



# Contractors Association of West Virginia **LEGISLATIVE BULLETIN**



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LB 2018-06

February 19, 2018

*Teachers Rally for  
Pay Raises*

### **TEACHER PAY RAISES, PEIA INSURANCE TAKE TOP BILLING AT CAPITOL**

*One-Call Bill  
Addresses CAWV's  
Concerns*

The West Virginia Legislature has two versions of a bill to raise pay for teachers and public employees. The House of Delegates conducted hours of debate before approving its version of Senate Bill 267 as teachers and school service personnel made plans for "work action" to protest the size of the raises planned for them and the cost of their health care insurance.

*Today is Last Day  
to Introduce Bills*

West Virginia's public-school teachers and service employees joined forces Saturday in Charleston to announce a statewide strike for Thursday and Friday, and the work stoppages may not stop at just two days unless lawmakers address their calls for lower health care premiums and higher wages, said a local union official. An estimated crowd of between 10,000 to 15,000 people gathered outside the State Capitol Saturday — many of them members of the West Virginia Education Association, the American Federation of Teachers, and the West Virginia School Service Personnel Association.

They came to Charleston to protest what they see as a failure by the Legislature to halt their rising Public Employees Insurance Agency premiums, which have now been frozen for the next 17 months by the PEIA board. They are also unhappy with legislation giving teachers as much a 2-percent hike in 2019, and 1-percent raises each of the following three years. The service employees and members of the State Police would get a 2-percent raise the first year, and 1 percent the second year.

The House Finance Committee this week passed out a bill to eliminate an annual \$12.5 million transfer from the state general fund to the State Road Fund. In 2005, the legislature passed a CAWV-sponsored bill that reimburses the State Road Fund the 6 percent state Consumer Sales Tax paid on material incorporated in a highway project. The transfer has averaged about \$12 million annually. House Finance Committee action Tuesday discontinues the transfer, reason given is to help pay for the teacher pay raise. H.B. 4157 is on Second Reading in the House.

### **NEW BILLS INTRODUCED THAT IMPACT CONSTRUCTION**

A number of bills have been introduced impacting the construction industry. These include S.B. 506, deregulating persons who perform work on heating, ventilating and cooling systems, S.B. 558, relating to certification requirements for crane operators (placed into a subcommittee for further review), S.B. 506, deregulating persons who perform work on heating, ventilating and cooling systems (placed in subcommittee for further review), and S.B. 561, increasing minimum contract price requiring execution of bond with respect to building or repairing school property.

S.B. 583 is a bill to change West Virginia's one-call law. The CAWV Utilities Committee has been working with the state Public Service Commission and Miss Utility of West Virginia to revise requirements of owners and operators of underground facilities and contractors' responsibilities prior to digging. The CAWV was concerned that liabilities would be placed on contractors if they damaged underground utilities even though they made a call prior to excavating. The introduced bill addresses the concerns expressed by members. The bill goes to Senate Transportation and Infrastructure then Finance.

H.B. 4513 has been introduced House Speaker Tim Armstead and Judiciary Chairman John Shott. The purpose of this bill is to specify additional grounds for the debarment of a vendor to the state or its subdivisions, clarify that vendors may be subject to debarment for the actions of individuals acting on behalf of the vendors, to broaden the scope of persons and business entities that may be subject to debarment, and to further define the duties of the Director of Purchasing.

The bill adds new language for what constitutes grounds for debarment of a vendor. "(1) The vendor's conviction of, admission to, or other acknowledgment of responsibility for any of the criminal offenses or conduct described below. A formal adjudication of guilt is not required if the vendor has entered a plea of guilty in a court of record to an offense listed here, has acknowledged responsibility for conduct constituting such an offense, or if the vendor, having been charged with such an offense, has entered into an agreement with a prosecuting authority that includes financial consequences, in the form of fines, restitution, or forfeiture, to the vendor or results in limitations to the vendor's freedom to operate in any manner."

H.B. 4153 also adds language for a "related party." It reads: "For purposes of this section, "related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contact amount."

The bill has been referred to the Committee on the Judiciary.

