

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2011



**ENROLLED**

**House Bill No. 3119**

(By Delegates Hartman, Pethel, Perry, Williams  
and Evans)



Passed March 11, 2011

In Effect Ninety Days From Passage

# ENROLLED

## H. B. 3119

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

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[Passed March 11, 2011; in effect ninety days from passage.]

AN ACT 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 these districts shall have the supervision and  
2 control of all public service properties acquired or  
3 constructed by the district, and shall have the power, and it  
4 shall be its duty, to maintain, operate, extend and improve the  
5 same, including, but not limited to, those activities necessary  
6 to comply with all federal and state requirements, including  
7 water quality improvement activities. All contracts involving  
8 the expenditure by the district of more than \$25,000 for  
9 construction work or for the purchase of equipment and  
10 improvements, extensions or replacements, shall be entered  
11 into only after notice inviting bids shall have been published  
12 as a Class I legal advertisement in compliance with the  
13 provision of article three, chapter fifty-nine of this code, and  
14 the publication area for such publication shall be as specified  
15 in section two of this article in the county or counties in  
16 which the district is located. The publication shall not be less  
17 than ten days prior to the making of any such contract. To  
18 the extent allowed by law, in-state contractors shall be given  
19 first priority in awarding public service district contracts. It  
20 shall be the duty of the board to ensure that local in-state  
21 labor shall be utilized to the greatest extent possible when  
22 hiring laborers for public service district construction or  
23 maintenance repair jobs. It shall further be the duty of the  
24 board to encourage contractors to use American made  
25 products in their construction to the extent possible. Any  
26 obligations incurred of any kind or character shall not in any  
27 event constitute or be deemed an indebtedness within the  
28 meaning of any of the provisions or limitations of the  
29 Constitution, but all such obligations shall be payable solely  
30 and only out of revenues derived from the operation of the  
31 public service properties of the district or from proceeds of  
32 bonds issued as hereinafter provided. No continuing contract  
33 for the purchase of materials or supplies or for furnishing the  
34 district with electrical energy or power shall be entered into  
35 for a longer period than fifteen years.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

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*Governor*