

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 379

(By Mr. Deem and Mr. Hutton)

PASSED MARCH 8, 1972

In Effect 90 Days From Passage



379

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-29-72

## ENROLLED

# Senate Bill No. 379

(By MR. DEEM and MR. HYLTON)

[Passed March 8, 1972; in effect ninety 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
- 2 this article, shall have the following meanings, unless
- 3 a different meaning clearly appears from the context:

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

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

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

16 (4) "Cost of project" includes the cost of construction,  
17 the cost of equipping and furnishing same, the cost of all  
18 land, property, material and labor which are deemed es-  
19 sential thereto, the cost of improvements, financing  
20 charges, interest during construction, and all other ex-  
21 penses, including legal fees, trustees', engineers' and archi-  
22 tects' fees which are necessarily or properly incidental  
23 to the project.

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

1 There is hereby created the legislative building commis-  
2 sion of West Virginia as a body corporate and agency of  
3 the state of West Virginia. The commission shall consist  
4 of seven members and shall be comprised of two persons  
5 who have previously served in the Senate, who shall be  
6 appointed by the president of the Senate; two persons who  
7 have previously served in the House of Delegates, who  
8 shall be appointed by the speaker of the House of Dele-  
9 gates; and three persons who shall be appointed by the  
10 governor. No member of the commission shall otherwise  
11 be an officer, employee or member of the executive,  
12 legislative or judicial branches of federal or state govern-  
13 ment or any political subdivision thereof. Persons ap-  
14 pointed to the commission shall be residents and citizens  
15 of the state. All appointments made pursuant to the

16 provisions of this article shall be by and with the advice  
17 and consent of the Senate.

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

22 Any vacancy occurring in the membership of the com-  
23 mission shall be filled by appointment in the same manner  
24 as provided for the initial appointments.

25 The members of the commission annually shall elect  
26 from their number a chairman, vice-chairman and secre-  
27 tary. Each commission member shall be paid compen-  
28 sation of thirty-five dollars for each day or substantial  
29 part thereof that he is engaged in the work of the com-  
30 mission and shall, in addition thereto, be reimbursed for  
31 all reasonable and necessary expenses actually incurred  
32 in the performance of his duties as such commission  
33 member.

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

1 The commission shall have the following powers and  
2 duties:

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

4 (2) To have a seal.

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

15 (4) To contract to acquire and to acquire and hold, in  
16 the name of the commission or of the state, services, ma-  
17 terials, furnishings, and equipment required in connection  
18 with the location, design, construction, furnishing and  
19 equipping of the state legislative building.

20 (5) To make bylaws for the management and regula-  
21 tion of its affairs.

22 (6) With the consent of the attorney general of the  
23 state, to use the facilities of his office, assistants and em-  
24 ployees in all legal matters relating to or pertaining to  
25 the commission; or use legal services made available by  
26 the Legislature and its staff; or if necessary employ at-  
27 torneys-at-law.

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

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

36 (9) To accept and expend any gift, grant or contribu-  
37 tion of money or any other thing to, or for the benefit of  
38 the commission, from the state or any other source for  
39 the purposes specified in this article.

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

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

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

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

**§4-6-5. Funds and expenditures of commission.**

1 To pay the compensation and expenses incurred by  
2 its members, to build, furnish and equip the state legisla-  
3 tive building, and to carry out the provisions of this  
4 article, the commission may expend any general or special  
5 revenues, profits, fees or charges designated and appro-  
6 priated by act of the Legislature for such purposes and  
7 proceeds of revenue bonds issued under authority of the  
8 state building commission of West Virginia for such pur-  
9 poses. Before any such revenue bonds are issued by the  
10 state building commission of West Virginia, the Legisla-  
11 ture, by its act, shall increase the aggregate amount of  
12 all issues of bonds outstanding at one time for all projects  
13 authorized under authority of said commission if such  
14 action is necessary to permit issuance of revenue bonds  
15 in the amount required to construct, equip and furnish  
16 the state legislative building. Before any revenue bonds  
17 or other obligations are issued or incurred by the state  
18 building commission of West Virginia for said purpose,  
19 the Legislature shall, by adoption of a concurrent resolu-  
20 tion, approve the purpose and amount of the revenue  
21 bonds or obligations. Revenue bonds issued as herein  
22 provided shall be issued in accordance with the provisions  
23 of article six, chapter five of this code.

**§4-6-6. 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 West  
3 Virginia, who shall not commingle said moneys with any  
4 other moneys, but shall deposit them in a separate bank  
5 account or accounts. The moneys in said accounts shall  
6 be impressed with and subject to the lien or liens thereon  
7 in favor of the bondholders provided in the proceedings  
8 for issuance of bonds pursuant to this article. The moneys  
9 in said accounts shall be paid out on check of the trea-  
10 surer on requisition of the chairman of the commission.  
11 All deposits of such moneys shall, if required by the  
12 treasurer or the commission, be secured by obligations  
13 of the United States, of the state of West Virginia, or of  
14 the commission, of a market value equal at all times to

15 the amount of the deposit, and all banking institutions  
16 are authorized to give such security for such deposits.  
17 The state auditor and his legally authorized representa-  
18 tives are hereby authorized and empowered from time  
19 to time to examine the accounts and books of the com-  
20 mission, including its receipts, disbursements, contracts,  
21 leases, sinking funds, investments and any other matters  
22 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.**

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

6 No contract or contracts for the construction of the  
7 building or any approaches, structures or facilities inci-  
8 dental thereto, or for the equipping and furnishing of the  
9 building, when the anticipated expenditure therefor will  
10 exceed the sum of two thousand dollars, shall be entered  
11 into except upon the basis of competitive sealed bids.  
12 Such bids shall be obtained by public notice soliciting  
13 such bids published as a Class II legal advertisement in  
14 compliance with the provisions of article three, chapter  
15 fifty-nine of this code, and the publication area for such  
16 publication shall be Kanawha county. The publication  
17 shall be completed at least fourteen days prior to the final  
18 date for the submission of bids. The commission may in  
19 addition to such publication also solicit sealed bids by  
20 sending requests by mail to prospective bidders. The con-  
21 tract shall be awarded to the lowest responsible bidder,  
22 unless any and all bids are rejected, in which event new  
23 bids shall be sought by again publishing notice as afore-  
24 said. Any bid, with the name of the bidder, shall be en-  
25 tered on a record and each record, with the successful  
26 bid indicated thereon, shall, after the award of any con-  
27 tract, be open to public inspection.

**§4-6-8. Management and control of state legislative building.**

1 Notwithstanding the provisions of section eleven, ar-

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

**§4-6-9. 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 Virginia  
5 in relation to state debt.

**§4-6-10. 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 construction  
5 of a state legislative building, or the improvement, mainte-  
6 nance, operation or repair thereof, or for the issuance  
7 of bonds hereunder, except such as are prescribed by this  
8 article; article six, chapter five of this code; or the  
9 constitution of the state.

**§4-6-11. 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  
7 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 G. Seal*

Chairman Senate Committee

*Phyllis K. Kelleher*  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*Howard W. Arma*

Clerk of the Senate

*VA Blankenship*

Clerk of the House of Delegates

*E. Sprount*  
President of the Senate

*Levin J. Williams*

Speaker House of Delegates

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

*Anna P. Shaefer, Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/11/72

Time 6:20 p.m.

MAR 29 9 28 AM '72

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA