WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 42

(BY MR. CARMICHAEL, PRESIDENT PRO TEMORE)

PASSED ............................................ 1966

In Effect ........................................... Passage

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


Section 1. Name of State Office Building Commission Changed; Members; Expenses of Members.—"The State Office Building Commission of West Virginia", heretofore created, shall continue in existence but on and after the effective date of this section shall be known and designated as "The State Building Commission of West Virginia" and shall continue as a body corporate and as an agency of the state of West Virginia. On and after the effective date of this section, the commission shall consist of the governor, the attorney general, the treasurer, the auditor, the commissioner of agriculture, the secretary of state, the president of the senate, the speaker of the house of delegates, the minority leader of the senate and the
minority leader of the house of delegates. The governor shall be chairman and the secretary of state shall be secretary of the commission. The members of the commission shall be paid or reimbursed for their necessary expenses incurred under this article, but shall receive no compensation for their services as members or officers of the commission. Such expenses shall be paid solely from funds provided under the authority of this article, and the commission shall not proceed to exercise or carry out any authority or power herein given it to bind said commission beyond the extent to which money has been provided under the authority of this article. The commission shall have the duties, powers and responsibilities provided for in this article.

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

The term “commission” shall mean the state building commission of West Virginia, or if said commission shall be abolished, any board or officer succeeding to the princi-
pal functions thereof, or upon whom the powers given to
said commission shall be given by law.

The term “bonds” shall mean bonds issued by the com-
mission pursuant to this article.

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

The term “cost of project” shall embrace the cost of
construction, the cost of equipping and furnishing same,
the cost of all land, property, material and labor which
are deemed essential thereto, the cost of improvements,
financing charges, interest during construction, and all
other expenses, including legal fees, trustees’, engineers’
and architects’ fees which are necessarily or properly inci-
dental to the project.

The term “rent” or “rental” shall include all moneys
received for the use of any part of a project either from
the state of West Virginia or any officer, department or
public corporation thereof: Provided, That nothing in
this article shall be taken to authorize the payment by or
on behalf of the state of any rent in excess of the fair
rental value of property used by or for such state officer
or department or public corporation in the exercise of his
or its statutory duties.

Sec. 3. Powers of the Commission.—The commision
shall have power:

1. To sue and be sued, plead and be impleaded;
2. To have a seal and alter the same at pleasure;
3. To contract to acquire and to acquire, in the name of
the commission or of the state, by purchase or otherwise,
real property or rights or easements necessary or con-
venient for its corporate purposes;
4. To acquire, hold and dispose of personal property
for its corporate purposes;
5. To make by-laws for the management and regulation
of its affairs;
6. With the consent of the attorney general of the state
of West Virginia to use the facilities of his office, assistants
and employees in all legal matters relating to or pertaining
to the commission;
7. To appoint officers, agents and employees, and fix their compensation;

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

9. To renegotiate all contracts entered into by it whenever, due to a change in situation, it appears to the commission that its interest will be best served;

