

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No. 1467

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

HOUSE BILL No. 1467

(By Mr. Schifano)

— ● —

Passed April 11, 1981

In Effect From Passage



ENROLLED

H. B. 1467

(By MR. SCHIFANO)

[Passed April 11, 1981; in effect from passage.]

AN ACT to amend and reenact section one, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three, article two-c, chapter thirteen of said code, all relating to expanding the definitions of 'municipal public works' and 'commercial project' for the purposes of revenue bond financing and industrial and commercial development bond financing to include farms, housing for students and faculty at institutions of higher education and facilities providing housing for the elderly.

Be it enacted by the Legislature of West Virginia:

That section one, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three, article two-c, chapter thirteen of said code be amended and reenacted, all to read as follows:

CHAPTER 8. MUNICIPAL LAW, MUNICIPALITIES AND COUNTIES; INTERGOVERNMENTAL RELATIONS.

ARTICLE 16. MUNICIPAL PUBLIC WORKS; REVENUE BOND FINANCING.

**PART I. DEFINITIONS; AUTHORIZATION OF
MUNICIPAL PUBLIC WORKS.**

§8-16-1. Definitions.

- 1 As used in this article, the terms "municipal public works"
- 2 or "works" or "projects" shall be construed to mean and in-
- 3 clude the construction, reconstruction, establishment, acquisi-

4 tion, improvement, renovation, extension, enlargement, in-
5 crease, equipment, maintenance, repair (including replace-
6 ments) and operation of jails, jail facilities, municipal buildings,
7 police stations, fire stations, libraries, museums, other public
8 buildings, incinerator plants, land fill or other garbage disposal
9 systems, hospitals, piers, docks, terminals, airports, drainage
10 systems, flood control systems, flood walls, culverts, bridges
11 (including approaches, causeways, viaducts, underpasses and
12 connecting roadways), public markets, cemeteries, motor
13 vehicle parking facilities (including parking lots, buildings,
14 ramps, curb-line parking, meters and other facilities deemed
15 necessary, appropriate, useful, convenient or incidental to the
16 regulation, control and parking of motor vehicles), farms, dormi-
17 tories, apartments and other housing facilities for the students
18 and faculties of institutions of higher education; facilities pro-
19 viding housing for the elderly, including but not limited to life
20 care facilities, congregate living facilities and adult residential
21 facilities, stadiums, gymnasiums, sports arenas, auditoriums,
22 public recreation centers, public recreation parks, swimming
23 pools, roller skating rinks, ice skating rinks, tennis courts, golf
24 courses, polo grounds, or the grading, regrading, paving, re-
25 paving, surfacing, resurfacing, curbing, recurbing, widening or
26 otherwise improving of any street, avenue, road, alley or way,
27 or the building or renewing of sidewalks, where such works or
28 projects will be made self-supporting, and the cost thereof,
29 together with the interest thereon, will be returned within a
30 reasonable period, not exceeding forty years, by means of
31 tolls, fees, rents, special assessment or charges other than
32 taxation; and the terms shall mean and include any works or
33 project as a whole, and all integral parts thereof, including all
34 necessary, appropriate, useful, convenient or incidental ap-
35 purtenances and equipment in connection with any one or
36 more of the above.

CHAPTER 13. PUBLIC BONDED INDEBTEDNESS.

ARTICLE 2C. INDUSTRIAL DEVELOPMENT AND COMMERCIAL DEVELOPMENT BOND ACT.

§13-2C-3. Definitions.

1 Unless the context clearly indicates otherwise, as used in
2 this article:

3 (a) "Commercial project" means real or personal property or
4 both, including any buildings, improvements, additions, exten-
5 sions, replacements, appurtenances, lands, rights in land, water
6 rights, franchises, machinery, equipment, furnishings, landscap-
7 ing, utilities, railroad spurs and sidings, parking facilities,
8 farms, parking wharfs, approaches and roadways or any number
9 or combination of the foregoing necessary or desirable in con-
10 nection with a commercial enterprise or incidental thereto and
11 includes, without limiting the generality of the foregoing, hotels
12 and motels and related facilities, nursing homes and other health
13 care facilities, facilities for participatory or spectator sports,
14 conventions or trade show facilities, airport facilities, shopping
15 centers, office buildings, residential real property for family
16 units, and mass commuting facilities, dormitories, apartments
17 and other housing facilities for the students and ~~facilities~~ ^{facilities} of ^{CAB ok.}
18 institutions of higher education, facilities providing housing for
19 the elderly, including but not limited to life care facilities,
20 congregate living facilities and adult residential facilities.

21 (b) "County commission" means the governmental body
22 created by section 22, article VIII of the West Virginia Con-
23 stitution.

24 (c) "Governmental body" means the county commission, a
25 town or city council or any other governing body in lieu
26 thereof.

27 (d) "Industrial project" means any site, structure, building,
28 industrial park, water dock, wharf or port facilities, fixtures,
29 machinery, equipment and related facility, including real and
30 personal property, or any combination thereof, suitable as a
31 factory, mill or shop, or processing, assembly, manufacturing
32 or fabricating project, or warehouse or distribution facility,
33 or facilities for the extraction, production or distribution of
34 mineral resources and related facilities, or sewage or solid
35 waste disposal facilities, or facilities for the local furnishing
36 of electric energy or gas, or facilities for the furnishing of
37 water, if available on reasonable demand to members of the
38 general public, or storage or training facilities related to any of
39 the foregoing, or research or development facility or pollu-
40 tion abatement or control facility and includes the reconstruc-

41 tion, modernization and modification of any existing industrial
42 project for the abatement or control of industrial pollution.

43 (e) "Industrial pollution" means any gaseous, liquid or
44 solid waste substances or adverse thermal effects or com-
45 binations thereof resulting from any process of industry,
46 manufacturing, trade or business or from the development,
47 processing or recovery of any natural resources which pollute
48 the land, water or air of this state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baylor
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect from passage.

Isaac C. Willis
Clerk of the Senate

VA Blankenship
Clerk of the House of Delegates

Wm. R. Roan
President of the Senate

Charles H. See Jr.
Speaker House of Delegates

The within *is approved* this the *22*
day of *April*, 1981.

John D. Rhymer
Governor

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SECY. OF STATE