

2010 MAR 19 PM 2: 32

OFFICE OF THE  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2010

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**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

HB 4359

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COMMITTEE SUBSTITUTE

FOR

## H. B. 4359

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(BY DELEGATES D. POLING, KLEMPA, FERRO,  
LONGSTRETH, D. WALKER, VARNER, MORGAN AND CAPUTO)

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[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,
- 3 reconstruction, improvement, enlargement, painting, decorating

4 or repair of any public improvement let to contract in an  
5 amount equal to or greater than \$500,000. The term  
6 “construction project” does not include temporary or  
7 emergency repairs;

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

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

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

15 (ii) Bona fide independent contractors; or

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

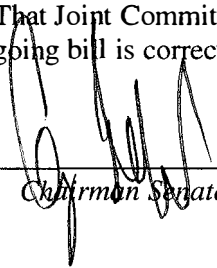
18 (3) The term “employer” means any person, firm or  
19 corporation employing one or more employees on any public  
20 improvement and includes all contractors and subcontractors;

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

25 (5) The term “public authority” means any officer, board,  
26 commission or agency of the State of West Virginia and its  
27 subdivisions, including counties and municipalities. Further,  
28 the economic grant committee, economic development  
29 authority, infrastructure and jobs development council and  
30 School Building Authority shall be required to comply with  
31 the provisions of this article for loans, grants or bonds  
32 provided for public improvement construction projects;

33 (6) The term “public improvement” includes the  
34 construction of all buildings, roads, highways, bridges,  
35 streets, alleys, sewers, ditches, sewage disposal plants,  
36 waterworks, airports and all other structures that may be let  
37 to contract by a public authority, excluding improvements  
38 funded, in whole or in part, by federal funds.

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

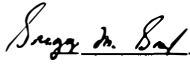
  
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Chairman Senate Committee

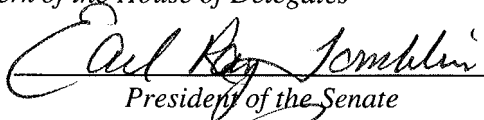
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

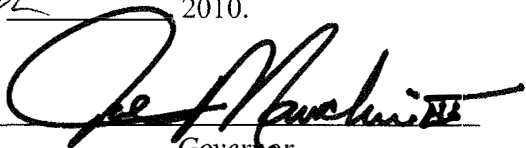
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 19<sup>th</sup>  
day of March 2010.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 1 8 2010

Time 3:08 p