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February 28, 2014

HOUSE PASSES BUY AMERICAN BILL; FIGHT GOES TO SENATE

**Call Senators
on HB 4168**

**List of Senators
and
Phone Numbers**

**False Claims
Act Defeated**

**March 8 Last
Day of Session**

After the narrow 12-11 passage of [H.B. 4168](#) in the House Finance Committee last Friday, the House of Delegates Wednesday passed the Buy American bill by a vote of 90-7. Many delegates opposed the legislation but did not want to go on the board as voting “against America.” As such, the CAWV did not contest the bill on the House floor. The fight now goes to the Senate and to the committee to which the bill has been referred, Government Organization. Delegates speaking in favor of H.B. 4168 spoke of the jobs that will be created if the bill passes. However, they spoke of “jobs in America” and “jobs in manufacturing.” Very little mention was made of the West Virginia construction worker jobs and West Virginia supply company jobs that would be lost with the bill’s passage. Opponents did mention that the bill allows for products to be up to 10% higher if made in America and that this added cost to all public construction projects would result in less school, highway and water and sewer construction.

MEMBERS MUST CALL SENATORS IF BILL IS TO BE DEFEATED

The House and Senate will be working all week to get bills passed before the Saturday, March 8, adjournment at midnight. H.B. 4168 has been referred to the Senate Government Organization Committee. **Members must call their Senators Monday, especially those on the Government Organization Committee, to ask them to vote “No” on the bill.** Members of the Committee and their phone numbers are below. Phone numbers for the rest of the Senate membership follows:

Government Organization Committee

Sen. Herb Snyder, Chairman	(304) 357-7957
Sen. Ron Miller, Vice Chairman	(304) 357-7959
Sen. Sam Cann	(304) 357-7904
Sen. Donald Cookman	(304) 357-7980
Sen. Rocky Fitzsimmons	(304) 357-7918
Sen. Mike Green	(304) 357-7831
Sen. Art Kirkendoll	(304) 357-7857
Sen. Ron Stollings	(304) 357-7939
Sen. Bob Williams	(304) 357-7995
Sen. Jack Yost	(304) 357-7984
Sen. Craig Blair	(304) 357-7867
Sen. Donna Boley	(304) 357-7905
Sen. Evan Jenkins	(304) 357-7956
Sen. Dave Sypolt	(304) 357-7914

Other Senate Numbers

Sen. President Jeff Kessler	(304) 357-7801
Sen. Clark Barnes	(304) 357-7973
Sen. Bob Beach	(304) 357-7919
Sen. Mitch Carmichael	(304) 357-7855
Sen. Truman Chafin	(304) 357-7808
Sen. Bill Cole	(304) 357-7843
Sen. Larry Edgell	(304) 357-7827
Sen. Doug Facemire	(304) 357-7845
Sen. Daniel Hall	(304) 357-7807
Sen. Mike Hall	(304) 357-7901
Sen. William Laird IV	(304) 357-7849
Sen. Brooks McCabe	(304) 357-7990
Sen. David Nohe	(304) 357-7970
Sen. Corey Palumbo	(304) 357-7880
Sen. Robert Plymale	(304) 357-7937
Sen. Roman Prezioso	(304) 357-7961
Sen. Greg Tucker	(304) 357-7906
Sen. John Unger II	(304) 357-7933
Sen. Chris Walters	(304) 357-7866
Sen. Erik Wells	(304) 357-7841

TALKING POINTS ON H.B. 4168

1. West Virginia Code currently requires 100 percent domestic steel, aluminum and glass on all public projects.
2. Proponents of bill promote creating a manufacturing job in America. **THIS BILL WILL COST VIRGINIA CONSTRUCTION JOBS AND WEST VIRGINIA SUPPLY COMPANY JOBS. WE CANNOT AFFORD TO LOSE MORE JOBS IN WEST VIRGINIA.**
3. A task force that spent eight months studying a Buy America bill determined most products in public projects are made in America.
4. If construction costs increase, less schools, city parks, water and sewer projects, roads, bridges and local projects will be built.
5. West Virginia supply firms have long established products. If they can no longer supply their products, they will have to lay off people.
6. The legislation will delay projects going to bid.
7. The WV Division of Labor does a good job with its responsibilities but it has never designed, advertised, awarded or administered a construction project yet they are charged with administering Buy America for all state, county and local agencies. What is the cost of WV DOL to start a new division to implement Buy America?

ACTION NEEDED:

CONTACT IMMEDIATELY SENATORS, AND ESPECIALLY THOSE ON THE SENATE GOVERNMENT ORGANIZATION COMMITTEE, TO VOICE OBJECTIONS TO H.B. 4168, THE BUY AMERICAN BILL. SEE THE ABOVE LIST OF SENATORS AND THEIR PHONE NUMBERS. A copy of the bill is available by [clicking here](#).

