

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2722**

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

[BY REQUEST OF THE EXECUTIVE]

[Originating in the Committee on Finance;

March 21, 2017]



1 A BILL to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing the monetary amount that may be expended for projects using the design-  
3 build program for highway construction.

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

1 That §17-2D-2 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 2D. HIGHWAY DESIGN-BUILD PILOT PROGRAM.**

**§17-2D-2. Highway Design-Build Program.**

1 (a) Notwithstanding any provision of this code to the contrary, the Commissioner of the  
2 West Virginia Division of Highways may expedite the construction of projects by combining the  
3 design and construction elements of a highway or bridge project into a single contract as provided  
4 in this article.

5 (b) The Division of Highways may expend no more than \$50 million in each year in the  
6 program: *Provided*, That if any of the \$50 million is unused in one year, the remaining amount  
7 may be applied to the following year's amount: *Provided, however*, That the total aggregate  
8 amount to be expended may not exceed \$150 million in any one year: *Provided further*, That for  
9 fiscal years beginning after June 30, 2017, the Division of Highways may expend no more than  
10 \$100 million in each year in the program; *And provided further*, That for fiscal years beginning  
11 after June 30, 2017, the total aggregate amount to be expended may not exceed \$300 million in  
12 any one year.

13 ~~(e)~~ (b) A design-build project may be let to contract only in accordance with the  
14 commissioner's established policies and procedures concerning design-build projects.

15 ~~(d)~~ (c) Projects receiving funding above the amount of federal core funding as appropriated  
16 to the state by formula in a federal highway authorization, currently titled MAP-21, may utilize the  
17 program, but shall not be included in expenditure limits provided by subsection (b) of this section.