

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4263**

5 (By Delegates Barker, Caputo, Martin,
6 Hamilton, Butcher and Stowers)

7 [Passed March 10, 2012; in effect from passage.]

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10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto, a new section, designated §5A-3-57, relating
12 to creating a "Buy American Task Force"; setting forth
13 legislative findings; declaring state policy; requiring the
14 Purchasing Division and the Division of Labor to convene a
15 task force to study the use of American made construction
16 materials and goods; setting forth the membership of the task
17 force; specifying areas of study; and requiring report to
18 Legislature by December 31, 2012.

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

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new section, designated §5A-3-57, to read as
22 follows:

23 **ARTICLE 3. PURCHASING DIVISION.**

24 **§5A-3-57. Buy American task force; study; report.**

25 (a) *Findings.* -- The Legislature finds that:

26 (1) The production of iron, steel, manufactured goods, coal

1 and timber provides jobs and family income to many individuals in
2 this state and, in turn, the jobs and family incomes of millions of
3 persons in the United States;

4 (2) The taxes paid to the state and its political subdivisions
5 by employers and employees engaged in the production and sale of
6 iron, steel, manufactured goods, coal and timber are a large source
7 of public revenues for West Virginia;

8 (3) The economy and general welfare of West Virginia and its
9 people and the economy and general welfare of the United States are
10 inseparably linked to the preservation and development of
11 manufacturing, harvesting and mineral extraction industries in this
12 state, as well as all the other states of this nation;

13 (4) The state's taxpayer dollars are better spent if
14 reinvested with its individual and employer taxpayers in order to
15 foster job retention and growth, particularly within the
16 manufacturing, harvesting and mineral extraction sectors, and to
17 ensure a broad and healthy tax base for future investments vital to
18 the state's infrastructure; and

19 (5) West Virginia's procurement policies should reflect the
20 state's and the nation's principles ensuring that the products of
21 those companies and workers who abide by workplace safety and
22 environmental laws, rules and regulations should be rewarded with
23 a commonsense preference in government contracting.

24 (b) *Declaration of policy.* -- It is the policy of West
25 Virginia that the state and its political subdivisions should aid
26 and promote the economy of this state and the United States by

1 requiring a preference for the procurement of iron, steel,
2 manufactured goods, coal and timber produced in the United States
3 in all contracts for the construction, reconstruction, repair,
4 improvement or maintenance of public buildings and public works
5 projects.

6 (c) The Purchasing Division and the Division of Labor shall
7 jointly convene the task force created in subsection (d) of this
8 section to study the use of American-made construction materials
9 and manufactured goods in the various aspects of the construction
10 and maintenance of public buildings and public works projects of
11 the state and its political subdivisions which are funded in part
12 by state grants, state loans or state appropriations.

13 (d) A task force is hereby created to assist the divisions
14 with this study. The task force shall consist of:

15 (1) An architect, an engineer and a contractor, each
16 designated by his or her respective licensing board;

17 (2) One representative of the largest organization
18 representing West Virginia manufacturers;

19 (3) One representative each from the Division of Highways, the
20 School Building Authority, the Water Development Authority, the
21 General Services Division and the Higher Education Policy
22 Commission; and

23 (4) Four labor representatives chosen by the largest labor
24 organization in the state.

25 (e) The study shall include, but not be limited to:

26 (1) The need to maintain a list of all suppliers qualified to

1 provide construction materials and manufactured goods produced in
2 the United States;

3 (2) The percentage of domestically produced construction
4 materials and manufactured goods to be included in a construction
5 project to qualify it as built with American made construction
6 materials and manufactured goods; and

7 (3) Possible changes to the bid process, including waiver
8 requirements.

9 (f) The directors of the Purchasing Division and the Division
10 of Labor shall report the Joint Committee on Government and
11 Finance, by December 31, 2012, on the task force's findings on the
12 best methods of promoting the American production of iron, steel,
13 manufactured goods, coal and timber and creating jobs through a buy
14 American mandate, as well as the burdens and benefits of such
15 mandate on the construction industry in West Virginia and the
16 state's public building and public works projects.