The 2010 Legislative Session Nears

The 2010 session of the West Virginia Legislature will start on Wednesday, January 13.

The 60 day session will likely focus on anticipated budget shortfalls due to the poor economy.

Fortunately West Virginia has fared better than most states during what some are calling the worst economic times since the Great Depression.

Nevertheless, the state will likely have less money than current budgets call for and cuts will likely be an issue.

For construction trades representatives the key issues of the session will be to preserve funding for important infrastructure projects like schools, roads, water and sewer projects.

In addition, Trades representatives will again promote legislation to require contractors who bid public projects show their work force is covered by some sort of health benefit will be promoted once again.

The measure has failed for a number of years due to strong opposition from non-union contractors who would rather have no responsibility for health insurance.

Governor Joe Manchin has formed a tax modernization committee that has been reviewing tax code to see if improvements can be found.

WV AFL-CIO President Kenny Perdue represents Labor on the committee.

Property taxes on business inventory and equipment are seen by some as the biggest

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CONSTRUCTION WORKERS LOSE JOBS

MARYLAND JUDGE RULES AGAINST WIND PROJECT BECAUSE OF INDIANA BATS

A Federal Judge in Maryland has ruled that a Greenbri-er wind project must stop because an endangered species, the Indiana Bat, may near the project.

Judge Roger Titus made the ruling on December 8 on the action brought by Animal Welfare Institute and Mountain Communities for Responsible Energy against the Beech Ridge Wind project.

The issue is not new, evidence showed bat caves at least five miles away from the project. But it apparently was enough to stop the remaining 27 towers and turbines of the 67 planned in phase one from moving forward.

More than 100 construction workers will lose their jobs right before Christmas as a result.

According to the Judge’s order project developer Invenergy is enjoined from the date of the Order “until they obtain an Incidental Take Permit pursuant to 16 U.S.C. § 1539(a)(1)(B) from: (1) constructing any additional turbines at the Beech Ridge Project site beyond the forty turbines that they have already begun to construct; and (2) operating any turbines at the Beech Ridge Project site between April 1 and November 15 in any calendar year.”

The wind project has seen many legal challenges as developers have tried to get approval for construction.

The WV Supreme Court has ruled more than once they have fulfilled all requirements to build the renewable energy project.

“All I can tell you is we have a lot of members who want to work who can’t,” Ronnie Burdette, Business Manager, Operating Engineers Local 132.

The process may take between one and two years. An incidental take permit is a permit issued under Section 10 of the Federal Endangered Species Act (ESA) to private, non-federal entities undertaking otherwise lawful projects that might result in the “take” of an endangered or threatened species.

Application for an incidental take permit is subject to certain requirements, including preparation by the permit applicant of a conservation plan.

“Take” is defined by the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species.

Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting or reproduction).

Thus, permit holders can proceed with an activity, such as construction or other economic development, which may result in the “incidental” taking of a listed species.

A 1982 amendment requires that permit applicants design, implement, and secure funding for a Habitat Conservation Plan that minimizes and mitigates harm to the impacted species during the proposed project.

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MERRY CHRISTMAS &
HAPPY NEW YEAR from
ACT & THE WV STATE BUILDING TRADES
For those who were the first to get their WV Plumbers license a year ago the renewal process has already begun.

The WV Division of Labor is sending out notices and renewal forms to license holders as their annual renewal dates approach.

To make renewals easier the WV Division of Labor has created an on-line process.

From their web page www.wvlabor.com payments can be made by going to the Payment Page and then clicking on Plumbers License.

In addition to the $75 annual license fee, the online method does charge a $1.70 “convenience fee.” Payment by check or money order can be sent through the mail.

According to the site you can not renew your license until 45 days before it is due.

The Plumbers licensing law went into effect January 1, 2009 and allowed people who could show they had worked as a plumber until July to get a license without a test.

“IF YOU GRAND-FATHERED IN AND GOT YOUR LICENSE BEFORE THE MANDATORY TEST YOU WILL WANT TO KEEP YOUR LICENSE CURRENT,”

TIM ‘SQUIRREL’ JIVIDEN, ORGANIZING DIRECTOR, WV STATE PIPE TRADES

If you let it expire you'll have to get a new license and take the test.”

A license that has expired for more than 90 days can not be renewed.

For more information contact the WV Division of Labor at 304-558-7890 or check out their website.

PROJECT BEST CHRISTMAS BREAKFAST EVENT HELD

ORPHY KLEMPA, (Standing) Service Representative for the Carpenters Union as well as a member of the WV House of Delegates was one of the speakers at the Project Best breakfast held December 3 in Wheeling. Also pictured are (from left) Dave Mullins, Commissioner of Labor; Tom Gray, President of the Upper Ohio Valley Building Trades; Terry Lavorini, President of the Ohio Valley Construction Employers Council; and Secretary of State Natalie Tennent. Project Best is a successful Labor-Management construction industry group based in Wheeling. The annual Christmas breakfast has become well known not only because of the good work the group does but also due to the entertainment provided by Tom Cerra, Executive Director of the Contractors Association.

KENNY PERDUE, (far left) President of the WV AFL-CIO, participates in a meeting of the Tax Modernization Work Group.
A Project Labor Agreement between five Building Trades Councils and two major utility companies will secure union construction workers to build a proposed $1.8 billion electric transmission line called PATH.

But problems with the application process in Maryland, which must take place in three states, have led to an agreed seven month delay at West Virginia’s Public Service Commission.

The negotiations for the Labor Agreement were led by the West Virginia State Building Trades Council with American Electric Power, who along with Allegheny Energy will be building the project.

The project consists of 275 miles of 765kV transmission lines, two new sub-stations and an addition to the John Amos sub-station in Putnam County.

The line goes from the Amos station to Fredrick County Maryland and passes through parts of Virginia. The vast majority is located in West Virginia.

In addition to the WV State Building Trades the negotiations included building trades councils from Charleston, North Central WV, Western Maryland, Baltimore and Washington, DC.

The largest new sub-station will be located in Hardy County on a 500 acre site owned by Allegheny Energy. A comparable sub-station will be built near Frederick, Maryland.

The line portion of the project is valued at $1.2 billion with the substation work estimated to be worth $600 million.

“Traditionally most of this work would be done by utility construction not the Building Trades,” said Steve Burton, President of the WV State Building Trades. “But because of the scale and special circumstance of this project we worked with all parties to include a major portion of work for Trades members.”

The Trades portion of the work includes the foundation and site preparation for the substations as well as work on roads and buildings.

The project is in the midst of seeking regulatory permits needed before construction can begin.

Public hearings have been held in four West Virginia locations by the Public Service Commission.

Trades members were present at all meetings but were limited in speaking because ACT has intervened in the project.

“As an intervener we have a seat at the table throughout the formal hearing process,” said Dave Efaw, Secretary Treasurer of the WV State Building Trades. “Because of that we’re limited at the public hearing – but we will play a full and active role in the process.”

ACT will be submitting a study of the economic benefit generated from the project. The study will look at the direct spending on local union construction workers as well as spin-off jobs and benefits from the wages earned locally.

The process will likely take a year or more before the project can begin. There are hundreds of people and groups who oppose the project.

“Our job is to make sure the value of construction employment is not overlooked in the debate,” said Efaw. “Too often we are the invisible workforce.”

The 765kV line is part of a major upgrade to the transmission infrastructure. It will bring increased reliability to the system and connect West Virginia to lucrative power markets in the Northeast.

The line will also make additional power generation projects, such as wind and coal fired plants more economical.