WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

ENROLLED
SENATE BILL NO. 32

(By Mr. HUFFMAN)

PASSED FEBRUARY 10, 1975
In Effect FROM Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 2/14/75

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ENROLLED
Senate Bill No. 32
(By Mr. Huffman)

[Passed February 10, 1975; in effect from passage.]

AN ACT to amend and reenact sections one, four and five, article thirty-three, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal, county and municipal-county building commissions and to the powers and indebtedness of such commissions.

Be it enacted by the Legislature of West Virginia:

That sections one, four and five, article thirty-three, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 33. INTERGOVERNMENTAL RELATIONS — BUILDING COMMISSIONS.

PART I. COMMISSIONS AUTHORIZED; ORGANIZATION OF COMMISSIONS.

§8-33-1. Municipal, county and municipal-county building commissions authorized; reference to county courts and county commissions.

1 Any municipality or county, or one or more municipalities and any county, or any two or more municipalities within any county or counties, or any combination thereof, may create and establish a municipal building commission, a county building commission, or a municipal-county building commission, as the case may be (hereinafter in this article referred to as commission or commissions). Such commissions shall be formed by an ordinance or order, as appropriate, by each governmental body establishing the same. The governing body of a county is hereinafter in this article referred to either as a county court or county commission.
PART II. POWERS OF COMMISSIONS.

§8-33-4. Powers.

1 Each commission shall have plenary power and authority to:
2 (a) Sue and be sued;
3 (b) Contract and be contracted with;
4 (c) Adopt, use and alter a common seal;
5 (d) Make and adopt all necessary, appropriate and lawful bylaws and rules and regulations pertaining to its affairs;
6 (e) Elect such officers, appoint such committee and agents and employ and fix the compensation of such employees and contractors as may be necessary for the conduct of the affairs and operations of the commission;
7 (f) (1) Acquire, purchase, own and hold any property, real or personal, and (2) acquire, construct, equip, maintain and operate public buildings, structures, projects and appurtenant facilities, of any type or types for which the governmental body or bodies creating such commission are permitted by law to expend public funds (all hereinafter in this article referred to as facilities);
8 (g) Apply for, receive and use grants-in-aid, donations and contributions from any source or sources, including but not limited to the United States of America, or any department or agency thereof, and accept and use bequests, devises, gifts and donations from any source whatsoever;
9 (h) Sell, encumber or dispose of any property, real or personal;
10 (i) Issue negotiable bonds, notes, debentures or other evidences of indebtedness and provide for the rights of the holders thereof, incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with exercising powers as provided herein;
11 (j) Raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen of this chapter, without regard, to the extent provided in section five of this article, to the limi-
tions specified in said article sixteen, it being hereby ex-
pressly provided that for the purpose of the issuance and
sale of revenue bonds, each commission is a “governing
body” as that term is used in said article sixteen only;
(k) Exercise the power of eminent domain in the
manner provided in chapter fifty-four of this code for
business corporations, for the purposes set forth in sub-
division (f) of this section, which purposes are hereby
declared public purposes for which private property may
be taken or damaged;
(l) Lease its property or any part thereof, for public
purposes, to such persons and upon such terms as the
commission deems proper, but when any municipality
or county commission is a lessee under any such lease,
such lease must contain a provision granting to such
municipality or county commission the option to ter-
minate such lease during any fiscal year covered there-
by; and
(m) Do all things reasonable and necessary to carry
out the foregoing powers.

PART III. INDEBTEDNESS; SURPLUSES; EXEMPTION
FROM TAXATION; FUNDS; PROPERTY.

§8-33-5. Indebtedness of commission.

No constitutional or statutory limitation with respect
to the nature or amount of or rate of interest on in-
debtedness which may be incurred by municipalities,
counties or other public or governmental bodies shall ap-
ply to the indebtedness of a commission. No indebtedness
of any nature of a commission shall constitute an indebted-
ness of any municipality or county creating and estab-
lishing such commission or a charge against any prop-
erty of said municipalities or counties. No indebtedness
or obligation incurred by any commission shall give any
right against any member of the governing body of any
municipality or any member of the county commission
of any county or any member of the board of any com-
mission. The rights of creditors of any commission shall
be solely against the commission as a corporate body
and shall be satisfied only out of property held by it
in its corporate capacity.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Effective from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ___________________ day of ___________________, 1975,  

Governor
PRESENTED TO THE GOVERNOR

Date 2/12/75
Time 2:05 p.m.