



**LEGAL REFORM, PREVAILING WAGE, INFRASTRUCTURE BUDGET CUTS TOPICS DURING SECOND WEEK OF LEGISLATIVE SESSION**

Republicans are moving forward with their campaign promise to reform West Virginia's legal system. The House Judiciary Committee has passed out of committee [H.B. 2002](#), which addresses the joint and several liability issue that businesses have long said is unfair. The CAWV made joint and several a legislative priority a number of years ago when members were being held liable for the majority of an award even though they were only deemed partially responsible. The bill never had an opportunity for discussion until this year when the House and Senate leadership changed and made tort reform a priority. The bill is on First Reading today in the House.

Numerous bills have been introduced to eliminate the state's prevailing wage law. [S.B. 100](#), [S.B. 245](#), [H.B. 2206](#) and [H.B. 2273](#) either make changes to or fully repeal the requirement. Many CAWV members have met with Senate President Bill Cole, Speaker Tim Armstead and legislative leadership to express their concern over outright repeal of the prevailing wage. There is hope the bill will be put in a subcommittee to look at amending the bill to address the methodology of how the wage is calculated, raising the threshold before prevailing wage rates apply (currently projects \$25,000 and above), and redirecting the collection of wage rates to an agency other than the state Labor Department. Proponents of the bill note there are enough votes in both the House and Senate for a total repeal.

Highway funding was front and center Wednesday as the House Finance Committee was presented the WV Department of Transportation's budget by Transportation Secretary Paul Mattox. Sec. Mattox appeared the following day on MetroNews "Talkline" and noted that the WV Division of Highways could only do so much with the revenue available. CAWV Executive Director Mike Clowser appeared on "Talkline" Friday to note the importance of additional highway funding to commerce, safety, jobs and economic development. The governor's bills to divert funds to the state's general fund the State Road Fund, School Building Authority, WV Infrastructure Fund and WV Port Authority were introduced last week.

To listen to the January 22 and January 23 MetroNews shows, [click here](#). Secretary Mattox on January 22 appeared about 1:30.00 into the show and Clowser's comments start about 16:15 into the show.

**STATE'S INVESTMENT ACCOUNT GAINS LESSENS RAINY DAY FUND TRANSFER**

Due to increased return on state investments, Gov. Earl Ray Tomblin says the state will only need to borrow \$25 million from the state's Rainy Day Fund to balance the 2015-16 state budget. Last week, he told the Legislature a withdrawal of \$68 million was needed. Currently the fund has a balance of \$860

million. The governor has introduced a number of bills that cut various programs to help balance the budget, including: [HB 2211](#) which eliminates the \$11.5 million transfer from the state's general fund to the State Road Fund. [H.B. 2213](#) reduces lottery revenue to the WV Infrastructure Fund from \$40 million to \$30 million. Last year, the fund's budget was reduced \$20 million.

### **DMV FEE BILL INTRODUCED**

[S.B. 293](#) has been introduced by Sen. Bob Beach, former chair of the Senate Transportation Committee. The bill generates additional revenue for the State Road Fund by increasing various fees charged by the DMV, including drivers license, registration fees and transaction fees. The bill is similar to the bill passed by the Legislature and vetoed by Gov. Tomblin. It generated about \$44 million in new revenue for the highway department. The Governor's Blue Ribbon on Highways is recommending DMV fees be raised and that proposal generates about \$70 million. The bill is referred to the Transportation and Infrastructure Committee then Finance. There presently is little interest from the new Senate leadership to look at tax or fee bills at this point in the legislative session.

### **ROUTE 35 ACCEPTING RFQs FROM DESIGN-BUILD TEAMS**

Gov. Earl Ray Tomblin has followed through on his State of the State address message that he wants to see the final 14.7 mile section of U.S. Route 35 completed. The WV Division of Highways last week advertised the project, which can be bid as a single project or broken into two sections. Requests for Qualifications are due March 10 and proposals are due May 20. For complete information, see the Jan. 23 CAWV Highway Bulletin or go to [www.BidX.com](http://www.BidX.com) for project information.

