

# WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

**ENROLLED**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2017 APR 24 P 4: 19

FILED

**Committee Substitute**

**for**

**House Bill 2722**

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

(BY REQUEST OF THE EXECUTIVE)

[Passed April 8, 2017; in effect ninety days from passage.]

HB 2722

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1 AN ACT to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating  
2 to highway construction using the design-build program; changing maximum amounts that  
3 may be expended for projects using the design-build program for highway construction  
4 and making certain exceptions to expenditure limits.

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

1 That §17-2D-2 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.**

**§17-2D-2. Highway Design-Build Program.**

1 (a) Notwithstanding any provision of this code to the contrary, the Commissioner of the  
2 West Virginia Division of Highways may expedite the construction of projects by combining the  
3 design and construction elements of a highway or bridge project into a single contract as provided  
4 in this article.

5 (b) The Division of Highways may expend no more than \$50 million in each year in the  
6 program: *Provided*, That if any of the \$50 million is unused in one year, the remaining amount  
7 may be applied to the following year's amount: *Provided, however*, That the total aggregate  
8 amount to be expended may not exceed \$150 million in any one year: *Provided further*, That for  
9 fiscal years beginning after June 30, 2017, the Division of Highways may expend no more than  
10 \$200 million on any one project: *And provided further*, That for fiscal years beginning after June  
11 30, 2017, the Division of Highways may expend no more than \$400 million in each year in the  
12 program: *And provided further*, That for fiscal years beginning after June 30, 2017, if any of the  
13 \$400 million is unused in any year, the remaining amount may be applied to the following year's  
14 amount: *And provided further*, That for fiscal years beginning after June 30, 2017, the total  
15 aggregate amount to be expended may not exceed \$500 million in any one year: *And provided*  
16 *further*, That expenditures made for projects that are necessitated by a declared state of

17 emergency within a county that the Governor has included in a declaration of emergency are not  
18 to be included against the expenditure limits provided in this subsection.

19 (c) A design-build project may be let to contract only in accordance with the  
20 commissioner's established policies and procedures concerning design-build projects.

21 (d) Projects receiving funding above the amount of federal core funding as appropriated  
22 to the state by formula in a federal highway authorization, currently titled MAP-21, may utilize the  
23 program, but shall not be included in expenditure limits provided by subsection (b) of this section.

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

*[Signature]*  
.....  
Chairman, House Committee

*[Signature]*  
.....  
Member Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

*[Signature]*  
.....  
President of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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FILED

The within *is approved* this the *24th*  
day of *April*, 2017.

*[Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 20 2017

Time 2:08 pm