

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1945



ENROLLED

HOUSE BILL No. 241

(By Mr. Speaker, Mr. Amos) By Request



PASSED March 10 1945

In Effect 90-days from Passage

241

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**House Bill No. 241**

(By MR. SPEAKER, MR. AMOS, by request)

[Passed March 10, 1945; in effect ninety days 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 eight, acts of the Legislature, regular session, one thousand nine hundred forty-one, 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 eight, acts of the Legislature, regular session, one thousand nine hundred forty-one, 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 appa-  
7 ratus for any building, work, improvement or depart-  
8 ment, or for establishing and maintaining a library or  
9 museum for the public use, or a building or structure for  
10 educational purposes, or acquiring a recreation park for  
11 the public use, or for other similar corporate purpose,  
12 for which the political division is authorized to levy taxes  
13 or expend public money. But no bonds shall be issued  
14 for the purpose of providing funds for the current ex-  
15 penses of any body or political division. Interest accru-  
16 ing during the construction period, that is to say, the time  
17 when an improvement is under construction and six  
18 months thereafter, shall be deemed a part of the cost of  
19 the improvement, and shall not be deemed current ex-  
20 penses. All engineering and inspection costs, including  
21 a proper proportion of the compensation, salaries and  
22 expenses of the engineering staff of the political division  
23 properly chargeable to any work or improvements, as  
24 determined by the governing body, or the estimated

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

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

46 debt service, then the city or county shall lay a levy for  
47 such purpose in an amount sufficient within the consti-  
48 tutional and statutory limitation to pay the interest and  
49 principal on such bonds as the same become due and pay-  
50 able. The proposal may also contain a provision that  
51 when the bonds and the interest thereon shall have been  
52 paid, then the title to the land and the building or build-  
53 ings situated thereon may be transferred to the college  
54 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 tax-  
6 able property therein, as shown by the last assessment  
7 thereof, for state and county purposes, next prior to the  
8 issuing of such bonds: *Provided, however,* That any board  
9 of 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 reimprov-  
17 ing its streets and alleys, or for establishing and main-  
18 taining a library or museum for the public use, or a  
19 building or structure for educational purposes, or acquir-  
20 ing a recreation park for the public use, may become in-  
21 debted and issue bonds in an additional sum not exceeding  
22 two and one-half per cent of the value of the taxable  
23 property therein, ascertained as aforesaid.

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

30 The county court of any county is hereby authorized  
31 and empowered to negotiate and sell to the government of  
32 the United States or to any governmental agency, fed-  
33 eral or state, at private sale, at not less than par any bonds

34 issued for the purpose of erecting and equipping a court-  
35 house or other public buildings for such county, under  
36 and by virtue of article one, chapter thirteen of the code  
37 of West Virginia, without first offering them for sale at  
38 public auction, or to any other person or agency.

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

Charles C. Morris  
Chairman Senate Committee

J. A. DeGruyter Jr.  
Chairman House Committee

Originated in the House

Takes effect 90-days from passage.

Thomas Meigs  
Clerk of the Senate

Phillip  
Clerk of the House of Delegates

Arnold W. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 16<sup>th</sup>  
day of March, 1945.

Clarence Medsker  
Governor.



Filed in the office of the Secretary of State  
of West Virginia MAR 16 1945  
Wm. S. O'BRIEN,  
Secretary of State