



Legislative bulletin

Contractors Association of West Virginia

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LB 2010-7
March 1, 2010

The House and Senate worked Friday to complete committee action. All bills had to be out of committee in their respective house of origin by Sunday in order to meet the parliamentary procedure of having bills read on three separate days without suspending rules. Lawmakers can still suspend rules but this requires approval of four-fifths of the members present and House Republicans have been reluctant to vote for suspension, especially when a bill has differing opinions. The Senate is usually more lenient on rule suspensions so bills could still be considered until March 3, when all bills must pass their house of origin in order to be considered in the final days of the session.

Below is the status on some of the key legislation the CAWV has been tracking. Even though a bill is presumed dead for the moment, there are ways to keep an issue alive. A bill that didn't pass out of committee Friday can still be amended into a bill that is moving through the process, or a bill can be originated in committee. However, a bill that does not make it out of in committee is very rarely resurrected. Bills that will still be alive for the remainder of this session will be known Wednesday, March 3.

HOUSE BILLS STILL ACTIVE AS OF MARCH 1, 2010

- [H.B. 3301](#) Relating to verifying legal status of workers
- [H.B. 4026](#) Relating to higher education capital facilities
- [H.B. 4162](#) Tax credit for obtaining green building LEED status
- [H.B. 4277](#) Authorizing the WVDEP to issue National Pollutant Discharge Elimination System Permits (NPDES)
- [H.B. 4309](#) Authorizing Town of Moorefield to build state-of -the-art regional wastewater treatment plant
- [H.B. 4352](#) Authorize the State Supreme Court to establish a Business Court Division to handle commercial issues and disputes between businesses
- [H.B. 4359](#) Authorizing WV Jobs Act to projects \$500,000 and over
- [H.B. 4387](#) Establish the Flexible Leave Act allowing the use of earned leave with pay for an illness in an employee's family
- [H.B. 4450](#) Relating to land surveyors
- [H.B. 4582](#) Creating reciprocity for WV small, women and minority-owned businesses who receive such preferences in other states

SENATE BILLS STILL ACTIVE AS OF MARCH 1, 2010

- [S.B. 10](#) Transferring certain cash balances between funds administered by Commissioner of Highways
- [S.B. 12](#) Relating to regional water and wastewater authorities
- [S.B. 41](#) Relating to community enhancement districts
- [S.B. 183](#) Limiting idling on diesel-powered engines
- [S.B. 229](#) Authorizing School Building Authority to issue up to \$500 million in construction bonds
- [S.B. 235](#) Relating to Creative Communities Development Pilot Program
- [S.B. 237](#) Authorizing issuance of revenue bonds for public projects
- [S.B. 291](#) Authorizing WVDOT to promulgate legislative rules
- [S.B. 347](#) Creating WV Transportation Finance Committee
- [S.B. 352](#) Creating WV Community Empowerment Transportation Act
- [S.B. 396](#) Updating commercial driver's license requirements
- [S.B. 427](#) Reorganizing WV Parkways Authority
- [S.B. 478](#) Revising West Virginia resident vendors preference rules on state contracts
- [S.B. 527](#) Requiring State Rail Authority establish transportation and local rail service plan
- [S.B. 585](#) Relating to release requirements for liens
- [S.B. 589](#) Creating an Intermediate Court of Appeals system
- [S.B. 594](#) Giving Water Development Authority hiring authority and other responsibilities
- [S.B. 612](#) Giving Governor authority to certify list of capital improvement projects at State institutions of higher education
- [SCR 41](#) Authorizing issuance of revenue for bonds to provide capital improvements for state colleges and universities

HOUSE BILLS THAT ARE CONSIDERED FINISHED FOR SESSION

- [H.B. 2247](#) Allowing employee to decline to work more than 40 hours in a work week
- [H.B. 2425](#) Mandatory health insurance for employees on public works construction projects
- [H.B. 2427](#) Requiring contractor on public projects to meet time restrictions or pay liquidated damages
- [H.B. 2768](#) Exempting school projects from prevailing wage rates
- [H.B. 2923](#) Requiring contractors on a public works project to submit subcontractor list within two hours of bid submittal

<u>H.B. 3157</u>	Allowing county boards of education to enter into lease-purchase agreements
<u>H.B. 4008</u>	Green Buildings Act
<u>H.B. 4266</u>	Using E-Verify to verify legal status of workers
<u>H.B. 4270</u>	Diverting WVDOH Funds to Public Service Commission
<u>H.B. 4276</u>	Energy Efficient Building Act
<u>H.B. 4332</u>	Permitting certain part-time employees to be eligible for unemployment compensation
<u>H.B. 4338</u>	Blasting Bill
<u>H.B. 4357</u>	Prohibiting project labor agreements on state funded construction projects
<u>H.B. 4417</u>	Abolishing the WV Board of Landscape Architects
<u>H.B. 4441</u>	Authorizing the President of the Senate and the Speaker of the House of Delegates to approve a highway public partnership agreement
<u>H.B. 4576</u>	Terminating tolls on WV Turnpike
<u>H.B. 4616</u>	Abolishing joint liability and establishing the principle of comparative fault

SENATE BILLS THAT ARE CONSIDERED FINISHED FOR SESSION

<u>S.B. 30</u>	Calculating prevailing wage rates on federally-funded construction projects
<u>S.B. 91</u>	Reducing certain wholesale fuel tax
<u>S.B. 117</u>	Establishing Innovative Highway Projects Pilot Program
<u>S.B. 163</u>	Authorizing issuance of revenue bonds for public projects
<u>S.B. 184</u>	Creating WV Energy Efficient Buildings Program
<u>S.B. 198</u>	Joint and Several Liability
<u>S.B. 212</u>	Relating to higher education capital facilities
<u>S.B. 504</u>	Using E-Verify to verify legal status of workers
<u>S.B. 525</u>	Issuing revenue bonds to keep state parks in compliance with ADA
<u>S.B. 613</u>	Creating Facility Design-Build-Finance-Lease-Purchase Act for schools
<u>S.B. 630</u>	Creating WV Facility Lease-Purchase Act for schools
<u>S.B. 637</u>	Allowing county boards of education to enter into certain lease-purchase agreements
<u>S.B. 670</u>	Requiring judicial subdivisions to give preference to certain resident vendors

WEST VIRGINIA LEGISLATURE BILL INFORMATION

All House and Senate bills introduced during this session can be accessed from the CAWV's Legislative home page at 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.

SENATE BILLS

[SCR 37](#) Sen. Snyder-Requesting Joint Committee on Government and Finance study DOH's county highway allocation formula for resources and money

[SCR 38](#) Sen. Unger and Green-Requesting Joint Committee on Government and Finance study alternative fuels and vehicular energy consumption