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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



# ENROLLED

## House Bill No. 4241

(By Delegates Tucker, Compton, Stalnaker,  
Kuhn, Pettit, Buchanan and Ennis)



Passed March 14, 1998

In Effect Ninety Days from Passage

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

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# H. B. 4241

(BY DELEGATES TUCKER, COMPTON, STALNAKER,  
KUHN, PETTIT, BUCHANAN AND ENNIS)

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[Passed March 14, 1998; in effect ninety days from passage.]

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AN ACT to amend and reenact section five, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to general powers and authority of board for municipal public works and increasing bidding threshold before certain contracts are required to be advertised for bids.

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

That section five, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

### ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.

#### PART III. GENERAL POWERS AND AUTHORITY.

##### §8-16-5. Powers of board.

1 The board shall have plenary power and authority to  
2 take all steps and proceedings, and to make and enter into  
3 all contracts or agreements necessary, appropriate, useful,  
4 convenient or incidental to the performance of its duties  
5 and the execution of its powers and authority under this  
6 article: *Provided*, That any contract or agreement relating  
7 to the financing, or the construction, reconstruction,

8 establishment, acquisition, improvement, renovation,  
9 extension, enlargement, increase or equipment of any such  
10 works, and any trust indenture with respect thereto as  
11 hereafter provided for, shall be approved by the governing  
12 body or bodies.

13 The board may employ engineers, architects, inspect-  
14 ors, superintendents, managers, collectors, attorneys and  
15 such other employees as in its judgment may be necessary  
16 in the execution of its powers and duties, and may fix their  
17 compensation, all of whom shall do such work as the  
18 board may direct. All such compensation and expenses  
19 incurred in carrying out the provisions of this article shall  
20 be paid solely from funds provided under the authority of  
21 this article, and the board shall not exercise or carry out  
22 any power or authority herein given it so as to bind said  
23 board or any municipality beyond the extent to which  
24 money shall have been, or may be provided under the  
25 authority of this article. No contract or agreement with  
26 any contractor or contractors for labor or materials, or  
27 both, exceeding in amount the sum of ten thousand  
28 dollars shall be made without advertising for bids, which  
29 bids shall be publicly opened and an award made to the  
30 lowest responsible bidder, with power and authority in the  
31 board to reject any and all bids. After the construction,  
32 reconstruction, establishment, acquisition, renovation or  
33 equipment of any such works, the board shall maintain,  
34 operate, manage and control the same, and may order and  
35 complete any improvements, extensions, enlargements,  
36 increase or repair (including replacements) of and to the  
37 works that the board may deem expedient, if funds  
38 therefor be available, or are made available, as provided in  
39 this article, and shall establish rules for the use, main-  
40 tenance and operation of the works, and do all things  
41 necessary or expedient for the successful operation  
42 thereof. All public ways or public works damaged or  
43 destroyed by the board in carrying out its authority under  
44 this article shall be restored or repaired by the board and  
45 placed in their original condition, as nearly as practicable,  
46 if requested so to do by proper authority, out of the funds  
47 provided under the authority of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Walter A. Brown*  
Chairman Senate Committee

*Nick Fontana*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Carroll A. Brown*  
Clerk of the Senate

*Raymond M. Ray*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*John W. Rowley*  
Speaker of the House of Delegates

The within approved this the 6th  
day of April, 1998.

*Earl Tomblin*  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/26/98

Time

10:40am