

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4585**

4 (By Delegate Armstead)

5
6 (Originating in the Committee on the Judiciary)

7
8 [February 24, 2012]

9
10 A BILL to amend and reenact §21-5A-3 and §21-5A-6 of the Code of
11 West Virginia, 1931, as amended, relating to wages for
12 construction of public improvements by volunteer fire
13 departments.

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

15 That §21-5A-3 and §21-5A-6 of the Code of West Virginia, 1931,
16 as amended, be amended and reenacted to read as follows:

17 **ARTICLE 5A. WAGES FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS.**

18 **§21-5A-3. Fair minimum rate of wages; determination; filing;**
19 **schedule of wages part of specifications.**

20 (a) Any public authority authorized to let to contract the
21 construction of a public improvement, shall, before advertising for
22 bids for the construction thereof, ascertain from the state
23 commissioner of labor, the fair minimum rate of wages, including
24 fair minimum overtime and holiday pay, to be paid by the successful
25 bidder to the laborers, workmen or mechanics in the various

1 branches or classes of the construction to be performed; and such
2 schedule of wages shall be made a part of the specifications for
3 the construction and shall be published in an electronic or other
4 medium and incorporated in the bidding blanks by reference when
5 approved by the commissioner of labor where the construction is to
6 be performed by contract. The "fair minimum rate of wages," for
7 the intents and purposes of this article, shall be the rate of
8 wages paid in the locality in this state as hereinbefore defined to
9 the majority of workmen, laborers or mechanics in the same trade or
10 occupation in the construction industry. The commissioner of labor
11 or a member of his or her department designated by him or her shall
12 assemble the data as to fair minimum wage rates and shall file wage
13 rates. Rates shall be established and filed as hereinafter
14 provided on January 1, of each year. These rates shall prevail as
15 the minimum wage rate on all public improvements on which bids are
16 asked during the year beginning with the date when such new rates
17 are filed and until the new rates are filed, the rates for the
18 preceding year shall remain in effect: Provided, That such rates
19 shall not remain in effect for a period longer than fifteen months
20 from the date they are published, but, this provision shall not
21 affect construction of a public improvement then underway.

22 (b) The provisions of subsection (a) are inapplicable to a
23 volunteer fire department that contracts for the construction of a
24 volunteer fire department facility.

25 **§21-5A-6. Contracts to contain provisions relative to minimum wages**
26 **to be paid.**

1 (a) In all cases where any public authority has ascertained a
2 fair minimum rate or rates of wages as herein provided, and
3 construction of a public improvement is let to contract, the
4 contract executed between the public authority and the successful
5 bidder shall contain a provision requiring the successful bidder
6 and all his or her subcontractors to pay a rate or rates of wages
7 which shall not be less than the fair minimum rate or rates of
8 wages as provided by this article.

9 (b) The provisions of subsection (a) are inapplicable to a
10 volunteer fire department that contracts for the construction of a
11 volunteer fire department facility.