WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
SENATE BILL NO. 63

(By Mr. Gilligan)

PASSED March 8, 1980
In Effect from Passage
AN ACT to amend and reenact sections two, five, seven, seven-a, eight and nine, article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permitting counties to cooperate in the development of regional correctional centers for both adult and youth offenders.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. COUNTY PROPERTY.

§7-3-2. Courthouse, jail and offices.

1 The county commission of every county, at the expense of the county, shall provide at the county seat thereof a suitable courthouse and jail, together with suitable offices for the judge of the circuit court and judges of courts of limited jurisdiction, clerks of circuit courts, courts of limited jurisdiction and of the county commission, assessor, sheriff, prosecuting attorney, county superintendent of schools, and surveyor, and all other offices as are or may be required by law: Provided, That the courthouse, including any annex or other facility housing the courts and offices herein set out, (excepting all facilities that are on a twenty-four-hour basis), shall be open to the public Monday through Saturday during the hours prescribed by the county commission by an order duly recorded in the order book of the commission,
excluding Sundays and national or state holidays, and
may, with the consent of the county commission in
counties having a population in excess of one hundred
thousand be closed on Saturday: Provided, however,
That the county commission of every county having a
population in excess of two hundred thousand may pro-
vide at the county seat or elsewhere in the county, as
the county commission shall determine, a suitable jail
or jails: Provided further, That the county commission
of any county, regardless of population, may, as provided
in chapter eight, article twenty-three of the code of West
Virginia, contract with the county commissions of one or
more other counties within this state for the erection,
construction, equipment, leasing and renting of a regional
correctional center for either adult or youth offenders,
at a location mutually agreeable to the contracting parties
and not necessarily at the county seat, which will
serve each county entering into the contract. The county
commission shall keep the courthouse, jail and other
offices in constant and adequate repair, and supplied
with the necessary heat, light, furniture, record books,
and janitor service, and, except as to the office for the
judge of the circuit court, with the necessary stationery
and postage, and other things as shall be necessary; but
all of the public records, books and papers belonging or
appertaining to the county surveyor's office shall be
delivered to the clerk of the county commission and
retained by him in his official possession and under his
control and shall constitute a part of the public records,
books and papers of his office. All courthouses, jails and
offices hereafter erected shall be built of stone and brick,
or stone or brick, or other equally fireproof materials,
and the offices shall be fireproof or be furnished with
fireproof vaults or safes. The jails shall be well secured,
and sufficient for the convenient accommodation of those
who may be confined therein, and so that the convicts
may be in apartments separate from each other, and
from the other prisoners; every apartment shall be so
constructed that it can be kept comfortable. The county
commission may also provide other necessary offices and
buildings, and may, by purchase or otherwise, acquire
as much land as may be requisite or desirable for county purposes, and may suitably inclose, improve and embellish the lands so acquired.

Subject to the conditions hereinabove set forth with respect to the site of the courthouse, jail, and other offices, the commission may, from time to time, as may seem to it proper, provide, at the expense of the county, a new or other building or buildings to be used for the courthouse and jail, or for either, together with suitable offices, as aforesaid, and for that purpose may acquire, by purchase or otherwise, and hold any lands, or lands and buildings, which may be necessary, and may inclose, improve and embellish the same. When any new or other building or buildings shall be ready for occupancy, the county commission shall make an order declaring that, on a day to be therein named, the new or other building or buildings shall become the courthouse, or jail, or both the courthouse and jail of the county, and shall cause copies of the order to be posted at the front door of the new as well as of the old courthouse, at least twenty days before the day named in the order; and on and after the day named the new or other building or buildings shall become, respectively, the courthouse, or jail, or both the courthouse and jail of the county in all respects and for all purposes. After the change shall have been made the county commission may sell or otherwise dispose of, as may seem to it proper, the building or buildings previously used as a courthouse and jail, or either, and the land on which they are, or either is, situated, and of the interest of the county therein.

§7-3-5. County commissions authorized to acquire and convey real estate and contract for construction, etc., and rental of courthouse, jail or other public building.

