

Rec., Jan. 29, 1934

187

**ENROLLED BILL**  
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 187

(By Mr. Winer)

Passed January 25, 1934

In Effect from Passage

Passage

Takes effect

Originated in the

Clerk of House of Delegates.

Clerk.

CORRECTLY ENROLLED

Chairman Senate Committee.

Chairman House Committee.

## ENROLLED BILL

(H. B. No. 187)

[Passed January 25, 1934; in effect from passage.]

AN ACT to amend and reenact sections twenty-nine and thirty-one of chapter nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, amending article one of chapter twenty-five, of the code of West Virginia, one thousand nine hundred thirty-one, relating to the West Virginia board of control and to dormitories, homes or refectories at the various state educational institutions; and to amend article one of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the West Virginia board of control, by adding thereto a new section to be known and numbered as section twenty-four-(a), providing for the erection of gymnasiums or stadia for athletic games, contests or exhibitions or physical training, dormi-

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*James A. Boyer*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

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tories, homes, refectories, swimming pools, and other necessary structures or buildings, for students, teachers, patients, inmates, officers and employees at the various state institutions under the control and management of the West Virginia board of control, and providing additional revenue for temporary supplemental aid and unemployment relief for the duration of the present emergency.

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

That sections twenty-nine and thirty-one chapter nine, of the acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, amending article one of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the West Virginia board of control, be, and the same are hereby, amended and reenacted, and that article one of chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the West Virginia board of control, be, and the same is hereby, amended by adding thereto a new section to be known and numbered section twenty-four-(a) to read, as follows:

Section 24-(a). The state board of control, within its discretion, is hereby authorized to provide, construct, erect, improve,

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*James A. Byrnes*

*Chairman Senate Committee.*

*James E. Smith*

*Chairman House Committee.*

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3 equip, maintain and operate gymnasiums or stadia for athletic  
4 games, contests or exhibitions or physical training, dormitories,  
5 homes, refectories, swimming pools, or such other structures or  
6 buildings, for students, teachers, patients, inmates, officers and  
7 employees at the various state institutions named in this article  
8 and under the control and management of the state board of con-  
9 trol, and the provisions, and limitations thereof, of sections  
10 twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight,  
11 twenty-nine, thirty, thirty-one, thirty-two, thirty-three and  
12 thirty-four, inclusive, respectively, and any and all amendments  
13 thereof, of article one, and amendments thereto, of chapter  
14 twenty-five of the code of West Virginia, one thousand nine hun-  
15 dred thirty-one, shall be applicable thereto. This section is  
16 deemed necessary for the purpose of providing additional reve-  
17 nue for temporary supplemental aid and relief of unemployed  
18 persons and it is hereby declared that the present economic de-  
19 pression has created a serious emergency due to widespread un-  
20 employment and increasing inadequacy of state and local relief  
21 funds, resulting in the existing or threatened deprivation of a  
22 considerable number of families and individuals of the necessi-

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*James L. Smith*  
*Henry A. Rogers*

*Chairman House Committee.*

*Chairman Senate Committee.*

23 ties of life, making it imperative that relief be furnished to  
24 needy and distressed people.

Sec. 29. Whenever bonds are issued for the construction,  
2 erection or equipment of dormitories, homes or refectories, or  
3 for the improvement or equipment of existing dormitories,  
4 homes or refectories, or for any or all of such purposes, as joint  
5 or several projects, for which a single or several issues of  
6 bonds may be issued within the discretion of the state board  
7 of control, rents, fees and charges shall be fixed, charged and  
8 collected in connection with the use or occupancy of, or serv-  
9 ice to be thereby rendered and furnished by, such dormitories,  
10 homes or refectories, and shall be so fixed or adjusted, in re-  
11 spect of the aggregate of rents, fees and charges from the dor-  
12 mitories, homes or refectories so constructed, erected, improved  
13 or equipped by means of or with the proceeds of a single issue  
14 of bonds, as to provide a fund sufficient to pay the principal  
15 and interest of each such issue of bonds and to provide an ad-  
16 ditional funds to pay the cost of maintaining, repairing, operat-  
17 ing and insuring such dormitories, homes or refectories. When-  
18 ever bonds are issued to finance, at any one time, the construc-  
19 tion and erection of dormitories, homes or refectories together

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*James A. Hays*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

