



Contractors Association of West Virginia LEGISLATIVE BULLETIN



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GOVERNOR, SENATE AND HOUSE LEADERSHIP TO OUTLINE THEIR INFRASTRUCTURE PROGRAMS AT CAWV STATE MEETING AND WV EXPO

*Infrastructure
Funding Topic of
CAWV State
Meeting – March 22*

Governor Jim Justice and Senate Transportation and Infrastructure Chairman Greg Boso, R-Nicholas, will outline their highway and infrastructure funding initiatives at Wednesday's CAWV State Meeting. House Speaker Tim Armstead or a member of his leadership team will also speak. Last year, over 200 members, along with state and federal officials, attended the State Meeting. It will be held at 7:30 a.m., March 22, in the new ticket office area at the Charleston Civic Center. An agenda and registration form are included with this Legislative Bulletin. Contact Wendy Long at long@cawv.org to register.

*WVDOH P3's and
Design-Build
Debate Continues*

New cabinet secretaries in Governor Justice's administration will speak at 4:00 p.m. Wednesday at WV EXPO. The session will be held in the Civic Center Little Theater, prior to the popular After Hours Reception at 5:30. The secretaries speaking are: Woody Thrasher, Commerce; Dave Hardy, Revenue; John Myers, Administration; and Tom Smith, Transportation. Secretary Austin Caperton had a last minute conflict and will not be able to attend. To register for WV EXPO, go to wvexpo.com.

*Today Last Day to
Introduce Bills*

CAWV ACCELERATES PUSH FOR INCREASED INFRASTRUCTURE FUNDING

Legislators and the governor worked on their respective infrastructure financing proposals last week. The Senate Transportation and Infrastructure Committee voted 7-1 Tuesday on S.B. 477, the governor's bill to increase funding for the West Virginia Division of Highways. The bill generates \$131 million annually through DMV and gas tax fees. The bill now goes to the Senate Finance Committee. The committee also amended and passed S.B. 15 which continues the WVDOH's Public-Private Partnership (P3) Act. The bill was amended to allow for future expansion of the highway system while preserving funds for system maintenance. The Senate Transportation and Infrastructure Committee was to take up S.B. 417 Saturday which deals with the current \$50 million cap on Design-Build projects (see article below). The CAWV spoke on S.B. 477 during the bill's debate and noted that additional highway funding is needed to create jobs and economic development and provide for safe roads. West Virginia for Better Transportation ran two full page ads in the *Charleston Gazette Mail* on West Virginia now ranked fifth in the nation for the percentage of deficient bridges and that S.B. 477 will cost the average driver 25 cents a day, compared to the \$2.75 a day drivers are spending due to bad roads.

Woody Thrasher, Commerce Secretary, spoke to a joint committee on why the governor's SOS (Save Our State) plan is vital to future economic development in West Virginia. His proposal is to provide money for site development, infrastructure and other incentives to lure companies to locate in West Virginia. He told legislators that the lack of developable sites is hindering economic development. The governor continues his statewide push on highway funding and infrastructure programs with appearances this week in Wheeling, Huntington and Charles Town.

TODAY LAST DAY TO INTRODUCE BILLS

Last Tuesday was the last day to introduce bills in the House. Over 1100 bills were introduced in the House this session. Today is the last day for Senate bills. As of Friday, almost 390 Senate bills have been introduced. Bills must be out of committee in their house of origin by March 26 to ensure three full days for reading. This week will be busy as committees work toward this deadline.

S.B. 631 GIVES MUNICIPALITIES TO ADDRESS DISTRESSED BUILDINGS

S.B. 631 clarifies the process by which municipal governments may abate unsafe, unsanitary, or dangerous dilapidated structures that are detrimental to the public safety or welfare. The bill permits complaints to be filed, establishes a procedure, requires notice, grants hearings, and permits the recovery for costs for instituting an action. The bill is referred to Government Organization.

S.B. 635 INCREASES TRUCK WEIGHTS

The purpose of this bill is to increase the maximum weight amount for trucks equipped with six axles and two additional brakes to ninety-seven thousand pounds. The bill is referred to Transportation and Infrastructure.

NUMBER OF STATE CONTRACTING, EMPLOYMENT BILLS INTRODUCED

There are number of bills that were introduced last week dealing with requirements dealing with government construction contracts. These include:

S.B. 638 The purpose of this bill is to provide an exemption from taking the business and law portion of the examination for a license under the West Virginia Contractor Licensing Act when an applicant presents evidence of retaining a certified public accountant or public accountant to file business and tax filings required by the state and federal government.

S.B. 641 The purpose of this bill is to require welders working in the State of West Virginia to meet certain certification requirements and to conform to national welding standards.