The county commission of any county is hereby authorized and empowered to acquire real estate and to convey real estate and to enter into a contract, or lease, or both, with the United States government, or any federal agency authorized to make or enter into a contract, or lease, or with any bank or financial institution,
or with any individual or persons for the erection, construction, equipment, leasing and renting of a courthouse, hospital, other public buildings, or jail, with an option to purchase the building and to provide for the payment of a yearly rental for the building by the commission: Provided, That any county commission may, as provided in chapter eight, article twenty-three of the code of West Virginia, also contract with one or more other county commissions within this state for the erection, construction, equipment, leasing and renting of a regional correctional center for either adult or youth offenders at a location mutually agreeable to the contracting parties and not necessarily at the county seat. The county commission of any county is also authorized to contract with the United States government, or any federal agency authorized to make or enter into a contract, or any bank or financial institution, or any individual or persons, to the end that the United States government, or any of its agencies, or agents thereunto duly authorized, or bank or financial institution or individual or persons, may for and on behalf of any county commission, build, erect, construct, equip or furnish upon the property any such building, or buildings, including a hospital; and to contract with the United States government, or any federal agency, or bank, or financial institution, or individual, or persons, for the lease, or rental, of the building or buildings, with the privilege and authority of renewing any lease from year to year, for any period of years, not exceeding thirty, with the right to purchase the building, or buildings, and real estate on which the building or buildings are situated, and to apply toward the purchase price thereof any and all rentals paid to the United States government, or agency, or bank or financial institution, or individual, or persons, under the provisions of this act; and the county commission shall pay to the United States government, or any federal agency, or bank, or financial institution, or individual, or persons, the yearly rental, or rentals, for the use and occupancy of the building, or buildings, if and when they are constructed, which yearly rental, or rentals, in the aggregate, may not exceed the total amount, and
the interest thereon expended by the United States government, or agency or bank or financial institution, or individual, or persons, on the project, or projects, and the said yearly rentals shall be paid out of levies laid within the constitutional debts limitations; and to do any and all other things lawfully required by the United States government, or any federal agency, or bank, or financial institution, or individual, or persons, which are necessary and proper to effectuate the purpose of this act.

§7-3-7. Bonds for cost of real estate and public buildings.

Any county commission is likewise authorized and empowered to acquire real estate for, construct, equip, furnish and maintain a courthouse, hospital or other public buildings or jail, including a regional correctional center for either adult or youth offenders which is developed jointly by one or more counties, and to borrow funds from the United States government, the public works administration, or other governmental agency authorized to make loans, or any bank, or financial institution authorized by law to make loans, or any individual, or persons for the purpose of building, constructing, furnishing and equipping a courthouse, hospital, other buildings or jail, and for the purpose of acquiring real estate therefor, and shall have the right to acquire by purchase, condemnation, gift or otherwise, real estate on which to build the courthouse, hospital, other buildings or jail, including a regional correctional center for either adult or youth offenders which is developed jointly by one or more counties, within the discretion of the commission. The commission is authorized and empowered to issue bonds for the purpose of paying the cost of any real estate, building, furnishing and equipment and to pledge a sufficient amount of revenue within the constitutional limitations and within the limitations as provided by general law, to pay the principal of the bonds and the interest thereon, within a period not to exceed thirty years. Such court is further authorized and empowered to do and perform any and all acts and make all contracts necessary to effectuate the general purpose of this act, including the acquisition, by original grant, gift,
condemnation, or other lawful means of real estate, and
of all necessary permits, easements and other rights in
real estate, and title to and possession thereof, or to make
any purchase and acquisition with the money borrowed,
as provided in this act.

The commission shall have authority, and is em-
powered, to make contracts, agreements and covenants
between it and the United States government, or the
public works administration, or other governmental
agency, or bank, or financial institution, or individual, or
persons for the loan of funds to the commission, and
securing payment thereof as they may be able to effectu-
ate, subject only to this limitation, that the bonds issued,
or given as security thereof, shall be payable out of the
levies now provided for by general law and by this act;
to be levied by the commission in and for the county;
to acquire needed real estate, to construct, equip, furnish
and maintain a courthouse, hospital, other public build-
ings or jail including a regional correctional center for
either adult or youth offenders which is developed jointly
by one or more counties, and to make and enter into
contracts, and to do and perform all acts as may be
necessary for the construction, equipment, operation and
maintenance of the courthouse, hospital, either buildings,
jail or correctional center, subject to any burdens, restric-
tions and encumbrances as it may be necessary to incur
and bear, in securing the bonds and the real estate con-
struction, equipment and maintenance.

Bonds issued hereunder shall be exempt from taxation
by the state of West Virginia, or any county therein, or
any district or municipality thereof.

