

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 944

(By Mr. SPEAKER MR. BOIARSKY)



PASSED MARCH 13, 1971

In Effect From Passage



FILED IN THE OFFICE
ICHTH O. COMBSFILLER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

944

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[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 respect 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 pursuant 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 Vir-
2 ginia," heretofore created, shall continue in existence
3 but on and after February nine, one thousand nine hun-

4 dred sixty-six, shall be known and designated as "The
5 State Building Commission of West Virginia" and shall
6 continue as a body corporate and as an agency of the
7 state of West Virginia. On and after the date aforesaid,
8 the commission shall consist of the governor, and four
9 additional members to be appointed by the governor
10 by and with the advice and consent of the Senate. The
11 terms of office for said members to be appointed by
12 the governor shall be four years, except that the terms
13 of office of the first four members so appointed by
14 the governor shall be for one, two, three and four
15 years respectively. No more than three of such mem-
16 bers so appointed by the governor shall be members
17 of the same political party, nor shall any of said members
18 be members or employees of the executive, legislative
19 or judicial branches of government of West Virginia
20 or any political subdivision thereof. The governor shall
21 be chairman of the commission. The secretary of state
22 shall be a member of the commission and serve as its
23 secretary, but shall not have the right to vote upon
24 matters before the commission. All members of the

25 commission shall be citizens and residents of this state.
26 The members of the commission shall be paid or reim-
27 bursed for their necessary expenses incurred under this
28 article, but shall receive no compensation for their ser-
29 vices as members or officers of the commission: *Pro-*
30 *vided, however,* That each member of the commission
31 appointed by the governor shall, in addition to such
32 reimbursement for necessary expenses receive a per
33 diem of thirty-five dollars for each day or substantial
34 portion thereof that he is engaged in the work of the
35 commission. Such expenses and per diem shall be paid
36 solely from funds provided under the authority of this
37 article, and the commission shall not proceed to exercise
38 or carry out any authority or power herein given it to
39 bind said commission beyond the extent to which money
40 has been provided under the authority of this article.
41 On or before the fifteenth day of each month, the com-
42 mission shall prepare and transmit to the president and
43 minority leader of the Senate and the speaker and the
44 minority leader of the House of Delegates a report cover-

45 ing the activities of the said commission for the pre-
46 ceding calender month.

§5-6-2. Legislative findings.

1 (a) The Legislature hereby finds that, with the con-
2 currence of the Legislature, the commission heretofore
3 authorized pursuant to resolution adopted on the eleventh
4 day of March, one thousand nine hundred sixty-eight,
5 the issuance of "State Building Revenue Bonds, Series
6 1968," in the aggregate principal amount of twenty-four
7 million two hundred thousand dollars; pursuant to reso-
8 lution adopted the fourteenth day of October, one thou-
9 sand nine hundred sixty-eight, the issuance of "State
10 Building Revenue Bonds, Public Safety Series," in the
11 aggregate principal amount of two million five hundred
12 thousand dollars; and pursuant to resolution adopted
13 on the thirteenth day of April, one thousand nine hun-
14 dred seventy, the issuance of "State Building Revenue
15 Bonds, Science and Cultural Center Series," in the
16 aggregate principal amount of nine million dollars.

17 (b) The Legislature hereby further finds that the
18 said "State Building Revenue Bonds, Series 1968" were

19 all sold and are now outstanding in the principal amount
20 of twenty-four million two hundred thousand dollars;
21 that the said "State Building Revenue Bonds, Public
22 Safety Series" were all sold and are now outstanding
23 in the principal amount of two million five hundred
24 thousand dollars; and that said "State Building Revenue
25 Bonds, Science and Cultural Center Series," in the prin-
26 cipal amount of one million five hundred thousand dol-
27 lars were sold and are now outstanding.

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

38 (d) The Legislature hereby further finds that the
39 acquisition and construction of the aforesaid projects

40 have been in the best interests of the state by providing
41 additional essential office space and other related struc-
42 tures which are needed for the use of the state, and the
43 officers, departments, agencies and public corporations
44 of the state, and the fulfillment of other public uses and
45 purposes.