S.B. 642 The purpose of this bill is to provide a structured minimum wage for Veterans and others working on public improvement projects in the State of West Virginia.

S.B. 643 The purpose of this bill is to ensure West Virginia residents and United States citizens are given preference in public improvement construction jobs.

S.B. 644 The purpose of this bill is to reestablish prevailing wages for certain state government construction contracts.

S.B. 645 The purpose of the bill relates to the employer's right to require employee training.

S.B. 648 The purpose of this bill is to help protect West Virginia jobs on public construction projects.

H.B. 3054 The purpose of this bill is to give a five percent bid preference on certain state contracts to businesses owned at least 51% by honorably discharged resident veterans.

DOH PUBLIC-PRIVATE PARTNERSHIP, DESIGN-BUILD BILLS DEBATE CONTINUES

The Justice administration introduced S.B. 416 to remove the cap and eliminate the sunset date on the WVDOH's Public-Private Partnership Act. The administration says the DOH needs this tool in order to get projects designed and built that would be funded if voters ratify the governor's \$1.6 billion bond amendment and the Trump administration comes through with its infrastructure investment plan. The Senate Transportation and Infrastructure (T&I) Committee has passed its P3 bill, S.B. 15, with modifications. Committee members amended S.B. 15 to continue the P3 Act until 2020 so the current five P3 projects -- under construction but not yet completed -- can be evaluated to determine if this is the best delivery method for construction projects. The bill also puts funding for P3 projects at 35 percent of state's federal highway allocation. The CAWV has noted the current five projects require annual payment of over \$150 million over the next four to five years. The amendments to S.B. 15 keep P3 but strike a balance between preservation of the state's current transportation system and expansion. Certain legislators and the administration do not want a cap on P3 projects. The bill was on the Senate Finance Committee agenda Saturday but was pulled at the last minute.

S.B. 417 removes the \$50 million a year cap -- \$150 million over three years -- on the amount of design-build projects the DOH can award. The administration thinks this bill is also needed to take advantage of future construction dollars, plus they don't want to be limited to doing single projects in the \$150 million to \$200 million range. The CAWV and ACEC have objected to unlimited use of design-build to also strike a balance between preservation and expansion. The bill was to be on Senate T&I Committee agenda Saturday but the bill will be on Tuesday's agenda.

SENATE COMMITTEES TO TAKE UP GOVERNOR'S ROAD BILLS THIS WEEK

Governor Justice's bills on highway funding are moving in Senate Transportation and Infrastructure and Senate Finance committees. S.B. 482 continues the tolls on the WV Turnpike and increases tolls that can be used to bond future road projects. S.B. 477 increases funding for the WVDOH through raising DMV fees and raising the gas tax. Both have passed the T&I Committee and will go to Senate Finance this week.

H.B. 3007 SEEKS SPECIAL PAVING REQUIREMENTS TO PREVENT POTHOLES

The stated purpose of H.B. 3007 is to require paving contracts for state highways to have special requirements to prevent potholes. The bill reads as follows (underlined language is new): (a) Before the State Road Commissioner shall Commissioner of Highways advertises for any contract for the paving of any state road, he or she shall determine upon review and approve plans and specifications for the construction of standard types of paving suitable for the project contemplated. The construction plans and specifications shall provide for reasonable assurances that the project will prevent early potholes forming in the paved surface, including requirements for painting of lines to prevent potholes on paving seams as may be needed to complete the project. The commissioner and shall include in the advertisement and proposals for such this work the types of paving approved and line painting, as needed, which will be required for a successful bid whether or not the paving and line painting are to be bid separately.

(b) All state paving and line painting contracts shall contain provisions that ban the placement of paving seams where paint is to be applied for lane dividers, in order to prevent freezing of moisture in paving seams sealed under paint which in turn creates potholes, unless the painting is specifically approved in writing in advance by the responsible district engineer, or his or her designee, who has viewed the place for painting lines on pavement seams and has determined that potholes will not form under

the painted lines. The bill is referred to House Roads and Transportation then Finance.

H.B. 2977 WANTS APP FOR POTHOLE LOCATION

Under H.B. 2977, the commissioner of highways shall develop and made available a free pothole app for phones and tablets so that individuals may report, and keep track of, potholes on the roads and streets of the state. In addition to being available on the app, the commissioner shall also prepare and keep current a master road and highway map available on the Internet identifying the location of all reported potholes. The app and the map shall also show the status of any improvement to those potholes and the condition of the potholes as they affect highway travel. The app and the map shall be made available no later than December 1, 2017. The bill is referred to House Roads and Transportation then Government Organization.

