

HB 2730

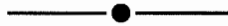
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OFFICE OF THE CLERK  
WEST VIRGINIA LEGISLATURE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 2730**

(By Delegates Staton, Michael,  
Douglas, Varner and Beane)



Passed March 13, 1999

In Effect July 1, 1999

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 2730

(BY DELEGATES STATON, MICHAEL,  
DOUGLAS, VARNER AND BEANE)

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[Passed March 13, 1999; in effect July 1, 1999.]

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AN ACT to amend article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a; and to amend and reenact section twenty-two of said article, all relating to awarding state agency and legislative contracts; providing that no contract may be awarded or renewed where a vendor has a delinquency regarding any state debts; setting forth definitions; setting forth exceptions; and requiring self-reporting affidavit.

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

That article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by thereto a new section, designated section ten-a; and that section twenty-two of said article be amended and reenacted, all to read as follows:

### ARTICLE 3. PURCHASING DIVISION.

**§5A-3-10a. Prohibition for awarding contracts to vendors which owe a debt to the state.**

1 (a) Unless the context clearly requires a different meaning,  
2 for the purposes of this section the terms:

3 (1) "Debt" means any assessment, penalty, fine, tax or other  
4 amount of money owed to the state because of a judgement,  
5 fine, permit violation, license assessment, penalty or other  
6 assessment presently due and required to be paid to the state or  
7 any of its political subdivisions, including any interest or  
8 additional penalties accrued thereon;

9 (2) "Debtor" means any individual, corporation, partner-  
10 ship, association, limited liability company or any other form  
11 or business association owing a debt to the state or any of its  
12 political subdivisions;

13 (3) "Related party" means a party, whether an individual,  
14 corporation, partnership, association, limited liability company  
15 or any other form or business association or other entity  
16 whatsoever related to any vendor by blood, marriage, owner-  
17 ship or contract through which the party has a relationship of  
18 ownership or other interest with the vendor, so that the party  
19 will actually or by effect receive or control a portion of the  
20 benefit, profit or other consideration from performance of a  
21 vendor contract with the party receiving an amount that meets  
22 or exceeds five percent of the total contract amount.

23 (b) No contract or renewal of any contract may be awarded  
24 under this article to any vendor or prospective vendor when the  
25 vendor or prospective vendor or a related party to the vendor or  
26 prospective vendor is a debtor as defined in this section and the  
27 debt owed is an amount greater than five thousand dollars in the  
28 aggregate.

29 (c) The prohibition of this section does not apply where a  
30 vendor has contested any tax administered pursuant to chapter  
31 eleven of this code, workers' compensation premium, permit  
32 fee or environmental fee or assessment, and the matter has not  
33 become final, or where the vendor has entered into a payment  
34 plan or agreement and the vendor is not in default of any of the  
35 provisions of such plan or agreement.

36 (d) All bids submitted under this article shall include an  
37 affidavit that the bidder and all related parties do not owe any

38 debts or, if a debt is owed, that the provisions of subsection (c)  
39 of this section apply.

**§5A-3-22. Legislative printing.**

1 Notwithstanding any other provision of this article, the  
2 letting of all contracts for legislative printing shall be subject  
3 only to the provisions of this section.

4 Upon request of the Legislature, or either house thereof, all  
5 contracts for legislative printing shall be let on competitive bids  
6 by the director to the lowest responsible bidder. No vendor, or  
7 prospective vendor, may be deemed eligible for any contract  
8 under this section if the vendor owes a debt to the state as  
9 provided for in section ten-a of this article. Each such contract  
10 shall be subject to the approval of the governor; and in case of  
11 his disapproval the contract shall be relet on competitive bids  
12 submitted in the same manner as the original bids on the  
13 contract that was disapproved. Each bid on every such contract  
14 shall be within the maximum limits that may be fixed from time  
15 to time by concurrent resolution of the Legislature. The clerk of  
16 the Senate and the clerk of the House of Delegates shall have  
17 exclusive control of all printing authorized by their respective  
18 legislative bodies, and shall approve the specifications included  
19 in any contract before an invitation for bids is released by the  
20 director of purchasing. Before presenting for payment any bill  
21 for such legislative printing, the printer shall have the same  
22 approved by the purchasing division as correct and according  
23 to contract specifications. A copy of all bills for legislative  
24 printing shall be furnished the clerk of the house for which such  
25 printing was done. When properly approved bills are presented  
26 to the clerk of the Senate, or to the clerk of the House of  
27 Delegates, he shall draw his requisition upon the auditor in the  
28 amount of the bill, payable from the legislative printing fund,  
29 and the auditor shall honor the requisition and issue to the  
30 printer a state draft therefor.

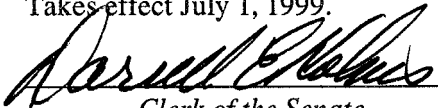
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

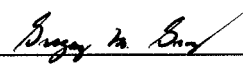
  
Chairman Senate Committee

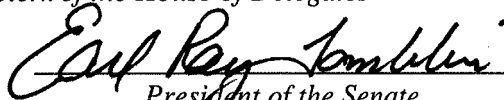
  
Chairman House Committee

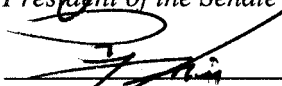
Originating in the House.

Takes effect July 1, 1999.

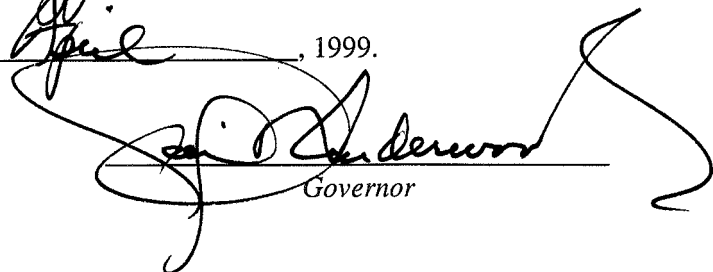
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 15<sup>th</sup>  
day of April, 1999.

  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/26/99

Time

5:15 pm