

SB 677

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WEST VIRGINIA LEGISLATURE

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REGULAR SESSION, 1999



# ENROLLED

SENATE BILL NO. 677

(By Senator SNYDER, ET AL )



PASSED MARCH 12, 1999

In Effect NINETY DAYS FROM Passage

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SENATE OF WEST VIRGINIA

## ENROLLED

### Senate Bill No. 677

(BY SENATORS SNYDER, CRAIGO, UNGER,  
KESSLER, BAILEY AND EDGELL)

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[Passed March 12, 1999; in effect ninety days from passage.]

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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 two new sections, designated sections fifty-five and fifty-five-a, all relating to intrastate air transportation services for state employees, legislators, members of various state boards and commissions and members of the general public; limiting the authority to contract to one year; directing the solicitation of bids to provide the same; outlining minimum bid specifications; authorizing the limited underwriting of the cost of the same; and making certain findings in relation thereto.

*Be it enacted by the Legislature 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 adding thereto two new sections, designated sections fifty-five and fifty-five-a, all to read as follows:

**ARTICLE 3. PURCHASING DIVISION.****§5A-3-55. Legislative findings.**

1 The Legislature hereby finds that the absence of regu-  
2 larly scheduled intrastate commercial passenger air service  
3 in the state inhibits participation on state boards and  
4 commissions by citizens living in distant areas of the state;  
5 results in the loss of productivity by state employees and  
6 legislators traveling to and from distant communities; and  
7 hampers economic development. The Legislature further  
8 finds that it would well serve the state's interests to  
9 partially underwrite the cost of providing air service by  
10 soliciting competitive bids from responsible bidders in the  
11 private sector to provide air service to the state.

**§5A-3-55a. Director to solicit competitive bids to provide partially underwritten intrastate passenger air service at the lowest underwriting costs.**

1 (a) The director may exercise the authority provided in  
2 this article to solicit, from responsible bidders, bids to  
3 provide, for a twelve-month period, partially underwrit-  
4 ten, reliable, regularly scheduled public passenger air  
5 service to state employees, legislators, members of various  
6 state boards and commissions, and members of the general  
7 public between and among communities in the state:  
8 *Provided*, That the director's authority to contract for  
9 services is limited to one twelve-month contract.

10 (b) To be eligible to respond to the solicitation, a bidder  
11 shall offer to provide at a minimum: (1) Round trip prices  
12 per passenger which do not exceed three hundred dollars;  
13 (2) a flight departure and arrival schedule which is deter-  
14 mined by the director to be efficient and appropriate to  
15 achieve optimum cost-benefit in light of the official duties,  
16 responsibilities and work schedules of the passengers using  
17 the service; (3) aircraft which seats at least six passengers,  
18 and which meets other safety and comfort specifications  
19 determined by the director; and (4) other requirements and  
20 specifications determined by the director.

21 (c) At the conclusion of the bidding process, the director  
22 may, pursuant to the procedures provided in this article,  
23 award a contract to the lowest bidder, taking into consid-

24 eration the qualities of the articles to be supplied, their  
25 conformity to the specifications, their suitability to the  
26 requirements of government and the delivery terms. Any  
27 or all bids may be rejected. The director may accept a bid  
28 and enter into a contract in which the guarantee amount  
29 shall not exceed the amount that the Legislature appropri-  
30 ated to the director for the air service for that fiscal year:  
31 *Provided*, That the contract shall provide that the admin-  
32 istration of the air service to be rendered pursuant to the  
33 contract shall be in accordance with the emergency rules  
34 as promulgated by the director in accordance with section  
35 fifteen, article three, chapter twenty-nine-a of this code.

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

*Andy Johnson*  
.....  
Chairman Senate Committee

*Jeff Smith*  
.....  
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*Russell Johnson*  
.....  
Clerk of the Senate

*Bryony M. Brown*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*John H. Harman*  
.....  
Speaker House of Delegates

The within *approved* this the *30th*  
Day of *March*, 1999

*Earl R. Anderson*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:51am