



**In This Issue**

LB 2014 – 06

February 17, 2014

**PACE QUICKENS IN LAST WEEKS OF LEGISLATIVE SESSION**

**OSHA 10-Hour Bill**

The pace is picking up as legislators enter the final three weeks of the Second Session of the 81st Legislature of West Virginia. The OSHA 10-Hour Safety Program bill passed out of the Senate Judiciary Committee on Thursday. It is on First Reading in the Senate today. The bill addresses most of the concerns that has caused the CAWV to oppose the bill for the past five years.

**Buy American**

Construction workers on a public project will have to complete the OSHA 10-Hour course when working on a public works construction project. They will basically have all of 2014 to get the training if they don't have it. Starting January 2015, they will have to get the training no later than 21 calendar days after starting work on the public improvement site. Contractors can provide the training or require the employee to get it prior to coming to work for a company. The CAWV will start providing OSHA 10-Hour classes immediately after the legislative session. CAWV members can also do online training if they prefer. CAWV members have a 10 percent discount with ClickSafety as an AGC of America member.

**Lottery Proceeds  
Puts Cloud Over  
Parks and  
Infrastructure  
Projects**

**Final Day to  
Introduce Bills**

Buy America still persists as a problem for public agencies, contractors, subcontractors and material supply firms. [H.B. 4168](#) has passed the House Industry and Labor Committee and now goes to House Finance Committee. Legislators are beginning to realize that West Virginia construction jobs and West Virginia supplier jobs could be lost in order to perhaps create a manufacturing job in Michigan or other state. This is due to the fact that over 100 members have contacted their legislators through the CAWV Action Alert Center asking their senators and delegates to vote no on H.B. 4168. The CAWV's message is being heard thanks to members who have taken time to respond. Members who haven't voiced their strong opposition to this measure should [click here](#) to contact their Delegates and Senators.

A bill that is drawing concern is [H.B. 4303](#), the Oil and Gas Drilling Workplace Safety Act. The bill creates employee training requirements for all oil and gas drilling operations in the state. It goes further by stating, "All applicants for a new drilling permit for an oil and gas drilling operation shall utilize union workers or workers who have trained or are undergoing training, appropriate for the type of and scope of work to be performed, where such training is through a valid apprenticeship program or an educational institution or school chartered, licensed or registered by the Department of Education, or a provider approved by the Department of Education." The bill has been passed by the House Committee on Industry and Labor and now is in House Judiciary Committee. The bill was taken off the Judiciary Committee agenda today. Members should contact their delegates to voice opposition to the bill.

**TODAY LAST DAY TO INTRODUCE BILLS**

Today, February 17, is the last day to introduce bills in the House and Senate. The bills in today's Legislative Bulletin are the ones that have been introduced

this morning. There is a possibility there will be a split session of the legislature today to allow for another round of introduced bills. If this is the case, another CAWV Legislative Bulletin will be sent when all bills have been introduced. Since Sunday, Feb. 23, is the day bills are due out of committees in their house of origin to ensure three several days of readings, House and Senate committees will attempt to get all bills out of committee by this Friday. Former Speaker Rick Thompson wanted all bills out of committees within the three day requirement in order to avoid having to suspend rules. Speaker Tim Miley has not commented on whether he would advocate suspension of the rules in order to get bills out of committee and to the floor. Wednesday, Feb. 26, is the 50<sup>th</sup> day of the session, the last day to consider a bill on third reading in its house of origin. The session ends at midnight on the 60<sup>th</sup> day, Saturday, March 8.

### **LOTTERY REVENUES PUT CLOUD OVER CHESAPEAKE BAY WATERSHED AND PARK PROJECTS**

A bill to cut 15 percent in some West Virginia Lottery appropriations proposed by Gov. Earl Ray Tomblin could affect the future of the Cacapon Resort State Park project, improvements to Beech Fork State Park and the Chesapeake Bay Watershed projects. Speaking before the House Finance Committee last week, Revenue Secretary Bob Kiss said the bill 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. [H.B. 4266](#) and [S.B. 385](#) takes \$19 million from thoroughbred and greyhound racing subsidies and \$20 million a year for three years from the WV Infrastructure Council. Secretary Kiss, in a meeting with the CAWV Wednesday, said he does not like taking money from the Infrastructure Council, but that the freeing up of \$39 million helps plug budget holes. However, that revenue will count toward bond debt service coverage ratios for a number of state bonds backed by Lottery revenues, revenues that have been steadily declining since other states have allowed gaming. In order to maintain AAA ratings for the bonds, Lottery revenues available for legislative appropriation need to be at least four times the amount needed to cover debt service on the bonds. The pending issuance of \$52.5 million of Lottery bonds for improvements at Cacapon and Beech Fork state parks will put Lottery revenue below that ratio. In December, Standard & Poor's downgraded its outlook for state School Building Authority Lottery bonds from "stable" to "negative" on the possibility of the drop in the debt coverage ratio.

