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.]
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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.]

Be it enacted by the Legislature of West Virginia:


ARTICLE 5A. WAGES FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS

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

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

[Signature]
Chairman, House Committee

[Signature]
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

[Signature]
Clerk of the House of Delegates

[Signature]
Clerk of the Senate

[Signature]
Speaker of the House of Delegates

[Signature]
President of the Senate

The within disappeared this the...th day of... February, 2016.

[Signature]
Governor
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.

[Signature]
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.

[Signature]
C. BARNES
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 11th Day of February, 2016, was subsequently repassed by the Legislature, notwithstanding the objections of the Governor, on the 12th day of February, 2016.

[Signature]
Stephen J. Harrison
Clerk of the House of Delegates
and Keeper of the Rolls of the Legislature
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,

Earl Ray Tomblin
Governor

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

    The Hon. Natalie E. Tennant
    Secretary of State