### **BUY AMERICAN BILL RESURFACES IN THE SENATE**

[S.B. 260](#) is this year's Buy American bill, making it the fourth straight year it has been introduced. What's different this year is that it has a lone sponsor, Sen. Jack Yost, D-Hancock, and the former chair of the Senate Labor Committee. The last few years, there were a number of cosponsors. The CAWV has always opposed the bill based on the fact that it was contractors who were responsible for making sure each item in a public works project was manufactured in America. It was the contractor who would be financially liable to replace any item in a construction job that was later deemed not to be made in America. Contractors could have also been debarred from bidding on future project for Buy America infractions. The bill passed the House last year by a vote of 90 – 7 and died in the Senate. The bill is referred to the Committee on Labor with a second reference to Finance. It is not expected to get much debate this year.

### **QUARRY SAFETY RULES REVISIONS IN INDUSTRY AND LABOR COMMITTEE**

[H.B. 2342](#) implements the rules for safety in and around quarries throughout the state. The West Virginia Crushed Aggregates Council and the Office of Miners' Health, Safety and Training worked on revising the safety rules for almost a year. Previously, quarry operations fell under coal operations safety rules. Many times the rules for coal operations were contrary to quarry applications. These rules specifically related to quarry operations. The bill is referred to the House Industry and Labor Committee then Judiciary. The

Senate has its version of the bill as well, [S.B. 170](#).

## **H.B. 2237 PROHIBITS PROJECT LABOR AGREEMENTS ON PUBLIC PROJECTS**

[H.B. 2237](#), introduced in the House Government Organization Committee then Finance, prohibits mandating Project Labor Agreements (PLAs) on public works construction projects. The bill has been introduced a number of times over the years but never got any traction in the Democrat controlled House and Senate. By the same token, state agencies never agreed to include a PLA on a publicly-financed construction project. The CAWV opposes government mandated PLAs and will support this bill if it begins to move in the legislature.

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

Senate committees

[www.legis.state.wv.us/committees/senate/main.cfm](http://www.legis.state.wv.us/committees/senate/main.cfm)

House of Delegates committees

[www.legis.state.wv.us/committees/house/main.cfm](http://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](http://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](mailto:mclowser@cawv.org).**

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
<a href="#">HB2110</a>	Relating generally to the tax treatment of manufacturing entities	Dels. Howell, Moye, Storch, Moffatt, Hamrick, Statler, Householder, Walters, Arvon, Blair and Kessinger	1/20/15 - To Small Business, Entrepreneurship and Economic Development then Finance
<a href="#">HB2148</a>	Conforming the motor vehicle law of this state to the requirements of section 1405(a) of the federal Transportation Equity Act for the Twenty-first Century	Dels. Gearheart, Hamrick, Smith, R., Nelson, E., Howell, Arvon, Butler, Azinger, Espinosa, Frich and Kessinger	1/20/15 - To Roads and Transportation then Judiciary
<a href="#">HB2158</a>	Creating the Jobs Impact Statement Act	Del. Lane	1/20/15 - To Judiciary then Finance
<a href="#">HB2162</a>	Relating to payment of employees separated from payroll before	Dels. Storch, Nelson, E., Howell, Pasdon,	1/21/15 - To Judiciary then Finance