BI-PARTISAN SUPPORT LEADS TO FALSE CLAIMS BILL DEFEAT

The business community did score a victory this week with the defeat of [H.B. 4001](#), the False Claims Act bill. On Tuesday, the House of Delegates voted down the bill which allows whistleblowers to bring lawsuits against companies that are allegedly defrauding state- and federal-run programs such as Medicaid and construction contracts. Ten Democrats joined all Republicans in creating a 55-42 defeat for the bill. In a press release following the vote, Speaker Tim Miley, D-Harrison, stated, "I am disappointed that this effort to reduce fraud on the government was rejected by a majority in the House of Delegates. Every member claims to come to Charleston with the goal of eliminating fraud and waste and to protecting taxpayer funds, yet that was not evident in the vote (Tuesday). Chris Hamilton, chairman of the WV Business and Industry Council, and Steve Roberts, president of the WV Chamber of Commerce, issued a press release stating, "On behalf of West Virginia's businesses community, we appreciate the clear and progressing thinking a majority of the House of Delegates undertook in evaluating this bill and the potential negative impact it could have had on the State. We are particularly pleased with the bi-partisan rejection of this legislation. We thank those legislators on both sides of the aisle who took the time to listen to our concerns and did the right thing by voting against it."

INFRASTRUCTURE BILLS STATUS

[S.B. 334](#), the governor's bill to divert \$13 million a year for two years from the State Road Fund to the state general fund to aid in the proposed \$150 million budget deficit. The Senate Transportation Committee defeated the bill and there are no plans to resurrect. However, [H.B. 4333](#), the lottery proceeds bill that defers revenue to horse and dog racing firms, counties and cities that have casinos, and the WV Infrastructure Fund is still moving. The bill diverts \$20 million of the annual \$40 million in lottery proceeds going to the WV Infrastructure Fund to the general fund. This bill will still be in play as lawmakers try to address the general fund deficit, which includes dipping into the state's almost \$1 billion Rainy Day Fund. H.B. 4333 has been amended. The original bill took \$20 million a year for three years from the WV Infrastructure Fund, for a total of \$60 million. The amended version takes \$20 million for one year only.

In meetings with the CAWV, Secretary of Revenue Bob Kiss stated he would rather not take any money from the infrastructure fund and would

only use it if absolutely necessary. It came to light that taking infrastructure funds is needed not just to balance the 2014-15 state budget but to maintain a AAA credit rating for state bonds backed by Lottery revenues. This issue affects not only the WV Infrastructure Fund, but the pending issuance of \$52.5 million of Lottery bonds for improvements at Cacapon and Beech Fork state parks and the \$246 million worth of Chesapeake Bay watershed projects (see the Feb. 17 CAWV Legislative Bulletin for full details). H.B. 4333 has passed the House and is in Senate Finance.

SCR 32 HONORS ROBERT O. ORDERS, SR. WITH BRIDGE NAMING

In one of the positive actions in this year's legislative session, the WV Legislature passed Senate Concurrent Resolution 32 naming the Annamoriah Bridge in Calhoun County the "U.S. Army Sergeant Robert Odell Orders Memorial Bridge" in honor of past CAWV President and long-time Board member, Robert O. Orders, Sr., Orders Construction Company, St. Albans. The bridge, whose naming was spearheaded by his grandson, Nate, had a special meaning for the veteran bridge builder. Bob Sr., in business with his father, W.R. Orders, won the bid for the Annamoriah Bridge in 1957, allowing Bob to return to West Virginia and, ultimately, begin Orders Construction Company. The firm was the successful bidder in rebuilding the bridge in 2012. A special presentation was held on the Senate floor February 21 with Bob Orders, Jr., his wife, Ann, and Nate Orders. To read about Bob Sr.'s military and construction career documented in SCR 32, [click here](#).

SENATE COMMITTEE TO VOTE ON STUDY FOR LOCAL HIGHWAY FUNDING

The Senate Transportation and Infrastructure Committee is set today to vote on Senate Concurrent Resolution 4 "to require the Joint Committee on Government and Finance to study providing each county commission authority to participate in the construction and maintenance planning of its roads and bridges and to impose taxes and provide for the financing of such transportation infrastructure construction." If passed, the House and Senate leadership will meet to determine what studies will be conducted during this year's interim meeting structure. The legislature usually commissions a number of studies during the summer months, although only a few lead to legislation being introduced during the next legislative session.

SEE BILLS THAT HAVE BEEN PASSED BY ONE CHAMBER

To see a list of bills that have passed their house of origin, [click here](#). Click the House and Senate icons to see bills in both chambers.

Anyone needing further information can contact Mike Clowser at (304) 342-1166 or email mclowser@kawv.org.



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