

**Senate Bill No. 239**

(By Senator Yost)

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[Introduced January 8, 2014; referred to the Committee on Labor;  
and then to the Committee on Government Organization.]

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10 A BILL to amend and reenact §17-4-19 of the Code of West Virginia,  
11 1931, as amended; and to amend and reenact §17-17-7, §17-17-16  
12 and §17-17-17 of said code, all relating to certification  
13 requirements for applicators who paint state bridges.

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

15 That §17-4-19 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted; and that §17-17-7, §17-17-16 and §17-17-  
17 17 of said code be amended and reenacted, all to read as follows:

18 **ARTICLE 4. STATE ROAD SYSTEM.**

19 **§17-4-19. Contracts for construction, materials, etc.; work by**  
20 **prison labor, etc.; bidding procedure.**

21 (a) All work of construction and reconstruction of state roads  
22 and bridges, and the furnishing of all materials and supplies  
23 therefor, and for the repair thereof shall be done and furnished

1 pursuant to contract, except that the commissioner may not be  
2 required to award any contract for work which can be done  
3 advantageously, economically and practicably by commission forces  
4 or prison labor and by use of state road equipment, or for  
5 materials and supplies, which are manufactured, processed or  
6 assembled by the commissioner: *Provided*, That the commissioner may  
7 not be required to award any contract for work, materials or  
8 supplies for an amount less than \$3,000. In all the work, the  
9 commissioner shall ~~utilize~~ use state road forces or prison labor  
10 and state road equipment and shall manufacture, process and  
11 assemble all the materials and supplies for the work whenever and  
12 wherever the commissioner, in his or her discretion, finds work and  
13 services advantageous, economical and practicable in the state road  
14 program.

15 (b) If the work is to be done, or the materials therefor are  
16 to be furnished by contract, the commissioner shall thereupon  
17 publish the following described advertisement as a Class II legal  
18 advertisement, in compliance with the provisions of article three,  
19 chapter fifty-nine of this code, and the publication area for the  
20 publication shall be the county or municipality in which the road  
21 lies.

22 (c) The advertisement shall also be published at least once in  
23 at least one daily newspaper published in the city of Charleston

1 and in other journals or magazines as may to the commissioner seem  
2 advisable. The advertisement shall solicit sealed proposals for  
3 the construction or other improvement of the road, and for the  
4 furnishing of materials therefor, accurately describing the same,  
5 and stating the time and place for opening the proposals and  
6 reserving the right to reject any and all proposals: *Provided,*  
7 That whenever the estimated amount of any contract for work or for  
8 materials or supplies is less than \$3,000, the commissioner may not  
9 be required to advertise the letting of the contract in newspapers  
10 as above required, but may award the contract to the lowest  
11 responsible bidder, when two or more sealed proposals or bids have  
12 been received by him or her without the advertisement, but the  
13 contract may not be so awarded unless the bid of the successful  
14 bidder is \$3,000 or less.

15 (d) The commissioner shall have the power to prescribe proper  
16 prequalifications of contractors bidding on state road construction  
17 work: *Provided,* That a vendor who has been debarred pursuant to  
18 the provisions of sections thirty-three-a through thirty-three-f,  
19 article three, chapter five-a of this code, may not bid on or be  
20 awarded a contract under this section.

21 (e) To all sealed proposals there shall be attached the  
22 certified check of the bidder or bidder's bond acceptable to the  
23 commissioner, in the amount as the commissioner shall specify in

1 the advertisement, but not to exceed five percent of the aggregate  
2 amount of the bid; but the amount shall never be less than \$500.  
3 The proposals shall be publicly opened and read at the time and  
4 place specified in the advertisement, and the contract for the  
5 work, or for the supplies or materials required therefor shall, if  
6 let, be awarded by the commissioner to the lowest responsible  
7 bidder for the type of construction selected.

8 (f) In case all bids be rejected, the commissioner may  
9 thereafter do the work with commission forces or with prison labor,  
10 or may readvertise in the same manner as before and let a contract  
11 for the work pursuant thereto.