	paydays	Gearheart, Ellington, Householder, Lane, Shott, Cowles and Anderson	
<a href="#">HB2165</a>	Creating a tax credit for certain businesses with more than twenty-five employees that relocate to reclaimed mountaintop removal land	Dels. Marcum, White, H., Nelson, J., Phillips, R., Lynch, Campbell, Byrd, Moye, Butler, Faircloth and Hartman	1/21/15 - To Small Business, Entrepreneurship and Economic Development then Finance
<a href="#">HB2177</a>	Eliminating unnecessary, inactive, or redundant boards, councils, committees, panels, task forces and commissions	Speaker Armstead, Del. Miley	1/21/15 - To Government Organization
<a href="#">HB2186</a>	Auditing the Division of Highways	Dels. Gearheart, Ambler, Canterbury, Cooper, Householder, Hamrick, Smith, R., Faircloth, Espinosa and Storch	1/21/15 - To Government Organization then Finance
<a href="#">HB2192</a>	Exempting heating oil for residential use from the Motor Fuel Excise Tax	Dels. Gearheart, Cooper, Ambler, Householder, Smith, R., Faircloth, Espinosa and Storch	1/21/15 - To Energy then Finance
<a href="#">HB2193</a>	Providing the Parkways Authority with the power to issue \$500 million worth of bonds	Dels. Gearheart, Householder, Smith, R., Faircloth and Espinosa	1/21/15 - To Roads and Transportation then Finance
<a href="#">HB2194</a>	Relating to the School Building Authority	Dels. Gearheart, Smith, R. and Storch	1/21/15 - To Education then Finance
<a href="#">HB2195</a>	Making changes to the definition of electrical contractor	Dels. Gearheart, Cooper, Householder, Smith, R., Faircloth and Espinosa	1/21/15 - To Industry and Labor then Government Organization
<a href="#">HB2204</a>	Eliminating the motor fuels tax on heating oil for residential use by eligible seniors	Dels. Howell, Walters, Storch, Hill, Nelson, J., Kelly, Wagner, Canterbury, Stansbury, Zatezalo and Butler	1/22/15 - To Senior Citizen Issues then Finance
<a href="#">HB2206</a>	Repealing the requirement of paying prevailing hourly rate of wages for construction of public	Dels. Overington, Householder, McCuskey, Cowles,	1/22/15 - To Industry and Labor then Judiciary

	improvements	Espinosa, Gearheart, Walters, Folk, Foster, Azinger and Blair	
<a href="#">HB2207</a>	Establishing the list of priorities for the construction, reconstruction, repair and maintenance of state roads and highways	Dels. Byrd, Trecost, Rowe, Pushkin, Fluharty, Guthrie, McCuskey, White, B., Sponaugle, Reynolds and Stansbury	1/22/15 - To Roads and Transportation then Finance
<a href="#">HB2211</a>	Eliminating the consumers sales and service tax exemption on purchases of certain materials by a second party in construction or maintenance of a highways project	Speaker Armstead, Del. Miley	1/22/15 - To Roads and Transportation then Finance
<a href="#">HB2212</a>	Changing the amount of severance tax revenue annually dedicated to the West Virginia Infrastructure General Obligation Debt Service Fund	Speaker Armstead, Del. Miley	1/22/15 - To Finance
<a href="#">HB2213</a>	Reducing the distributions to the West Virginia Infrastructure Fund	Speaker Armstead, Del. Miley	1/22/15 - To Finance
<a href="#">HB2217</a>	Relating to qualifications of the Commissioner of Labor	Dels. Overington, Walters, Cowles, Upson, Blair, Deem, Espinosa, Phillips, R., Shott, Smith, R. and Sobonya	1/22/15 - To Industry and Labor then Government Organization
<a href="#">HB2220</a>	Providing a limit on consulting fees	Dels. Householder, Cooper, Gearheart, Cadle, Howell, Folk, Frich, Fast, Ihle, Hill and Statler	1/22/15 - To Government Organization then Finance
<a href="#">HB2226</a>	Eliminating dedication of corporation net income tax revenues to and deposits of such revenues into the Special Railroad Intermodal Enhancement Fund	Speaker Armstead, Del. Miley	1/22/15 - To Finance
<a href="#">HB2233</a>	Requiring that legislative rules be reviewed five years after initial approval by the Legislative Rule-Making Review Committee and the Legislative Auditor's Office	Dels. Walters, Sobonya, Rohrbach, Ambler, Speaker. Armstead, Storch, White, H., Phillips, R., Ireland, Hanshaw and Nelson, E.	1/22/15 - To Judiciary then Finance
<a href="#">HB2237</a>	Prohibiting project labor agreements on state-funded construction contracts	Dels. Foster, Cadle, Butler, Ihle, Faircloth, Kessinger, Moffatt,	1/22/15 - To Government Organization then Finance

