

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 564

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

[PASSED APRIL 13, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

FILED
2013 APR 30 PM 2:44
SECRETARY OF STATE

2013 APR 30 PM 2: 44

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Senate Bill No. 564

(SENATOR SNYDER, *original sponsor*)

[Passed April 13, 2013; in effect ninety days from passage.]

AN ACT to amend and reenact §8-16-5 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum construction cost of a municipal public works project before competitive bidding is required; and defining terms.

Be it enacted by the Legislature of West Virginia:

That §8-16-5 of the Code of West Virginia, 1931, 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 (a) The board shall have plenary power and authority to
2 take all steps and proceedings, and to make and enter into all
3 contracts or agreements necessary, appropriate, useful,
4 convenient or incidental to the performance of its duties and
5 the execution of its powers and authority under this article:
6 *Provided*, That any contract or agreement relating to the

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

13 (b) The board may employ engineers, architects,
14 inspectors, superintendents, managers, collectors, attorneys
15 and such other employees as in its judgment may be
16 necessary in the execution of its powers and duties, and may
17 fix their compensation, all of whom shall do such work as the
18 board may direct. All compensation and expenses incurred
19 in carrying out the provisions of this article shall be paid
20 solely from funds provided under the authority of this article,
21 and the board shall not exercise or carry out any power or
22 authority herein given it so as to bind said board or any
23 municipality beyond the extent to which money shall have
24 been, or may be provided under the authority of this article.

25 (c) No contract or agreement with any contractor or
26 contractors for labor or materials, or both, exceeding in
27 amount the sum of \$25,000 shall be made without advertising
28 for bids, which bids shall be publicly opened and an award
29 made to the lowest responsible bidder, with power and
30 authority in the board to reject any and all bids.

31 (d) After the construction, reconstruction, establishment,
32 acquisition, renovation or equipment of any such works, the
33 board shall maintain, operate, manage and control the same,
34 and may order and complete any improvements, extensions,
35 enlargements, increase or repair (including replacements) of
36 and to the works that the board may consider expedient, if
37 funds therefor be available, or are made available, as
38 provided in this article, and shall establish rules for the use,
39 maintenance and operation of the works, and do all things
40 necessary or expedient for the successful operation thereof.

41 and for stormwater systems and associated stormwater
42 management programs, those activities which include, but are
43 not limited to, stormwater and surface runoff water quality
44 improvement activities necessary to comply with all federal
45 and state requirements. All public ways or public works
46 damaged or destroyed by the board in carrying out its
47 authority under this article shall be restored or repaired by the
48 board and placed in their original condition, as nearly as
49 practicable, if requested so to do by proper authority, out of
50 the funds provided under the authority of this article.

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

Rocky Fubian
Member ~~Chairman~~ Senate Committee

Danny Wells
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joseph M. Minard
Clerk of the Senate

Gregory M. Sal
Clerk of the House of Delegates

Jeppia Kuruch
President of the Senate

[Signature]
Speaker of the House of Delegates

2013 APR 30 PM 2:44
REG. CLERK OF STATE
FILED

The within *is approved* this the *30th*
Day of *April*, 2013.

Carl Ray Tomblin
Governor

PRESENTED TO THE GOVERNOR

APR 26 2013

Time 10:45 am