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

54 (f) The Legislature further finds and declares that
55 the amendments made by this act to this article are
56 intended (1) to modify the provisions of this article
57 so as to cause the same to be in full compliance with
58 the provisions of the constitution of the state of West
59 Virginia, which said court held were violated by the
60 former provisions of this article, and to be in full com-

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,

14 structures and facilities, herein authorized to be con-
15 structed;

16 (4) "Cost of project" includes the cost of construc-
17 tion, the cost of equipping and furnishing same, the cost
18 of all land, property, material and labor which are
19 deemed essential thereto, the cost of improvements, financ-
20 ing charges, interest during construction, and all other
21 expenses, including legal fees, trustees', engineers' and
22 architects' fees which are necessarily or properly inci-
23 dental to the project;

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

33 (6) "Rent" or "rental" includes all moneys received
34 for the use of any part of a project either from the state

35 of West Virginia or any officer, department or public
36 corporation thereof, or from any instrumentality or po-
37 litical subdivision of the state, or directly or indirectly,
38 from the United States of America or any officer, de-
39 partment, agency, instrumentality or public corporation
40 thereof: *Provided*, That nothing in this article shall be
41 taken to authorize the payment to the commission by or
42 on behalf of the state, of general tax revenues of the
43 state: *Provided, however*, That nothing in this article
44 shall be taken to authorize the payment by or on behalf
45 of the state of any rent in excess of the fair rental value
46 of property used by or for such state officer or depart-
47 ment or public corporation in the exercise of his or its
48 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

7 convenient for its corporate purposes and to exercise the
8 power of eminent domain to accomplish such purposes;

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

11 (5) To make bylaws for the management and regu-
12 lation of its affairs;

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

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

19 (8) To make contracts, and to execute all instru-
20 ments necessary or convenient to effectuate the intent of,
21 and to exercise the powers granted to it by, this article;

22 (9) To renegotiate all contracts entered into by it
23 whenever, due to a change in situation, it appears to the
24 commission that its interests will be best served;

25 (10) To construct a building or buildings on real
26 property, which it may acquire, or which may be owned
27 by the state of West Virginia, in the city of Charleston,

28 as convenient as may be to the capitol building, to-
29 gether with incidental approaches, structures and facili-
30 ties, subject to such consent and approval of the city of
31 Charleston in any case as may be necessary; and, in addi-
32 tion, to acquire or construct a warehouse, including office
33 space therein, in Kanawha county for the West Virginia
34 alcohol beverage control commissioner, and equip and
35 furnish the same; and to acquire or construct buildings
36 and additions to buildings (and equip and furnish the
37 same), including remodeling, renovation and repair, as
38 may be required for the safety and care of patients,
39 guests and inmates at hospitals under the jurisdiction and
40 supervision of the department of mental health and at
41 institutions under the jurisdiction and supervision of the
42 commissioner of public institutons; and to formulate and
43 program plans for the orderly and timely capital improve-
44 ment of all of said hospitals and institutions and the
45 state capitol buildings; and to construct a building or
46 buildings in Kanawha county to be used as a general
47 headquarters by the department of public safety to ac-
48 commodate that department's executive staff, clerical

49 offices, technical services, supply facilities and dormitory
50 accommodations; and to develop, improve and expand
51 state parks and recreational facilities to be operated by
52 the department of natural resources; and to establish one
53 or more systems or complexes of buildings and projects
54 under control of the commission; and, subject to prior
55 agreements with holders of bonds previously issued, to
56 change the same from time to time, in order to facilitate
57 the issuance and sale of bonds of different series on a
58 parity with each other or having such priorities between
59 series as the commission may determine; and to acquire
60 by purchase, eminent domain or otherwise all real prop-
61 erty or interests therein necessary or convenient to ac-
62 complish the purposes of this subdivision;

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

65 (12) To charge rentals for the use of all or any part
66 of a project or buildings at any time financed, constructed,
67 acquired or improved in whole or in part with the pro-
68 ceeds of sale of bonds issued pursuant to this article,
69 subject to and in accordance with such agreements with

70 bondholders as may be made as hereinafter provided;

71 (13) To issue negotiable bonds and to provide for
72 the rights of the holders thereof;