		Overington, Cowles, Shott and Householder	
<a href="#">HB2238</a>	Relating to appointment of Public Service Commissioners	Dels. Hamilton, Frich, Moye, Phillips, L., Guthrie, Longstreth, Sobonya and Romine	1/22/15 - To Government Organization then Judiciary
<a href="#">HB2273</a>	Relating to prevailing wages	Del. Deem	1/23/15 - To Industry and Labor then Judiciary
<a href="#">HB2282</a>	Department of Environmental Protection, permits for construction and major modification of major stationary sources for the prevention of significant deterioration of air quality	Del. Sobonya	1/26-15 - To Industry and Labor then Judiciary
<a href="#">HB2284</a>	Department of Environmental Protection, control of air pollution from hazardous waste treatment, storage and disposal facilities	Del. Sobonya	1/26/15 - To Industry and Labor then Judiciary
<a href="#">HB2285</a>	Department of Environmental Protection, requirements for operating permits	Del. Sobonya	1/26/15 - To Industry and Labor then Judiciary
<a href="#">HB2286</a>	Department of Environmental Protection, emission standards for hazardous air pollutants	Del. Sobonya	1/26/15 - To Industry and Labor then Judiciary
<a href="#">HB2289</a>	Department of Environmental Protection, requirements governing water quality standards	Del. Sobonya	1/26/15 - To Industry and Labor then Judiciary
<a href="#">HB2302</a>	Department of Administration, Purchasing Division	Dels. Sobonya and Frich	1/26/15 - To Government Organization then Judiciary
<a href="#">HB2325</a>	State Fire Marshal, legislative rule relating to supervision of fire protection work	Del. Sobonya	1/26/15 - To Government Organization then Judiciary
<a href="#">HB2333</a>	Department of Health and Human Resources to promulgate a legislative rule relating to public water systems	Dels. Sobonya and Frich	1/26/15 - To Health and Human Resources then Judiciary
<a href="#">HB2337</a>	Division of Labor, verifying the legal employment status of workers	Del. Sobonya	1/26/15 - To Industry and Labor then Judiciary
<a href="#">HB2338</a>	Division of Labor, supervision of plumbing work	Dels. Sobonya and Frich	1/26/15 - To Industry and Labor then Judiciary
<a href="#">HB2339</a>	Division of Labor, heating, venting and cooling work	Del. Sobonya	1/26/15 - To Industry and Labor then Judiciary

<a href="#">HB2342</a>	Office of Miners' Health, Safety and Training, safety of those employed in and around quarries in West Virginia	Del. Sobonya	1/26/15 - To Industry and Labor then Judiciary
<a href="#">HB2364</a>	Board of Registration for Professional Engineers, examination, licensure and practice for professional engineers	Del. Sobonya	1/26/15 - To Government Organization then Judiciary

### Senate Bills

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
<a href="#">SB 258</a>	Creating Letting Our Counties Act Locally Act	Sen. Beach	1/20/15 - Transportation and Infrastructure then Finance
<a href="#">SB 260</a>	Providing purchases of state materials, supplies, equipment, etc., be made in US	Sen. Yost	1/20/15 - Labor then Finance
<a href="#">SB 264</a>	Reducing severance tax proceeds dedicated to Infrastructure General Obligation Debt Service Fund	President Cole, Sen. Kessler	1/20/15 - Finance
<a href="#">SB 265</a>	Reducing distribution of excess lottery proceeds to Infrastructure Fund; increasing funds available for grants	President Cole, Sen. Kessler	1/20/15 - Finance
<a href="#">SB 266</a>	Eliminating sales tax exemption on certain highway construction and maintenance materials	President Cole, Sen. Kessler	1/20/15 - Finance
<a href="#">SB 268</a>	Terminating dedication of corporation net income tax proceeds to railroads	President Cole, Sen. Kessler	1/20/15 - Transportation and Infrastructure then Finance
<a href="#">SB 269</a>	Creating flood zone homestead property tax exemption	Sen. Yost	1/20/15 - Natural Resources then Finance
<a href="#">SB 279</a>	Clarifying qualifications of Labor Commissioner	Sens. Walters, Blair, Gaunch, Boso, Karnes and Maynard	1/21/15 - Labor then Judiciary
<a href="#">SB 293</a>	Increasing fees for certain DMV services and documents	Sen. Beach	1/23/15 - Transportation and Infrastructure then Finance
<a href="#">SB 303</a>	Reducing sales tax proceeds dedicated to School Major Improvement Fund and School Construction Fund	President Cole, Sen. Kessler	1/26/15 - Education then Finance



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