

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



# ENROLLED

HOUSE BILL No. 343

(By Mr. Davis)



PASSED March 10 1945

In Effect 90 days from Passage

3-15

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(By MR. DAVIS)

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AN ACT to amend and reenact section seven, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter forty-three, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to the state office building commission; empowering that commission to issue state office revenue bonds; grants and gifts.

*Be it enacted by the Legislature of West Virginia:*

That section seven, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter forty-three, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 7. *Commission Empowered to Issue State*

2 *Office Revenue Bonds; Grants and Gifts.*—The commis-

3 sion is hereby empowered to raise the cost of the project,  
4 as defined hereinabove, by the issuance of state office  
5 building revenue bonds of the state, the principal of and  
6 interest on which bonds shall be payable solely from the  
7 special fund herein provided for such payment. Such  
8 bonds shall be authorized by resolution of the commis-  
9 sion which shall recite an estimate by the commission of  
10 such cost, and shall provide for the issuance of bonds in  
11 an amount sufficient, when sold as hereinafter provided,  
12 to produce such cost, less the amount of any grant or  
13 grants, gift or gifts received, or in the opinion of the  
14 commission expected to be received from the United  
15 States of America or from any other source. The accept-  
16 ance by the commission of any and all such grants and  
17 gifts, whether in money or in land, labor or materials, is  
18 hereby expressly authorized. All such bonds shall have  
19 and are hereby declared to have all the qualities of nego-  
20 tiable instruments under the law merchant. Such bonds  
21 shall bear interest at not more than four per cent per  
22 annum, payable semi-annually, and shall mature in not  
23 more than twenty-five years from their date or dates,

24 and may be made redeemable at the option of the state,  
25 to be exercised by the commission, at such price and  
26 under such terms and conditions as the commission may  
27 fix prior to the issuance of such bonds. The commission  
28 shall determine the form of such bonds, including cou-  
29 pons to be attached thereto to evidence the right of in-  
30 terest payments, which bonds shall be signed by the  
31 chairman and secretary of the commission, under the  
32 great seal of the state, attested by the secretary of state,  
33 and the coupons attached thereto shall bear the facsimile  
34 signature of said chairman of the commission. In case any  
35 of the officers whose signatures appear on the bonds or  
36 coupons shall cease to be such officers before the delivery  
37 of such bonds, such signatures shall nevertheless be valid  
38 and sufficient for all purposes the same as if they had  
39 remained in office until such delivery. The commission  
40 shall fix the denominations of said bonds, the principal  
41 and interest of which shall be payable at the office of the  
42 treasurer of the state of West Virginia, at the capitol of  
43 said state, or, at the option of the holder, at some bank or  
44 trust company in the city of New York to be named in

45 the bonds, in such medium as may be determined by the  
46 commission. The said bonds shall be exempt from taxa-  
47 tion by the state of West Virginia, or any county or mu-  
48 nicipality therein. The commission may provide for the  
49 registration of such bonds in the name of the owner as to  
50 principal alone, and as to both principal and interest  
51 under such terms and conditions as the commission may  
52 determine, and shall sell such bonds in such manner as  
53 it may determine to be for the best interest of the state,  
54 taking into consideration the financial responsibility of  
55 the purchaser, and the terms and conditions of the pur-  
56 chase, and especially the availability of the proceeds of  
57 the bonds when required for payment of the cost of the  
58 project, such sale to be made at a price not lower than a  
59 price which, computed upon standard tables of bond  
60 values, will show a net return of four per cent per an-  
61 num to the purchaser upon the amount paid therefor.  
62 The proceeds of such bonds shall be used solely for the  
63 payment of the cost of the project, and shall be deposited  
64 and checked out as provided by section four of this act,  
65 and under such further restrictions, if any, as the com-

66 mission may provide. If the proceeds of such bonds, by  
67 error in calculation or otherwise, shall be less than the  
68 cost of the project, additional bonds may in like manner  
69 be issued to provide the amount of the deficiency, and  
70 unless otherwise provided for in the trust agreement here-  
71 inafter mentioned, shall be deemed to be of the same  
72 issue, and shall be entitled to payment from the same  
73 fund, without preference or priority as the bonds before  
74 issued, provided that the aggregate amount of all issues  
75 of bonds outstanding at one time shall not exceed two  
76 million dollars. If the proceeds of bonds issued for the  
77 project shall exceed the cost thereof, the surplus shall be  
78 paid into the fund hereinafter provided for payment of  
79 the principal and interest of such bonds. Such fund may  
80 be used for the purchase of any of the outstanding bonds  
81 payable from such fund at the market price, but at not  
82 exceeding the price, if any, at which such bonds shall in  
83 the same year be redeemable, and all bonds redeemed  
84 or purchased shall forthwith be canceled, and shall not  
85 again be issued. Prior to the preparation of definitive  
86 bonds, the commission may, under like restrictions, issue

87 temporary bonds with or without coupons, exchangeable  
88 for definitive bonds upon the issuance of the latter. Such  
89 revenue bonds may be issued without any other proceed-  
90 ings or the happening of any other conditions or things  
91 than those proceedings, conditions and things which are  
92 specified and required by this act, or by the constitution  
93 of the state. Revenue bonds issued under the authority  
94 herein granted shall be eligible as investments for the  
95 workmen's compensation fund and as security for the  
96 deposit of all public funds.

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

Charles C Morris  
Chairman Senate Committee

J. R. Delmyter  
Chairman House Committee

Originated in the House

Takes effect 90 days from passage.

Thomas H. Hays  
Clerk of the Senate

R. Bliff  
Clerk of the House of Delegates

Arnold M. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 15<sup>th</sup>  
day of March, 1945.

Blair M. Modawo  
Governor.



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