WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 944

(By Mr. Speaker, Mr. Boiarzky)

PASSED MARCH 13, 1971

In Effect FROM Passage
AN ACT to conform article six, chapter five of the code of West
Virginia, one thousand nine hundred thirty-one, as
amended, with the principles recently declared with re-
spect thereto in a decision by the supreme court of appeals
of West Virginia and to provide funds for the payment of
outstanding “State Building Revenue Bonds” issued pur-
suant to said article, by amending and reenacting said
article six and sections nine-a and nineteen-a, article
three, chapter sixty of said code; relating to the state
building commission of West Virginia, its composition,
the appointment, terms and qualifications of its members,
its chairman and secretary, the compensation and expenses of its members, and its powers and duties generally; setting forth certain legislative findings with respect to said "State Building Revenue Bonds", the public purpose of the projects constructed with the proceeds from said bonds, and said decision of the supreme court of appeals of West Virginia; defining various terms used in said article six; specifying various specific powers of said commission; relating to the deposits and disbursements of the commission; relating to security for its deposits and audits of its accounts; relating to the authority of the city of Charleston to make certain dedications to the commission; providing that contracts with the commission shall be secured by bonds; requiring competitive bids for certain contracts and specifying requirements with respect thereto; authorizing the issuance of state building revenue bonds; relating to the form of and requirements and procedures for the issuance of such bonds; relating to the interest on such bonds and the maturity thereof; exempting said bonds and the interest thereon from taxation; relating to the sale of said bonds and the proceeds
therefrom; relating to temporary bonds; authorizing such bonds as investments for certain state funds; authorizing a trustee for the holders of said bonds; relating to the contents of any trust agreement; providing that a trust exists in favor of the holders of existing "State Building Revenue Bonds"; relating to the management and control of projects of the commission; specifying that article shall not authorize state debt; specifying that compliance with article six and constitution only required; providing that said article six shall be liberally construed; providing a severability clause; continuing in effect a price increase of alcoholic liquors beyond the time the price increase would otherwise expire; providing for a further price increase of alcoholic liquors; requiring the receipts from such continued price increase and such further price increase to be paid into a special fund created in the office of the state treasurer for the purpose of the payment of said "State Building Revenue Bonds"; and providing that the West Virginia alcohol beverage control commissioner shall make quarterly payments in the amount of nine hundred thousand dollars into said special fund created in
the office of the state treasurer for the purpose of retiring said “State Building Revenue Bonds”.

Be it enacted by the Legislature of West Virginia:

That article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections nine-a and nineteen-a, article three, chapter sixty of said code be amended and reenacted, all to read as follows:

CHAPTER 5. GENERAL POWERS AND DUTIES OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; STATE BUILDING COMMISSION; SOCIAL SECURITY AGENCY; PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT; DEPARTMENT OF COMMERCE; WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT; HUMAN RIGHTS COMMISSION; WEST VIRGINIA ANTIQUITIES COMMISSION; PUBLIC EMPLOYEES' AND TEACHERS' RECIPROCAL SERVICE CREDIT ACT; WHITE CANE LAW.

ARTICLE 6. STATE BUILDING COMMISSION.

§5-6-1. Name of state office building commission changed; composition; appointment, terms and qualifications of members; chairman and secretary; compensation and expenses; powers and duties generally.

1 “The State Office Building Commission of West Virginia,” heretofore created, shall continue in existence but on and after February nine, one thousand nine hun-
dred sixty-six, 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 date aforesaid, the commission shall consist of the governor, and four additional members to be appointed by the governor by and with the advice and consent of the Senate. The terms of office for said members to be appointed by the governor shall be four years, except that the terms of office of the first four members so appointed by the governor shall be for one, two, three and four years respectively. No more than three of such members so appointed by the governor shall be members of the same political party, nor shall any of said members be members or employees of the executive, legislative or judicial branches of government of West Virginia or any political subdivision thereof. The governor shall be chairman of the commission. The secretary of state shall be a member of the commission and serve as its secretary, but shall not have the right to vote upon matters before the commission. All members of the
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: Provided, however, That each member of the commission appointed by the governor shall, in addition to such reimbursement for necessary expenses receive a per diem of thirty-five dollars for each day or substantial portion thereof that he is engaged in the work of the commission. Such expenses and per diem 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. On or before the fifteenth day of each month, the commission shall prepare and transmit to the president and minority leader of the Senate and the speaker and the minority leader of the House of Delegates a report cover-
§5-6-2. Legislative findings.