73 (14) To accept and expend any gift, grant or con-
74 tribution of money to, or for the benefit of, the com-
75 mission, from the state of West Virginia or any other
76 source for any or all of the purposes specified in this
77 article or for any one or more of such purposes as may
78 be specified in connection with such gift, grant or con-
79 tribution;

80 (15) To enter on any lands and premises for the pur-
81 pose of making surveys, soundings and examinations;

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

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

88 The rights and powers set forth in subdivision (10)
89 of this section shall not be construed as in derogation of
90 any rights and powers now vested in the West Virginia

91 alcohol beverage control commissioner, the department
92 of mental health, the commissioner of public institutions
93 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
2 derived shall be paid to the treasurer of the state of
3 West Virginia, who shall not commingle said moneys
4 with any other moneys, but shall deposit them in a
5 separate bank account or accounts. The moneys in said
6 accounts shall be impressed with and subject to the lien
7 or liens thereon in favor of the bondholders provided
8 in the proceedings for issuance of bonds pursuant to
9 this article. The moneys in said accounts shall be paid
10 out on check of the treasurer on requisition of the
11 chairman of the commission, or of such other person as
12 the commission may authorize to make such requisition.
13 All deposits of such moneys shall, if required by
14 the treasurer or the commission, be secured by obligations
15 of the United States, of the state of West Virginia,
16 or of the commission, of a market value equal at all

17 times to the amount of the deposit, and all banking
18 institutions are authorized to give such security for
19 such deposits. The state auditor and his legally au-
20 thorized representatives are hereby authorized and em-
21 powered from time to time to examine the accounts and
22 books of the commission, including its receipts, disburse-
23 ments, contracts, leases, sinking funds, investments and
24 any other matters relating to its financial standing.

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

1 Notwithstanding the provisions of any other law, the
2 council of the city of Charleston is hereby authorized
3 to dedicate to the commission for a project any street,
4 real property, easements or rights in land or any com-
5 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.**

1 The commission shall construct a project pursuant to
2 a contract or contracts. Every such contract shall be
3 secured by a bond meeting the requirements of section
4 thirty-nine, article two, chapter thirty-eight of this
5 code.

6 No contract or contracts for the construction, re-
7 modeling, renovation or repair of any building or build-
8 ings or any approaches, structures or facilities incidental
9 thereto, or for the equipping and furnishing of any build-
10 ing or buildings, when the anticipated expenditure
11 therefor will exceed the sum of two thousand dollars,
12 shall be entered into except upon the basis of com-
13 petitive sealed bids. Such bids shall be obtained by
14 public notice soliciting such bids published as a Class
15 II legal advertisement in compliance with the provi-
16 sions of article three, chapter fifty-nine of this code,
17 and the publication area for such publication shall be
18 the county in which any such contract is to be per-
19 formed. The publication shall be completed at least four-
20 teen days prior to the final date for the submission of
21 bids. The commission may in addition to such publi-
22 cation also solicit sealed bids by sending requests by
23 mail to prospective bidders. The contract shall be
24 awarded to the lowest responsible bidder, unless any
25 and all bids are rejected, in which event new bids shall
26 be sought by again publishing notice as aforesaid. Any

27 bid, with the name of the bidder, shall be entered on
28 a record and each record, with the successful bid indi-
29 cated thereon, shall, after the award of any contract,
30 be open to public inspection in the office of the secretary
31 of the commission.

§5-6-8. Commission empowered to issue state building revenue bonds; form and requirements for bonds; procedure for issuance; temporary bonds; funds, grants and gifts.

1 The commission is hereby empowered to raise the
2 cost of a project, as defined hereinabove, by the issu-
3 ance of state building revenue bonds of the state, the
4 principal of and interest on which bonds shall be pay-
5 able solely from the special fund herein provided for
6 such payment. Subject to the proceedings pursuant to
7 which any bonds outstanding were authorized and issued
8 pursuant to this article, the commission shall pledge
9 the moneys in such special fund, except such part of
10 the proceeds of sale of any bonds to be used to pay the
11 cost of a project, for the payment of the principal of
12 and interest on bonds issued pursuant to this article,
13 such pledge to apply equally and ratably to separate

