

1 **H. B. 2601**

2
3 (By Delegates D. Poling, Diserio, Staggers, Ellem,
4 Williams, Jones, Hamilton and Ferro)

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6 [Introduced February 22, 2013; referred to the
7 Committee on Energy, Industry and Labor, Economic
8 Development and Small Business then the Judiciary.]
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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, all relating to certification requirements for
13 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
24 pursuant to contract, except that the commissioner may not be
25 required to award any contract for work which can be done

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

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

19 (c) The advertisement shall also be published at least once in
20 at least one daily newspaper published in the city of Charleston
21 and in other journals or magazines as may to the commissioner seem
22 advisable. The advertisement shall solicit sealed proposals for
23 the construction or other improvement of the road, and for the
24 furnishing of materials therefor, accurately describing the same,

1 and stating the time and place for opening the proposals and
2 reserving the right to reject any and all proposals: *Provided,*
3 That whenever the estimated amount of any contract for work or for
4 materials or supplies is less than \$3,000, the commissioner may not
5 be required to advertise the letting of the contract in newspapers
6 as above required, but may award the contract to the lowest
7 responsible bidder, when two or more sealed proposals or bids have
8 been received by him or her without the advertisement, but the
9 contract may not be so awarded unless the bid of the successful
10 bidder is \$3,000 or less.

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

17 (e) To all sealed proposals there shall be attached the
18 certified check of the bidder or bidder's bond acceptable to the
19 commissioner, in the amount as the commissioner shall specify in
20 the advertisement, but not to exceed five percent of the aggregate
21 amount of the bid; but the amount shall never be less than \$500.
22 The proposals shall be publicly opened and read at the time and
23 place specified in the advertisement, and the contract for the
24 work, or for the supplies or materials required therefor shall, if

1 let, be awarded by the commissioner to the lowest responsible
2 bidder for the type of construction selected.

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

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

12 **ARTICLE 17. TOLL BRIDGES.**

13 **§17-17-7. Purchase, construction or repair of toll bridge.**

14 (a) When it is necessary to build or repair a toll bridge on
15 any county-district road, or to purchase any existing toll bridge
16 on such road within any county, or across the boundary thereof, the
17 county ~~court~~ commission of the county may contract for the same, or
18 any part thereof, on such terms as may be agreed upon, and take
19 bond and security from the contractors in the sum of fifty percent
20 of the amount of such contract, and pay for the same out of the
21 County Road Fund or out of the road funds of the district or
22 districts in which such improvement is located, or by issuing bonds
23 for the amount that may be agreed upon; and to this end the court
24 shall appoint a competent engineer to make a thorough investigation

1 and estimate of the cost of such improvement. Upon receiving the
2 estimate of cost, the court, if satisfied with the correctness of
3 same and the necessity and importance of such improvement, may
4 advertise for and receive proposals and make such other orders in
5 the premises from time to time as shall be necessary and proper.

6 (b) Whenever the construction, reconstruction or repair of a
7 state toll bridge necessitates the painting thereof, such
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 **§17-17-16. Repair of toll bridge before purchase.**

12 (a) At or before the time any such bridge shall be acquired by
13 purchase the state road commissioner, he or she shall determine
14 what repairs, replacements, additions or betterments will be
15 necessary to place the bridge in safe and efficient condition for
16 the use of the public, and to cause an estimate of the cost of such
17 improvement to be made and submitted to the commissioner by an
18 engineer or engineers appointed by the commissioner. Such
19 improvements shall be ordered by the commissioner before the sale
20 of any bridge revenue bonds hereinafter authorized for the purchase
21 of the bridge, and shall be paid for out of the proceeds of such
22 bonds.

23 (b) Whenever the construction, reconstruction or repair of a
24 state toll bridge necessitates the painting thereof, such

1 application shall be conducted by workers, whether state employee
2 or contractor, who have successfully completed the SSPC Coating
3 Application Specialist (CAS) Program.

4 **§17-17-17. Construction of toll bridge; purchase of land, etc.,**
5 **therefor.**

6 (a) The State Road Commissioner may construct, whenever he or
7 she shall deem such construction expedient, but solely by means of
8 or with the proceeds of the bridge revenue bonds hereinafter
9 authorized, any toll bridge or bridges over and across any river or
10 stream lying wholly or partly within the state or forming a
11 boundary of the state, of such design or designs and at such place
12 or places as may be approved by the State Road Commission. The
13 commissioner may purchase within this state and within any
14 adjoining state, solely from funds provided under the authority of
15 this article, such lands, structures, rights of way, franchises,
16 easements and other interests in lands, including lands under water
17 and riparian rights of any person, railroad or other corporation or
18 municipality or political subdivision, deemed necessary for the
19 construction of any such bridge, upon terms and at such prices as
20 may be considered by him or her to be reasonable and can be agreed
21 upon between him or her and the owner thereof, title thereto to be
22 taken in the name of the state.

23 (b) Whenever the construction, reconstruction or repair of a
24 state toll bridge necessitates the painting thereof, such

1 application shall be conducted by workers, whether state employee
2 or contractor, who have successfully completed the SSPC Coating
3 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.