

# After hours of debate, House passes prevailing wage revamp

By Phil Kabler



F. BRIAN FERGUSON | Sunday Gazette-Mail It's a long weekend in the state Capitol as legislators worked Saturday and were expected to meet Sunday as well. Sen. Mike Woelfel, D-Cabell, took in the action on the Senate floor.

A bill to revamp and roll back West Virginia's longstanding prevailing wage rate for construction workers on many publicly funded projects (SB361) moved closer to final passage Saturday after passing the House of Delegates on a 56-39 vote.

That followed about two-and-a-half hours of impassioned debate, pitting supporters, who said the bill will correct a system that inflates wages and puts undue burden on taxpayers, against opponents, who said the bill is a race to the bottom to cut wages for workers and hurt the overall state economy.

Opponents noted that large numbers of building contractors and construction workers oppose rolling back prevailing wage, leading Delegate Shawn Fluharty, D-Ohio, to question Saturday who actually supports it.

"They don't want it — the employers, and the employees surely don't want this. Who wants this? Who's pulling the strings down here?" he asked, adding, "We're here for the people of West Virginia, here in the people's chamber — not for the U.S. Chamber of Commerce."

A key piece of the agenda for the new Republican leadership in the Legislature, the bill would recalculate the wage scales for larger projects, based on data to be compiled by Business and Economic Research centers at Marshall and West Virginia universities, and would eliminate the essentially union-scale wages for workers on projects costing \$500,000 or less.

Delegate Bill Hamilton, R-Upshur, drew applause from construction workers who packed the House galleries Saturday when he said, "This is one Republican that stands with the working men and women of West Virginia. I am voting no on this bill."

Delegate Mike Caputo, D-Marion, also referred to the workers, saying, "Let me tell you what these people want. They want to be treated fairly. They want a nice home to live in, and they want to send their kids to college."

Delegate Marty Gearhart, R-Mercer, countered that he has personal experience that projects cost more in West Virginia because of the prevailing wage scale, noting, "By not repealing this rate, we are doing an injustice to the taxpayers of West Virginia."

Delegate Paul Espinosa, R-Jefferson, concurred that the Legislature would be looking out for the taxpayers by rolling back prevailing wage.

Noting that the bill originally would have eliminated prevailing wage entirely, Delegate Mark Zatezalo, R-Hancock, called the current proposal a bipartisan compromise.

Under questioning from fellow delegates, including Tim Manchin, D-Marion, and Stephen Skinner, D-Jefferson, Government Organization Chairman Gary Howell, R-Mineral, conceded that the House had not had any studies or seen any data regarding potential benefits or detriments of rolling back prevailing wage.

However, Howell asserted, the bill will be good for the taxpayers and workers of the state.

Delegate Justin Marcum, D-Mingo, argued that the Legislature should be focusing on creating jobs, not cutting wages and the state's tax base.

"I haven't seen one jobs bill come through this Legislature," he said. "Folks, let's put people back to work."

The bill goes back to the Senate to resolve differences, including a House amendment that would keep current prevailing wage rates in place through as late as Sept. 30 if the new wage scales have not been finalized by the bill's July 1 deadline.

Also during a rare Saturday session of the Legislature:

n The Senate passed 30-1 and sent to the House a bill rolling back the number of above-ground storage tanks subject to licensing and inspection under the Water Protection Act passed last year from about 50,000 to about perhaps 5,000.

The Senate passed the bill (SB423) after verifying that it retains medical monitoring for individuals affected by the January 2014 Freedom Industries chemical leak, and still requires water utilities to develop plans of action for protecting water supplies.

Senate Judiciary Chairman Charles Trump, R-Morgan, said last year's legislation went beyond the intended purpose of protecting water supplies from chemical contamination.

Sen. Herb Snyder, D-Jefferson, concurred, saying the law "got a shot of steroids" in the House from delegates under pressure to act following the water crisis that contaminated water supplies for 300,000 West Virginians.

"We have arrived at a very reasonable approach to protecting our water systems from a chemical spill," he said of the rollback bill.

n The Senate again laid over consideration of legislation to allow charter schools in the state — schools that would be operated autonomously by nonprofit or public organizations.

Senate Education Chairman Dave Sypolt, R-Preston, said voting was delayed on the bill (SB14) to allow negotiations "to come up with a more palatable, bipartisan amendment."

n The House was thrown in parliamentary procedure turmoil with a motion by Delegate Isaac Sponaugle, D-Pendleton, to discharge a bill to give state public school teachers a five-year pay raise package totaling more than \$345 million (HB2846).

After leadership huddled up at the podium for nearly 30 minutes to sort out rules, the House voted 59-36 to postpone consideration of the motion indefinitely.

n Members of the Senate Finance Committee criticized the Tomblin administration for failing to release recommendations from the Governor's Blue Ribbon Commission on Highways in time for the Legislature to act on them this session.

“The biggest complaints I get from people back home ... is my road is so bad, and I've got potholes,” said Sen. Robert Plymale, D-Wayne.

“We are at a high level of frustration in the Legislature for not addressing the roads issue,” Senate Minority Leader Jeff Kessler, D-Marshall, added.

The commission, appointed by Gov. Earl Ray Tomblin to study ways to close an estimated \$1 billion-plus annual shortfall in state highways funding, issued preliminary recommendations in the fall of 2013. Those proposals included raising a variety of Division of Motor Vehicles fees, and issuing a \$1.5 billion road bond, to be paid off by keeping tolls on the West Virginia Turnpike through 2049.

A final report was to be issued last September but was pushed back to December, and then delayed indefinitely.

Senate Transportation Chairman Chris Walters, R-Putnam, said the committee will have an informational meeting on the draft proposals to raise road funds on Tuesday.

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