H.B. 3064 ALLOWS WEIGHT RESTRICTIONS EXEMPTION

The purpose of this bill is to permit the Division of Highways to issue annual permits allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes designated by the commissioner. The new language in the bill is as follows (underline is new language): Notwithstanding any other provision of this article, the Division of Highways may issue annual permits allowing the operation of a vehicle or combination of vehicles of a size or weight exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter over routes designated by the commissioner of highways. All such permits may be issued only upon findings by the commissioner that the approved route including roadways and bridges is capable of sustaining the allowed load of the vehicles approved for use on the designated route without undue damage to the roadways and bridges on which they are operated and that the operation of the vehicles on the prescribed route do not cause undue danger or hazard to other traffic along the approved route. The bill is referred to House Judiciary.

H.B. 3081 REQUIRES TOLL STUDY

H.B. 3081 requires the Secretary of the Department of Transportation, in conjunction with the Commissioner of Highways and the Commissioner of Motor Vehicles, to conduct a study to determine the amount of revenue to be derived from instituting tolls on I-70 in West Virginia's northern panhandle and I-81 in the eastern panhandle. The bill provides that study be submitted no later than December 31, 2017. It is referred to House Roads and Transportation then Finance.

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

Bill #	Sponsors	Proposal	Introduced/Committee
HB 2983	Del. Mr. Speaker (Mr. Armstead), Ambler and Hanshaw	Granting priority to roadway construction, reconstruction and maintenance for roadways prone to recurring floods that hinder ingress and egress	3/14/17 - To Roads and Transportation then Finance
HB 2990	Del. Sypolt, Ward, Paynter and Lewis	Requiring continuous monitoring of air, noise, dust and particulates	3/14/17 - To Energy then the Judiciary
HB 2991	Del. Rowe, Frich, Caputo, Pyles and White	Requiring the Commissioner of Highways to develop a state hotline for travelers to identify road hazards (FN)	3/14/17 - To Roads and Transportation then Government Organization
HB2994	Del. Shott	Relating to public bidding thresholds	3/14/17 - To Political Subdivisions then Government Organization
HB 2996	Del. Shott	Requiring motor carrier vehicle transporting solid waste to be equipped and operated with truck tarpaulins	3/14/17 - To Roads and Transportation then the Judiciary
HB 2998	Del. Hanshaw	Providing tax credits for providing broadband service and wireless broadband service to unserved areas (FN)	3/14/17 - To Finance
HB 3005	Del. Fast, Hanshaw, Overington, Kessinger, Lovejoy, Gearheart, Arvon and Hollen	Relating to regulation of unmanned aircraft systems (FN)	3/14/17 - To the Judiciary
HB 3007	Del. Rowe	Requiring paving contracts for state highways to have special requirements to prevent potholes	3/14/17 - To Roads and Transportation then Finance
HB 3013	Del. Hamrick, Howell, Butler, Mr. Speaker (Mr. Armstead), Blair, Gearheart, Westfall, Queen, Maynard, C. Miller and Storch	Requiring an inspection or inspections of any building prior to purchase or major renovation by the state	3/14/17 - To Government Organization then Finance
HB 3015	Del. Kelly, Lane, Frich, Pyles, Williams, Fleischauer and Hollen	Requiring all commercial and professional drivers be fingerprinted and undergo a background check (FN)	3/14/17 - To Roads and Transportation then the Judiciary
HB 3025	Del. Lane, White, Rowe, Robinson, Byrd, Pushkin, Ward and Westfall	Authorizing by ordinance a vacant building registration program (FN)	3/14/17 - To Political Subdivisions then the Judiciary

HB 3054	Del. Sponaugle, Williams, Hartman and Lynch	Relating to a five percent bid preference on certain state contracts for businesses owned fifty-one percent by honorably discharged resident veterans (FN)	<i>3/14/17 - To Veterans' Affairs and Homeland Security then Finance</i>
HB 3059	Del. Lane, Hanshaw, Butler and Byrd	Providing for the voluntary valuation of water and sewer systems for ratemaking purposes	<i>3/14/17 - To Government Organization then the Judiciary</i>
HB 3064	Del. Atkinson, Mr. Speaker (Mr. Armstead), Hill and Sobonya	Allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes (FN)	<i>3/14/17 - To the Judiciary</i>
HB 3073	Del. Rowe	Relating generally to public service districts and their boards (FN)	<i>3/14/17 - To Political Subdivisions then the Judiciary</i>
HB 3081	Del. Walters, Boggs, Bates, Westfall, Caputo, Howell, R. Romine, Phillips, Lane, Byrd and Anderson	Conducting a study to determine the amount of revenue to be derived from instituting tolls on I-70 and I-81	<i>3/14/17 - To Roads and Transportation then Finance</i>
HB 3086	Del. Walters, Frich, Rohrbach, Lovejoy and Rowe	Relating to the West Virginia Economic Development Authority	<i>3/14/17 - To Government Organization then Finance</i>
HB 3091	Del. Nelson and Boggs	Relating generally to employer withholding taxes (FN)	<i>3/14/17 - To Finance</i>
HB 3093	Del. Hanshaw and Shott	Establishing Broadband Enhancement and Expansion Polices	<i>3/14/17 - To the Judiciary</i>
HB 3096	Del. Espinosa	Relating to operation and regulation of certain water and sewer utilities owned or operated by political subdivisions of the state (FN)	<i>3/14/17 - To Political Subdivisions then Finance</i>

