

**WEST VIRGINIA LEGISLATURE** FILED

**2019 REGULAR SESSION** 2019 MAR 27 A 11:25

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 538**

SENATORS CLEMENTS, STOLLINGS, PLYMALE, AND CLINE,

*original sponsors*

[Passed March 9, 2019; in effect from passage]

SB 538

# WEST VIRGINIA LEGISLATURE

**2019 REGULAR SESSION**

2019 MAR 27 A 11: 25

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 538**

SENATORS CLEMENTS, STOLLINGS, PLYMALE, AND CLINE,

*original sponsors*

[Passed March 9, 2019; in effect from passage]

1 AN ACT to amend and reenact §17-2D-2 of the Code of West Virginia, 1931, as amended, relating  
2 generally to the West Virginia Highway Design-Build Pilot Program; modifying and defining  
3 monetary project limits of the program and changing terminology; allowing exceptions for  
4 declared states of emergency; and allowing use of the program with limits for projects  
5 financed with and without bonds.

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

**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)(1) The Division of Highways may contractually obligate no more than \$50 million in  
6 each year in the program: *Provided*, That if any of the \$50 million is not so contractually obligated  
7 in one year, the remaining amount may be applied to the following year's contractual obligation  
8 amount: *Provided, however*, That the total aggregate amount to be contractually obligated may  
9 not exceed \$150 million in any one year: *Provided further*, That for fiscal years beginning after  
10 June 30, 2017, the Division of Highways may contractually obligate no more than \$200 million on  
11 any one project: *And provided further*, That for fiscal years beginning after June 30, 2017, the  
12 Division of Highways may contractually obligate no more than \$400 million in each year in the  
13 program: *And provided further*, That for fiscal years beginning after June 30, 2017, if any of the  
14 \$400 million is not contractually obligated in any year, the remaining amount may be applied to  
15 the following year's contract obligation amount: *And provided further*, That for fiscal years  
16 beginning after June 30, 2017, the total aggregate amount to be contractually obligated may not  
17 exceed \$500 million in any one year.

18 (2) Notwithstanding the limits set forth in §17-2D-2(b)(1) of this code, for projects financed  
19 without bonds for fiscal years beginning after June 30, 2019, the Division of Highways may  
20 contractually obligate in the program:

21 (A) No more than \$200 million on any one project;

22 (B) No more than \$200 million in each year; and

23 (C) No more than \$300 million in the total aggregate amount in any one year.

24 (3) Notwithstanding and in addition to the limits set forth in §17-2D-2(b)(1) and §17-2D-  
25 2(b)(2) of this code, for projects financed with bonds for fiscal years beginning after June 30,  
26 2018, the Division of Highways may contractually obligate in the program:

27 (A) No more than \$300 million on any one project;

28 (B) No more than \$600 million in each year; and

29 (C) No more than \$700 million in the total aggregate amount in any one year.

30 (c) A design-build project may be let to contract only in accordance with the  
31 commissioner's established policies and procedures concerning design-build projects.

32 (d) Projects receiving funding above the amount of federal core funding as appropriated  
33 to the state by formula in a federal highway authorization, currently titled MAP-21, may utilize the  
34 program, but shall not be included in calculating contractual obligation limits provided by §17-2D-  
35 2(b) of this code.

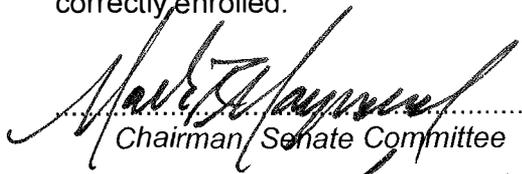
36 (e) The contractual obligations made for projects that are necessitated by a declared state  
37 of emergency within a county that the Governor has included in a declaration of emergency shall  
38 not be included in calculating contractual obligation limits provided in §17-2D-2(b) of this code.

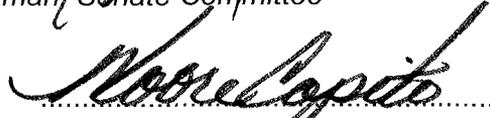
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

FILED

2019 MAR 27 A 11: 25

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

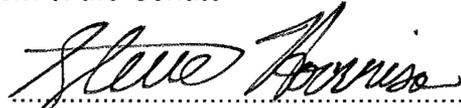
  
.....  
Chairman, Senate Committee

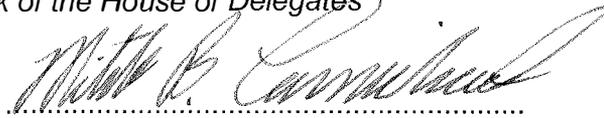
  
.....  
Chairman, House Committee

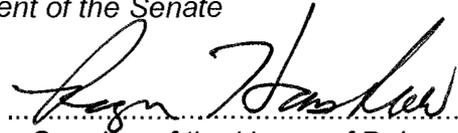
Originated in the Senate.

In effect from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker of the House of Delegates

The within *is approved* this the *27th*  
*March*  
Day of ....., 2019.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

11:22 AM

Time 11:10am