

Recd., Mar. 11, 1933

157

ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 157

(By Mr. Randolph)

Passed March 11, 1933

In Effect twenty days from Passage

Originated in the House Takes effect ninety days from passage

Clerk of the House of Delegates

CORRECTLY ENROLLED

Clerk

Chairman Senate Committee

Chairman House Committee

ENROLLED BILL

(H. B. No. 157)

[Passed March 11, 1933; in effect ninety days from passage.]

AN ACT to establish the rate of wages to be paid to workmen and mechanics employed in construction of public improvements.

Be it enacted by the Legislature of West Virginia:

Section 1. The term "public authority," as used in this act, shall mean any officer, board or commission of the state of West Virginia, or any political subdivision thereof, authorized by law to enter into a contract for the construction of a public improvement. The term construction, as used in this act shall mean any construction, reconstruction, improvement, enlargement or repair of any public improvement. The term "public improvement," as used in this act, shall include all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, and all other structures or works constructed by the state of West Virginia or any political subdivision thereof. The

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James D. Hays

James L. Smith

Chairman Senate Committee.

Chairman House Committee.

12 term "locality," as used in this act, shall mean the county
13 wherein the physical work upon any public improvement is
14 being performed.

Sec. 2. Any public authority authorized to contract for a
2 public improvement shall, before advertising for bids for the
3 construction thereof, fix and determine a fair minimum rate of
4 wages to be paid by the successful bidder to the employees in
5 the various branches or classes of the work, which minimum
6 shall be determined from a consideration of the prevailing rate
7 of wages paid for each such branch or class in the locality
8 wherein the physical work upon such improvement is to be
9 performed. The minimum rate of wages so fixed shall be printed
10 on the bidding blanks.

Sec. 3. In all cases where any public authority shall fix a
2 fair minimum rate or rates of wages as herein provided, the con-
3 tract executed between the public authority and the successful
4 bidder shall contain a provision requiring the successful bidder
5 and all his subcontractors to pay a rate or rates of wages which
6 shall not be less than the minimum rate or rates of wages so fixed.
7 It shall be the duty of the successful bidder and all his subcon-
8 tractors to strictly comply with such provisions of the contract.

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James L. Smith
Chairman House Committee.
D. H. Jones
Chairman Senate Committee.

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Sec. 4. Any contractor or subcontractor who shall violate
2 the wage provisions of such contract, or who shall suffer, permit
3 or require any employee to work for less than the minimum rate
4 of wages so fixed, shall be fined not less than fifty dollars or more
5 than five hundred dollars. Any employee upon any public im-
6 provement who is paid less than the fixed minimum rate of wages
7 applicable thereto may recover from the contractor or subcon-
8 tractor the difference between the fixed minimum rate of wages
9 and the amount paid to him, and in addition thereto a penalty
10 equal in amount to such difference.

Sec. 5. Each section of this act and every part thereof is
2 hereby declared to be an independent section or part of a section,
3 and if any section, subsection, sentence, clause or phrase of this
4 act shall for any reason be held unconstitutional, the validity of
5 the remaining phrases, clauses, sentences, subsections, and sec-
6 tions of this act shall not be affected thereby.

7 All acts and parts of acts in conflict with this are hereby re-
8 pealed.

Sec. 6. All the provisions of this act shall be in force and
2 effect only until July first, one thousand nine hundred thirty-
3 five, and shall be of no force or effect after that date.

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James L. Smith
Chairman Senate Committee.

Wm. M. Stiner
Speaker of the House of Delegates.

Geo. H. Hall
Clerk of the House of Delegates.

A. B. M. Ainsworth
President of the Senate.

James L. Smith
Clerk of the Senate.

The within is.....

this.....day of....., 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. **MAR 18 1933**

Wm. S. O'BRIEN,
Secretary of State