



Contractors Association of West Virginia **LEGISLATIVE BULLETIN**



LB 2015 – 03

February 3, 2015

LEGISLATIVE ALERT

SENATE COMMITTEE EXPECTED TO VOTE ON PREVAILING WAGE REPEAL

The Senate Government Organization Committee is meeting at 2:00 p.m. today, February 3. The only item expected to be on the agenda is [S.B. 361](#), a bill to repeal the state's prevailing wage statute. By all indications, the bill is expected to pass. Since the bill is single referenced, it will go to the full Senate for passage.

The CAWV, at its January 31 meeting, reaffirmed its position on prevailing wage, which is to modify but not repeal (see below for more detailed comments). A number of speakers will be presenting comments at the committee meeting, including CAWV representatives.

Members are welcome to attend the meeting which will be held in the Senate Judiciary Room in Room 208 in the West Wing of the Capitol. However, a large crowd is expected and seating will be limited. Members can listen live on the Legislature's website. To access the live stream for the Senate Government Organization Committee, click [here](#).

RIGHT TO WORK LEGISLATION, PREVAILING WAGE, JOINT AND SEVERAL CAP BUSY LEGISLATIVE WEEK

A third bill in the Senate to repeal the state prevailing wage law was introduced Thursday. S.B. 361, introduced by Sen. Craig Blair, R-Berkeley, went immediately on the agenda of Thursday's Government Organization Committee meeting but was pulled prior to being discussed. Contractors and labor are seeking to develop a compromise bill that would modify the current prevailing wage rate determination. Senate and House leadership continue to push for total repeal. Many senators would like to reach a compromise but total repeal is still a real possibility. The bill is back on the agenda for the February 3 Senate Government Organization Committee's agenda at 2:00 p.m.

The CAWV Board of Directors, at its January 31 meeting, reaffirmed its position that the state's wage calculation needs to be modified to guarantee that it is a fair and actual wage rate but that the association is opposed to total repeal of the state's prevailing wage statute.

The Board also reaffirmed its position on two other bills that have been introduced. [H.B.2237](#) prohibits a project labor agreement (PLA) on state-funded construction contracts. The bill has been referred to the House Government Organization Committee with a second reference to Finance. Another labor issue surfaced this week, making West Virginia a Right-to-Work state, [S.B. 337](#). The CAWV supports both of these measures. The labor community came out in force to oppose Right-to-Work and prevailing wage rate repeal legislation.

CAWV supported legislation addressed this week includes [S.B. 258](#), the Creating Letting Our Counties Act Locally Act, passed out of the Senate Transportation and Infrastructure Committee. The bill allows county commissioners to develop funding measures to build local transportation projects. The committee did pass out [S.B. 266](#), the governor's bill that eliminates \$11.5 million in funds that would be directed to the State Road Fund and keep it in the state's general fund. The committee doesn't like the bill any better than the CAWV but they did report it out of committee to the bill's second committee, Finance, with a recommendation the bill does not pass.

[H.B. 2002](#) passed the House by a vote of 74-25 and was sent to the Senate. The bill, known as Joint and Several Liability, deals with comparative fault and ensures defendants would only be held responsible for the share of damages a jury decides was their fault. The CAWV has long supported joint and several reform.

QUARRY SAFETY RULES PASS OUT OF SENATE EIM COMMITTEE

[S.B. 170](#) rewrites the safety rules for safety operations around surface and underground quarry operations. The rules are the result of a task force of West Virginia Crushed Aggregates Council members and the Office of Miner's Health, Safety and Training. The rules bill passed out of the Senate Energy, Industry and Mining Committee Thursday. It now goes to Senate Judiciary Committee. There is a companion bill in the House of Delegates, [H.B. 2342](#). That bill is referred to Industry and Labor then Judiciary.

S.B. 234 EXEMPTS PSDS FROM PSC JURISDICTION

[S.B. 234](#) eliminates Public Service Commission jurisdiction over utilities that are political subdivisions of the state. It gives local government the responsibilities and authority to manage its infrastructure as it deems most appropriate. This regulatory approach is used in about every other state. The bill's proponents say it has been effective in limiting and reducing customer costs and stimulating private investment in public utilities. They say the bill removes duplicative state bureaucracy and modernizes and makes more efficient the West Virginia regulatory process.

