



Contractors Association of West Virginia **LEGISLATIVE BULLETIN**



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*Final week of
Legislature*

LEGISLATURE ENTERS FINAL WEEK OF REGULAR SESSION

*Highway Fund
Transfer Eliminated*

Wednesday, February 28, was the 50th day of the 2018 Legislative Session, also known as "Crossover Day." Non-revenue bills that were not passed out of their house of origin Wednesday will no longer be considered during the 2018 Session. While many of the 1,772 introduced this session, bills are now considered "dead" for the session, there are still several important pieces of legislation that remain alive. As of today, 72 bills have completed legislative action (44 House bills and 28 Senate bills). Bills must be passed out of committee by Thursday in order to be read three separate days. The session ends Saturday, March 10, at midnight.

Bills of Interest

Today marks Day 8 of a statewide teachers' strike that has led to schools being closed across West Virginia. Teachers and service personnel have descended upon the State Capitol to protest what they view as low pay and increasing healthcare costs through PEIA.

Legislative action was completed on [SB 267](#), which provides a pay increase for teachers, school service personnel and state troopers. Under the bill that passed both the House of Delegates and State Senate, teachers will receive a 4-percent pay raise over the next three years (2-1-1) and a 3-percent raise over two years (2-1) will be provided to school service personnel and state troopers. Governor Justice signed SB 267 into law last Wednesday, on the eve of the first statewide teacher strike since 1990.

Last week Governor Justice and leaders of the teachers and school service personnel unions announced an agreement that would provide a 5% pay raise for teachers and school service personnel, and a 3% pay raise for members of the West Virginia State Police. The pay raise was made possible by updated FY 2019 revenue estimate that shows \$58 million more due to federal tax cuts, an improving national economy, and anticipated road bond projects. Under the agreement, a task force to study PEIA would be formed, and the PEIA "freeze" that was previously announced would remain in place for a year.

The West Virginia House of Delegates increased the proposed raises to 5% for state troopers, and passed [HB 4145](#) on a 98-1 vote. The Senate Saturday amended HB 4145 to make the pay increase 4% across the board for teachers,

state troopers and public employees. The bill passed on a vote of 19-13-2. The bill is now in a conference committee to reach a compromise. Teachers and school personnel continue their strike stating they will not go back to their classrooms unless a 5% raise is granted and PEIA is modified.

BILL ELIMINATES HIGHWAY FUND TRANSFER

The Senate Finance Committee Saturday passed out H.B. 4157 which deals with consumer sales tax paid by contractors working on WV Division of Highways contract. Under the current law that the CAWV was successful in passing in 2006, contractors pay the state's 6% CST on material included in a highway project. At the end of the fiscal year, the WVDOH and State Tax Department estimate how much CST was paid by contractors. This amount – usually between \$10 and \$12 million annually -- is then transferred from the State's General Fund to the State Road Fund. This was done to help shore up the WVDOH's financial problems. There was discussion after last year's highway funding bills being passed to eliminate the annual transfer.

Given the WVDOH's continued need for funding, Governor Justice introduced legislation to make permanent a transfer of \$12.5 million to the State Road Fund with any additional CST expected by the increase in additional highway and bridge work this year will go into the state's general fund to help balance the state's budget. To pay for the teacher pay raise, the House Finance Committee eliminated the \$12.5 million general fund transfer. The Senate Finance Committee Saturday approved the House amendment. The CAWV will continue to show the need to continue funding for the WVDOH and its maintenance program.

BILLS COMPLETED LEGISLATIVE ACTION; AWAITING GOVERNOR'S SIGNATURE

Bills of interest to the CAWV and its membership that have completed legislative action and are awaiting Governor Justice's signature include:

SB 561 – Increasing minimum contract price requiring execution of bond with respect to building or repairing school property

HB 2890 – Establishing a Library Facilities Improvement Fund that will serve to support library facilities construction, maintenance and improvement projects

HB 2983 – Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress

HB 4162 – Granting authority to the State Conservation Committee to contract

for flood response

HB 4268 – Co-tenancy Modernization and Majority Protection Act

HB 4444 – Clarifying the authority of the State Fire Commission in adopting a State Building Code

SENATE BILLS THE CAWV IS FOLLOWING THAT ARE STILL IN PLAY

Bills of interest to the CAWV and its members that have passed the Senate and under consideration in the House include:

SB 282 – Clarifying the authority of the State Fire Commission in adopting a State Building Code – on First Reading in House 3/5

SB 283 – Relating generally to procurement by state agencies – in House Finance

SB 284 – Increasing access to career education and workforce training – in House Education

SB 300 – Creating five-year tax credits for businesses locating on post-coal mine sites – in House Energy

SB 440 – Establishing Library Facilities Improvement Fund – in House Government Organization

SB 445 – Allowing DOH acquire real or personal property for utility accommodation – in House Judiciary

SB 474 – Requiring that certain documents filed pursuant to WV Jobs Act which include records of wages be considered confidential – in House Industry and Labor

SB 506 – Deregulating persons who perform work on heating, ventilating, and cooling systems – in House Government Organization

SB 558 – Relating to certification requirements for crane operators – in House Government Organization

SB 631 – Relating generally to one-call system – on First Reading in House 3/5

HOUSE BILLS THE CAWV IS FOLLOWING THAT ARE STILL IN PLAY

Bills of interest to the CAWV and its members that have passed the House and under consideration in the Senate include:

HB 4157 – Eliminating the refundable exemption for road construction contractors – passed Senate Finance 3/3

HB 4166 – Establishing a special revenue fund to be known as the "Capital Improvements Fund – Department of Agriculture Facilities" – to Senate Finance

HB 4628 – Relating to authorizing the redirection of amounts collected from certain surcharges and assessments on workers' compensation insurance policies for periods prior to January 1, 2019 – to Senate Finance

TO SEE ALL BILLS THAT HAVE PASSED ONE HOUSE, [CLICK HERE](#)

TO SEE BILLS THAT HAVE COMPLETED LEGISLATIVE ACTION, [CLICK HERE](#)

TO SEE ALL BILLS THAT HAVE BEEN INTRODUCED IN THE 2018 LEGISLATIVE SESSION, [CLICK HERE](#)