



Contractors Association of West Virginia **LEGISLATIVE BULLETIN**



In This Issue

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*Candidates File for
Office*

A number of bills were introduced last week in the Legislature that affect CAWV members and the construction industry. These include a separate commission created for the Contractors Licensing Board in [H.B. 4012](#), a reduction in the number of hours of experience needed to qualify as a journeyman sprinkler fitter from 10,000 to 3,000 in [H.B. 4040](#), modifying or eliminating the registration fees for alternative fuel vehicles in bills [H.B. 4060](#) and [S.B. 248](#), removing the requirement that the West Virginia Division of Highways read bids aloud in [H. B. 4404](#), as well as [S.B. 239](#) which would require general contractors to have and maintain general liability insurance.

*Bill Changes A/E
Procurement
Process*

*Country Roads
Transparency Act
Legislation on
Second Reading*

The House Government Organization Committee is looking at a number of bills dealing with occupational licensing, including contractors, architects and engineers. Another bill, [H.B. 4020](#), prohibits counties and municipalities from requiring licenses if a state license is required. [H.B. 4130](#) revises guidelines for awarding construction projects under a declared state of emergency.

*Bill Eliminates
Reading of Highway
Bid Results*

The House and Senate Finance Committees have been holding budget hearings and WVDOH and the School Building Authority presented their Fiscal Year 2021 budgets before lawmakers. Jimmy Wriston, deputy highways commissioner, said the DOH received two additional general fund allocations last year totaling \$100 million that will not be available this year unless there is another general fund transfer. Gov. Jim Justice has said the state's budget will be very tight this year due to the reduction of coal and oil and gas severance taxes.

CANDIDATES FILE FOR ELECTION

The governor, all members of the Board of Public Works, 100 delegates, 17 of 34 senators and a U.S. Senate seat are all up for election this year. Candidates filed their papers last week at the Secretary of State's office. Governor Jim Justice filed for reelection. He will square off against Woody Thrasher in the Republican primary. Democratic hopefuls filing last week include Senator Ron Stollings, D-Boone, and Kanawha County Commissioner Ben Salango. Senator Shelley Moore Capito was at the Capitol to file her papers for another six-year term. A number of long-term West Virginia House and Senate members have already announced they will not seek reelection this year.

H.B. 4130 AND S.B. 309 MODIFIES BIDDING IN A DECLARED STATE OF

EMERGENCY

[H.B. 4130](#) passed out of House Judiciary and is on Second Reading today in the House. The bill, along with companion bill [S.B. 309](#), that contracts for government construction projects arising out of declared states of emergency may be bid on an open-ended basis and may utilize a multiple contract award approach. The bill provides that solicitations and contracts for emergency construction are not required to specify or identify the location of the work at the time of the contract award, but must do so prior to work beginning, and are not required to mandate that the entity to whom the contract is to be awarded furnish certain bonds. (See the [January 13, 2020](#) CAWV Legislative Bulletin for details).

BILL CREATES “CONSTRUCTION INDUSTRY EMPLOYEE VERIFICATION ACT”

[S.B. 496](#) prohibits the employment of unauthorized employees in the construction industry. An unauthorized employee is defined as an individual who does not have the legal right or authorization under Federal law to work in the United States. If passed, the bill would require employers to verify the employment eligibility of the employee through the E-Verify program and to keep a record of the verification for the duration of the employee’s employment or three years, or whichever is longer.

The Attorney General will investigate a complaint. If an employee is an unauthorized employee, the Attorney General shall notify the United States Immigration and Customs Enforcement. The AG will bring action against the employer, who has a rebuttable presumption if the employer verified the employee through E-Verify. The employer could have his/her license suspended for a violation of the code. The bill is referred to the Committee on Workforce then Judiciary.

S.B. 516 CHANGES A/E PROCUREMENT ON WVDNR PROJECTS

[S.B. 516](#), introduced by Sens. Roberts, Hamilton and Prezioso, would change the selection process for architects and engineers working on West Virginia Division of Natural Resources projects from quality based to price based. The bill exempts WVDNR from the requirements of 5G. The bill is referred to Industry and Labor then Government Organization.

