WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED
SENATE BILL NO. 379

(By Mr. [Name] and Mr. [Name])

PASSED.................. 1972

In Effect. 90 Days From Passage
AN ACT to amend chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article six, relating to creating a legislative building commission; its composition; appointment of commission members; filling of vacancies on commission; election of commission officers; compensation and expenses of commission members; powers and duties of commission generally; specifically authorizing commission to acquire land, construct, equip and furnish a state legislative building; commission granted power of eminent domain; funds and expenditures of commission; state building commission of West Virginia issuing revenue bonds to construct state legislative building; deposit and disbursement of funds of commission; security for deposits; audits; contracts with commission to be secured by bond; competitive bids required for contracts exceeding two thousand dollars; management and control of state legislative building; article not authority to create state debt; compliance with article and state constitution only restrictions on construction and management of state legislative building; and severability.

Be it enacted by the Legislature of West Virginia:

That chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article six, to read as follows:

ARTICLE 6. LEGISLATIVE BUILDING COMMISSION.

§4-6-1. Definitions.
1 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:
(1) "Commission" means the legislative building commission of West Virginia or if said commission shall be abolished, any board or officer succeeding to the principal functions thereof, or to whom the powers given to said commission shall be given by law.

(2) "Bonds" means bonds issued by the state building commission of West Virginia pursuant to this article.

(3) "Project" means collectively the acquisition of land, the construction, equipping and furnishing of a state legislative building together with incidental approaches, structures and facilities to, adjacent or around it.

(4) "Cost of project" includes 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 incidental to the project.

§4-6-2. Legislative building commission created; its composition; appointment of members; vacancies; election of commission officers; compensation and expenses of members.

There is hereby created the legislative building commission of West Virginia as a body corporate and agency of the state of West Virginia. The commission shall consist of seven members and shall be comprised of two persons who have previously served in the Senate, who shall be appointed by the president of the Senate; two persons who have previously served in the House of Delegates, who shall be appointed by the speaker of the House of Delegates; and three persons who shall be appointed by the governor. No member of the commission shall otherwise be an officer, employee or member of the executive, legislative or judicial branches of federal or state government or any political subdivision thereof. Persons appointed to the commission shall be residents and citizens of the state. All appointments made pursuant to the
provisions of this article shall be by and with the advice and consent of the Senate.

All commission members shall be appointed no later than the first day of July, one thousand nine hundred seventy-two, and they shall continue to serve until the completion of the duties assigned to the commission.

Any vacancy occurring in the membership of the commission shall be filled by appointment in the same manner as provided for the initial appointments.

The members of the commission annually shall elect from their number a chairman, vice-chairman and secretary. Each commission member shall be paid compensation of thirty-five dollars for each day or substantial part thereof that he is engaged in the work of the commission and shall, in addition thereto, be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his duties as such commission member.

§4-6-3. Powers and duties of commission generally.

The commission shall have the following powers and duties:

(1) To sue and be sued, plead and be impleaded.

(2) To have a seal.

(3) To contract to acquire and to acquire, in the name of the commission or of the state, by purchase, eminent domain, or otherwise, a suitable site in the city of Charleston, state of West Virginia, for a state legislative building, related facilities and grounds, including real property, rights and easements necessary for this purpose, or to use any suitable site which may be owned by the state and available and designated for this purpose and to construct a state legislative building on such site and equip and furnish said building.

(4) To contract to acquire and to acquire and hold, in the name of the commission or of the state, services, materials, furnishings, and equipment required in connection with the location, design, construction, furnishing and equipping of the state legislative building.
(5) To make bylaws for the management and regulation of its affairs.

(6) With the consent of the attorney general of the state, to use the facilities of his office, assistants and employees in all legal matters relating to or pertaining to the commission; or use legal services made available by the Legislature and its staff; or if necessary employ attorneys-at-law.

(7) To employ architects to prepare plans for the state legislative building, to assist and advise the architects in the preparation of those plans and to approve on behalf of the state all plans for the state legislative building.

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

(9) To accept and expend any gift, grant or contribution of money or any other thing to, or for the benefit of the commission, from the state or any other source for the purposes specified in this article.

