WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Senate Bill 552

BY SENATORS MAYNARD AND CLINE

[Pas sed February 20, 2020; in effect from passage]
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AN ACT to amend and reenact §22C-1-6 of the Code of West Virginia, 1931, as amended, relating to requiring contracts of $25,000 or more to be competitively bid.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. WATER DEVELOPMENT AUTHORITY.

§22C-1-6. Powers, duties, and responsibilities of authority generally.

The Water Development Authority has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purpose. The authority has the power and capacity to:

(1) Adopt and, from time-to-time, amend and repeal bylaws necessary and proper for the regulation of its affairs and the conduct of its business and rules to implement and make effective its powers and duties, such rules to be promulgated in accordance with the provisions of chapter 29A of this code.

(2) Adopt an official seal.

(3) Maintain a principal office and, if necessary, regional suboffices at locations properly designated or provided.

(4) Sue and be sued in its own name and plead and be impleaded in its own name and particularly to enforce the obligations and covenants made under §22C-1-9, §22C-1-10, and §22C-1-16 of this code. Any actions against the authority shall be brought in the circuit court of Kanawha County in which the principal office of the authority shall be located.

(5) Make loans and grants to governmental agencies for the acquisition or construction of water development projects by any such governmental agency and, in accordance with the provisions of chapter 29A of this code, adopt rules and procedures for making such loans and grants.

(6) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent to, or contract for operation by a governmental agency or person, water
development projects and, in accordance with the provisions of chapter 29A of this code, adopt
rules for the use of such projects.

(7) Make available the use or services of any water development project to one or more
persons, one or more governmental agencies, or any combination thereof.

(8) Issue water development revenue bonds and notes and water development revenue
refunding bonds of the state, payable solely from revenues as provided in §22C-1-9 of this code
unless the bonds are refunded by refunding bonds, for the purpose of paying all or any part of the
cost of, or financing by loans to governmental agencies, one or more water development projects
or parts thereof.

(9) Acquire by gift or purchase, hold and dispose of real and personal property in the
exercise of its powers and the performance of its duties as set forth in this article.

(10) Acquire in the name of the state, by purchase or otherwise, on such terms and in
such manner as it deems proper, or by the exercise of the right of eminent domain in the manner
provided in chapter 54 of this code, such public or private lands, or parts thereof or rights therein,
rights-of-way, property, rights, easements, and interests it deems necessary for carrying out the
provisions of this article, but excluding the acquisition by the exercise of the right of eminent
domain of any public water facilities, stormwater systems, or wastewater facilities, operated under
permits issued pursuant to the provisions of §22-11-1 et seq. of this code and owned by any
person or governmental agency, and compensation shall be paid for public or private lands so
taken.

(11) Make and enter into all contracts and agreements and execute all instruments
necessary or incidental to the performance of its duties and the execution of its powers. When
the cost under any such contract or agreement, other than compensation for personal services,
involves an expenditure of more than $25,000, the authority shall make a written contract with
the lowest responsible bidder after public notice published as a Class II legal advertisement in
compliance with the provisions of §59-3-1 et seq. of this code, the publication area for such
publication to be the county wherein the work is to be performed or which is affected by the
contract, which notice shall state the general character of the work and the general character of
the materials to be furnished, the place where plans and specifications therefor may be examined,
and the time and place of receiving bids, but a contract or lease for the operation of a water
development project constructed and owned by the authority or an agreement for cooperation in
the acquisition or construction of a water development project pursuant to §22C-1-16 of this code
is not subject to the foregoing requirements and the authority may enter into such contract or
lease or such agreement pursuant to negotiation and upon such terms and conditions and for
such period as it finds to be reasonable and proper under the circumstances and in the best
interests of proper operation or of efficient acquisition or construction of such project. The
authority may reject any and all bids. A bond with good and sufficient surety, approved by the
authority, is required of all contractors in an amount equal to at least 50 percent of the contract
price, conditioned upon the faithful performance of the contract.

(12) Employ managers, superintendents, and other employees, who are covered by the
state civil service system, and retain or contract with consulting engineers, financial consultants,
accounting experts, architects, attorneys, and such other consultants and independent
contractors as are necessary in its judgment to carry out the provisions of this article and fix the
compensation or fees thereof. All expenses thereof are payable solely from the proceeds of water
development revenue bonds or notes issued by the authority, from revenues, and from funds
appropriated for such purpose by the Legislature.

(13) Receive and accept from any federal agency, subject to the approval of the Governor,
grants for or in aid of the construction of any water development project or for research and
development with respect to public water facilities, stormwater systems, or wastewater facilities
and receive and accept aid or contributions from any source of money, property, labor, or other
things of value to be held, used and applied only for the purposes for which such grants and
contributions are made.
(14) Engage in research and development with respect to public water facilities, stormwater systems, or wastewater facilities.

(15) Purchase property coverage and liability insurance for any water development project and for the principal office and suboffices of the authority, insurance protecting the authority and its officers and employees against liability, if any, for damage to property or injury to or death of persons arising from its operations and any other insurance the authority may agree to provide under any resolution authorizing the issuance of water development revenue bonds or in any trust agreement securing the same.

(16) Charge, alter, and collect rentals and other charges for the use or services of any water development project as provided in this article and charge and collect reasonable interest, fees, and charges in connection with the making and servicing of loans to governmental agencies in the furtherance of the purposes of this article.

(17) Establish or increase reserves from moneys received or to be received by the authority to secure or to pay the principal of and interest on the bonds and notes issued by the authority pursuant to this article.

(18) Administer on behalf of the Department of Environmental Protection the Dam Safety Rehabilitation Revolving Fund Loan Program pursuant to the provisions of §22-14-1 et seq. of this code. Revenues or moneys designated by this code or otherwise appropriated for use by the authority pursuant to the provisions of this article may not be used for the Dam Safety Rehabilitation Revolving Fund Loan Program and moneys in the Dam Safety Rehabilitation Revolving Fund shall be kept separate from all revenues and moneys of the authority.

(19) Do all acts necessary and proper to carry out the powers expressly granted to the authority in this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 24th Day of March 2020.

Governor