(a) The Legislature hereby finds that, with the concurrence of the Legislature, the commission heretofore authorized pursuant to resolution adopted on the eleventh day of March, one thousand nine hundred sixty-eight, the issuance of “State Building Revenue Bonds, Series 1968,” in the aggregate principal amount of twenty-four million two hundred thousand dollars; pursuant to resolution adopted the fourteenth day of October, one thousand nine hundred sixty-eight, the issuance of “State Building Revenue Bonds, Public Safety Series,” in the aggregate principal amount of two million five hundred thousand dollars; and pursuant to resolution adopted on the thirteenth day of April, one thousand nine hundred seventy, the issuance of “State Building Revenue Bonds, Science and Cultural Center Series,” in the aggregate principal amount of nine million dollars.

(b) The Legislature hereby further finds that the said “State Building Revenue Bonds, Series 1968” were
all sold and are now outstanding in the principal amount of twenty-four million two hundred thousand dollars; that the said "State Building Revenue Bonds, Public Safety Series" were all sold and are now outstanding in the principal amount of two million five hundred thousand dollars; and that said "State Building Revenue Bonds, Science and Cultural Center Series," in the principal amount of one million five hundred thousand dollars were sold and are now outstanding.

(c) The Legislature hereby further finds that the proceeds from the issuance and sale of the aforesaid "State Building Revenue Bonds, Series 1968", the aforesaid "State Building Revenue Bonds, Public Safety Series" and the aforesaid "State Building Revenue Bonds, Science and Cultural Center Series" have been expended or obligated in and for construction of or in connection with projects undertaken pursuant to this article, which projects are owned and held in the name of the state or the commission.

(d) The Legislature hereby further finds that the acquisition and construction of the aforesaid projects
have been in the best interests of the state by providing additional essential office space and other related structures which are needed for the use of the state, and the officers, departments, agencies and public corporations of the state, and the fulfillment of other public uses and purposes.

(e) The Legislature further finds and declares that the supreme court of appeals of West Virginia has held that the former provisions of this article were unconstitutional to the extent that the same contemplated that the principal of and the interest on bonds issued by the commission would be paid solely from a fund to be created and maintained from general tax revenues of the state.

(f) The Legislature further finds and declares that the amendments made by this act to this article are intended (1) to modify the provisions of this article so as to cause the same to be in full compliance with the provisions of the constitution of the state of West Virginia, which said court held were violated by the former provisions of this article, and to be in full com-
Enr. H. B. No. 944] 10

61 pliance with said decision of the supreme court of ap-
62 peals of West Virginia, and (2) to accord statutory recog-
63 nition to existing rights, legal and equitable, of the
64 holders of bonds heretofore issued by the commission,
65 afford security for the payment of the obligations evi-
66 denced thereby and provide a special fund for the pay-
67 ment of the obligations evidenced thereby.

§5-6-3. Definitions.

1 The following terms, wherever used or referred to in
2 this article, shall have the following meanings, unless a
3 different meaning clearly appears from the context:
4 (1) “Commission” means the state building commis-
5 sion of West Virginia or if said commission shall be
6 abolished, any board or officer succeeding to the princi-
7 pal functions thereof, or to whom the powers given to
8 said commission shall be given by law;
9 (2) “Bonds” means bonds issued by the commission
10 pursuant to this article;
11 (3) “Project” means collectively the acquisition of
12 land, the construction, equipping and furnishing of a
13 building or buildings, together with incidental approaches,
structures and facilities, herein authorized to be con-
structed;

(4) “Cost of project” includes the cost of construc-
tion, 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, financ-
ing 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;