## **OTHER BILLS OF INTEREST**

The West Virginia Supreme Court of Appeals also drew headlines recently as the Senate passed a bill creating an Intermediate Appellate Court ([S.B. 341](#)) and [Senate Joint Resolution 3](#), which would authorize a constitutional amendment for voters to consider that would place the high court's budget under legislative control. These bills cleared the Senate just as the Supreme Court announced the justices voted to name Margaret Workman as chief justice, replacing Chief Justice Allen Loughry. Loughry remains a member of the Supreme Court, but now Workman will be in charge of the judicial system. She has said it her goal is to restore public respect for the Supreme Court.

While the Senate was debating an Intermediate Appellate Court, members of the House of Delegates debated for nearly three hours on H.B. 4268, the **Co-Tenancy Modernization and Majority Protection Act**. This bill will allow 75% of the owners of a property to consent to development, while providing proper compensation for minority owners or owners who cannot be located.

Removal of the state's inventory tax, a top priority of Governor Jim Justice and legislative leaders, has been caught up in the teacher's pay raise debate. Prospects for passage appear slim at the moment but nothing is final until the last day of the session. Even then, legislators can be called into special session to deal with specific pieces of legislation.

- **Regulatory Reform:** The House has delayed passage of the Regulatory Reform Act of 2018. [H.B. 4154](#) would help the Department of Commerce expedite permits and other approvals for business development. The bill has cleared House Government Organization and House Judiciary and was poised to pass the full House, but leadership moved the bill over to the House Calendar on Thursday.
- **Local Pre-emption:** [S.B. 458](#) would prohibit local political subdivisions from enacting their own minimum wage or prevailing wage. It also would prevent localities from enacting their own consumer goods taxes/restrictions that differ from state law. The bill passed the full Senate 22-12 on Feb. 15.

Today is the last day to introduce bills in the Senate. February 19 was the last day to introduce House bills. There have been 625 Senate bills introduced, not counting Joint Resolutions and other special legislation. In the House, a total of about 2,230 bills have been introduced, which includes over 500 carryover bills from last year's session. Bills must be out of committee in their house of origin by the 47<sup>th</sup> day, February 25, to ensure three full days for readings. The 50<sup>th</sup> day, February 28, is the last day to consider a bill on third reading in its house of

origin.

**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).**

<b>HOUSE BILLS</b>			
<b>Bill #</b>	<b>Sponsors</b>	<b>Proposal</b>	<b>Introduced/Committee</b>
<a href="#">HB 4513</a>	Del. Shott and Mr. Speaker (Mr. Armstead)	Relating to debarment of vendors seeking to provide goods and services to the state and its subdivisions (FN)	02/13/18 - <i>To the Judiciary</i>
<a href="#">HB 4522</a>	Del. Nelson [By Request of the WV State Tax & Revenue Department]	Allowing certain tax information to be shared with the Director of Purchasing Division, Department of Administration, and State Auditor	02/13/18 - <i>To Finance</i>
<a href="#">HB 4530</a>	Del. Eldridge and Canestraro	West Virginia Natural Resources Permanent Fund	02/13/18 - <i>To Energy then Finance</i>
<a href="#">HB 4532</a>	Del. Foster	Relating to a prime contractor's responsibility for wages and benefits	02/13/18 - <i>To Industry and Labor then the Judiciary</i>

<b>SENATE BILLS</b>			
<b>Bill #</b>	<b>Sponsors</b>	<b>Proposal</b>	<b>Introduced/Committee</b>
<a href="#">SB 539</a>	Sen. Trump	Increasing limit for settling claims against DOH	02/14/18 - <i>Judiciary</i>
<a href="#">SB 554</a>	Sen. Baldwin	Relating to distribution of School Building Authority funds	02/15/18 - <i>Education then Finance</i>
<a href="#">SB 558</a>	Sen. Swope	Relating to certification requirements for crane operators	02/15/18 - <i>Workforce then Government Organization</i>

<a href="#">SB 561</a>	Sen. Jeffries	Increasing minimum contract price requiring execution of bond with respect to building or repairing school property	<i>02/15/18 - Education then Government Organization</i>
<a href="#">SB 565</a>	Sen. Jeffries, Gaunch, Palumbo, Baldwin, Facemire, Ojeda, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel	Clarifying authority of State Fire Commission	<i>02/15/18 - Government Organization</i>
<a href="#">SB 583</a>	Sen. Boso	Bringing WV in compliance with federal pipeline safety regulations (FN)	<i>02/16/18 - Transportation and Infrastructure then Finance</i>