10. To construct a building or buildings on real property, which it may acquire, or which may be owned by the state of West Virginia, in the city of Charleston, as convenient as may be to the capitol building, together with incidental approaches, structures and facilities, subject to such consent and approval of the city of Charleston in any case as may be necessary; and, in addition, to acquire or construct a warehouse, including office space therein, in Kanawha county for the West Virginia alcohol beverage control commissioner, and equip and furnish the same; and to acquire or construct buildings and additions to buildings (and equip and furnish the same), including remodeling, renovation, and repair, as may be required
for the safety and care of patients, guests and inmates at
hospitals under the jurisdiction and supervision of the de-
partment of mental health and at institutions under the
jurisdiction and supervision of the commissioner of public
institutions; and to formulate and program plans for the
orderly and timely capital improvement of all of said
hospitals and institutions and the state capitol buildings;
11. To maintain, construct and operate a project au-
 thorized hereunder;
12. To charge rentals for the use of any part of a proj-
ect, subject to and in accordance with such agreements
with bondholders as may be made as hereinafter provided;
13. To issue negotiable bonds and to provide for the
 rights of the holders thereof;
14. To enter on any lands and premises for the purpose
 of making surveys, soundings and examinations;
15. To do all things necessary or convenient to carry
 out the powers given in this article.
The rights and powers set forth in subparagraph ten
of this section shall not be construed as in derogation of
any rights and powers now vested in the West Virginia
Sec. 7. Commission Empowered to Issue State Building Revenue Bonds; Grants and Gifts.—The commission is hereby empowered to raise the cost of a project, as defined hereinabove, by the issuance of state building revenue bonds of the state, the principal of and interest on which bonds shall be payable solely from the special fund herein provided for such payment. Such bonds shall be authorized by resolution of the commission which shall recite an estimate by the commission of such cost, and shall provide for the issuance of bonds in an amount sufficient, when sold as hereinafter provided, to produce such cost, less the amount of any funds, grant or grants, gift or gifts received, or in the opinion of the commission expected to be received from the United States of America or from any other source. The acceptance by the commission of any and all such funds, grants and gifts, whether in money or in land, labor or materials, is hereby expressly authorized. All such bonds shall have and are here-
by declared to have all the qualities of negotiable instruments. Such bonds shall bear interest at not more than four per cent per annum, payable semi-annually, and shall mature in not more than twenty-five years from their date or dates, and may be made redeemable at the option of the state, to be exercised by the commission, at such price and under such terms and conditions as the commission may fix prior to the issuance of such bonds. The commission shall determine the form of such bonds, including coupons to be attached thereto to evidence the right of interest payments, which bonds shall be signed by the chairman and secretary of the commission, under the great seal of the state, attested by the secretary of state, and the coupons attached thereto shall bear the facsimile signature of said chairman of the commission. In case any of the officers whose signatures appear on the bonds or coupons issued as hereinbefore authorized shall cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. The commission shall fix the denomi-
nations of said bonds, the principal and interest of which shall be payable at the office of the treasurer of the state of West Virginia, at the capitol of said state, or, at the option of the holder, at some bank or trust company in the city of New York to be named in the bonds in such medium as may be determined by the commission. The said bonds shall be exempt from taxation by the state of West Virginia, or any county or municipality therein. The commission may provide for the registration of such bonds in the name of the owner as to principal alone, and as to both principal and interest under such terms and conditions as the commission may determine, and shall sell such bonds in such manner as it may determine to be for the best interest of the state, taking into consideration the financial responsibility of the purchaser, and the terms and conditions of the purchase, and especially the availability of the proceeds of the bonds when required for payment of the cost of the project, such sale to be made at a price not lower than a price which, computed upon standard tables of bond values, will show a net return of not more than four per cent per annum
to the purchaser upon the amount paid therefor. The proceeds of such bonds shall be used solely for the payment of the cost of the project for which bonds were issued, and shall be deposited and checked out as provided by section four of this article, and under such further restrictions, if any, as the commission may provide. If the proceeds of bonds issued for a project shall exceed the cost thereof, the surplus shall be paid into the fund hereinafter provided for payment of the principal and interest of such bonds. Such fund may be used for the purchase of any of the outstanding bonds payable from such fund at the market price, but at not exceeding the price, if any, at which such bonds shall in the same year be redeemable, and all bonds redeemed or purchased shall forthwith be cancelled, and shall not again be issued. Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue temporary bonds with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. Revenue bonds issued under the authority herein granted shall be eligible as investments for the workmen's compensation fund,
state sinking fund, teachers' retirement fund and as security for the deposit of all public funds. Such revenue bonds may be issued without any other proceedings or the happenings of any other conditions or things than those proceedings, conditions and things which are specified and required by this article, or by the constitution of the state: Provided, That the aggregate amount of all issues of bonds outstanding at one time for all projects authorized hereunder shall not exceed twenty-five million dollars including the renegotiation, reissuance or refinancing of any such bonds: Provided, however, That no bonds or other obligations shall be issued or incurred hereunder, unless and until the Legislature by concurrent resolution has approved the purpose and amount of each separate project.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect upon Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor