

H. B. 3119

(BY DELEGATES HARTMAN, PETHTEL, PERRY,
WILLIAMS AND EVANS)

[Introduced February 14, 2011; referred to the
Committee on Political Subdivisions then Finance.]

A BILL to amend and reenact §16-13A-7 of the Code of West Virginia, 1931, as amended, relating to increasing the expenditure limit from \$15,000 to \$25,000 on public service district construction and purchase contracts before competitive bids are required.

Be it enacted by the Legislature of West Virginia:

That §16-13A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, to read as follows:

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-7. Acquisition and operation of district properties.

1 The board of ~~such~~ these districts shall have the
2 supervision and control of all public service properties
3 acquired or constructed by the district, and shall have the
4 power, and it shall be its duty, to maintain, operate, extend
5 and improve the same, including, but not limited to, those
6 activities necessary to comply with all federal and state
7 requirements, including water quality improvement activities.
8 All contracts involving the expenditure by the district of
9 more than ~~fifteen thousand dollars~~ \$25,000 for construction
10 work or for the purchase of equipment and improvements,
11 extensions or replacements, shall be entered into only after
12 notice inviting bids shall have been published as a Class I
13 legal advertisement in compliance with the provision of
14 article three, chapter fifty-nine of this code, and the
15 publication area for such publication shall be as specified in
16 section two of this article in the county or counties in which
17 the district is located. The publication shall not be less than
18 ten days prior to the making of any such contract. To the

19 extent allowed by law, in-state contractors shall be given first
20 priority in awarding public service district contracts. It shall
21 be the duty of the board to ensure that local in-state labor
22 shall be utilized to the greatest extent possible when hiring
23 laborers for public service district construction or
24 maintenance repair jobs. It shall further be the duty of the
25 board to encourage contractors to use American made
26 products in their construction to the extent possible. Any
27 obligations incurred of any kind or character shall not in any
28 event constitute or be deemed an indebtedness within the
29 meaning of any of the provisions or limitations of the
30 Constitution, but all such obligations shall be payable solely
31 and only out of revenues derived from the operation of the
32 public service properties of the district or from proceeds of
33 bonds issued as hereinafter provided. No continuing contract
34 for the purchase of materials or supplies or for furnishing the
35 district with electrical energy or power shall be entered into
36 for a longer period than fifteen years.

NOTE: The purpose of this bill is to increase the expenditure limit from \$15,000 to \$25,000 on public service district construction and purchase contracts before competitive bids are required.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.