(5) “General tax revenues of the state” means rev-
enues of the state derived from the exercise of the power
of taxation and available for appropriation by the Leg-
islature for general public purposes and shall not in-
clude revenues of the state, or of any officer, department
or agency thereof, derived from taxes levied, collected
and dedicated for a special purpose or purposes or de-
rived from sources other than taxes such as profits, fees
or charges; and

(6) “Rent” or “rental” includes 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, or from any instrumentality or po-
litical subdivision of the state, or directly or indirectly,
from the United States of America or any officer, de-
partment, agency, instrumentality or public corporation
thereof: Provided, That nothing in this article shall be
taken to authorize the payment to the commission by or
on behalf of the state, of general tax revenues of the
state: Provided, however, 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 depart-
ment or public corporation in the exercise of his or its
statutory duties.

§5-6-4. Powers of commission.

1 The commission shall have power:

2 (1) To sue and be sued, plead and be impleaded;

3 (2) To have a seal and alter the same at pleasure;

4 (3) To contract to acquire and to acquire, in the name

5 of the commission or of the state, by purchase or other-

6 wise, real property or rights or easements necessary or
(4) To acquire, hold and dispose of personal property
for its corporate purposes;
(5) To make bylaws for the management and regu-
lation 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 instru-
ments 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 interests 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, to-
gether with incidental approaches, structures and facili-
ties, subject to such consent and approval of the city of
Charleston in any case as may be necessary; and, in addi-
tion, 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 department 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 improve-
ment of all of said hospitals and institutions and the
state capitol buildings; and to construct a building or
buildings in Kanawha county to be used as a general
headquarters by the department of public safety to ac-
accommodate that department’s executive staff, clerical
offices, technical services, supply facilities and dormitory accommodations; and to develop, improve and expand state parks and recreational facilities to be operated by the department of natural resources; and to establish one or more systems or complexes of buildings and projects under control of the commission; and, subject to prior agreements with holders of bonds previously issued, to change the same from time to time, in order to facilitate the issuance and sale of bonds of different series on a parity with each other or having such priorities between series as the commission may determine; and to acquire by purchase, eminent domain or otherwise all real property or interests therein necessary or convenient to accomplish the purposes of this subdivision;

(11) To maintain, construct and operate a project authorized hereunder;

(12) To charge rentals for the use of all or any part of a project or buildings at any time financed, constructed, acquired or improved in whole or in part with the proceeds of sale of bonds issued pursuant to this article, subject to and in accordance with such agreements with
(13) To issue negotiable bonds and to provide for the rights of the holders thereof;

(14) To accept and expend any gift, grant or contribution of money to, or for the benefit of, the commission, from the state of West Virginia or any other source for any or all of the purposes specified in this article or for any one or more of such purposes as may be specified in connection with such gift, grant or contribution;

(15) To enter on any lands and premises for the purpose of making surveys, soundings and examinations;

(16) To invest in United States government obligations, on a short-term basis, any surplus funds which the commission may have on hand pending the completion of any project or projects; and

(17) To do all things necessary or convenient to carry out the powers given in this article.

The rights and powers set forth in subdivision (10) of this section shall not be construed as in derogation of any rights and powers now vested in the West Virginia
alcohol beverage control commissioner, the department of mental health, the commissioner of public institutions or the department of natural resources.

§5-6-5. Deposit and disbursement of funds of commission; security for deposits; audits.

1 All moneys of the commission from whatever source derived shall be paid to the treasurer of the state of West Virginia, who shall not commingle said moneys with any other moneys, but shall deposit them in a separate bank account or accounts. The moneys in said accounts shall be impressed with and subject to the lien or liens thereon in favor of the bondholders provided in the proceedings for issuance of bonds pursuant to this article. The moneys in said accounts shall be paid out on check of the treasurer on requisition of the chairman of the commission, or of such other person as the commission may authorize to make such requisition. All deposits of such moneys shall, if required by the treasurer or the commission, be secured by obligations of the United States, of the state of West Virginia, or of the commission, of a market value equal at all
times to the amount of the deposit, and all banking
institutions are authorized to give such security for
such deposits. The state auditor and his legally au-
thorized representatives are hereby authorized and em-
powered from time to time to examine the accounts and
books of the commission, including its receipts, disburse-
ments, contracts, leases, sinking funds, investments and
any other matters relating to its financial standing.

