

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

## ENROLLED

SENATE BILL NO. 272

(By Mr. Carson Mr President)

PASSED March 7 1963

In Effect 90 days from Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63

JOE F. BURDETT  
SECRETARY OF STATE

# 272

ENROLLED

Senate Bill No. 272

(By MR. CARSON, MR. PRESIDENT)

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[Passed March 7, 1963; in effect ninety days from passage.]

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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 amended, relating to authority of the state office building commission of West Virginia to issue revenue bonds, and particularly, increasing the lawful aggregate amount of all issues of bonds outstanding at one time from two million dollars to ten million dollars.

*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 amended, be amended and reenacted to read as follows:

**Section 7. Commission Empowered to Issue State Office**

**2 Revenue Bonds; Grants and Gifts.**—The commission is

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

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

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

66 vide. If the proceeds of such bonds, by error in calcula-  
67 tion or otherwise, shall be less than the cost of the project,  
68 additional bonds may in like manner be issued to pro-  
69 vide the amount of the deficiency, and unless otherwise  
70 provided for in the trust agreement hereinafter men-  
71 tioned, shall be deemed to be of the same issue, and shall  
72 be entitled to payment from the same fund, without pref-  
73 erence or priority as the bonds before issued, provided  
74 that the aggregate amount of all issues of bonds out-  
75 standing at one time shall not exceed ten million dollars.  
76 If the proceeds of bonds issued for the project shall ex-  
77 ceed the cost thereof, the surplus shall be paid into the  
78 fund hereinafter provided for payment of the principal  
79 and interest of such bonds. Such fund may be used for  
80 the purchase of any of the outstanding bonds payable  
81 from such fund at the market price, but at not exceeding  
82 the price, if any, at which such bonds shall in the same  
83 year be redeemable, and all bonds redeemed or pur-  
84 chased shall forthwith be cancelled, and shall not again  
85 be issued. Prior to the preparation of definitive bonds,  
86 the commission may, under like restrictions, issue tem-

87 porary bonds with or without coupons, exchangeable for  
88 definitive bonds upon the issuance of the latter. Such  
89 revenue bonds may be issued without any other proceed-  
90 ings or the happenings of any other conditions or things  
91 than those proceedings, conditions and things which are  
92 specified and required by this article, or by the constitu-  
93 tion of the state. Revenue bonds issued under the au-  
94 thority herein granted shall be eligible as investments  
95 for the workmen's compensation fund and as security for  
96 the deposit of all public funds: *Provided, however, That*  
97 no bonds or other obligations shall be issued or incurred  
98 hereunder, and no contracts for erection of any new  
99 project entered into by the commission, unless and until  
100 the plans, specifications and location of any new or addi-  
101 tional project, shall be first submitted to the Legislature  
102 for its approval.

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

C. Ray Parker  
Chairman Senate Committee

Edith L. Crandall  
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Thurman  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard Robinson  
President of the Senate

Julius A. Singleton  
Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
day of March, 1963.

W. W. Bann  
Governor