HB 2050](#) Del. Craig and Morgan-Expanding the counties covered by West Virginia Route 2 and Interstate 68 Authority to include Cabell, Mason and Jackson counties; and increasing the number of members-To Government Organization-[Local Bill]

[HB 2062](#) Del. Blair, Overington and Miller, J.-Giving the owners of newly constructed homes a ten-year grace period before connection to a newly installed sewer line is mandatory (FN)-To Judiciary then Finance

- [HB 2113](#) Del. Rodighiero and Eldridge-Providing overtime pay for all employees who are required to work holidays regardless if the holiday hours are in excess of forty hour workweek (FN)-To Energy, Industry and Labor, Economic Development and Small Business then Finance
- [HB 2129](#) Del. Martin, Argento and Rowan-Requiring bids under state contract to disclose the location of work performed or risk state termination of the contract-To Government Organization
- [HB 2143](#) Del. Shaver and Williams-Dedicating a portion of the receipts from the tax on food products to be distributed equally to each district of the Division of Highways (FN)-To Roads and Transportation then Finance
- [HB 2247](#) Del. Caputo and Martin-Providing an employee the right to decline to work more than forty hours in a workweek- To Energy, Industry and Labor, Economic Development and Small Business then Judiciary
- [HB 2262](#) Del. Shook-Making it a misdemeanor to file a frivolous lawsuit-To Judiciary
- [HB 2274](#) Del. Shook-relating to the distribution of the State Treasurer’s “Road Fund” (FN)-To Finance
- [HB 2321](#) Del. Caputo, Longstreth and Manchin-Extending the alternative-fuel motor vehicle tax credit for ten years and making the credit retroactive from expiration date of the initial credit (FN)-To Finance
- [HB 2378](#) Del. Hatfield, Caputo, Walters, Martin, Argento and Perdue-Relating to the removal of the exemption for government employees performing electrical work on government property from having to possess an electrician’s license-To Energy, Industry and Labor, Economic Development and Small Business then Government Organization
- [HB 2425](#) Del. Hatfield, Perdue, Caputo-Requiring employers to provide health insurance to employees working on public improvement project (FN)-To Energy, Industry and Labor, Economic Development and Small Business then Finance
- [HB 2427](#) Del. Caputo, Talbott and Hatfield-Requiring contractors awarded state public works construction projects to meet time restrictions for the completion of the public works construction project-To Energy, Industry and Labor, Economic Development and Small Business then Government Organization
- [HB 2462](#) Del. Martin and Schoen-Authorizing county commissions to adopt and enforce noise abatement ordinances-To Political Subdivisions then Judiciary
- [HB 2476](#) Del. Miller, C., Ashley, Porter, Sumner, Carmichael and Sobonya-Reducing the corporate net income tax to five point nine percent effective the first day of July, two thousand nine (FN)-Ton Finance
- [HB 2521](#) Del. Williams, Shaver, Perry, Michael, Hartman and Sumner-Reducing the wholesale tax on heating fuel, off road fuels, kerosene and propane used for home heating purposes or off road use (FN)-To Agriculture then Finance

- [HB 2571](#) Del. Guthrie-Relating to privatization contracts-To Government Organization then Judiciary
- [HB 2632](#) Del. Porter and Sumner-Modifying the West Virginia Parkways, Economic Development and Tourism Authority's power to charge tolls and issue bonds (FN)-To Government Organization then Finance
- [HB 2634](#) Del. Craig, Michael, Armstead and Azinger-Relating to limitations for certain asbestos exposure claims-To Judiciary
- [HB 2751](#) Del. Schadler, Rowan, Evans, Azinger and Overington-Exempting nonprofit corporations from paying prevailing wages in certain circumstances-To Energy, Industry and Labor, Economic Development and Small Business then Judiciary
- [HB 2768](#) Del. Overington, Schadler, Cowles, Miller, J., Andes, Blair, Shott, Carmichael and McGeehan-Exempting construction performed on behalf of educational authorities from prevailing wage requirements-To Energy, Industry and Labor, Economic Development and Small Business then Judiciary
- [HB 2784](#) Del. Overington, Blair, Carmichael, Schadler, Andes and Miller, Jr.-Establishing prevailing hourly rates to be used in connection with the construction of public improvements-To Energy, Industry and Labor, Economic Development and Small Business then Judiciary
- [HB 2800](#) Del. Klempa, Swartzmiller and Stephens-Updating the requirements for a new subdivision to access a road in the State Highway System,-To Roads and Transportation then Industry
- [HB 2809](#) Del. Sumner, Miller, C., and Sobonya-Exempting all gallons of gasoline and propane gas for any church, religious sect, society or denomination from the excise tax
- [HB 2844](#) Del. Ellem and Poling, D.-relating to the adoption of the 2008 National Electric Code-To Government Organization
- [HB 2871](#) Del. Moye, Barker, Poling, M., Stephens, Campbell, Schoen, Rodighiero, Poling, D. And Argento-Verifying legal employment status of workers-To Energy, Industry and Labor, Economic Development and Small Business then Judiciary
- [HB 2909](#) Del. Cowles-Exempting certain construction projects performed on behalf of county or municipal governments from the prevailing wage laws-To Political Subdivisions then Judiciary
- [HB 2917](#) Del. Guthrie-Giving full consideration to bicycle, pedestrian and transit ways in the planning, development of state roads, railways and waterways-To Roads and Transportation then Finance
- [HB 2923](#) Del. Klempa, Givens, Martin, Argento, Swartzmiller, Walker, Manypenny and Poling, D.-Requiring the disclosure of subcontractors within a certain time of the close of bids for public construction contracts-To Energy, Industry and Labor, Economic Development and Small Business then Government Organization
- [HB 2997](#) Del. Louisos-Requiring Commissioners of the public service commission to be elected-To Government Organization then Judiciary

- [HB 3009](#) Del. Cowles-Changing the definition of “construction” to only include projects whose total costs are more than \$200,000 in the prevailing wage law-To Energy, Industry and Labor, Economic Development and Small Business then Government Organization
- [HB 3061](#) Del. Ross-Increasing the spending limits on contracts involving the expenditure by a public service district for construction work or for the purchase of equipment and improvements, without seeking competitive bids-To Judiciary then Finance
- [HB 3149](#) Del. Overington, Blair, Duke, Miller, J. And Lawrence-Changing the board members of public service districts terms from six years to three years-To Political Subdivisions then Judiciary
- [HB 3157](#) Del. Williams and Shaver-Relating to allowing a county board of education to enter into lease-purchase agreements and allowing the School Building Authority to provide one-time grants to a county board of education for that purpose-To Education then Finance
- [HB 3280](#) Del. Poling, M. And Paxton-relating to higher education capital facilities-To Education then Finance-[Interim Bill]
- [HB 3326](#) Del. Ross and Hartman-Relating to existing National Pollutant Discharge Elimination System permits-To Natural Resources then Judiciary
- [HB 4028](#) Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive]-Updating the meaning of federal taxable income and certain other terms used in the West Virginia Corporation Net Income Tax Act-To Finance
- [HB 4030](#) Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive]-Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act-To Finance
- [HB 4031](#) Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive]-Providing flexibility in the West Virginia public school support plan for funding regional education service agencies-To Education then Finance
- [HB 4041](#) Mr. Speaker (Mr. Thompson) and Del. Armstead [By Request of the Executive]-Authorizing the School Building Authority to issue bonds in the maximum aggregate amount of \$500 million outstanding at any time-To Education then Finance

## **SENATE BILLS**

- [SB 10](#) Sen. Jenkins-Transferring certain cash balances between funds administered by Commissioners of Highways-To Finance
- [SB 12](#) Sen. McCabe-Relating to regional water and wastewater authorities (FN)-To Government Organization then Finance
- [SB 20](#) Sen. Sypolt-Relating to surveying services’ procurement-To Government Organization
- [SB 21](#) Sen Sypolt-Relating to land surveyor’s liability on railroad property-To Judiciary
- [SB 30](#) Sen. Barnes-Calculating prevailing wage on federally funded construction projects-To Labor then Finance

- [SB 40](#) Sen. Jenkins-Expanding counties covered by Route 2 and Interstate 68 Authority-To Transportation and Infrastructure then Government Organization
- [SB 69](#) Sen. McCabe-Creating Energy Efficient Building Act (FN)-To Transportation and Infrastructure then Finance
- [SB 70](#) Sen. McCabe-Relating to municipalities and counties issuing bonds- To Government Organization then Finance
- [SB 91](#) Sen. Williams-Reducing certain fuels' wholesale tax (FN)-To Finance
- [SB 101](#) Sen. White-Prohibiting certain water pollution control permits (FN)- To Energy, Industry and Mining then Judiciary then Finance
- [SB 117](#) Sen. Stollings-Establishing Innovative Highway Projects Pilot Program-To Transportation and Infrastructure then Finance
- [SB 129](#) Sen. Guills-Relating to small, women and minority-owned businesses-To Judiciary
- [SB 142](#) Sen. Jenkins-Creating Asbestos Claims Transparency Act-To Judiciary then Finance
- [SB 161](#) Sen. K. Facemyer-Creating Asbestos Claims Transparency Act-To Judiciary then Finance
- [SB 163](#) Sen. McCabe-Authorizing issuance of revenue bonds for public projects-To Government Organization then Finance
- [SB 181](#) Sen. Caruth-Relating to land development ordinances-To Economic Development then Government Organization
- [SB 182](#) Sen. Caruth-Terminating tolls on Turnpike-Transportation and Infrastructure then Finance
- [SB 184](#) Sen. McCabe-Creating WV Energy Efficient Buildings Program-To Transportation and Infrastructure then Finance
- [SB 212](#) Sen. Plymale, Wells, Oliverio, Helmick, Boley, Tomblin (Mr. President), Unger, Green, Foster, Hall, White, Edgell, Stollings, Browning and Laird-Relating to higher education capital facilities (IB)-To Education then Finance
- [SB 214](#) Sen. Tomblin (Mr. President) and Caruth [By Request of the Executive]-Updating certain terms in Corporation Net Income Tax Act-To Finance
- [SB 226](#) Sen. Sypolt-Revising Board of Examiners of Land Surveyors' qualifications standards-To Government Organization
- [SB 229](#) Sen. Tomblin (Mr. President) and Caruth [By Request of the Executive]-Authorizing School Building Authority to issue certain outstanding bonds-To Education then Finance