14 series of bonds or upon such priorities as the commission
15 shall determine. Such bonds shall be authorized by
16 resolution of the commission which shall recite an esti-
17 mate by the commission of such cost, and shall provide
18 for the issuance of bonds in an amount sufficient, when
19 sold as hereinafter provided, to produce such cost, less
20 the amount of any funds, grant or grants, gift or gifts,
21 contribution or contributions received, or in the opinion
22 of the commission expected to be received, from the
23 United States of America or from any other source. The
24 acceptance by the commission of any and all such funds,
25 grants, gifts and contributions whether in money or
26 in land, labor or materials, is hereby expressly autho-
27 rized. All such bonds shall have and are hereby de-
28 clared to have all the qualities of negotiable instru-
29 ments. Such bonds shall bear interest at not more than
30 eight percent per annum, payable semiannually, and
31 shall mature in not more than forty years from their
32 date or dates, and may be made redeemable at the option
33 of the state, to be exercised by the commission, at such
34 price and under such terms and conditions as the com-

35 mission may fix prior to the issuance of such bonds.
36 The commission shall determine the form of such bonds,
37 including coupons to be attached thereto to evidence
38 the right of interest payments, which bonds shall be
39 signed by the chairman and secretary of the commis-
40 sion, under the great seal of the state, attested by the
41 secretary of state, and the coupons attached thereto shall
42 bear the facsimile signature of said chairman of the
43 commission. In case any of the officers whose signatures
44 appear on the bonds or coupons issued as hereinbefore
45 authorized shall cease to be such officers before the
46 delivery of such bonds, such signatures shall neverthe-
47 less be valid and sufficient for all purposes the same
48 as if they had remained in office until such delivery.
49 The commission shall fix the denominations of said
50 bonds, the principal and interest of which shall be pay-
51 able at the office of the treasurer of the state of West
52 Virginia, at the capitol of said state, or, at option of
53 the holder, at some bank or trust company in the city
54 of New York to be named in the bonds in such medium
55 as may be determined by the commission. The said

56 bonds and interest thereon shall be exempt from tax-
57 ation by the state of West Virginia, or any county or
58 municipality therein. The commission may provide for
59 the registration of such bonds in the name of the owner
60 as to principal alone, and as to both principal and in-
61 terest under such terms and conditions as the com-
62 mission may determine, and shall sell such bonds in
63 such manner as it may determine to be for the best
64 interest of the state, taking into consideration the
65 financial responsibility of the purchaser, and the terms
66 and conditions of the purchase, and especially the avail-
67 ability of the proceeds of the bonds when required for
68 payment of the cost of the project, such sale to be made
69 at a price not lower than a price which, computed upon
70 standard tables of bond values, will show a net return
71 of not more than eight percent per annum to the pur-
72 chaser upon the amount paid therefor. The proceeds
73 of such bonds shall be used solely for the payment of
74 the cost of the project for which bonds were issued,
75 and shall be deposited and checked out as provided by
76 section five of this article, and under such further re-

77 strictions, if any, as the commission may provide. If
78 the proceeds of bonds issued for a project shall exceed
79 the cost thereof, the surplus shall be paid into the fund
80 hereinafter provided for payment of the principal and
81 interest of such bonds. Such fund may be used for the
82 purchase of any of the outstanding bonds payable from
83 such fund at the market price, but at not exceeding
84 the price, if any, at which such bonds shall in the same
85 year be redeemable, and all bonds redeemed or pur-
86 chased shall forthwith be cancelled, and shall not again
87 be issued. Prior to the preparation of definitive bonds,
88 the commission may, under like restrictions, issue tem-
89 porary bonds with or without coupons, exchangeable
90 for definitive bonds upon the issuance of the latter.
91 Notwithstanding the provisions of sections nine and ten,
92 article six, chapter twelve of this code, revenue bonds
93 issued under the authority herein granted shall be
94 eligible as investments for the workmen's compensation
95 fund, teachers retirement fund, department of public
96 safety death, disability and retirement fund, West Vir-
97 ginia public employees retirement system and as security

98 for the deposit of all public funds. Such revenue bonds
99 may be issued without any other proceedings or the
100 happenings of any other conditions or things than those
101 proceedings, conditions and things which are specified
102 and required by this article, or by the constitution of
103 the state. The aggregate amount of all issues of bonds
104 outstanding at one time for all projects authorized here-
105 under shall not exceed sixty-two million five hundred
106 thousand dollars including the renegotiation, reissuance
107 or refinancing of any such bonds. No bonds or other
108 obligations shall be issued or incurred hereunder, unless
109 and until the Legislature by concurrent resolution has
110 approved the purpose and amount of each separate
111 project.