BILL CREATES COUNTRY ROADS WEBSITE

[H.B. 4017](#) establishes a “country roads accountability and transparency” program by directing the State Auditor to develop and maintain a searchable website of funding actions and expenditures relating state and public roads. The bill, which is on Second Reading today in the House, is published in full below.

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§ 17-2A-6b. Country roads accountability and transparency.

(a) The Legislature finds that taxpayers should be able to easily access the details of how the state is spending their tax dollars to build and repair state and public roads. The taxpayers should also be able to easily access and compare the budgeted moneys and the performance results that are achieved for those expenditures. It is the intent of the Legislature, therefore, to direct the Auditor to create and maintain a searchable website detailing where, how much, and from what source the taxpayer moneys in state government are expended for state and public roads.

(b) No later than July 1, 2020, the Auditor shall develop and make publicly available a searchable website containing, at a minimum, the following information for a given fiscal year, and the three immediately preceding fiscal years:

(1) The project number or name for each state and public road in which moneys have been expended to build or repair or in which funding has been directed;

(2) The county location for each such project;

(3) The funding source for a given funding action or expenditure;

(4) The budget program or activity related to a given funding action or expenditure;

(5) The name and the address, principal location or residence of the recipients of a given funding action or expenditure; and

(6) Additional information as to the funding action or expenditure the Auditor considers valuable for the public.

(c) For the purposes of this section:

“Auditor” means the State Auditor of West Virginia, by himself or herself, or by any person appointed, designated or approved by the State Auditor to perform the service;

“Funding action or expenditure” includes details on the type of spending (grant, contract, appropriations, etc.). This includes, but is not limited to, tax exemptions, tax credits, or any expenditure from any civil contingency or similar fund. Where possible, a hyperlink to the actual grants or contracts shall be provided: *Provided*, That any private or confidential information is redacted: *Provided*, That any private or confidential information contained in the contract shall be redacted;

“Funding source” means the state account from which the funding action or expenditure is appropriated;

“Recipients” means any individual, person, corporation, association, union, limited liability corporation, limited liability partnership, legal business entity including nonprofit organizations, grantees, contractors, or any county, municipal or other local government entity that directly receives the benefit of a funding action or expenditure;

“Searchable website” means a website that allows the public at no cost to search and aggregate information regarding the state’s budget and spending.

(d) The searchable website shall be updated periodically as new data becomes available and is submitted by the commissioner to the Auditor. The commissioner shall provide to the Auditor, in a format specified by the Auditor, all the data that is required to be included in the searchable website no later than 30 days after the data becomes available to the agency. The Auditor shall provide guidance and specifications to the commissioner to promote compliance with this section.

(e) The Auditor shall annually provide an update to the Joint Committee on Government and Finance as to the status of the website and shall make known to the Joint Committee and the public any failure by the commissioner to timely submit to the Auditor appropriate and requested information.

BILL ELIMINATES READING OF WVDOH BIDS

West Virginia Division of Highways would no longer read bids aloud during lettings under a proposal by the WVDOH. [H.B. 4404](#) would eliminate language in state code mandating bids be opened a read aloud. A companion bill is expected in the Senate. The WVDOH approached the CAWV seeking comment on eliminating the long-standing practice of DOH personnel opening and reading the bidders on each project during the Tuesday lettings. The division cites the ability to post bid results on their website as being sufficient to provide a public opening. The CAWV will be discussing this proposal during the Highway/Heavy Division meeting to be held at the CAWV Midyear Meeting later this week.

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 at mclowser@cawv.org.