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20 with additions or extensions to an existing dormitory, home or  
21 refectory for students or teachers at state educational insti-  
22 tutions, as a single construction project, the revenues deriv-  
23 able from both such dormitories, homes or refectories and such  
24 additions or extensions to an existing dormitory, home or re-  
25 fectory, as constructed from the proceeds of a single issue of  
26 bonds, as a single construction project, may be pledged to pro-  
27 vide a fund sufficient to pay the principal and interest of such  
28 single issue of bonds and to provide an additional fund to  
29 pay the cost of maintaining, repairing, operating and insur-  
30 ing such dormitories, homes or refectories, and such additions  
31 or extensions to an existing dormitory, home or refectory. The  
32 rents, fees and charges from the dormitories, homes or refec-  
33 tories for which a single issue of bonds is issued, except such  
34 part thereof as may be necessary to pay such cost of maintain-  
35 ing, repairing, operating and insuring during any period in  
36 which such cost is not otherwise provided for (during which  
37 period the rents, fees and charges may be reduced according-  
38 ly), shall be transmitted each month to the state sinking fund  
39 commission and by it placed in a special fund which is hereby  
40 pledged to and charged with the payment of the principal of

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James L. Smith

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41 such bonds and the interest thereon, and to the redemption or  
42 repurchase of such bonds, such special fund to be a fund for all  
43 such bonds without distinction or priority of one over another.  
44 The moneys in such special fund, less a reserve for payment of  
45 interest, if not used by the sinking fund commission with a  
46 reasonable time for the purchase of bonds for cancellation at a  
47 price not exceeding the market price and not exceeding the  
48 redemption price, shall be applied to the redemption by lot of  
49 any bonds which by their terms are then redeemable, at the  
50 redemption price then applicable: *Provided, however,* That  
51 if said revenue bonds are sold to and purchased by the United  
52 States of America or any federal or public agency or depart-  
53 ment created under and by virtue of the laws of the United  
54 States of America, then at the option of the United States of  
55 America or such federal or public agency or department in  
56 lieu of such moneys being transmitted to the sinking fund com-  
57-58 mission and by it placed in a special fund, the rents, fees and  
59 charges from the dormitories, homes or refectories for which  
60 a single issue of bonds is issued, except such part thereof as  
61 may be necessary to pay such cost of maintaining, repairing,  
62 operating and insuring as provided aforesaid, may be trans-

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63 mitted and paid to a trustee designated and named by the  
64 United States of America or such federal or public agency or  
65 department in its agreement and contract with the state board  
66 of control, for the payment of the principal of such bonds and  
67 the interest thereon, under such terms and conditions as may  
68 be agreed upon.

Sec. 31. Nothing in these sections dealing with dormitories,  
2 homes or refectories shall be so construed or interpreted as to  
3 authorize or permit the incurring of state debt of any kind or  
4 nature as contemplated by the constitution of this state in re-  
5 lation to the state debt. The dormitories, homes or refectories  
6 herein are of the character described as self-liquidating projects  
7 under the laws of the United States.

8 The said board of control is authorized and empowered to  
9 enter into the necessary contracts and agreements to carry out the  
10 purposes hereof with the United States of America or such  
11 federal or public agency or department of the United States,  
12 or with any private agency, corporation or individual: *Pro-*  
13 *vided, however,* That if such bonds are not sold to and pur-  
14 chased by the United States of America or any such federal  
15 or public agency or department, then the state board of con-



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*James A. Dwyer*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

16 trol shall advertise such bonds for sale, on sealed bids, which  
17 advertisement shall be published at least once a week for three  
18 weeks, the first publication to be made at least twenty-one days  
19 preceding the date fixed for the reception of bids, in two news-  
20 papers published and of general circulation in the state and of  
21 opposite political affiliation, and such advertisement shall also  
22 be published in a financial paper published either in the city of  
23 New York, in the State of New York, or the city of Chicago, in  
24 the State of Illinois. The state board of control may reject  
25 any and all bids. If the bonds be not sold pursuant to such  
26 advertisement, they may, within sixty days after the date ad-  
27 vertised for the reception of bids, be sold by the board at private  
28 sale, but no private sale shall be made at a price less than the  
29 highest bid which shall have been received pursuant to such ad-  
30 vertisement. If not sold, such bonds shall be readvertised in the  
31 manner herein provided.

32 The provisions and parts of this act are separable and are not  
33 matters of mutual essential inducement, and it is the intention  
34 to confer the whole or any part of the powers herein provided  
35 for, and if any of the sections or provisions, or parts thereof,  
36 are for any reason illegal or invalid, it is the intention that the

37 remaining sections and provisions or parts thereof shall remain

38 in full force and effect.

*Wm. H. Hines*  
.....  
Speaker of the House of Delegates.

*Geo. L. Hance*  
.....  
Clerk of the House of Delegates.

*H. M. Macken*  
.....  
President of the Senate.

*Amos Amick*  
.....  
Clerk of the Senate.

The within is.....*approved*.....

this...*25*...day of...*February*..., 1934.

*H. S. Kump*  
.....  
Governor.

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*James L. Smith*  
.....  
Chairman Senate Committee.

*James L. Smith*  
.....  
Chairman House Committee.