

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

HOUSE BILL No. 241

(By Mr. Speaker, Mr. Amos) By Request



PASSED March 10 1945

In Effect 90-days from Passage

241

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House Bill No. 241

(By MR. SPEAKER, MR. AMOS, by request)

[Passed March 10, 1945; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and three, article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eight, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to public bonded indebtedness.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter eight, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 2. *Purposes for Which Bonds May Be Issued.*—

- 2 Debt may be incurred and bonds issued under this article
- 3 for the purpose of acquiring, constructing and erecting,

4 enlarging, extending, reconstructing or improving any
5 building, work, utility or undertaking, or for furnishing,
6 equipping and acquiring or procuring the necessary appa-
7 ratus for any building, work, improvement or depart-
8 ment, or for establishing and maintaining a library or
9 museum for the public use, or a building or structure for
10 educational purposes, or acquiring a recreation park for
11 the public use, or for other similar corporate purpose,
12 for which the political division is authorized to levy taxes
13 or expend public money. But no bonds shall be issued
14 for the purpose of providing funds for the current ex-
15 penses of any body or political division. Interest accru-
16 ing during the construction period, that is to say, the time
17 when an improvement is under construction and six
18 months thereafter, shall be deemed a part of the cost of
19 the improvement, and shall not be deemed current ex-
20 penses. All engineering and inspection costs, including
21 a proper proportion of the compensation, salaries and
22 expenses of the engineering staff of the political division
23 properly chargeable to any work or improvements, as
24 determined by the governing body, or the estimated

25 amount of such costs, shall be deemed part of the cost of
26 an improvement. All costs and estimated costs of the
27 issuance of bonds shall be deemed a part of the cost of
28 the work or improvement, or of the property, or of the
29 carrying out of the purposes for which such bonds are
30 to be issued. The power to acquire or construct any
31 building, work or improvement as herein provided shall
32 be deemed to include the power to acquire the necessary
33 lands, sites and rights-of-way therefor.

34 Bonds may also be issued by any municipality having
35 a population of fifty thousand or more or by any county
36 for the purpose of acquiring land and constructing a
37 building or buildings for use and occupancy as a col-
38 lege. The proposal for such a bond issue shall contain
39 a provision that there shall be created a commission or
40 committee for the purpose of operating the building or
41 buildings and for renting the same for an amount suffi-
42 cient to pay the interest and sinking fund on the bonds
43 proposed to be issued, and shall contain a further pro-
44 vision that in the event a sufficient amount is not real-
45 ized from rent or rents for the purpose of meeting the

46 debt service, then the city or county shall lay a levy for
47 such purpose in an amount sufficient within the consti-
48 tutional and statutory limitation to pay the interest and
49 principal on such bonds as the same become due and pay-
50 able. The proposal may also contain a provision that
51 when the bonds and the interest thereon shall have been
52 paid, then the title to the land and the building or build-
53 ings situated thereon may be transferred to the college
54 to which the same have been rented.

Sec. 3. *Amount of Indebtedness for Which Bonds May*
2 *Be Issued.*—No political division authorized by this article
3 to issue bonds, shall, by any bond issue, become indebted
4 to an amount, including all other indebtedness, exceed-
5 ing two and one-half per cent of the value of the tax-
6 able property therein, as shown by the last assessment
7 thereof, for state and county purposes, next prior to the
8 issuing of such bonds: *Provided, however,* That any board
9 of education for the acquisition of land and the erection
10 and equipment of school buildings, and any county for
11 the erection and equipment of a courthouse and/or jail
12 for such county, with funds borrowed from the govern-

13 ment of the United States or any governmental agency,
14 federal or state, and any municipal corporation of three
15 hundred inhabitants or more, for the purpose of grading,
16 paving, sewerage, and otherwise improving or reimpro-
17 ving its streets and alleys, or for establishing and main-
18 taining a library or museum for the public use, or a
19 building or structure for educational purposes, or acquir-
20 ing a recreation park for the public use, may become in-
21 debted and issue bonds in an additional sum not exceeding
22 two and one-half per cent of the value of the taxable
23 property therein, ascertained as aforesaid.

24 The term "sewerage" as used herein shall be treated
25 in a comprehensive sense, so as to include all mains,
26 laterals, connections, traps, incinerating and disposal
27 plants, and other necessary and convenient accessories to
28 a modern, sanitary and efficient sewerage system and
29 shall include storm sewers.

30 The county court of any county is hereby authorized
31 and empowered to negotiate and sell to the government of
32 the United States or to any governmental agency, fed-
33 eral or state, at private sale, at not less than par any bonds

34 issued for the purpose of erecting and equipping a court-
35 house or other public buildings for such county, under
36 and by virtue of article one, chapter thirteen of the code
37 of West Virginia, without first offering them for sale at
38 public auction, or to any other person or agency.

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

Charles C Morris

Chairman Senate Committee

J. A. DeGruyter Jr.

Chairman House Committee

Originated in the

House

Takes effect

90-days from

passage.

Thomas M. Nease

Clerk of the Senate

Stallip

Clerk of the House of Delegates

Amos W. Vickers

President of the Senate

John E. Amos

Speaker House of Delegates

The within

Approved

this the

16th

day of

March

, 1945.

Glenn Meadows

Governor.



Filed in the office of the Secretary of State

of West Virginia

MAR 16 1945

Wm. S. O'BRIEN,

Secretary of State