SENATE BILLS			
Bill #	Sponsors	Proposal	Introduced/Committee
SCR37	Sen. Cline	Urging DOT use existing signage on highways to display appropriate highway safety messages	<i>3/13/17</i>
SB 598	Sen. Hall	Allow Tax Commissioner perform background investigations on employees and contractors	<i>3/14/17 – Government Organization</i>
SB 602	Sen. Blair	Creating uniform system of recording and indexing fictitious names by sole proprietors	<i>3/14/17 – Government Organization</i>

SB 603	Sen. Gaunch	Authorizing method for collection and remittance of property taxes on dealers' heavy equipment inventory	3/14/17 - Judiciary
SB 605	Sen. Blair	Relating to procurement of technical infrastructure	3/14/17 – Government Organization
SB 610	Sen. Prezioso	Requiring certain newly constructed dwellings meet minimum standards for persons with disabilities	3/15/17 - Government Organization
SB 612	Sen. Boley and Rucker	Granting county commissions authority to establish vacant building registration programs (FN)	3/15/17 - Government Organization
SB 613	Sen. Sypolt and Smith	Relating to composition of State Fire Commission	3/15/17 - Government Organization
SB 614	Sen. Blair	Relating to expansion of broadband service	3/15/17 - Economic Development then Finance
SB 617	Sen. Maynard	Requiring State Road Commission make available state road and highway map online	3/15/17 - Government Organization
SB 619	Sen. Maynard	Allowing WV Railroad Maintenance Authority to acquire idled railways properties	3/15/17 - Government Organization
SJR8	Sen. Karnes	Fair and Simple Tax Reform or FASTR amendment	3/16/17 - Tax Reform then Judiciary
SB 631	Sen. Palumbo, Jeffries and Takubo	Relating to prosecuting violations of municipal building code	3/17/17 - Government Organization
SB 635	Sen. Boso and Maynard	Increasing maximum weight amount for six-axle trucks	3/17/17 - Transportation and Infrastructure
SB 638	Sen. Sypolt	Relating to WV Contractor Licensing Act	3/17/17 - Government Organization
SB 639	Sen. Trump	Expanding definition of deductions under Wage Payment and Collection Act	3/17/17 - Judiciary

SB 641	Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings	Requiring welders meet certain certification requirements and conform to national welding standards	3/17/17 - Government Organization
SB 642	Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings	Relating to wages for veterans on state government contracts	3/17/17 - Government Organization then Finance
SB 643	Sen. Jeffries, Beach, Miller, Ojeda, Plymale, Prezioso and Stollings	Creating preference for state citizens in construction contracts for public improvements	3/17/17 - Workforce then Government Organization then Judiciary
SB 644	Sen. Jeffries, Beach, Miller, Ojeda, Prezioso and Stollings	Reestablishing prevailing wages for certain state government contracts (FN)	3/17/17 - Workforce then Government Organization then Finance
SB 645	Sen. Jeffries, Beach, Ojeda, Plymale, Prezioso and Stollings	Relating to employer's right to require employee training	3/17/17 - Workforce then Judiciary
SB 646	Sen. Jeffries, Beach, Miller, Ojeda, Plymale and Prezioso	Creating Public-Private Infrastructure Facilities Act	3/17/17 - Transportation and Infrastructure then Government Organization
SB 648	Sen. Jeffries, Beach, Miller, Ojeda, Plymale and Prezioso	Relating to WV jobs on public construction projects	3/17/17 - Workforce then Government Organization
SB 657	Sen. Hall, Trump and Gaunch	Relating to operation and regulation of certain water and sewer utilities (FN)	3/18/17 - Government Organization
SB 662	Sen. Maynard	Providing for construction financing for completion of I-73 and I-74	3/18/17 - Transportation and Infrastructure then Finance
SB 663	Sen. Maynard	Allowing county commissions set standards for certain road construction projects	3/18/17 - Transportation and Infrastructure then Government Organization