

Rec., Mar. 24, 1934

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ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 342

(By Mr. Van Sickle)

Passed March 24th 1934

In Effect from Passage

Originated in the *House of Delegates* Takes effect..... passage
Geo. Wallace Clerk *Geo. Wallace* Clerk House of Delegates.

CORRECTLY ENROLLED

James K. Smith Chairman House Committee. *Hazel C. Keyser* Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 342)

[Passed March 24, 1934; in effect from passage.]

AN ACT to authorize the county court of any county to convey land and to enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease, for the erection, construction, equipment, leasing and renting of any courthouse, other public buildings, or jail, with an option to purchase same, and to provide for the payment of a yearly rental for such by said court or to authorize any such court to construct, equip, maintain and operate a courthouse, other public buildings, or jail, in and for said county, and to borrow funds from the public works administration or other governmental agency authorized to make loans for the purpose of constructing and equipping said building or buildings, together with the right to purchase additional land, and to issue bonds in payment of same and to pledge a sufficient amount of revenue, within the

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constitutional limitation and within the limitations as provided by general law, to pay the face amount of said bonds and interest thereon within a period not to exceed thirty years.

Be it enacted by the Legislature of West Virginia:

Section 1. The county court of any county is hereby authorized and empowered to convey land and enter into a contract and/or lease with the United States government or any federal agency authorized to make or enter into such contract and/or lease, for the erection, construction, equipment, leasing and renting of a courthouse, other public buildings, or jail with an option to purchase same, and to provide for the payment of a yearly rental for such by said court; and to contract with the United States government or any federal agency, to the end that said government or agency, its or any of its agencies or agents thereunto duly authorized, may build, erect, construct, equip and/or furnish upon said property any such building or buildings to be used for public purposes; and to contract with said government or any federal agency, for the yearly lease or rental of said building or buildings, with the privilege of renewing said lease from year to year for a period of years not exceeding thirty, with the right to purchase said building or buildings and

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18 land on which the same is, or are, situated, and to apply to-
19 wards the purchase price thereof any and all rentals paid to
20 said government or agency, under the provisions of this act;
21 and the said court shall pay to the said United States govern-
22 ment or any federal agency, said yearly rental, or rentals, for
23 the use and occupancy of said building, or buildings, if and
24 when the same are constructed, which said yearly rental, or
25 rentals, in the aggregate shall not exceed the total amount,
26 and interest thereon, expended by said government or agency, on
27 said project, or projects, and the said yearly rentals shall be
28 paid out of levies laid within the constitutional debt limita-
29 tions; and to do any and all other things required by said United
30 States government or any federal agency which are necessary
31 and proper to effectuate the purpose of this act.

Sec. 2. The said court shall levy and collect annually an
2 amount sufficient to pay said rental, or rentals, for that par-
3 ticular year for the purposes aforesaid in the manner and
4 form as is provided by law.

Sec. 3. Any county court is likewise authorized to construct,
2 equip and maintain a courthouse, other public buildings, or jail,

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3 and to borrow funds from the public works administration or
4 other governmental agency authorized to make loans, for the
5 purpose of constructing and equipping said courthouse, other
6 public buildings, or jail, and shall also have the right to pur-
7 chase additional land on which to build same, within the dis-
8 cretion of the court. Such court is authorized to issue bonds
9 for the purpose of paying the cost of such land, building and
10 equipment and to pledge a sufficient amount of revenue within
11 the constitutional limitation, and within the limitations as pro-
12 vided by general law, to pay the interest on and the principal
13 of said bonds within a period not to exceed thirty years. Such
14 court is further authorized and empowered to do and perform
15 any and all acts and make all contracts necessary to effectuate
16 the general purposes of this act, including the acquisition by
17 original grant, purchase or other lawful means of all necessary
18 permits, easements and other rights in real estate, and title to and
19 possession thereof, and/or to make such purchase with the money
20 borrowed, as provided in this section. Such court shall have au-
21 thority to make such contracts, agreements and covenants be-
22 tween it and the public works administration or other govern-
23 mental agency, for the loan of said funds and securing payment

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24 thereof as they may be able to effectuate, subject only to this
25 limitation, that the bonds issued or given as security thereof shall
26 be payable solely out of the levies now provided for by general
27 law, to be levied by said county court in and for said county,
28 and to construct, equip and maintain such courthouse, other
29 public buildings, or jail, and to make and enter into such con-
30 tracts, and to do and perform such acts as may be necessary to
31 the construction, operation and maintenance of the same, sub-
32 ject to such burdens, restrictions and encumbrances as it may
33 be necessary to incur and bear in securing such funds for con-
34 struction.

35 Bonds issued hereunder shall be exempt from taxation by the
36 state of West Virginia or any county, district or municipality
37 thereof.

