ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 187

(By Mr. [Signature])

Passed January 25, 1934

In Effect from Passage
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-
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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3 equip, maintain and operate gymnasiums or stadia for athletic
games, contests or exhibitions or physical training, dormitories,
homes, refectories, swimming pools, or such other structures or
buildings, for students, teachers, patients, inmates, officers and
employees at the various state institutions named in this article
and under the control and management of the state board of con-
trol, and the provisions, and limitations thereof, of sections
twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight,
twenty-nine, thirty, thirty-one, thirty-two, thirty-three and
thirty-four, inclusive, respectively, and any and all amendments
thereof, of article one, and amendments thereto, of chapter
twenty-five of the code of West Virginia, one thousand nine hun-
dred thirty-one, shall be applicable thereto. This section is
deemed necessary for the purpose of providing additional reve-

tue for temporary supplemental aid and relief of unemployed
persons and it is hereby declared that the present economic de-
pression has created a serious emergency due to widespread un-
employment and increasing inadequacy of state and local relief
funds, resulting in the existing or threatened deprivation of a
considerable number of families and individuals of the necessi-
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 erosion 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
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 accord-
38 ingly), 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
such bonds and the interest thereon, and to the redemption or repurchase of such bonds, such special fund to be a fund for all such bonds without distinction or priority of one over another. The moneys in such special fund, less a reserve for payment of interest, if not used by the sinking fund commission with a reasonable time for the purchase of bonds for cancellation at a price not exceeding the market price and not exceeding the redemption price, shall be applied to the redemption by lot of any bonds which by their terms are then redeemable, at the redemption price then applicable: Provided, however, That if said revenue bonds are sold to and purchased by the United States of America or any federal or public agency or department created under and by virtue of the laws of the United States of America, then at the option of the United States of America or such federal or public agency or department in lieu of such moneys being transmitted to the sinking fund commission and by it placed in a special fund, the rents, fees and charges from the dormitories, homes or refectories for which a single issue of bonds is issued, except such part thereof as may be necessary to pay such cost of maintaining, repairing, operating and insuring as provided aforesaid, may be trans-
63 mitted and paid to a trustee designated and named by the
64 United States of America or such federal or public agency or
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-
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.

Speaker of the House of Delegates.

Clerk of the House of Delegates.

President of the Senate.

Clerk of the Senate.

The within is approved

this 25 day of February, 1934.

Governor.

Filed in the office of the Secretary of State of West Virginia: FEB 2 1934
Wm. S. O'Brien, Secretary of State