WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2010

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4359

(By Delegates D. Poling, Klempa, Ferro, Longstreth, D. Walker, Varner, Morgan and Caputo)

Passed March 11, 2010

In Effect Ninety Days From Passage
AN ACT to amend and reenact §21-1C-2 of the Code of West Virginia, 1931, as amended, relating to requiring local labor for public construction projects; reducing the dollar amount of the applicable construction project to $500,000; reducing the amount of miles for the local labor market to fifty miles; and clarifying the definition of local labor market.

Be it enacted by the Legislature of West Virginia:

That §21-1C-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1C. WEST VIRGINIA JOBS ACT.

§21-1C-2. Definitions.

1 As used in this article:

2 (1) The term "construction project" means any construction, reconstruction, improvement, enlargement, painting, decorating
or repair of any public improvement let to contract in an amount equal to or greater than $500,000. The term “construction project” does not include temporary or emergency repairs;

(2) (A) The term “employee” means any person hired or permitted to perform hourly work for wages by a person, firm or corporation in the construction industry;

(B) The term “employee” does not include:

(i) Bona fide employees of a public authority or individuals engaged in making temporary or emergency repairs;

(ii) Bona fide independent contractors; or

(iii) Salaried supervisory personnel necessary to assure efficient execution of the employee's work;

(3) The term “employer” means any person, firm or corporation employing one or more employees on any public improvement and includes all contractors and subcontractors;

(4) The term “local labor market” means every county in West Virginia and any county outside of West Virginia if any portion of that county is within fifty miles of the border of West Virginia;

(5) The term “public authority” means any officer, board, commission or agency of the State of West Virginia and its subdivisions, including counties and municipalities. Further, the economic grant committee, economic development authority, infrastructure and jobs development council and School Building Authority shall be required to comply with the provisions of this article for loans, grants or bonds provided for public improvement construction projects;
(6) The term “public improvement” includes the construction of all buildings, roads, highways, bridges, streets, alleys, sewers, ditches, sewage disposal plants, waterworks, airports and all other structures that may be let to contract by a public authority, excluding improvements funded, in whole or in part, by federal funds.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within was approved this the 14th day of May 2010.

Governor