

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 412**

BY SENATOR BLAIR

[Originating in the Committee on Government

Organization; reported on March 23, 2017]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to  
3 prohibiting a governmental entity, which requires certain private companies to submit any  
4 document that includes records of actual wages paid to employees, from disclosing such  
5 document or information contained therein to any other entity or person; providing that any  
6 such document containing records of actual wages paid to employees shall be deemed  
7 confidential and proprietary and shall not be considered a public record; defining  
8 “governmental entity”; providing that any document containing records of actual wages  
9 paid to employees that is filed or submitted pursuant to the West Virginia Jobs Act shall  
10 not be disclosed by the Division of Labor or a public authority to any other entity or person;  
11 and providing that any document submitted or filed pursuant to the West Virginia Jobs Act  
12 that includes records of actual wages paid to employees or information contained therein  
13 shall be deemed confidential and proprietary and shall not be considered a public record.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §5-22-4; and that §21-1C-5 of said code be amended and reenacted, all to  
3 read as follows:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE  
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;  
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,  
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.**

**§5-22-4. Prohibition on requiring submission of wage records; exception.**

1 (a) A governmental entity that requires a private company, which has contracted with or  
2 is seeking to contract with a governmental entity for a construction project, to submit any  
3 document that includes records of actual wages paid to employees shall not disclose such

4 document or information contained therein to any other entity or person. Any such document shall  
5 be deemed confidential and proprietary and shall not be considered a public record for the  
6 purposes of article one, chapter twenty-nine-b of this code.

7 (b) For the purposes of this section, "governmental entity" means the state and its  
8 subdivisions or any other entity or person acting on behalf of the state and its subdivisions.

## CHAPTER 21. LABOR.

### 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~~ shall 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~~ may establish procedures for the efficient  
18 collection of data, collection of civil penalties prescribed in section six of this article and transmittal  
19 of data to the Joint Committee on Government and Finance.

20 (f) Any document filed or submitted pursuant to this section that includes records of actual  
21 wages paid to employees shall not be disclosed by the Division of Labor or a public authority to  
22 any other entity or person. Any such document and any information contained therein shall be  
23 deemed confidential and proprietary and shall not be considered a public record for the purposes  
24 of article one, chapter twenty-nine-b of this code.