

Republicans rebuff attempt to slow prevailing wage repeal bill

By Phil Kabler

A procedural maneuver by Senate Democrats to slow down a bill they believe is being railroaded through the Legislature by the new Republican majority failed Thursday on a partisan 16-18 vote.

Senate Minority Leader Jeff Kessler, D-Marshall, moved to reject a report from the Government Organization Committee on a bill that, as currently drafted, will repeal the state's prevailing wage act (SB361).

Kessler said the Senate majority is in a rush to pass the legislation, despite an outcry from dozens of building contractors and hundreds of construction workers who believe repealing prevailing wage will hurt their livelihoods and hurt the state's economy.

"They're apparently ignoring all the cries from the businesses I'm hearing, and all the labor folks I'm hearing," Kessler said after the floor session. "I have yet to see anyone who's told me they're in favor of this bill, outside of this chamber."

Proponents of the bill contend that prevailing wage artificially inflates wages for construction workers on publicly funded building projects, which limits the number of public works projects the state, counties and localities can fund.

"This is a very simple question: Should workers on public projects be paid the same, more, or less than they are paid on a private project?" said Senate Majority Leader Mitch Carmichael, R-Jackson.

"What is right here? Is it the free market, or the government setting your wages?" he added.

After the floor session, when asked who is advocating for the repeal, Carmichael referred to surveys and public opinion polls he said shows strong opposition to prevailing wage.

Sen. Herb Snyder, D-Jefferson, objected to the break-neck pace to get the bill to passage, going through just one Senate committee, instead of at least two, including either the Finance or Judiciary committee.

Snyder said the process of sending bills through multiple committees allows time to gather information, hear from stakeholders, and to reach consensus on compromises.

"This is the reason we have committees. If not, send everything to the floor and let us debate everything on the floor," he said, adding that Senate leadership has allowed no compromises on prevailing wage.

"That's sloppy on such a very, very large issue," Snyder said. "It is not a water crisis where suddenly the river is full of chemicals, and we have to react."

Senate Government Organization Chairman Craig Blair, R-Berkeley, countered that under past Democratic leadership, negotiations on bills frequently took place behind closed doors.

“This bill is set up with the ability to have amendments on it by the body as a whole,” Blair said. “This is open government where everybody is going to have an opportunity to participate.”

However, Sen. John Unger, D-Berkeley, argued that procedurally, a bill to repeal a law can’t be amended.

“The way it’s written, it’s either up or down, either we repeal prevailing wage or we don’t,” he said.

Blair responded that the current version of the bill does not repeal prevailing wage, but “sunsets” the law as of April 1, and as a sunset bill, it can be amended.

With the defeat of Kessler’s motion Thursday, the bill will be on first reading in the Senate Friday, and could be up for a passage vote as early as Monday, just 11 days after it was introduced, pending discussions of having a Senate floor session on Saturday.

Also Thursday, the Senate refused to concur on House amendments on legislation to give landowners immunity from liability suits for injuries resulting from “open and obvious” hazards on their property (SB13), setting the stage to send the bill to a House-Senate conference committee.

Carmichael said Senate leaders oppose a House amendment that would make an exception to the immunity protections if the dangerous condition on-site also is a violation of state law or local ordinances.

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