



Contractors Association of West Virginia
LEGISLATIVE BULLETIN

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LB 2014 – 04

February 3, 2014

Water Resource Protection

Later this week the Legislature will reach the halfway point in its 60-day legislative session. The Senate has been occupied with [S.B. 373](#), a bill relating to water resource protection and the regulation of above-ground storage tanks that evolved following the January chemical spill in Charleston. Much work has been put into the bill and senators have been diligent in eliminating duplicative regulations. The bill passed 33-0-1 and was sent to the House of Delegates. Senate leadership has questioned why the House has assigned the bill to three committees instead of the normal two committees. House leaders note that their purpose is to give delegates ample opportunity to review and comment on the bill's language. The House will hold a public hearing on S.B. 373 at 5:30 p.m. today in the House chamber.

False Claims Act

OSHA 10-Hour Bill

Buy American

The House has spent some time on [H.B. 4001](#), the False Claims Act, which was introduced the first day of the session and passed out of the House Judiciary Committee on the second day of the session. The business community objected to the quick timeline that did not give legislators or interested parties the opportunity to study the impact of the bill. The House leadership did recommit the bill to the committee and there was a hearing that gave proponents, mostly out of state law firms, time to promote the bill. The business community spoke at the hearing, but they were clearly outnumbered.

The WV Business and Industry Council (BIC) and WV Chamber of Commerce are continuing to oppose the bill. As the bill currently stands, whistleblowers would be able to initiate lawsuits against companies doing business with state government. Additionally, these whistleblowers and their attorneys stand to receive a part of the penalties/settlement, even though the government was the victim. There are no caps on attorney fees, no limit on what constitutes fraud, no requirement to exhaust administrative remedies and a retroactivity provision that can extend back ten years.

[S.B.376](#), the OSHA 10-Hour safety program bill, has passed the Senate Labor Committee and is now in Senate Judiciary Committee. CAWV members will receive a CAWV Legislative Alert when further information is available. [H.B.4168](#), the Buy American bill, is expected to be on the House Industry and Labor Committee's agenda Wednesday. It is expected to pass out of this committee. It then goes to House Finance Committee.

A number of bills dealing with state purchasing procedures have been introduced, as well as bills to help defray the approximate \$146 million deficit in the state's general fund. These bills divert money from highways and infrastructure projects ([S.B.334](#) and [S.B.385](#)).

As the session progresses, members will be sent CAWV Legislative

Alerts on issues in this legislative session. Members will be asked to forward them to their employees to take action on the bills.

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

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
HB 4347	Relating to affirmative defenses against mechanics' liens	Dels. Shott, Lane, Sponaugle, Sobonya, Manchin, Poore, Pino	1/28/14 - Judiciary
HB 4353	Requiring completion of an Occupational Safety and Health Administration (OSHA) approved 10-hour construction safety program prior to beginning work	Dels. D. Poling, Ferro, Guthrie, Storch, Moye, Swartzmiller, Jones, Young, Marshall, Diserio	1/28/14 - Industry and Labor then Judiciary
HB 4357	Requiring the construction of new public buildings and when an entrance of an existing public building is renovated to be compliant with the federal Americans With Disabilities Act by having automatic doors	Dels. Campbell, Hartman, Eldridge, Guthrie, Sponaugle, Ashley, Skaff, Walker, Moye, Stephens	1/28/14 - Judiciary then Finance
HB 4374	Permitting purchases up to \$100,000 without competitive bids	Dels. Fragale, laquinta	1/30/14 – Govt. Organization then Finance
HB 4392	Regulating persons who perform work on heating, ventilating and cooling systems and fire dampers	Dels. Morgan, Diserio, Jones, D. Poling, Barker	2/3/14 – Govt. Organization then Judiciary

Senate Bills

<i>Bill #</i>	<i>Proposal</i>	<i>Sponsors</i>	<i>Committees</i>
SB 461	Creating Future Fund	President Kessler	1/31/14 - Economic Development then Finance
SB 473	Providing property not desirable for highway purposes be offered first to public service districts or municipalities	Sens. Sypolt, Blair, Cookman, Williams	2/3/14 - Transportation and Infrastructure then Govt. Organization
SB 476	Providing standards for conversion and retrofits of alternative-fuel motor vehicles	Sen. Plymale	2/3/14 - Transportation and Infrastructure then Judiciary



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