

No. 727

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984



ENROLLED

SENATE BILL NO. 727

(By Mr. Loehr)



PASSED March 8 1984

In Effect from Passage



ENROLLED

Senate Bill No. 727

(BY MR. LOEHR)

[Passed March 8, 1984; in effect from passage.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 33. INTERGOVERNMENTAL RELATIONS — BUILDING COMMISSIONS.

PART II. POWERS OF COMMISSIONS.

§8-33-4. Powers.

- 1 Each commission shall have plenary power and author-
- 2 ity 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 its
- 8 affairs;
- 9 (e) Elect such officers, appoint such committees 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 commission;

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

20 (g) Apply for, receive and use grants-in-aid, donations
21 and contributions from any source or sources, including
22 but not limited to the United States of America, or any
23 department or agency thereof, and accept and use be-
24 quests, devises, gifts and donations from any source
25 whatsoever;

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

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

34 (j) Raise funds by the issuance and sale of revenue
35 bonds in the manner provided by the applicable provi-
36 sions of sections seven, ten, twelve and sixteen, article
37 sixteen of this chapter, without regard to the extent
38 provided in section five of this article, to the limitations
39 specified in said section twelve, article sixteen, it being
40 hereby expressly provided that for the purpose of the
41 issuance and sale of revenue bonds, each commission is
42 a "governing body" as that term is used in said article
43 sixteen only;

44 (k) Subject to such reasonable limitations and condi-
45 tions as the governmental body or all of the governmen-
46 tal bodies creating and establishing such building com-
47 mission may prescribe by ordinance or by order, exercise
48 the power of eminent domain in the manner provided in
49 chapter fifty-four of this code for business corporations,
50 for the purposes set forth in subdivision (f) of this sec-
51 tion, which purposes are hereby declared public purposes
52 for which private property may be taken or damaged;

53 (l) Lease its property or any part thereof, for public
54 purposes, to such persons and upon such terms as the
55 commission deems proper, but when any municipality or
56 county commission is a lessee under any such lease, such
57 lease must contain a provision granting to such munic-
58 pality or county commission the option to terminate such
59 lease during any fiscal year covered thereby; and

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

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

James L. Davis
Chairman Senate Committee

Donald Anello
Chairman House Committee

Originated in the Senate.

In effect from passage.

Judd C. Welch
Clerk of the Senate

Donald L. Stapp
Clerk of the House of Delegates

Warren P. McHew
President of the Senate

W. M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1984.

John A. Dwyer
Governor

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