

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 564**

(SENATOR SNYDER, *ORIGINAL SPONSOR*)

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

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(SENATOR SNYDER, *original sponsor*)

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

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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.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2013.

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*Governor*