§7-3-7a. Bonds for construction or renovation of county jail
or regional correctional center.

1 The county commissions of the several counties are
2 hereby authorized to issue revenue bonds for the purpose
3 of constructing, reconstructing and renovating any jail
4 facility used for county prisoners or a regional correc-
tional center for either adult or youth offenders which
6 is developed jointly by one or more counties; and for
7 the purpose of retiring the bonds, the county commission
8 may pledge for a period not to exceed twenty years, the
§7-3-8. Creation and enforcement of lien of bondholders.

There shall be and there is hereby created a statutory mortgage lien upon the real estate, buildings and property acquired, constructed or built from the proceeds of bonds authorized to be issued under this act, which shall exist in favor of the holder of the bonds, and each of them, and to and in favor of the holder of the interest coupons attached to the bonds, and the courthouse, hospital, other public buildings, or jail or regional correctional center, and the real estate so acquired and used for and in connection therewith, shall remain subject to the statutory mortgage lien until payment in full of the principal and interest of the bonds. Any holder of bonds issued under the provisions of this act, or the holder of any coupons representing interest accrued thereon, may, either at law or in equity, enforce the statutory mortgage lien hereby created and conferred, and may, by proper suit, compel the performance of the duties of the officials of the commission as set forth in this act. If there be default in the payment of the principal of or interest upon any of the bonds, any court having jurisdiction in any proper action may appoint a receiver to administer the property on behalf of the court with power to charge and collect rents or income sufficient to provide for the payment of the bonds and interest thereon, and for the payment of the operating expenses, and to apply the income, rents or other revenue in conformity with this act and the order providing for the issuance of the bonds.

§7-3-9. Form and payment of bonds; use of proceeds of bonds.

Any county commission issuing revenue bonds under the provisions of this article shall thereafter, so long as any such bonds remain outstanding, operate and maintain said courthouse, hospital, other public buildings, jail or regional correctional center, to provide revenues sufficient to pay all operating costs, provide a sinking fund for, and to retire such bonds and pay the interest thereon as the same may become due. The amounts, as and when
so set apart by said county commission, shall be remitted to the West Virginia municipal bond commission at least thirty days previous to the time interest or principal payments become due, to be retained and paid out by said commission consistent with the provisions of this article and with the order pursuant to which the bonds have been issued. The West Virginia municipal bond commission is hereby authorized to act as fiscal agent for the administration of such sinking fund under any order passed pursuant to the provisions of this article, and shall invest all sinking funds, as provided by general law. Revenue bonds issued under the provisions of this article are hereby declared to be and to have all the qualities of negotiable instruments. Such bonds shall bear interest at the rate set by the county commission, payable semiannually, and shall mature at any time fixed by the county commission, in not more than thirty years from their date. Such bonds shall be sold at a price not lower than a price which, when computed upon standard tables of bond values, will show a net return of not more than the interest rate set by the county commission to the purchaser upon the amount paid therefor. Such bonds may be made redeemable at the option of the county commission at such price and under terms and conditions as said county commission may fix, by its order, prior to the issuance of such bonds. Revenue bonds issued hereunder shall be payable at the office of the state treasurer, or a designated bank located either in New York City or in the state of West Virginia.

In case any of the officers whose signatures appear on such bonds or coupons shall cease to be such officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes the same as if they had remained in office until such delivery. The county commission shall by order entered prior to the issuance of said bonds, fix the denominations, times and places of payment of such bonds, the principal and interest of which shall be payable in lawful money of the United States of America. The proceeds of such bonds shall be used solely for the payment of the cost of land, buildings, furniture and equipment thereon, and
shall be checked out by the county commission under such restrictions as are contained in the order providing for the issuance of said bonds. If the proceeds of such bonds issued for any courthouse, hospital, other public buildings, jail or regional correctional center, shall exceed the cost thereof, the surplus shall be paid into the fund herein provided for the payment of principal and interest upon such bonds. Such fund may be used for the purchase or redemption of any of the outstanding bonds payable from such fund at the market price, but at not exceeding the price at which any of such bonds shall in the same year be redeemable, as fixed by the commission in its said order, and all bonds redeemed or purchased shall forthwith be canceled, and shall not again be issued.

Prior to the preparation of definitive bonds, the county commission may, under like restrictions, issue temporary bonds, or interim certificates, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. Such bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this article.
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.

To take effect from passage.

Joseph C. Wells
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 26 day of March, 1980.

Governor