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

1 The commission may enter into an agreement or agree-
2 ments with any trust company, or with any bank hav-
3 ing the powers of a trust company, whether within or
4 outside of the state, as trustee for the holders of bonds
5 issued hereunder, setting forth therein such duties of

6 the state and of the commission in respect of the ac-
7 quisition, construction, improvement, maintenance, oper-
8 ation, repair and insurance of the project, the conserva-
9 tion and application of all moneys, the insurance of
10 moneys on hand or on deposit, and the rights and reme-
11 dies of the trustee and the holders of the bonds, as may
12 be agreed upon with the original purchasers of such
13 bonds, and including therein provisions restricting the
14 individual right of action of bondholders as is customary
15 in trust agreements respecting bonds and debentures of
16 corporations, protecting and enforcing the rights and
17 remedies of the trustee and the bondholders, and provid-
18 ing for approval by the original purchasers of the bonds
19 of the appointment of consulting architects, and of the
20 security given by those who contract to construct the
21 building, and by any bank or trust company in which the
22 proceeds of bonds or rentals shall be deposited, and for
23 approval by the consulting architects of all contracts for
24 construction. All expenses incurred in carrying out such
25 agreement may be treated as a part of the cost of main-
26 tenance, operation and repairs of the project.

§5-6-10. Trust existing in favor of existing bondholders.

1 The properties and interests in properties, real, per-
2 sonal and mixed, tangible and intangible, standing or
3 held in the name of or for and in behalf of, or for the
4 benefit of, the commission, or the state of West Virginia
5 to the extent that the same were acquired or improved
6 by the expenditure of the proceeds of bonds heretofore
7 issued by the commission, and the moneys, deposits, se-
8 curities and choses in action and other rights held in
9 the name of or for and in behalf of, or for the benefit of,
10 the commission, other than moneys, deposits, securities,
11 choses in action and other rights which are, or which
12 are investments of, (1) proceeds of bonds heretofore
13 issued by the commission held for expenditure for com-
14 pletion of now existing projects of the commission, or
15 (2) revenues of the commission from existing projects
16 of the commission which, after provision for operation
17 and maintenance expenses and coverage requirements
18 not otherwise provided for, are in excess of sums re-
19 quired to pay the principal of and interest on the bonds
20 of the commission heretofore issued, as and when due

21 and payable, or (3) proceeds of bonds of the commission
22 issued hereafter, or (4) revenues of the commission from
23 projects hereafter acquired or constructed by the com-
24 mission, are declared to be subject to and shall be held
25 by the commission in trust for the satisfaction of the
26 obligations evidenced by the bonds heretofore issued by
27 the commission and the interest coupons thereon: *Pro-*
28 *vided*, That nothing in this article shall be taken to vali-
29 date or to attempt to validate rights under any existing
30 lease or other agreement entered into under the former
31 provisions of this article between the commission and
32 the state of West Virginia or any officer, department or
33 agency thereof to the extent that such lease or agree-
34 ment provides for payments from general tax revenues
35 of the state. Until the satisfaction in full of the obliga-
36 tions evidenced by bonds heretofore issued by the com-
37 mission, the commission shall hold, manage and operate
38 the aforesaid trust properties and interests in properties,
39 moneys, deposits, securities and choses in action and
40 other rights, separate from all other properties and in-
41 terests in properties, moneys, deposits, securities and

42 choses in action and other rights that may hereafter be
43 held and owned by the commission. Upon the satisfac-
44 tion of all of the aforesaid obligations of the commission,
45 all of the aforesaid trust properties and interests in prop-
46 erties, moneys, deposits, securities and choses in action
47 and other rights shall become and be free and clear of
48 the aforesaid trust.

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

1 The commission shall properly maintain, repair, oper-
2 ate, manage and control the project, fix the rates of
3 rental, and establish bylaws and rules and regulations
4 for the use and operation of the project, and may make
5 and enter into all contracts or agreements necessary and
6 incidental to the performance of its duties and the exe-
7 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
2 or interpreted as to authorize or permit the incurring of
3 state debt of any kind or nature as contemplated by the
4 provisions of the constitution of the state of West Vir-
5 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
2 board not named in this article any approval or consent,
3 or any certificate or finding, or to hold an election, or to
4 take any proceedings whatever, either for the construc-
5 tion of such project, or the improvement, maintenance,
6 operation or repair thereof, or for the issuance of bonds
7 hereunder, except such as are prescribed by this article
8 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
2 and convenience of the citizens of the state, should be
3 liberally construed to effectuate the purposes thereof.

§5-6-15. Severability.

1 If any provision or any part or clause of any provision
2 of this article, or the application thereof to any person
3 or circumstance, is held unconstitutional or invalid, such
4 unconstitutionality or invalidity shall not affect other
5 provisions, or other parts or other clauses of any pro-

6 vision, or applications of this article, and to this end the
7 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 build-
ing revenue bonds.**

1 For the purpose of providing revenue for the pay-
2 ment of bonds issued under and by virtue of said
3 "Korean Veterans' Bonus Amendment" of one thousand
4 nine hundred fifty-six the commissioner in the exer-
5 cise of his authority under section nine of this article
6 is hereby directed to increase the price of alcoholic
7 liquors in addition to the price increase provided in
8 said section nine hereof, on or before the last day of
9 June, one thousand nine hundred fifty-seven, in an
10 amount sufficient to produce an additional revenue of
11 one million eight hundred thousand dollars on an an-
12 nual volume of business equal to the average for the
13 last three years. Whenever in any fiscal year the amount
14 of money accumulated in the veterans' bonus sinking
15 fund for the retirement of Korean veterans' bonus

16 bonds shall be sufficient to pay at maturity all outstand-
17 ing bonus bonds issued under said "Korean Veterans'
18 Bonus Amendment" of one thousand nine hundred fifty-
19 six, together with the interest due or payable thereon,
20 then the commissioner is hereby directed to continue
21 in effect the aforesaid price increase of alcoholic liquors
22 and further increase the same as necessary for such
23 continued increase together with such further increase
24 to equal an amount sufficient to provide revenue of
25 three million six hundred thousand dollars on an annual
26 volume of business equal to the average for the last
27 three years for the purpose of providing revenue to
28 be paid into a special fund hereby created in the office
29 of the state treasurer for the purpose of the payment
30 of principal and interest on bonds of the state known
31 as the "State Building Revenue Bonds", and for which
32 payment, to the extent that the state building commis-
33 sion of West Virginia has available space in buildings
34 operated by it in excess of revenue producing uses, said
35 commission shall provide at its established rates and
36 charges such available excess space for use by such of-

37 ficers, departments or agencies of the state as the com-
38 missioner of finance and administration, or such other
39 officer, agency or department as shall from time to time
40 have the duty to arrange for office space for officers,
41 departments or agencies of the state, shall specify.
42 Whenever in any fiscal year the amount of money ac-
43 cumulated in the special fund for the retirement of said
44 "State Building Revenue Bonds" shall be sufficient to
45 pay at maturity all outstanding bonds together with the
46 interest due or payable thereon, the provision herein
47 made for continuing in effect the aforesaid price increase
48 and the provision herein for a further price increase
49 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

27 any fiscal year, the amount of money accumulated in
28 the special fund for the retirement of said "State Build-
29 ing Revenue Bonds" is sufficient to pay at maturity all
30 of the outstanding bonds, together with interest due or
31 payable thereon, no further transfers to such special
32 fund shall be made after the end of such fiscal year.
33 Nothing in section nine-a of this article or in this sec-
34 tion nineteen-a contained shall be taken as limiting the
35 power and authority of the Legislature to at any time
36 appropriate the aforesaid receipts for some other purpose
37 or make other direction or provision respecting such
38 receipts.

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

Russell G. Bell
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect from passage.

Johnnie Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. Hans McCount
President of the Senate

Lewis N. McManus
Speaker House of Delegates

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

Arch A. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/19/71

Time 11:00 a.m.

RECEIVED

APR 2 11 53 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA