

COMMITTEE SUBSTITUTE

FOR

**H. B. 4585**

---

(BY DELEGATE ARMSTEAD)

---

(Originating in the Committee on the Judiciary)  
[February 24, 2012]

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

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

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

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

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

1        (a) Any public authority authorized to let to contract the  
2        construction of a public improvement, shall, before

3 advertising for bids for the construction thereof, ascertain  
4 from the state commissioner of labor, the fair minimum rate  
5 of wages, including fair minimum overtime and holiday pay,  
6 to be paid by the successful bidder to the laborers, workmen  
7 or mechanics in the various branches or classes of the  
8 construction to be performed; and such schedule of wages  
9 shall be made a part of the specifications for the construction  
10 and shall be published in an electronic or other medium and  
11 incorporated in the bidding blanks by reference when  
12 approved by the commissioner of labor where the  
13 construction is to be performed by contract. The "fair  
14 minimum rate of wages," for the intents and purposes of this  
15 article, shall be the rate of wages paid in the locality in this  
16 state as hereinbefore defined to the majority of workmen,  
17 laborers or mechanics in the same trade or occupation in the  
18 construction industry. The commissioner of labor or a  
19 member of his or her department designated by him or her  
20 shall assemble the data as to fair minimum wage rates and  
21 shall file wage rates. Rates shall be established and filed as

22 hereinafter provided on January 1, of each year. These rates  
23 shall prevail as the minimum wage rate on all public  
24 improvements on which bids are asked during the year  
25 beginning with the date when such new rates are filed and  
26 until the new rates are filed, the rates for the preceding year  
27 shall remain in effect: *Provided*, That such rates shall not  
28 remain in effect for a period longer than fifteen months from  
29 the date they are published, but, this provision shall not affect  
30 construction of a public improvement then underway.

31 (b) The provisions of subsection (a) are inapplicable to a  
32 volunteer fire department that contracts for the construction  
33 of a volunteer fire department facility.

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

1 (a) In all cases where any public authority has ascertained  
2 a 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  
5 successful bidder shall contain a provision requiring the

6 successful bidder and all his or her subcontractors to pay a  
7 rate or rates of wages which shall not be less than the fair  
8 minimum rate or rates of 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  
11 of a volunteer fire department facility.