§5-6-6. City of Charleston may dedicate streets, property,
etc., to commission.

Notwithstanding the provisions of any other law, the
council of the city of Charleston is hereby authorized
to dedicate to the commission for a project any street,
real property, easements or rights in land or any com-
bination of the foregoing owned by such city.

§5-6-7. Contracts with commission to be secured by bond;
competitive bids required for contracts exceeding
two thousand dollars.

The commission shall construct a project pursuant to
a contract or contracts. Every such contract shall be
secured by a bond meeting the requirements of section
thirty-nine, article two, chapter thirty-eight of this
code.
No contract or contracts for the construction, remodeling, renovation or repair of any building or buildings or any approaches, structures or facilities incidental thereto, or for the equipping and furnishing of any building or buildings, when the anticipated expenditure therefor will exceed the sum of two thousand dollars, shall be entered into except upon the basis of competitive sealed bids. Such bids shall be obtained by public notice soliciting such bids published as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the county in which any such contract is to be performed. The publication shall be completed at least fourteen days prior to the final date for the submission of bids. The commission may in addition to such publication also solicit sealed bids by sending requests by mail to prospective bidders. The contract shall be awarded to the lowest responsible bidder, unless any and all bids are rejected, in which event new bids shall be sought by again publishing notice as aforesaid. Any
bid, with the name of the bidder, shall be entered on
a record and each record, with the successful bid indi-
cated thereon, shall, after the award of any contract,
be open to public inspection in the office of the secretary
of the commission.

§5-6-8. Commission empowered to issue state building rev-

enue bonds; form and requirements for bonds; pro-
cedure for issuance; temporary bonds; funds, grants
and gifts.

The commission is hereby empowered to raise the
cost of a project, as defined hereinabove, by the issu-
ance of state building revenue bonds of the state, the
principal of and interest on which bonds shall be pay-
able solely from the special fund herein provided for
such payment. Subject to the proceedings pursuant to
which any bonds outstanding were authorized and issued
pursuant to this article, the commission shall pledge
the moneys in such special fund, except such part of
the proceeds of sale of any bonds to be used to pay the
cost of a project, for the payment of the principal of
and interest on bonds issued pursuant to this article,
such pledge to apply equally and ratably to separate
series of bonds or upon such priorities as the commission shall determine. 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, contribution or contributions 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, gifts and contributions whether in money or in land, labor or materials, is hereby expressly authorized. All such bonds shall have and are hereby declared to have all the qualities of negotiable instruments. Such bonds shall bear interest at not more than eight percent per annum, payable semiannually, and shall mature in not more than forty 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 com-
mission 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 denominations 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 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 and interest thereon shall be exempt from tax-
ation 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 in-
terest under such terms and conditions as the com-
mission 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 avail-
ability 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 eight percent per annum to the pur-
chaser 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 five of this article, and under such further re-
strictions, 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. Notwithstanding the provisions of sections nine and ten, article six, chapter twelve of this code, revenue bonds issued under the authority herein granted shall be eligible as investments for the workmen's compensation fund, teachers retirement fund, department of public safety death, disability and retirement fund, West Virginia public employees retirement system 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. The aggregate amount of all issues of bonds outstanding at one time for all projects authorized hereunder shall not exceed sixty-two million five hundred thousand dollars including the renegotiation, reissuance or refinancing of any such bonds. 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.

§5-6-9. **Trustee for holders of bonds; contents of trust agreement.**

1 The commission may enter into an agreement or agreements with any trust company, or with any bank having the powers of a trust company, whether within or outside of the state, as trustee for the holders of bonds issued hereunder, setting forth therein such duties of
the state and of the commission in respect of the acquisition, construction, improvement, maintenance, operation, repair and insurance of the project, the conservation and application of all moneys, the insurance of moneys on hand or on deposit, and the rights and remedies of the trustee and the holders of the bonds, as may be agreed upon with the original purchasers of such bonds, and including therein provisions restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds and debentures of corporations, protecting and enforcing the rights and remedies of the trustee and the bondholders, and providing for approval by the original purchasers of the bonds of the appointment of consulting architects, and of the security given by those who contract to construct the building, and by any bank or trust company in which the proceeds of bonds or rentals shall be deposited, and for approval by the consulting architects of all contracts for construction. All expenses incurred in carrying out such agreement may be treated as a part of the cost of maintenance, operation and repairs of the project.
§5-6-10. Trust existing in favor of existing bondholders.

