WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
Committee Substitute for
HOUSE BILL No. 1157

(By Mr. Sommerville)

PASSED February 16, 1976

In Effect From Passage

FILED IN THE OFFICE
JAMES R. MCCARTNEY
SECRETARY OF STATE
THIS DATE 2/24/76
ENROLLED

H. B. 1157

(By MR. SOMMERVILLE)

(Originating in the House Committee on the Judiciary)

[Passed February 16, 1976; in effect from passage.]

AN ACT to amend and reenact sections three and four, 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; providing for the appointment of members to such commissions and the manner of filling vacancies; providing the powers and duties of such commissions; and making the power of eminent domain subject to limitations imposed by the governmental bodies creating such commissions.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 33. INTERGOVERNMENTAL RELATIONS—BUILDING COMMISSIONS.

§8-33-3. Authority vested in board; composition of board; appointment; qualifications and terms of members; vacancies; reimbursement of expenses.

1 All property, powers and duties and the management and control of each commission shall be vested in a board consisting of representatives appointed by the governmental body or bodies creating and establishing such commission. In the
case of a municipal building commission or a county building
commission such board shall consist of not less than three nor
more than five members and in the case of a municipal-county
building commission each participating municipality shall ap-
point two members and each participating county shall appoint
three members. All members of any board shall be appointed
for terms of five years. Prior to making the initial appoint-
ments to the board, the governmental body or bodies shall
make such initial appointments so that approximately one fifth
of the total number of members of the board shall be appointed
for a term of one year, approximately one fifth of the total
number of members of the board shall be appointed for a
term of two years, approximately one fifth of the total number
of members of the board shall be appointed for a term of three
years, approximately one fifth of the total number of members
of the board shall be appointed for a term of four years, and
approximately one fifth of the total number of members of the
board shall be appointed for a term of five years. As the term
of each such initial appointee expires the successor to fill the
vacancy created by such expired term shall be appointed for a
term of five years.

The ordinance or order creating a building commission may
provide for the manner of appointments to the membership of
such commission by the governmental body creating such com-
mission, which, in the case of a county, shall be the county
commission or other tribunal in lieu thereof and, in the case
of a municipality, shall be the governing body thereof.

If any member of any board die, resign or for any reason
cease to be a member of the board, the governmental body
which such member represented shall appoint another indi-
vidual to fill the unexpired portion of the term of such mem-
ber. No more than two thirds of the total number of members
of the board of each commission shall be from the same polit-
ical party and no member of any such board shall hold any
office (other than the office of notary public) or employment
under the United States of America, the state of West Vir-
ginia, any county or political subdivisions thereof, or any poli-
tical party. All members of any board shall be residents of the
municipality or county for which appointed. No member of any
board shall receive any compensation for his services as such, but each member shall be reimbursed by the commission for any reasonable and necessary expenses actually incurred in the discharge of his duties as a member of the board.

§8-33-4. Powers.

Each commission shall have plenary power and authority to:

(a) Sue and be sued;
(b) Contract and be contracted with;
(c) Adopt, use and alter a common seal;
(d) Make and adopt all necessary, appropriate and lawful bylaws and regulations pertaining to its affairs;
(e) Elect such officers, appoint such committees 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;
(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);
(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;
(h) Sell, encumber or dispose of any property, real or personal;
(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;
(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 limitations specified in said article sixteen, it being hereby expressly 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) Subject to such reasonable limitations and conditions as the governmental body or all of the governmental bodies creating and establishing such building commission may prescribe by ordinance or by order, 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 subdivision (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 terminate such lease during any fiscal year covered thereby; and

(m) Do all things reasonable and necessary to carry out the foregoing powers.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect from passage.

The within bill approved this the 23rd day of February, 1976.

Governor
PRESENTED TO THE
GOVERNOR
Date 2/18/16
Time 12:50 p.m.