

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 133

SENATORS GAUNCH, BLAIR, SWOPE, BALDWIN, JEFFRIES,

BOSO, AND OJEDA, *original sponsors*

[Passed March 7, 2018; in effect 90 days from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5A-3-3c, relating to exempting certain contracts related to recovery from a
3 declared state of emergency from purchasing requirements; clarifying exemption from
4 purchasing requirements for certain contracts entered into during a declared state of
5 emergency; exempting from purchasing requirements renewals of certain contracts
6 entered into during a declared state of emergency; clarifying that with respect to the
7 renewal of certain contracts entered into during a declared state of emergency, recovery
8 does not include permanent reconstruction after the initial state of emergency has ended;
9 exempting from purchasing requirements the purchase of goods or services from the
10 federal government or an agency thereof if the purchase of those goods and services is
11 directly and solely related to the recovery from a declared state of emergency; requiring
12 the Director of the Division of Homeland Security and Emergency Management to certify
13 eligibility for exemption; setting forth record-keeping requirements; and defining the term
14 “directly and solely related”.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. PURCHASING DIVISION.

**§5A-3-3c. Exemptions from purchasing requirements for contracts entered into as part of
recovery from a declared state of emergency.**

1 (a) The provisions of this article do not apply to contracts entered into during a state of
2 emergency declared by the Governor pursuant to §15-5-6 of this code, so long as the contract is
3 directly and solely related to the recovery from the declared state of emergency.

4 (b) The provisions of this article do not apply to the renewal of a contract entered into
5 during a state of emergency declared pursuant to §15-5-6 of this code, if the contract is directly
6 and solely related to the recovery from the declared state of emergency during which the contract
7 was initially entered. For purposes of this subsection, recovery does not include permanent
8 reconstruction after the initial state of emergency has ended.

9 (c) The provisions of this article do not apply to the purchase of goods or services from
10 the federal government, or an agency thereof, if the purchase of those goods and services is
11 directly and solely related to the recovery from a state of emergency declared pursuant to §15-5-
12 6 of this code.

13 (d) To qualify for the exemption contained in this section, the Director of the Division of
14 Homeland Security and Emergency Management must certify that the contract or purchase is
15 directly and solely related to the recovery from a declared state of emergency and attach a copy
16 of the proclamation issued by the Governor's office to the certification. Such certifications shall be
17 maintained by the Division of Homeland Security and Emergency Management until the contracts
18 or purchase agreements have been fully executed.

19 (e) For purposes of this section, "directly and solely related" means that the goods or
20 services being purchased or contracted for will be used for recovery from the state of emergency
21 only, and will not be used for any other purpose.

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 90 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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Day of, 2018.

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Governor