

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 307

(By Mr. Bass and Mr. Shanklin)



PASSED March 7, 1941

In Effect From Passage

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**House Bill No. 307**

(BY MR. BASS AND MR. SHANKLIN)

[Passed March 7, 1941; in effect 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 twenty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-five, 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 twenty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-five, 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 ap-  
7 paratus for any building, work, improvement or depart-  
8 ment, or for establishing and maintaining a library or  
9 museum, for the public use, or acquiring a recreation  
10 park for the public use, or for other similar corporate  
11 purposes, for which the political division is authorized to  
12 levy taxes or expend public money. But no bonds shall be  
13 issued for the purpose of providing funds for the current  
14 expenses of any body or political division. Interest accru-  
15 ing during the construction period, that is to say, the time  
16 when an improvement is under construction and six  
17 months thereafter, shall be deemed a part of the cost of  
18 the improvement, and shall not be deemed current ex-  
19 penses. All engineering and inspection costs, including a  
20 proper proportion of the compensation, salaries and ex-  
21 penses of the engineering staff of the political division  
22 properly chargeable to any work or improvements, as  
23 determined by the governing body, or the estimated  
24 amount of such costs, shall be deemed part of the cost

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

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

46 within the constitutional and statutory limitation to pay  
47 the interest and principal on such bonds as the same be-  
48 come due and payable. The proposal may also contain a  
49 provision that when the bonds and the interest thereon  
50 shall have been paid, then the title to the land and the  
51 building or buildings situated thereon may be transferred  
52 to the college 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 taxable  
6 property therein, as shown by the last assessment thereof,  
7 for state and county purposes, next prior to the issuing  
8 of such bonds: *Provided, however,* That any board of  
9 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 re-improv-  
17 ing its streets and alleys, or for establishing and maintain-  
18 ing a library or museum for the public use, or acquiring  
19 a recreation park for the public use, and any municipal  
20 corporation, having a population of fifty thousand or  
21 more, for the purpose of acquiring land and constructing  
22 a building or buildings for use and occupancy as a college,  
23 may become indebted and issue bonds in an additional  
24 sum not exceeding two and one-half per cent of the value  
25 of the taxable property therein, ascertained as aforesaid.

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

32 The county court of any county is hereby authorized  
33 and empowered to negotiate and sell to the government  
34 of the United States or to any governmental agency, fed-

.35 .eral or state, at private sale, at not less than par any  
.36 bonds issued for the purpose of erecting and equipping  
.37 a courthouse or other public buildings for such county,  
.38 under and by virtue of article one, chapter thirteen of  
.39 the code of West Virginia, without first offering them for  
.40 sale at public auction, or to any other person or agency.

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

C. H. Mc Kown  
Chairman Senate Committee

Leon Rice  
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Wale Watkins  
Clerk of the Senate

J. Klipp  
Clerk of the House of Delegates

Byron B. Randolph  
President of the Senate

Malcolm R. Arnold  
Speaker House of Delegates

The within Approved this the 14<sup>th</sup>  
day of March, 1941.

Matthew M. Neely  
Governor.

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Filed in the office of the Secretary of State  
of West Virginia MAR 17 1941  
Wm. S. O'BRIEN,  
Secretary of State