

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

Comm. Sub. for
SENATE BILL NO. 42

(By Mr. *Cassm* [Mr. President] and
Mr. Woodward original sponsor)

PASSED Feb 9 1966

In Effect *for* Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-15-66

42

ENROLLED
FINANCE
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 42

(MR. CARSON [MR. PRESIDENT] and MR. MORELAND original
sponsors).

[Passed February 9, 1966; in effect from passage.]

AN ACT to amend and reenact sections one, two, three and seven, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, changing the name of the state office building commission to "The State Building Commission of West Virginia"; designating the members, chairman and secretary of such commission; specifying the powers, duties and responsibilities of the commission; defining certain terms; and setting forth the duties, powers and responsibilities of

the commission with respect to the issuance of revenue bonds and the acceptance of gifts and grants.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three and 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:

Article 6. State Building Commission.

Section 1. Name of State Office Building Commission

2 **Changed; Members; Expenses of Members.**—"The State
3 Office Building Commission of West Virginia", heretofore
4 created, shall continue in existence but on and after the
5 effective date of this section shall be known and desig-
6 nated as "The State Building Commission of West Vir-
7 ginia" and shall continue as a body corporate and as an
8 agency of the state of West Virginia. On and after the
9 effective date of this section, the commission shall consist
10 of the governor, the attorney general, the treasurer, the
11 auditor, the commissioner of agriculture, the secretary of
12 state, the president of the senate, the speaker of the house
13 of delegates, the minority leader of the senate and the

14 minority leader of the house of delegates. The governor
 15 shall be chairman and the secretary of state shall be secre-
 16 tary of the commission. The members of the commission
 17 shall be paid or reimbursed for their necessary expenses
 18 incurred under this article, but shall receive no compen-
 19 sation for their services as members or officers of the
 20 commission. Such expenses shall be paid solely from
 21 funds provided under the authority of this article, and
 22 the commission shall not proceed to exercise or carry out
 23 any authority or power herein given it to bind said com-
 24 mission beyond the extent to which money has been pro-
 25 vided under the authority of this article. The commission
 26 shall have the duties, powers and responsibilities pro-
 27 vided for in this article.

Sec. 2. Definitions.—The following terms, wherever
 2 used or referred to in this article, shall have the following
 3 meanings, unless a different meaning clearly appears from
 4 the context:

5 The term “commission” shall mean the state building
 6 commission of West Virginia, or if said commission shall
 7 be abolished, any board or officer succeeding to the princi-

8 pal functions thereof, or upon whom the powers given to
9 said commission shall be given by law.

10 The term "bonds" shall mean bonds issued by the com-
11 mission pursuant to this article.

12 The term "project" shall be deemed to mean collectively
13 the acquisition of land, the construction, equipping and
14 furnishing of a building or buildings, together with inci-
15 dental approaches, structures and facilities, herein author-
16 ized to be constructed.

17 The term "cost of project" shall embrace the cost of
18 construction, the cost of equipping and furnishing same,
19 the cost of all land, property, material and labor which
20 are deemed essential thereto, the cost of improvements,
21 financing charges, interest during construction, and all
22 other expenses, including legal fees, trustees', engineers'
23 and architects' fees which are necessarily or properly inci-
24 dental to the project.

25 The term "rent" or "rental" shall include all moneys
26 received for the use of any part of a project either from
27 the state of West Virginia or any officer, department or
28 public corporation thereof: *Provided*, That nothing in

29 this article shall be taken to authorize the payment by or
30 on behalf of the state of any rent in excess of the fair
31 rental value of property used by or for such state officer
32 or department or public corporation in the exercise of his
33 or its statutory duties.

Sec. 3. Powers of the Commission.—The commisison

2 shall have power:

3 1. To sue and be sued, plead and be impleaded;

4 2. To have a seal and alter the same at pleasure;

5 3. To contract to acquire and to acquire, in the name of
6 the commission or of the state, by purchase or otherwise,
7 real property or rights or easements necessary or con-
8 venient for its corporate purposes;

9 4. To acquire, hold and dispose of personal property
10 for its corporate purposes;

11 5. To make by-laws for the management and regulation
12 of its affairs;

13 6. With the consent of the attorney general of the state
14 of West Virginia to use the facilities of his office, assistants
15 and employees in all legal matters relating to or pertaining
16 to the commission;

17 7. To appoint officers, agents and employees, and fix
18 their compensation;

19 8. To make contracts, and to execute all instruments
20 necessary or convenient to effectuate the intent of, and
21 to exercise the powers granted to it by, this article;

22 9. To renegotiate all contracts entered into by it when-
23 ever, due to a change in situation, it appears to the com-
24 mission that its interest will be best served;

25 10. To construct a building or buildings on real proper-
26 ty, which it may acquire, or which may be owned by the
27 state of West Virginia, in the city of Charleston, as con-
28 venient as may be to the capitol building, together with
29 incidental approaches, structures and facilities, subject to
30 such consent and approval of the city of Charleston in
31 any case as may be necessary; and, in addition, to acquire
32 or construct a warehouse, including office space therein, in
33 Kanawha county for the West Virginia alcohol beverage
34 control commissioner, and equip and furnish the same;
35 and to acquire or construct buildings and additions to
36 buildings (and equip and furnish the same), including
37 remodeling, renovation, and repair, as may be required

38 for the safety and care of patients, guests and inmates at
39 hospitals under the jurisdiction and supervision of the de-
40 partment of mental health and at institutions under the
41 jurisdiction and supervision of the commissioner of public
42 institutions; and to formulate and program plans for the
43 orderly and timely capital improvement of all of said
44 hospitals and institutions and the state capitol buildings;

45 11. To maintain, construct and operate a project au-
46 thorized hereunder;

47 12. To charge rentals for the use of any part of a proj-
48 ect, subject to and in accordance with such agreements
49 with bondholders as may be made as hereinafter provided;

50 13. To issue negotiable bonds and to provide for the
51 rights of the holders thereof;

52 14. To enter on any lands and premises for the purpose
53 of making surveys, soundings and examinations;

54 15. To do all things necessary or convenient to carry
55 out the powers given in this article.