Sec. 4. There shall be and there is hereby created a statu-
2 tory mortgage lien upon the said property so acquired or con-
3 structed from the proceeds of bonds authorized to be issued
4 under this act, which shall exist in favor of the holder of said
5 bonds, and each of them, and to and in favor of the holder of
6 the coupons attached to said bonds, and such courthouse, other
7 public buildings, or jail, shall remain subject to such statutory

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8 mortgage lien until payment in full of the principal and interest
9 of said bonds. Any holder of bonds issued under the provisions of
10 this act, or of any coupons representing interest accrued thereon,
11 may, either at law or in equity, enforce the statutory mortgage
12 lien hereby conferred, and may, by proper suit, compel the per-
13 formance of the duties of the officials of the said court set forth
14 in this act. If there be default in the payment of the principal
15 of and/or interest upon any of said bonds, any court having
16 jurisdiction in any proper action may appoint a receiver to
17 administer said property on behalf of the said court with power
18 to charge and collect rents or income sufficient to provide for
19 the payment of said bonds and interest thereon, and for the pay-
20 ment of the operating expenses, and to apply the income, rents
21 or other revenue in conformity with this act and the order pro-
22 viding for the issuance of said bonds.

Sec. 5. Any county court issuing bonds under the provisions
2 of this act shall thereafter, so long as any such bonds remain
3 outstanding, operate and maintain said courthouse, other public
4 buildings, or jail, so as to provide revenues as will be sufficient to
5 pay all operating costs, provide a depreciation fund, retire the
6 bonds and pay the interest requirements thereon as the same may

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7 become due. The amounts, as and when so set apart by said
8 county court, shall be remitted to the state sinking fund com-
9 mission at least thirty days previous to the time interest or
10 principal payments become due, to be retained and paid out
11 by said commission consistent with the provisions of this act
12 and the order pursuant to which such bonds have been issued.
13 The state sinking fund commission is hereby authorized to act
14 as fiscal agent for the administration of such sinking fund under
15 any order passed pursuant to the provisions of this act, and
16 shall invest all sinking funds, as provided by general law.
17 Bonds issued under the provisions of this act are hereby de-
18 clared to be and to have all the qualities of negotiable instru-
19 ments. Such bonds shall bear interest at not more than six per
20 cent per annum, payable semi-annually, and shall mature in
21 not more than thirty years from their date, and may be made
22 redeemable at the option of the county court at such price and
23 under such terms and conditions as said court may fix prior to
24 the issuance of such bonds. Bonds issued hereunder shall be
25 payable at the office of the state treasurer and some bank in the
26 city of New York.

27 In case any of the officers whose signatures appear on the

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28 bonds or coupons shall cease to be such officers before the de-
29 livery of such bonds, such signatures shall, nevertheless, be
30 valid and sufficient for all purposes the same as if they had re-
31 mained in office until such delivery. The county court shall fix
32 the denominations, times and places of payment of such bonds,
33 the principal of and interest on which shall be payable in law-
34 ful money of the United States of America. The proceeds of
35 such bonds shall be used solely for the payment of the cost of
36 land, buildings and equipment thereon, and shall be checked
37 out by the county court under such restrictions as are con-
38 tained in the order providing for the issuance of said bonds.
39 If the proceeds of bonds issued for any courthouse, other public
40 buildings, or jail, shall exceed the cost thereof, the surplus shall
41 be paid into the fund herein provided for the payment of princi-
42 pal and interest upon such bonds. Such fund may be used for the
43 purchase of any of the outstanding bonds payable from such
44 fund at the market price, but at not exceeding the price at which
45 any of such bonds shall in the same year be redeemable, and all
46 bonds redeemed or purchased shall forthwith be cancelled, and
47 shall not again be issued.

48 Prior to the preparation of definitive bonds, the county court

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49 may, under like restrictions, issue temporary bonds, or interim
50 certificates, with or without coupons, exchangeable for definitive
51 bonds upon the issuance of the latter. Such bonds may be
52 issued without any other proceedings or the happening of any
53 other conditions or things than those proceedings, conditions
54 and things which are specified and required by this act.

Sec. 6. Nothing in this act contained shall be so construed
2 or interpreted as to authorize or permit any county court to
3 incur a debt for and on behalf of said court of any kind or
4 nature as contemplated by the provisions of the constitution
5 of the state in relation to debt.

Sec. 7. This act shall be deemed to provide an additional and
2 alternative method for the doing of the things authorized here-
3 by, and shall be regarded as supplementary and additional to
4 powers conferred by other laws.

Sec. 8. This act, being necessary for the health, welfare and
2 public requirements of the public of the several counties, it
3 should be liberally construed to effectuate the purposes there-
4 of.

Sec. 9. The provisions of this act are separable and not mat-
2 ters of mutual essential inducement, and it is the intention to

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3 confer the whole or any part of the powers herein provided for,
4 and if any of the sections or provisions, or parts thereof, are
5 for any reason illegal, it is the intention that the remaining
6 sections and provisions, or parts thereof, shall remain in full
7 force and effect.

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James L. Smith
Chairman House Committee.

Napier C. Dyer
Chairman Senate Committee.

Wm. L. Grier
Speaker of the House of Delegates.

Geo. L. Hays
Clerk of the House of Delegates.

P. S. Mainwaring
President of the Senate.

Robert D. May
Clerk of the Senate.

The within is.....

this.....day of....., 1934.

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Governor.

MAR 30 1934

Wm. S. O'Brien

Clerk of State