12 (g) Whenever the construction, reconstruction or repair of a  
13 state bridge necessitates the painting thereof, the application  
14 shall be conducted by workers, whether state employee or  
15 contractor, who have successfully completed the SSPC Coating  
16 Application Specialist (CAS) Program.

17 **ARTICLE 17. TOLL BRIDGES.**

18 **§17-17-7. Purchase, construction or repair of toll bridge.**

19 (a) When it is necessary to build or repair a toll bridge on  
20 any county-district road, or to purchase any existing toll bridge  
21 on such road within any county, or across the boundary thereof, the  
22 county ~~court~~ commission of the county may contract for the same, or  
23 any part thereof, on such terms as may be agreed upon, and take

1 bond and security from the contractors in the sum of fifty percent  
2 of the amount of such contract, and pay for the same out of the  
3 County Road Fund or out of the road funds of the district or  
4 districts in which such improvement is located, or by issuing bonds  
5 for the amount that may be agreed upon; and to this end the court  
6 shall appoint a competent engineer to make a thorough investigation  
7 and estimate of the cost of ~~such~~ the improvement. Upon receiving  
8 the estimate of cost, the court, if satisfied with the correctness  
9 of same and the necessity and importance of ~~such~~ the improvement,  
10 may advertise for and receive proposals and make such other orders  
11 in the premises from time to time as shall be necessary and proper.

12 (b) Whenever the construction, reconstruction or repair of a  
13 state toll bridge necessitates the painting thereof, the  
14 application shall be conducted by workers, whether state employee  
15 or contractor, who have successfully completed the SSPC Coating  
16 Application Specialist (CAS) Program.

17 **§17-17-16. Repair of toll bridge before purchase.**

18 (a) At or before the time any ~~such~~ toll bridge shall be  
19 acquired by purchase by the State Road Commissioner, he or she  
20 shall determine what repairs, replacements, additions or  
21 betterments will be necessary to place the bridge in safe and  
22 efficient condition for the use of the public, and to cause an  
23 estimate of the cost of ~~such~~ the improvement to be made and

1 submitted to the commissioner by an engineer or engineers appointed  
2 by the commissioner. ~~Such~~ The improvements shall be ordered by the  
3 commissioner before the sale of any bridge revenue bonds  
4 hereinafter authorized for the purchase of the bridge, and shall be  
5 paid for out of the proceeds of ~~such~~ the bonds.

6 (b) Whenever the construction, reconstruction or repair of a  
7 state toll bridge necessitates the painting thereof, the  
8 application shall be conducted by workers, whether state employee  
9 or contractor, who have successfully completed the SSPC Coating  
10 Application Specialist (CAS) Program.

11 **§17-17-17. Construction of toll bridge; purchase of land, etc.,**  
12 **therefor.**

13 (a) The State Road Commissioner may construct, whenever he or  
14 she shall deem such construction expedient, but solely by means of  
15 or with the proceeds of the bridge revenue bonds hereinafter  
16 authorized, any toll bridge or bridges over and across any river or  
17 stream lying wholly or partly within the state or forming a  
18 boundary of the state, of such design or designs and at such place  
19 or places as may be approved by the State Road Commission. The  
20 commissioner may purchase within this state and within any  
21 adjoining state, solely from funds provided under the authority of  
22 this article, such lands, structures, rights-of-way, franchises,  
23 easements and other interests in lands, including lands under water

1 and riparian rights of any person, railroad or other corporation or  
2 municipality or political subdivision, deemed necessary for the  
3 construction of any such bridge, upon terms and at such prices as  
4 may be considered by ~~him~~ the commissioner to be reasonable and can  
5 be agreed upon between ~~him~~ the commissioner and the owner thereof,  
6 title thereto to be taken in the name of the state.

7 (b) Whenever the construction, reconstruction or repair of a  
8 state toll bridge necessitates the painting thereof, the  
9 application shall be conducted by workers, whether state employee  
10 or contractor, who have successfully completed the SSPC Coating  
11 Application Specialist (CAS) Program.

NOTE: The purpose of this bill is to require that all workers who paint state bridges have successfully completed the SSPC Coating Application Specialist (CAS) Program.

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