S.B. 234 is supported, in part, by the WV Municipal League, WV Rural Water Association and the West Virginia section of the American Water Works Association. The bill is referred to the Government Organization Committee with a second reference to Finance.

WAGE PAYMENT & COLLECTION ACT

The Senate has passed [S.B.12](#), a measure to change current law governing payment of final wages to separated employees. Currently, such employees must be paid their final wages at the next regular payday or within four business days, whichever comes first. The Senate bill seeks to require payment by the next regular payday. The bill is currently being reviewed by the House Industry & Labor Committee.

For a complete listing of this year's committees, see below:

Senate committees

www.legis.state.wv.us/committees/senate/main.cfm

House of Delegates committees www.legis.state.wv.us/committees/house/main.cfm

WEST VIRGINIA LEGISLATURE BILL INFORMATION

House and Senate bills can be accessed from the CAWV's Legislative home page at www.cawv.org/legislative. 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.

House Bills

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
HB2407	Reallocating and dedicating three percent of oil and gas severance tax revenues up to \$20 million annually to the oil and gas producing counties of origin	Dels. Storch, Zatezalo, Weld, Fluharty, Trecost, Ferro and Evans, D.	1/27/15 - Energy then Finance
HB2478	Relating to public school finance	Speaker Armstead and Del. Miley	1/28/15 – Education then Finance
HB2485	Relating to the West Virginia Future Fund	Dels. Folk, O'Neal, Canterbury, Storch, Reynolds, Hamilton, Kurcaba, McGeehan, Pasdon, Faircloth and Householder	1/28/15 - Finance
HB2488	Requiring the construction of new public buildings and when an entrance of an existing public building is renovated to be compliant with the federal Americans With Disabilities Act by having automatic doors	Dels. Campbell, Eldridge, Householder, Rodighiero, Marcum, Ashley and Ellington	1/28/15 - Judiciary then Finance
HB2490	Establishing a tax credit for new businesses that locate in the state	Del. Rodighiero	1/28/15 - Small Business, Entrepreneurship and Economic Development then Finance
HB2530	Establishing a Library Facilities Improvement Fund	Dels. Morgan, Perdue, Boggs, Pethel, Rohrbach, and Hornbuckle	1/28/15 - Small Business, Entrepreneurship and Economic Development

HB2537	Requiring that the chairperson of the Public Service Commission be elected on a nonpartisan ballot	Dels. Ihle, Kessinger, Faircloth, Moffatt, Westfall, Householder, Hill, Folk, Rowan, Frich, and Canterbury	2/2/15 - Government Organization
HB2561	Requiring the Commissioner of Highways to contract with private providers or contractors for necessary emergency maintenance operations	Dels. Statler, Kurcaba, Stansbury, Rohrbach, Frich, Pasdon, Summers, Espinosa, Waxman, and Blair	2/2/15 - Roads and Transportation
HB2562	Relating to sales tax increment financing	Speaker Armstead and Del. Miley	2/2/15 - Finance
HB2571	Creating a fund for pothole repair contributed to by private businesses or entities	Dels. Walters and Foster	2/3/15 - To Roads and Transportation then Finance

Senate Bills

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
SB 318	Relating to payment of wages by employers	Sens. Trump, Karnes and Carmichael	1/27/15 - Judiciary
SB 337	Creating workplace freedom act	Sens. Carmichael, Blair, Boso, Sypolt and Trump	1/27/15 - Judiciary
SB 361	Repealing code sections relating to prevailing hourly wage requirement for construction of public improvements	Sen. Blair	1/29/15 - Government Organization
SB 378	Relicensing electricians without retesting under certain circumstances	Sens. Snyder, Blair, Miller, Kessler, Kirkendoll, and Gaunch	1/30/15 - Government Organization
SB 379	Creating State Infrastructure Bank Program	Sens. Walters, D. Hall, Beach, and Miller	1/30/15 - Transportation and Infrastructure
SB 380	Relating to when Future Fund deposits are made	Sens. Kessler, Stollings, Unger, Miller, and Yost	1/30/15 - Finance
SB 390	Authorizing PSC approve expedited cost recovery of natural gas utility infrastructure projects	Sen. Trump	2/3/15 - Energy, Industry and Mining then Judiciary

[SB 397](#)

Transferring powers and duties of
Affordable Housing Trust Fund to
Housing Development Fund

President Cole and
Sen. Kessler

2/3/15 - Government
Organization then Finance