

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4308**

BY DELEGATE FOSTER

[Introduced January 26, 2018; Referred  
to the Committee on Industry and Labor then the  
Judiciary.]

1 A BILL to amend and reenact §21-1C-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to filing reports with the Division of Labor and removing the requirement for contactors to  
 3 file payroll information on public improvement construction projects.

*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  
 4 file, or require an employer as defined in section two of this article to file, with the Division of Labor  
 5 copies of the waiver certificates and ~~certified payrolls, pursuant to article five-a of this chapter, or~~  
 6 ~~other comparable~~ documents that include the number of employees, the county and state wherein  
 7 the employees reside, and their occupation.

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

14 (d) Each public authority has the duty to implement the reporting requirements of this  
 15 article. Every public improvement contract or subcontract let by a public authority shall contain  
 16 provisions conforming to the requirements of this article.

17 (e) The Division of Labor is authorized to establish procedures for the efficient collection  
 18 of data, collection of civil penalties prescribed in section six of this article, and transmittal of data  
 19 to the Joint Committee on Government and Finance.

NOTE: The purpose of this bill is to eliminate the requirement for contractors to submit certified payrolls or other payroll information to the Division of Labor for public improvement construction projects.

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