

**Senate Bill No. 55**

(By Senator Yost)

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[Introduced January 14, 2015; referred to the Committee on Government Organization; and then  
to the Committee on Finance.]

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**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
designated §5B-2I-1, §5B-2I-2, §5B-2I-3 and §5B-2I-4, all relating to creating the Keep Jobs  
in West Virginia Act; requiring all work performed for the state by contractors be performed  
in the United States; making legislative findings; permitting the state to seek damages and  
void contracts for work done outside the country; and providing exceptions.

*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  
article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3 and §5B-2I-4, all to read as follows:

**ARTICLE 2I. KEEP JOBS IN WEST VIRGINIA ACT.**

**§5B-2I-1. Title.**

This article may be known as the “Keep Jobs in West Virginia Act.”

**§5B-2I-2. Legislative findings.**

The Legislature finds that:

1 (1) State departments and agencies procure services through contracts with private vendors.

2 (2) Increasingly, private vendors purchase or carry out these services, or subcontract or  
3 otherwise procure these services, from a location outside the United States. This international  
4 outsourcing substantially increases unemployment and workforce dislocation and deprives West  
5 Virginia residents of job opportunities, including industries and jobs that West Virginia has  
6 expended resources to attract.

7 (3) International outsourcing erodes state and local revenues by drawing jobs and income  
8 away from state residents and businesses. International outsourcing additionally may provide fewer  
9 privacy protections for state residents whose personal information may, in the course of service  
10 delivery, be transmitted to locations outside the United States.

11 **§5B-2I-3. State contracts.**

12 Except as provided in section four of this article, the following requirements apply to all state  
13 contracts:

14 (1) State departments and agencies may not award a contract to a contractor or subcontractor  
15 who performs the work at a site outside the United States;

16 (2) Each vendor submitting a bid or contract to provide services for the state must certify the  
17 services covered by the bid or contract will be performed in the United States;

18 (3) If, during the life of the contract, the contractor or subcontractor shifts work overseas,  
19 then the department or agency shall require the contractor or subcontractor to pay damages in an  
20 amount equal to the amount paid by the department or agency for the percentage of outsourced work.  
21 The department or agency also shall terminate the contract for noncompliance; and

22 (4) The department or agency is entitled to bring a civil action in state or federal court to

1 compel enforcement or damages under this article. The court shall award reasonable attorney's fees  
2 and costs to the department or agency.

3 **§5B-2I-4. Exceptions.**

4 Section three of this article does not apply to a contract if refusing to award that contract  
5 would violate specific terms of:

- 6 (1) The Agreement on Government Procurement of the World Trade Organization; or  
7 (2) A bilateral or regional free trade agreement.

NOTE: The purpose of this bill is to create the "Keep Jobs in West Virginia Act." The bill requires all work performed for the state by contractors be performed in the United States. The bill makes legislative findings. The bill also permits the state to seek damages and void contracts for work done outside the country and provides exceptions.

This article is new; therefore, strike-throughs and underscoring have been omitted.