

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE FOR House Bill No. 4263

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



Passed March 10, 2012

To Take Effect From Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 4263

(BY DELEGATES BARKER, CAPUTO, MARTIN,
HAMILTON, BUTCHER AND STOWERS)

[Passed March 10, 2012; to take effect from passage.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. PURCHASING DIVISION.

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

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

2 (1) The production of iron, steel, manufactured goods,
3 coal and timber provides jobs and family income to many
4 individuals in this state and, in turn, the jobs and family
5 incomes of millions of persons in the United States;

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

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

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

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

29 (b) *Declaration of policy.* -- It is the policy of West
30 Virginia that the state and its political subdivisions should aid
31 and promote the economy of this state and the United States
32 by requiring a preference for the procurement of iron, steel,

33 manufactured goods, coal and timber produced in the United
34 States in all contracts for the construction, reconstruction,
35 repair, improvement or maintenance of public buildings and
36 public works projects.

37 (c) The Purchasing Division and the Division of Labor
38 shall jointly convene the task force created in subsection (d)
39 of this section to study the use of American-made
40 construction materials and manufactured goods in the various
41 aspects of the construction and maintenance of public
42 buildings and public works projects of the state and its
43 political subdivisions which are funded in part by state
44 grants, state loans or state appropriations.

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

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

49 (2) One representative of the largest organization
50 representing West Virginia manufacturers;

51 (3) One representative each from the Division of
52 Highways, the School Building Authority, the Water
53 Development Authority, the General Services Division and
54 the Higher Education Policy Commission; and

55 (4) Four labor representatives chosen by the largest labor
56 organization in the state.

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

58 (1) The need to maintain a list of all suppliers qualified to
59 provide construction materials and manufactured goods
60 produced in the United States;

61 (2) The percentage of domestically produced construction
62 materials and manufactured goods to be included in a
63 construction project to qualify it as built with American made
64 construction materials and manufactured goods; and

65 (3) Possible changes to the bid process, including waiver
66 requirements.

67 (e) The directors of the Purchasing Division and the
68 Division of Labor shall report to the Joint Committee on
69 Government and Finance, by December 31, 2012, on the task
70 force's findings on the best methods of promoting the
71 American production of iron, steel, manufactured goods, coal
72 and timber and creating jobs through a buy American
73 mandate, as well as the burdens and benefits of such mandate
74 on the construction industry in West Virginia and the state's
75 public building and public works projects.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor