

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3107**

By Delegates Burkhammer, Householder, Foster,  
Butler, and Riley

[Introduced January 27, 2023; Referred to the  
Committee on Workforce Development then the  
Judiciary]

1 A BILL to amend and reenact §21-1C-5 of the Code of West Virginia, as amended, relating to  
 2 reporting requirements for public improvement projects; specifying alternative forms of  
 3 records to document persons employed on the project.

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

**ARTICLE 1C. WEST VIRGINIA JOBS ACT.**

**§21-1C-5. Applicability and scope of article; reporting requirements.**

1 (a) This article applies to expenditures for construction projects by any public authority for  
 2 public improvements as defined by this article.

3 (b) For public improvement projects let pursuant to this article, the public authority shall file,  
 4 or require an employer as defined in §21-1C-2 of this code to file, with the Division of Labor ~~copies~~  
 5 ~~of the waiver certificates and certified payrolls, pursuant to article five-a of this chapter, or other~~  
 6 ~~comparable documents that include the number of employees, the county and state wherein the~~  
 7 ~~employees reside, and their occupation~~ copies of one of the following documents for all employees  
 8 on the public improvement project:

9 (1) A government-issued identification card;

10 (2) I-9 form;

11 (3) Certified employee payroll; or

12 (4) A waiver certificate issued pursuant to §21-1C-4 of this code.

13 (c) The Division of Labor shall compile the information required by this section and submit it  
 14 annually to the Joint Committee on Government and Finance by October 15. The joint committee  
 15 may forward these reports to the Legislative Auditor to review and make comments regarding the  
 16 usefulness of the information collected and to suggest changes to the division's method of  
 17 reporting to ensure the information collected will prove useful in evaluating the effectiveness of the  
 18 provisions of this article.

19 (d) Each public authority has the duty to implement the reporting requirements of this  
 20 article. Every public improvement contract or subcontract let by a public authority shall contain

21 provisions conforming to the requirements of this article.

22 (e) The Division of Labor is authorized to establish procedures for the efficient collection of  
23 data, collection of civil penalties prescribed in §21-1C-6 of this code, and transmittal of data to the  
24 Joint Committee on Government and Finance.

NOTE: The purpose of this bill is to specify alternative forms of documentation of employees to be filed with the Division of Labor when the contractors are working on construction of public improvements.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.