(10) To supervise generally the location, construction, furnishing and equipping of the state legislative building.

(11) To report to the Legislature at each regular session thereof and at the same time report to the governor concerning the action taken by the commission during the previous year in carrying out the provisions of this article and make such special reports as may be required by the Legislature and governor.

§4-6-4. Commission granted power of eminent domain.

Whenever the commission finds it necessary to acquire land, rights-of-way or easements in order to carry out the purposes of this article, and the commission is unable to purchase the same from the owners at an agreed price, or is unable to obtain a good and sufficient title therefor by purchase from the owners, then the commission may exercise the right of eminent domain and acquire any such lands, rights-of-way or easements necessary for the aforesaid purpose by condemnation in the manner prescribed in chapter fifty-four of this code.
§4-6-5. Funds and expenditures of commission.

To pay the compensation and expenses incurred by its members, to build, furnish and equip the state legislative building, and to carry out the provisions of this article, the commission may expend any general or special revenues, profits, fees or charges designated and appropriated by act of the Legislature for such purposes and proceeds of revenue bonds issued under authority of the state building commission of West Virginia for such purposes. Before any such revenue bonds are issued by the state building commission of West Virginia, the Legislature, by its act, shall increase the aggregate amount of all issues of bonds outstanding at one time for all projects authorized under authority of said commission if such action is necessary to permit issuance of revenue bonds in the amount required to construct, equip and furnish the state legislative building. Before any revenue bonds or other obligations are issued or incurred by the state building commission of West Virginia for said purpose, the Legislature shall, by adoption of a concurrent resolution, approve the purpose and amount of the revenue bonds or obligations. Revenue bonds issued as herein provided shall be issued in accordance with the provisions of article six, chapter five of this code.

§4-6-6. Deposit and disbursement of funds of commission; security for deposits; audits.

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. 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 authorized representa-
tives are hereby authorized and empowered from time
to time to examine the accounts and books of the com-
mission, including its receipts, disbursements, contracts,
leases, sinking funds, investments and any other matters
relating to its financial standing.

§4-6-7. Contracts with commission to be secured by bond;
competitive bids required for contracts exceeding
two thousand dollars.

The commission shall construct the state legislative
building pursuant to a contract or contracts. Every such
contract shall be secured by a bond meeting the require-
ments of section thirty-nine, article two, chapter thirty-
eight of this code.
No contract or contracts for the construction of the
building or any approaches, structures or facilities inci-
dental thereto, or for the equipping and furnishing of the
building, 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 Kanawha county. 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 con-
tract 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 afore-
said. Any bid, with the name of the bidder, shall be en-
tered on a record and each record, with the successful
bid indicated thereon, shall, after the award of any con-
tract, be open to public inspection.

§4-6-8. Management and control of state legislative building.
Notwithstanding the provisions of section eleven, ar-
article six, chapter five of this code, the commission shall
properly maintain, repair, manage, operate and control
the state legislative building; promulgate bylaws, rules
and regulations, in accordance with the provisions of
chapter twenty-nine-a, for the use and operation of the
building; and may make and enter into all contracts or
agreements necessary and incidental for the performance
of its duties and the execution of its powers under this
article, unless or until another agency, board or commis-
sion is designated by law to perform such duties and
assume such responsibilities.

§4-6-9. Article not authority to create state debt.
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 Virginia
in relation to state debt.

§4-6-10. Compliance with article and state constitution only
restrictions on construction and management of
project.
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 a state legislative building, or the improvement, mainte-
nance, operation or repair thereof, or for the issuance
of bonds hereunder, except such as are prescribed by this
article; article six, chapter five of this code; or the
constitution of the state.

§4-6-11. Severability.
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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell B. Beall
Chairman Senate Committee

Phyllis B. Bollinger
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard W. Caraway
Clerk of the Senate

VA Blackburn
Clerk of the House of Delegates

Eberhart
President of the Senate

Linda N. Manzanarez
Speaker House of Delegates

The within approved this the 27th day of March, 1972.

Anna Price
Governor