In 2012 legislators passed a bill that provides \$52.2 million in bonding authority for improvements to Beech Fork State Park and Cacapon Resort State Park. The bonds would be paid back over 30 years by adding \$3 million a year to the State Park Improvement Plan. Beech Fork would receive \$23 million. Coupled with \$7.5 million already allocated, the money would be used to construct a 75-room addition, restaurant, recreational center, indoor pool and trails. A conceptual plan has been developed. The remaining \$29.2 million would go to Cacapon for an 85-room addition and a new conference center. Bids have already been opened for Cacapon. Morgan Keller, Frederick, Md., was the low bidder at \$21,281,000. The project is currently on hold. In 2011, the WV Legislature added \$6 million a year in debt service from Lottery proceeds to fund 13 projects totaling about \$246 million worth of construction for the Chesapeake Bay Watershed Program.

Secretary Kiss told the CAWV he will continue to work with legislators to find funding so that the parks, WV Infrastructure Council and the Chesapeake Bay projects will not be affected. Legislators have not taken up the bills for consideration. See the February 14 CAWV Newsletter's Municipal-Utilities

Bulletin for information on the wastewater projects and the Building Bulletin for the park projects.

### **SUBCOMMITTEE REPORT DUE TODAY ON HIGHWAY DIVERSION BILL**

The Senate Transportation and Infrastructure Subcommittee studying [S.B. 334](#) is scheduled to make its report following today's Senate floor session. The bill would put a moratorium for two years on the transfer to the State Road Fund from the state general fund of the consumer sales tax paid on highway construction projects. The sales tax equates to about \$13 million annually. Gov. Tomblin introduced the bill to help offset a projected \$146 million deficit in the state's general fund. Lawmakers have questioned taking money from the already strapped highway fund. The Senate Transportation Committee will meet immediately following today's Senate Floor Session.

### **CHANGE ORDER BILL STILL UNDER REVIEW**

[S.B. 358](#), introduced by Sen. Chris Walters, R-Kanawha, and others, attempts to address a change order issue that arose on a broadband contract. This bill would require the Director of Purchasing to approve or deny "any change order or combination of change orders that would increase the total price of any state contract over \$1 million by: (i) Five percent or more of the total value of the original contract; or (ii) by \$100,000 or more," and "requiring that the director approve or deny in writing any requested change order within five business days of Purchasing Division's receipt of the request for state contracts over \$1 million." S.B. 358 also requires Purchasing to submit annual reports to the Legislature of the value of, justification for, and vendor and agency associated with all change orders approved by the Purchasing Director for state contracts over \$1 million. One of the issues the CAWV/State Purchasing Task Force members has been studying is how to get change orders approved more quickly. Even though this bill requires a 30-day approval of change orders, it would be difficult for agencies to turn around a change order this quick. The CAWV has communicated with Sen. Walters that the vast majority of change orders are developed by the agencies, not contractors, and that it's the contractor who is at risk for performing a change order only on a verbal approval since waiting for a written change order would delay the project. Sen. Walters has been receptive to the CAWV's concerns. The bill was pulled last week from the Senate Government Organization Committee's meeting agenda for further review.

**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).**

#### **House Bills**

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
<a href="#">HB4447</a>	Relating to state procurement	Dels. Howell, Ferns, Border, Faircloth, Romine, Kump, Folk, Cadle, R. Smith, Arvon, Azinger	2/10/14 - Judiciary then Finance
<a href="#">HB4456</a>	Relating to increasing sales and use taxes by one percent	Del. Morgan	2/11/14 - Finance

<a href="#">HB4458</a>	Establishing the Tax Reduction Fund in the State Treasury	Dels. Cowles, Andes, Armstead, Cadle, Ellington, Espinosa, Faircloth, Lane, Householder, McCuskey, R. Smith	2/11/14 - Education then Finance
<a href="#">HB4467</a>	Relating to exempting individuals employed by a county board of education from plumbing licensing requirements while performing plumbing work on board of education property	Dels. Moye, Perry, Eldridge	2/11/14 - Government Organization then Judiciary
<a href="#">HB4475</a>	Relating generally to higher education capital spending projects	Dels. Perry, Boggs, M. Poling, Moye, Lawrence, Barrett, Skinner	2/11/14 - Education then Finance
<a href="#">HB4497</a>	Relating to workers' compensation	Dels. Caputo, Stephens, Ashley, Swartzmiller, Diserio, Ferro, Lawrence, Morgan, Fleischauer, Manypenny, Storch	2/13/14 - Banking and Insurance then Judiciary
<a href="#">HB4498</a>	Creating the Jobs Impact Statement Act	Dels. Ashley, Anderson, Arvon, Butler, Espinosa, D.Evans, Faircloth, Frich, Raines, R. Smith, Westfall	2/13/14 - Judiciary then Finance
<a href="#">HB4526</a>	Extending and expanding economic development programs of the West Virginia Jobs Investment Trust Fund	Del. Skaff, Speaker Miley, White, Craig, Hartman, Sponaugle, Williams, Pino, Guthrie, Poore	2/14/14 - Finance
<a href="#">HB4527</a>	Creating monitoring and testing requirements for public water utilities	Del. McCuskey, Speaker Miley	2/14/14 - Judiciary
<a href="#">HB4528</a>	Small Employer Business Advocate Act	Del. Lane	2/14/14 - Small Business, Entrepreneurship and Economic Dev. then Finance
<a href="#">HB4530</a>	Adding additional requirements for notification relating to industrial facilities emergency event notification and access, and creating an aboveground storage tank registry, and an Industrial Accident Citizen's Protection Fund	Dels. Lane, Raines, McCuskey	2/14/14 - Judiciary then Finance
<a href="#">HB4546</a>	Relating to rural community access	Dels. Cadle, Kump,	2/14/14 - Judiciary then Finance

	to municipal or public service district water supplies	Householder, Perdue, Ashley, Staggers, Tomblin, Barker, Eldridge, Skaff, Butler	
<a href="#">HB4571</a>	Requiring the Commissioner of Labor to conduct a study on workplace accidents at construction sites	Dels. Sobonya, Folk, Miller, Frich, Arvon, Householder, Rowan, Border, Faircloth, McCuskey, Howell	2/17/14 - Industry and Labor then Judiciary
<a href="#">HB4572</a>	Creating the Citizen Enforcement of Clean Water Act	Dels. Skinner, Manchin	2/17/14 - Judiciary
<a href="#">HB4573</a>	Relating to additional modification reducing federal adjusted gross income relating to tolls	Dels. White, Marcum, Moye, R. Phillips, Tomblin, Staggers, Moore, Perry	2/17/14 - Finance
<a href="#">HB4574</a>	Authorizing the Board of Registration for Professional Engineers to renew certificates on a biennial basis	Dels. Morgan, Skaff, R. Phillips	2/17/14 - Government Organization then Judiciary
<a href="#">HB4575</a>	Relating to the West Virginia Contractor Licensing Act	Speaker Miley, Dels. Lane, Iaquina, Fragale, Ellem, Hamilton, Barrett, Skaff, Young, Manchin	2/17/14 - Judiciary
<a href="#">HB4576</a>	Creating the Jobs Impact Statement Act	Dels. Armstead, Lane, Cowles	2/17/14 – Small Business, Entrepreneurship and Econ. Development then Judiciary
<a href="#">HB4579</a>	Relating to workers' compensation	Del. Diserio	2/17/14 - Judiciary then Finance
<a href="#">HB4583</a>	Relating to the regulation of dilapidated buildings	Dels. Stephens, Morgan, Storch, Fragale	2/17/14 - Political Subdivisions then Judiciary
<a href="#">HB4589</a>	Relating to the West Virginia Diesel Equipment Commission	Dels. R. Smith, Andes, Overington, Frich, Espinosa, Folk, Howell, A. Evans, Azinger, Canterbury, Sobonya	2/17/14 - Government Organization then Judiciary
<a href="#">HB4605</a>	Relating to weighing of evidence during any part of a workers' compensation claim	Del. Diserio	2/17/14 - Judiciary
<a href="#">HB4606</a>	Stating that injured workers should receive preeminent and efficient treatment	Del. Diserio	2/17/14 - Judiciary then Finance
<a href="#">HB4613</a>	Creating the West Virginia Jobs	Del. Lane	2/17/14 – Small Business,

Incentive Act

Entrepreneurship and Econ.  
Development then Finance

[HB4615](#) Relating to wage payment and collection Dels. E. Nelson, Skaff, McCuskey, Storch, Hunt, Hartman, Ellem 2/17/14 - Industry and Labor then Judiciary

### Senate Bills

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
<a href="#">SB 543</a>	Creating Jobs Impact Statement Act	Sen. Edgell	2/12/14 - Economic Development then Finance
<a href="#">SJR 12</a>	Proposing constitutional amendment designated Claiming W V Water Resources for Use and Benefit of its Citizens	Sen. Unger, Beach, Cann, Cookman, Fitzsimmons, D. Hall, Laird, McCabe, Miller, Palumbo, Plymale, Prezioso, Snyder, Tucker, Wells, Yost, Chafin, Barnes, Boley, Carmichael, Cole, Jenkins, Nohe, Walters	2/12/14 - Judiciary then Finance
<a href="#">SB 568</a>	Providing affirmative defense against mechanic's liens related to residential construction	Sen. Fitzsimmons	2/13/14 - Judiciary
<a href="#">SCR 32</a>	Requesting DOH name bridge in Calhoun County "U. S. Army Sergeant Robert Odell Orders Memorial Bridge"	Sen. Beach	2/13/14
<a href="#">SB 576</a>	Providing for construction of statewide fiber optic broadband infrastructure network	Sens. Walters, Beach, Blair, Green, Sypolt, Tucker, Williams	2/14/14 - Transportation and Infrastructure then Finance
<a href="#">SJR 14</a>	Proposing constitutional amendment designated Future Fund Amendment	President Kessler	2/14/14 - Judiciary then Finance
<a href="#">SB 605</a>	Creating Water Sustainability Institute	Sen. Walters, McCabe, Palumbo, Wells	2/17/14 - Education then Finance
<a href="#">SB 627</a>	Creating Toxic Catastrophe Prevention Act	Sen. Miller	2/17/14 - Government Organization then Finance



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