

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

### ENROLLED

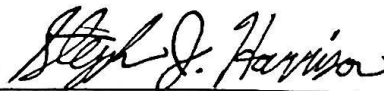
### House Bill 4005

(BY DELEGATES HOUSEHOLDER, COWLES, DUKE,  
FOSTER, GEARHEART, MILLER, OVERINGTON, SHOTT,  
WALTERS, WAXMAN AND WESTFALL)

[Passed February 4, 2016;  
in effect ninety days from passage.]

FILED  
2016 FEB 17 P 4:22  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Certified Copy



Stephen J. Harrison  
Clerk of the House of Delegates  
and Keeper of the Rolls of the Legislature

HB 4005 (veto override)

# WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

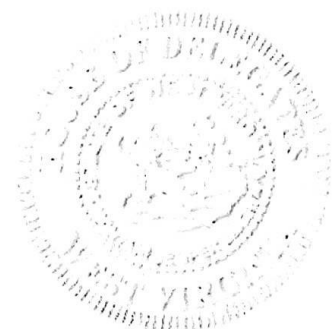
ENROLLED

House Bill 4005

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(BY DELEGATES HOUSEHOLDER, COWLES, DUKE,  
FOSTER, GEARHEART, MILLER, OVERINGTON, SHOTT,  
WALTERS, WAXMAN AND WESTFALL)

[Passed February 4, 2016;  
in effect ninety days from passage.]



1 AN ACT to repeal §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-  
2 5A-9, §21-5A-10, §21-5A-11 and §21-5A-12 of the Code of West Virginia, 1931, as  
3 amended, all relating to repealing prevailing hourly rate of wages requirements by or on  
4 behalf of public authorities engaged in construction of public improvements.

*Be it enacted by the Legislature of West Virginia:*

1 That §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9,  
2 §21-5A-10, §21-5A-11 and §21-5A-12 of the Code of West Virginia, 1931, as amended, be  
3 repealed.


## **ARTICLE 5A. WAGES FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS**

### **§1. Repeal of article relating to wages for construction of public improvements.**

1 §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9, §21-  
2 5A-10, §21-5A-11 and §21-5A-12 of the Code of West Virginia, 1931, as amended, are hereby  
3 repealed.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

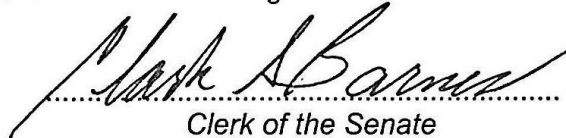
  
.....  
Chairman, House Committee

  
.....  
Chairman, Senate Committee

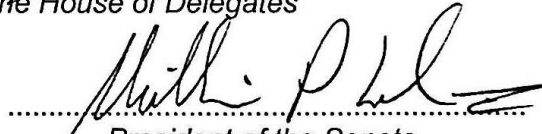
Originating in the House.

In effect ninety days from passage.

  
.....  
Clerk of the House of Delegates

  
.....  
Clerk of the Senate

  
.....  
Speaker of the House of Delegates

  
.....  
President of the Senate

\_\_\_\_\_

The within is disapproved this the 11<sup>th</sup>  
day of February, 2016.

  
.....  
Governor



PRESENTED TO THE GOVERNOR

FEB . 8 2016

Time 3:08 pm



In accordance with Section 14, Article VII of the Constitution, the House of Delegates reconsidered and again passed Enrolled House Bill 4005, by a majority of those elected to the House, to take effect ninety days from passage, notwithstanding the objections of the Governor.

The Clerk of the House to the Senate.



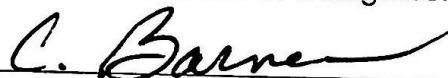
STEPHEN J. HARRISON

*Clerk of the House of Delegates*

February 12, 2016

In accordance with Section 14, Article VII of the Constitution of West Virginia, the Senate repassed, without amendment, Enrolled House Bill No. 4005 by a majority of those elected to the Senate, to take effect ninety days from passage, notwithstanding the objections of the Governor.

The Clerk of the Senate to the House of Delegates.



Clerk of the Senate

February 12, 2016

I, Stephen J. Harrison, Clerk of the House of Delegates, and as such Clerk, Keeper of the Rolls of the Legislature of West Virginia, hereby certify that the foregoing bill, Enrolled House Bill 4005, disapproved by the Governor on the 11<sup>th</sup> Day of February, 2016, was subsequently repassed by the Legislature, notwithstanding the objections of the Governor, on the 12<sup>th</sup> day of February, 2016.



Stephen J. Harrison

Clerk of the House of Delegates

and Keeper of the Rolls of the Legislature





STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305  
(304) 558-2000

EARL RAY TOMBLIN  
GOVERNOR

February 11, 2016

**VIA HAND DELIVERY**

The Honorable Tim Armstead  
Speaker, West Virginia House of Delegates  
Room 228M, Building 1  
State Capitol Complex  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305

Re: Enrolled House Bill 4005

Dear Speaker Armstead:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 4005.

The Legislature of West Virginia enacted the Wages for Construction of Public Improvements Act in 1935 to ensure that laborers, workers, and mechanics receive fair wages on state public improvement contracts. Contending that the prevailing wage rates for building bridges, digging ditches, and tunneling sewers have become too generous, several legislators sought the Act's repeal during the 2015 Regular Session of the Legislature. I encouraged a less drastic course of action, and urged the Legislature to collaborate with Workforce West Virginia and our state's foremost universities to improve the Act's methodology for calculating prevailing wage rates. Working together, we achieved a reasonable compromise in 2015, modernizing the Act instead of extinguishing it.

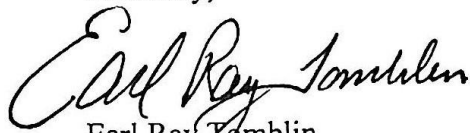
Our compromise, it turns out, was all for naught. Enrolled House Bill 4005 repeals the Act in an about-face from our eighty-one year history of paying laborers, workers, and mechanics fairly for constructing public improvements. Because I favor compromise and fairness over extreme measures, I disapprove and return this bill.



OFFICE OF THE GOVERNOR

Speaker Armstead  
February 11, 2016  
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Sincerely,

A handwritten signature in black ink, reading "Earl Ray Tomblin". The signature is fluid and cursive, with the first name "Earl" being the most prominent.

Earl Ray Tomblin  
Governor

cc: The Hon. William P. Cole III  
President of the Senate

The Hon. Natalie E. Tennant  
Secretary of State

