WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 285

(By Mr. [Signature])

PASSED March 7, 1941

In Effect from Passage
ENROLLED

House Bill No. 285
(By Mr. Kidd)

[Passed March 7, 1941; in effect from passage.]

AN ACT to amend and reenact section five, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to the school fund; the board of the school fund; the investment, management and control of the school fund by the board of the school fund; the granting to the board of the school fund certain powers with respect to acquiring, holding, renting and disposing of real estate security for the investments of the school fund; the granting to the board of the school fund the power and authority to extend the time for the payment of the principal or interest, or both, or any part thereof, of interest-bearing securities in which the school fund may have been invested prior to March fourth, one thousand nine hundred thirty-three; and the further granting to said board of the school fund the
power and authority to make adjustments, deductions, settlements and compromises with respect to loans or investments made by it prior to the fourth day of March, one thousand nine hundred thirty-three.

Be it enacted by the Legislature of West Virginia:

That section five, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 5. School Fund; Board of the School Fund; Investment of School Fund.—All such sums as have accrued to this state from the several sources enumerated in section four, article twelve of the constitution, not in excess of one million dollars, shall be set apart as a separate fund to be called "the school fund", and the governor, state superintendent of free schools, auditor and treasurer shall be a corporation under the name of "The Board of the School Fund", and shall have the management, control and investment of said fund, as provided by section four, article twelve of the constitution. Such fund shall be invested in the interest-bearing securities of the United States, or securities,
the payment of which as to both principal and interest, has been guaranteed by the United States, or of this state, or of any county, city, town or village, or school district of this state, or if such interest-bearing securities cannot be obtained, then such fund shall be invested in such other solvent interest-bearing securities as shall be approved by such board. The governor shall be president of the board, and in his absence the board shall choose one of the number to preside temporarily in his place. The auditor shall be secretary of the board. The state treasurer shall be custodian of all investments made by such board. A record shall be kept of all the proceedings and be signed by the president and secretary, and a copy thereof, certified by the secretary of the board, shall be evidence in all cases in which the original would be. A majority of the board shall constitute a quorum for the transaction of business. The board may acquire, own, hold, use, receive rents and issues from, dispose of and convey, real estate, subject to the following limitations, and for the following purposes:
(a) Such as shall have been mortgaged to it, or conveyed to trustees, as security for debts in its favor;

(b) Such as shall be conveyed to it in satisfaction of debts, or in partial payment of debts, previously contracted;

(c) Such as it has heretofore purchased, or shall hereafter purchase, at sales under judgments, decrees, trust deeds or mortgages in its favor, or shall purchase at private sale, to secure and effectuate the payment of debts due to it.

Any real estate acquired by the board under clauses (b) and (c) shall be disposed of by the board at the earliest practicable date, but the board shall have a reasonable discretion in the matter of the time to dispose of such property in order to prevent unnecessary losses; and such property, in the discretion of the board, may be sold either at public sale or at private sale and for cash or on such other terms as the board may deem expedient.

(d) The board shall have full power and authority to extend the time for the payment of the principal or interest, or both principal and interest or any part thereof,
of any interest-bearing securities in which the fund may
have been invested prior to March fourth, one thousand
nine hundred thirty-three, as in the discretion of the
board it may deem proper and expedient.

(e) The board shall have full power and authority to
make such adjustments, deductions, settlements and com-
promises as in its judgment may be deemed reasonably
equitable and expedient under all circumstances with
respect to any loans or investments made by it prior to
the fourth day of March, one thousand nine hundred
thirty-three. In the exercise of this power and authority,
the board shall give preference to such loans and invest-
ments as are not represented by the securities of the
United States, this state or any political subdivision of
this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 14th day of March, 1941.

Governor

Filed in the office of the Secretary of State of West Virginia, MAR 24 1941

Wm. S. O'Brien, Secretary of State