1. The properties and interests in properties, real, personal and mixed, tangible and intangible, standing or held in the name of or for and in behalf of, or for the benefit of, the commission, or the state of West Virginia to the extent that the same were acquired or improved by the expenditure of the proceeds of bonds heretofore issued by the commission, and the moneys, deposits, securities and choses in action and other rights held in the name of or for and in behalf of, or for the benefit of, the commission, other than moneys, deposits, securities, choses in action and other rights which are, or which are investments of, (1) proceeds of bonds heretofore issued by the commission held for expenditure for completion of now existing projects of the commission, or (2) revenues of the commission from existing projects of the commission which, after provision for operation and maintenance expenses and coverage requirements not otherwise provided for, are in excess of sums required to pay the principal of and interest on the bonds of the commission heretofore issued, as and when due.
and payable, or (3) proceeds of bonds of the commission issued hereafter, or (4) revenues of the commission from projects hereafter acquired or constructed by the commission, are declared to be subject to and shall be held by the commission in trust for the satisfaction of the obligations evidenced by the bonds heretofore issued by the commission and the interest coupons thereon: Provided, That nothing in this article shall be taken to validate or to attempt to validate rights under any existing lease or other agreement entered into under the former provisions of this article between the commission and the state of West Virginia or any officer, department or agency thereof to the extent that such lease or agreement provides for payments from general tax revenues of the state. Until the satisfaction in full of the obligations evidenced by bonds heretofore issued by the commission, the commission shall hold, manage and operate the aforesaid trust properties and interests in properties, moneys, deposits, securities and choses in action and other rights, separate from all other properties and interests in properties, moneys, deposits, securities and
chooses in action and other rights that may hereafter be
held and owned by the commission. Upon the satisfac-
tion of all of the aforesaid obligations of the commission,
all of the aforesaid trust properties and interests in prop-
erties, moneys, deposits, securities and choses in action
and other rights shall become and be free and clear of
the aforesaid trust.

§5-6-11. Management and control of project.

1 The commission shall properly maintain, repair, oper-
ate, manage and control the project, fix the rates of
rental, and establish bylaws and rules and regulations
for the use and operation of the project, and may make
and enter into all contracts or agreements necessary and
incidental to the performance of its duties and the exe-
cution of its powers under this article.

§5-6-12. Article not authority to create state debt.

1 Nothing in this article contained shall be so construed
or interpreted as to authorize or permit the incurring of
state debt of any kind or nature as contemplated by the
provisions of the constitution of the state of West Vir-
ginia in relation to state debt.
§5-6-13. Compliance with article and state constitution only restrictions on construction and management of project.

1. It shall not be necessary to secure from any officer or board not named in this article any approval or consent, or any certificate or finding, or to hold an election, or to take any proceedings whatever, either for the construction of such project, or the improvement, maintenance, operation or repair thereof, or for the issuance of bonds hereunder, except such as are prescribed by this article or are required by the constitution of the state.

§5-6-14. Article to be liberally construed.

1. This article, being necessary for the health, welfare and convenience of the citizens of the state, should be liberally construed to effectuate the purposes thereof.

§5-6-15. Severability.

1. If any provision or any part or clause of any provision of this article, or the application thereof to any person or circumstance, is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other provisions, or other parts or other clauses of any pro-
vision, or applications of this article, and to this end the
provisions of this article are declared to be severable.

CHAPTER 60. STATE CONTROL OF ALCOHOLIC LIQUORS.

ARTICLE 3. SALES.

§60-3-9a. Additional price increase for payment of Korean veterans' bonus bonds and payment of state building revenue bonds.

