

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

FILED

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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 municipi-
2 palities and any county, or any two or more municipalities
3 within any county or counties, or any combination there-
4 of, may create and establish a municipal building com-
5 mission, a county building commission, or a municipal-
6 county building commission, as the case may be (here-
7 inafter in this article referred to as commission or
8 commissions). Such commissions shall be formed by an
9 ordinance or order, as appropriate, by each governmental
10 body establishing the same. The governing body of a
11 county is hereinafter in this article referred to either as
12 a county court or county commission.

PART II. POWERS OF COMMISSIONS.

§8-33-4. Powers.

1 Each commission shall have plenary power and au-
2 thority to:

3 (a) Sue and be sued;

4 (b) Contract and be contracted with;

5 (c) Adopt, use and alter a common seal;

6 (d) Make and adopt all necessary, appropriate and
7 lawful bylaws and rules and regulations pertaining to
8 its affairs;

9 (e) Elect such officers, appoint such committee and
10 agents and employ and fix the compensation of such
11 employees and contractors as may be necessary for the
12 conduct of the affairs and operations of the commis-
13 sion;

14 (f) (1) Acquire, purchase, own and hold any prop-
15 erty, real or personal, and (2) acquire, construct, equip,
16 maintain and operate public buildings, structures, proj-
17 ects and appurtenant facilities, of any type or types for
18 which the governmental body or bodies creating such
19 commission are permitted by law to expend public funds
20 (all hereinafter in this article referred to as facilities);

21 (g) Apply for, receive and use grants-in-aid, dona-
22 tions and contributions from any source or sources, in-
23 cluding but not limited to the United States of Amer-
24 ica, or any department or agency thereof, and accept
25 and use bequests, devises, gifts and donations from any
26 source whatsoever;

27 (h) Sell, encumber or dispose of any property, real
28 or personal;

29 (i) Issue negotiable bonds, notes, debentures or other
30 evidences of indebtedness and provide for the rights of
31 the holders thereof, incur any proper indebtedness and
32 issue any obligations and give any security therefor
33 which it may deem necessary or advisable in connection
34 with exercising powers as provided herein;

35 (j) Raise funds by the issuance and sale of revenue
36 bonds in the manner provided by the applicable provisions
37 of article sixteen of this chapter, without regard, to the
38 extent provided in section five of this article, to the limita-

39 tions specified in said article sixteen, it being hereby ex-
40 pressly provided that for the purpose of the issuance and
41 sale of revenue bonds, each commission is a "governing
42 body" as that term is used in said article sixteen only;

43 (k) Exercise the power of eminent domain in the
44 manner provided in chapter fifty-four of this code for
45 business corporations, for the purposes set forth in sub-
46 division (f) of this section, which purposes are hereby
47 declared public purposes for which private property may
48 be taken or damaged;

49 (l) Lease its property or any part thereof, for public
50 purposes, to such persons and upon such terms as the
51 commission deems proper, but when any municipality
52 or county commission is a lessee under any such lease,
53 such lease must contain a provision granting to such
54 municipality or county commission the option to ter-
55 minate such lease during any fiscal year covered there-
56 by; and

57 (m) Do all things reasonable and necessary to carry
58 out the foregoing powers.

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

§8-33-5. Indebtedness of commission.

1 No constitutional or statutory limitation with respect
2 to the nature or amount of or rate of interest on in-
3 debtedness which may be incurred by municipalities,
4 counties or other public or governmental bodies shall ap-
5 ply to the indebtedness of a commission. No indebtedness
6 of any nature of a commission shall constitute an indebted-
7 ness of any municipality or county creating and estab-
8 lishing such commission or a charge against any prop-
9 erty of said municipalities or counties. No indebtedness
10 or obligation incurred by any commission shall give any
11 right against any member of the governing body of any
12 municipality or any member of the county commission
13 of any county or any member of the board of any com-
14 mission. The rights of creditors of any commission shall
15 be solely against the commission as a corporate body
16 and shall be satisfied only out of property held by it
17 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

Howard C. Thurston
Chairman House Committee

Originated in the Senate.

Effective from passage.

J. O'Dellon
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Louis T. McNamee
Speaker House of Delegates

The within approved this the 14th
day of February, 1975.

And A. Moore Jr.
Governor

PRESENTED TO THE
GOVERNOR

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