HOUSE BILLS			
Bill #	Sponsors	Proposal	Introduced/Committee
HB 4155	Del. Jennings, Foster, Kessinger, Hardy, Bibby, Cowles, Sypolt and Steele	Relating generally to the regulation of plumbers	<i>01/14/20 - To Government Organization</i>
HB 4157	Del. D. Jeffries, Tomblin, Azinger, Porterfield, J. Jeffries, Worrell, Hott, Cadle, Sypolt, Barnhart and Hamrick	Prohibiting the regulation and licensing of occupations by local government	<i>01/14/20 - To Government Organization</i>

HB 4163	Del. Hansen, Caputo, Pyles, Williams, Zukoff, Doyle, Pushkin, Walker, Lavender-Bowe, C. Thompson and Estep-Burton	Repealing section of code authorizing additional registration fees for alternative fuel vehicles (FN)	01/14/20 - To Finance
HB 4172	Del. Hansen, Fleischauer, Evans, Pushkin, Miley, Hanna, Miller and Byrd	Providing for solar energy production on formerly mined land (FN)	01/14/20 - To Energy then the Judiciary
HB 4181	Del. Hamrick, Porterfield, Cadle and Sypolt	Moving provisions relating to the licensing of contractors to Chapter 30 of this code	01/14/20 - To Government Organization
HB 4185	Del. Foster, Waxman, Jennings, Sypolt, Butler, Cadle, Bibby, Hardy, Porterfield, Kessinger and Fast	Exempting from licensure as an electrician a person who installs low voltage electrical wiring	01/14/20 - To Government Organization
HB 4196	Del. Pyles	Enacting fair workweek employment standards (FN)	01/14/20 - To Small Business, Entrepreneurship and Economic Development then the Judiciary
HB 4358	Del. Porterfield and Foster	Relating to the licensing of electricians	01/15/20 - To Industry and Labor then Government Organization
HB 4360	Del. Foster, Waxman, Householder, Barnhart, Jennings, Porterfield, Ellington, Phillips, D. Jeffries, C. Martin and Wilson	Exempting certain persons from heating, ventilating, and cooling system licensing requirements	01/15/20 - To Industry and Labor then Government Organization
HB 4404	Del. Butler	Removing the requirement that the Division of Highways read bids aloud	01/17/20 - To Technology and Infrastructure then Government Organization
HB 4421	Del. Householder, J. Kelly, Criss, Westfall, Anderson, Storch, Graves, Rowan, Pack, Linville and Maynard	Natural Gas Liquids Economic Development Act (FN)	01/20/20 - To Energy then Finance

SENATE BILLS

Bill #	Sponsors	Proposal	Introduced/Committee
SB 489	Sen. Maynard, Clements, Smith, Sypolt, Tarr and Swope	Moving provisions of licensing contractors to chapter 30 of code (IB)	01/15/20 - Government Organization

SB 495	Sen. Clements	Relating to registration fees for alternative fuel vehicles (FN)	<i>01/15/20 - Transportation and Infrastructure then Finance</i>
SB 496	Sen. Hamilton, Ihlenfeld, Jeffries, Pitsenbarger, Stollings and Woelfel	Prohibiting employment of unauthorized employees in construction industry (FN)	<i>01/15/20 - Workforce then Judiciary</i>
SB 498	Sen. Hamilton, Stollings and Smith	Creating New Worker Relocation Incentive Program (FN)	<i>01/15/20 - Economic Development then Finance</i>
SB 503	Sen. Sypolt, Cline, Maynard, Pitsenbarger, Stollings and Jeffries	Removing barriers to employment for certain individuals with criminal records (IB)	<i>01/15/20 - Government Organization then Judiciary</i>
SB 505	Sen. Weld	Relating to urban renewal acquisition of property	<i>01/15/20 - Economic Development then Government Organization</i>
SB 516	Sen. Roberts, Hamilton and Prezioso	Allowing DNR procure architect-engineer services (FN)	<i>01/16/20 - Natural Resources then Government Organization</i>
SB 517	Sen. Hamilton and Prezioso	Creating State Parks and Recreation Endowment Fund	<i>01/16/20 - Natural Resources then Finance</i>
SB 520	Sen. Swope	Creating Natural Gas Liquids Economic Development Act of 2020 (FN)	<i>01/16/20 - Economic Development then Finance</i>
SB 521	Sen. Tarr, Swope and Sypolt	Creating Tax and Economic Incentives Review Committee (FN)	<i>01/16/20 - Economic Development then Government Organization</i>
SB 531	Sen. Blair	Shifting funding from Landfill Closure Assistance Fund to local solid waste authorities (FN)	<i>01/17/20 - Government Organization then Finance</i>