For the purpose of providing revenue for the payment of bonds issued under and by virtue of said "Korean Veterans' Bonus Amendment" of one thousand nine hundred fifty-six the commissioner in the exercise of his authority under section nine of this article is hereby directed to increase the price of alcoholic liquors in addition to the price increase provided in said section nine hereof, on or before the last day of June, one thousand nine hundred fifty-seven, in an amount sufficient to produce an additional revenue of one million eight hundred thousand dollars on an annual volume of business equal to the average for the last three years. Whenever in any fiscal year the amount of money accumulated in the veterans' bonus sinking fund for the retirement of Korean veterans' bonus
bonds shall be sufficient to pay at maturity all outstanding bonus bonds issued under said "Korean Veterans' Bonus Amendment" of one thousand nine hundred fifty-six, together with the interest due or payable thereon, then the commissioner is hereby directed to continue in effect the aforesaid price increase of alcoholic liquors and further increase the same as necessary for such continued increase together with such further increase to equal an amount sufficient to provide revenue of three million six hundred thousand dollars on an annual volume of business equal to the average for the last three years for the purpose of providing revenue to be paid into a special fund hereby created in the office of the state treasurer for the purpose of the payment of principal and interest on bonds of the state known as the "State Building Revenue Bonds", and for which payment, to the extent that the state building commission of West Virginia has available space in buildings operated by it in excess of revenue producing uses, said commission shall provide at its established rates and charges such available excess space for use by such of-
ficers, departments or agencies of the state as the com-
missioner of finance and administration, or such other
officer, agency or department as shall from time to time
have the duty to arrange for office space for officers,
departments or agencies of the state, shall specify.
Whenever in any fiscal year the amount of money ac-
cumulated in the special fund for the retirement of said
"State Building Revenue Bonds" shall be sufficient to
pay at maturity all outstanding bonds together with the
interest due or payable thereon, the provision herein
made for continuing in effect the aforesaid price increase
and the provision herein for a further price increase
shall become ineffective at the end of such fiscal year.

§60-3-19a. Payment into veterans' bonus sinking fund for
retirement of Korean veterans' bonus bonds and
payment into special fund for retirement of state
building revenue bonds.

1 On and after the first day of July, one thousand nine
2 hundred fifty-seven, from receipts in excess of the re-
3 quirements of the operating fund of the commissioner,
4 the sum of four hundred fifty thousand dollars shall,
5 upon requisition of the governor, be paid each quarter
6 into the veterans’ bonus sinking fund to be used for
7 the purpose of retiring bonds issued under said “Korean
8 Veterans’ Bonus Amendment” of one thousand nine hun-
9 dred fifty-six. Whenever, in any fiscal year, the amount
10 of money accumulated in the veterans’ bonus sinking
11 fund for the retirement of said Korean veterans’ bonus
12 bonds shall be sufficient to pay at maturity all outstand-
13 ing bonus bonds issued under the “Korean Veterans’
14 Bonus Amendment” of one thousand nine hundred fifty-
15 six, together with interest due or payable thereon, no
16 further transfers to such sinking fund shall be made
17 after the end of such fiscal year. Thereafter, from re-
18 ceipts in excess of the requirements of the operating
19 fund of the commissioner, the sum of nine hundred
20 thousand dollars shall be paid by the commissioner
21 each quarter into the special fund created in section
22 nine-a of this article for the purpose of retiring bonds
23 of the state known as the “State Building Revenue
24 Bonds.” It shall be the duty and responsibility of the
25 state treasurer to pay the principal and interest on said
26 bonds as they become due and payable. Whenever, in
any fiscal year, the amount of money accumulated in
the special fund for the retirement of said "State Build-
ing Revenue Bonds" is sufficient to pay at maturity all
of the outstanding bonds, together with interest due or
payable thereon, no further transfers to such special
fund shall be made after the end of such fiscal year.
Nothing in section nine-a of this article or in this sec-
tion nineteen-a contained shall be taken as limiting the
power and authority of the Legislature to at any time
appropriate the aforesaid receipts for some other purpose
or make other direction or provision respecting such
receipts.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 1st day of April, 1971.

Governor