56 The rights and powers set forth in subparagraph ten
57 of this section shall not be construed as in derogation of
58 any rights and powers now vested in the West Virginia

59 alcohol beverage control commissioner, the department
60 of mental health or the commissioner of public institu-
61 tions.

Sec. 7. Commission Empowered to Issue State Building

2 **Revenue Bonds; Grants and Gifts.**—The commission is
3 hereby empowered to raise the cost of a project, as
4 defined hereinabove, by the issuance of state 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 shall
9 recite an estimate by the commission of such cost, and
10 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 funds, grant or grants,
13 gift or gifts received, or in the opinion of the commission
14 expected to be received from the United States of America
15 or from any other source. The acceptance by the commis-
16 sion of any and all such funds, grants and gifts, whether
17 in money or in land, labor or materials, is hereby ex-
18 pressly authorized. All such bonds shall have and are here-

19 by declared to have all the qualities of negotiable instru-
20 ments. Such bonds shall bear interest at not more than
21 four per cent per annum, payable semi-annually, and
22 shall mature in not more than twenty-five years from
23 their date or dates, and may be made redeemable at the
24 option of the state, to be exercised by the commission, at
25 such price and under such terms and conditions as the
26 commission may fix prior to the issuance of such bonds.
27 The commission shall determine the form of such bonds,
28 including coupons to be attached thereto to evidence the
29 right of interest payments, which bonds shall be signed
30 by the chairman and secretary of the commission, under
31 the great seal of the state, attested by the secretary of
32 state, and the coupons attached thereto shall bear the
33 facsimile signature of said chairman of the commission.
34 In case any of the officers whose signatures appear on the
35 bonds or coupons issued as hereinbefore authorized 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 office
39 until such delivery. The commission shall fix the denomi-

40 nations of said bonds, the principal and interest of which
41 shall be payable at the office of the treasurer of the state
42 of West Virginia, at the capitol of said state, or, at the
43 option of the holder, at some bank or trust company in
44 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
47 of 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,
50 and as to both principal and interest under such terms
51 and conditions as the commission may determine, and
52 shall sell such bonds in such manner as it may determine
53 to be for the best interest of the state, taking into con-
54 sideration the financial responsibility of the purchaser,
55 and the terms and conditions of the purchase, and espe-
56 cially the availability of the proceeds of the bonds when
57 required for payment of the cost of the project, such sale
58 to be made at a price not lower than a price which, com-
59 puted upon standard tables of bond values, will show
60 a net return of not more than four per cent per annum

61 to the purchaser upon the amount paid therefor. The
62 proceeds of such bonds shall be used solely for the pay-
63 ment of the cost of the project for which bonds were
64 issued, and shall be deposited and checked out as pro-
65 vided by section four of this article, and under such
66 further restrictions, if any, as the commission may pro-
67 vide. If the proceeds of bonds issued for a project shall
68 exceed the cost thereof, the surplus shall be paid into
69 the fund hereinafter provided for payment of the principal
70 and interest of such bonds. Such fund may be used for
71 the purchase of any of the outstanding bonds payable from
72 such fund at the market price, but at not exceeding the
73 price, if any, at which such bonds shall in the same year
74 be redeemable, and all bonds redeemed or purchased
75 shall forthwith be cancelled, and shall not again be issued.
76 Prior to the preparation of definitive bonds, the commis-
77 sion may, under like restrictions, issue temporary bonds
78 with or without coupons, exchangeable for definitive
79 bonds upon the issuance of the latter. Revenue bonds
80 issued under the authority herein granted shall be eligible
81 as investments for the workmen's compensation fund,

82 state sinking fund, teachers' retirement fund and as se-
83 curity for the deposit of all public funds. Such revenue
84 bonds may be issued without any other proceedings or
85 the happenings of any other conditions or things than
86 those proceedings, conditions and things which are speci-
87 fied and required by this article, or by the constitution
88 of the state: *Provided*, That the aggregate amount of all
89 issues of bonds outstanding at one time for all projects
90 authorized hereunder shall not exceed twenty-five million
91 dollars including the renegotiation, reissuance or refi-
92 nancing of any such bonds: *Provided, however*, That no
93 bonds or other obligations shall be issued or incurred
94 hereunder, unless and until the Legislature by concur-
95 rent resolution has approved the purpose and amount
96 of each separate project.

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

O. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *Jan* Passage.

Donald Meyer
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Lehan White
Speaker House of Delegates

The within *Approved* this the *15th*
day of *February*, 1966.

Herett C. Smith
Governor



FEB 15 1 58 PM '66
OFFICE OF THE GOVERNOR

PRESENTED TO THE
GOVERNOR

Date 2/14/66

Time 3:25 PM

FILED

FEB 15 7 55 PM '66

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA