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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for
SENATE BILL NO. 406

(By Senator Bowman, et al)



PASSED March 9, 2000
In Effect July 1, 2000 ~~██████████~~

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SENATE CLERK

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 406

(SENATORS BOWMAN, BAILEY, BALL, DAWSON,
KESSLER, MCCABE, MINARD, REDD, SNYDER,
BOLEY AND MINEAR, *original sponsors*)

[Passed March 9, 2000; to take effect July 1, 2000.]

AN ACT to amend and reenact sections four and eleven, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the state building commission; terminating certain powers; and transferring certain powers and responsibilities to the secretary of administration and to the West Virginia economic development authority.

Be it enacted by the Legislature of West Virginia:

That sections four and eleven, article six, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 6. STATE BUILDINGS.

§5-6-4. Powers of commission.

- 1 The commission has the power:
- 2 (1) To sue and be sued, plead and be impleaded;
- 3 (2) To have a seal and alter the same at pleasure;
- 4 (3) To contract to acquire and to acquire, in the name of
5 the commission or of the state, by purchase, lease, lease-
6 purchase or otherwise, real property or rights or easements
7 necessary or convenient for its corporate purposes and to
8 exercise the power of eminent domain to accomplish those
9 purposes;
- 10 (4) To acquire, hold and dispose of personal property for
11 its corporate purposes;
- 12 (5) To make bylaws for the management and regulation
13 of its affairs;
- 14 (6) With the consent of the attorney general of the state
15 of West Virginia, to use the facilities of his or her office,
16 assistants and employees in all legal matters relating to or
17 pertaining to the commission;
- 18 (7) To appoint officers, agents and employees and fix
19 their compensation;
- 20 (8) To make contracts, and to execute all instruments
21 necessary or convenient to effectuate the intent of, and to
22 exercise the powers granted to it by this article;
- 23 (9) To renegotiate all contracts entered into by it when-
24 ever, due to a change in situation, it appears to the com-
25 mission that its interests will be best served;
- 26 (10) To construct a building or buildings on real prop-
27 erty, which it may acquire, or which may be owned by the
28 state of West Virginia, in the city of Charleston, as conve-
29 nient as may be to the capitol building, together with

30 incidental approaches, structures and facilities, subject to
31 the consent and approval of the city of Charleston in any
32 case as may be necessary; and, in addition, to acquire or
33 construct a warehouse, including office space in the
34 warehouse in Kanawha County for the West Virginia
35 alcohol beverage control commissioner, and equip and
36 furnish the office space; and to acquire or construct,
37 through lease, purchase, lease-purchase or bond financing,
38 hospitals or other facilities, buildings, or additions or
39 renovations to buildings as may be necessary for the safety
40 and care of patients, inmates and guests at facilities under
41 the jurisdiction of and supervision of the division of health
42 and at institutions under the jurisdiction of the division of
43 corrections or the regional jail and correctional facilities
44 authority; and to formulate and program plans for the
45 orderly and timely capital improvement of all of the
46 hospitals and institutions and the state capitol buildings;
47 and to construct a building or buildings in Kanawha
48 County to be used as a general headquarters by the
49 division of public safety to accommodate that division's
50 executive staff, clerical offices, technical services, supply
51 facilities and dormitory accommodations; and to develop,
52 improve and expand state parks and recreational facilities
53 to be operated by the division of natural resources; and to
54 establish one or more systems or complexes of buildings
55 and projects under control of the commission; and, subject
56 to prior agreements with holders of bonds previously
57 issued, to change the systems, complexes of buildings and
58 projects from time to time, in order to facilitate the
59 issuance and sale of bonds of different series on a parity
60 with each other or having such priorities between series as
61 the commission may determine; and to acquire by pur-
62 chase, eminent domain or otherwise all real property or
63 interests in the real property necessary or convenient to
64 accomplish the purposes of this subdivision. The rights
65 and powers set forth in this subdivision shall not be
66 construed as in derogation of any rights and powers now

67 vested in the West Virginia alcohol beverage control
68 commissioner, the department of health and human
69 resources, the division of corrections or the division of
70 natural resources;

71 (11) To maintain, construct and operate a project autho-
72 rized under this article;

73 (12) To charge rentals for the use of all or any part of a
74 project or buildings at any time financed, constructed,
75 acquired or improved in whole or in part with the proceeds
76 of sale of bonds issued pursuant to this article, subject to
77 and in accordance with such agreements with bondholders
78 as may be made as provided in this article: *Provided*, That
79 on and after the effective date of the amendments to this
80 section, to charge rentals for the use of all or any part of a
81 project or buildings at any time financed, constructed,
82 acquired, maintained or improved in whole or in part with
83 the proceeds of sale of bonds issued pursuant to this
84 article, subject to and in accordance with such agreements
85 with bondholders as may be made as in this section
86 provided, or with any funds available to the state building
87 commission, including, but not limited to, all buildings
88 and property owned by the state of West Virginia or by the
89 state building commission, but no rentals shall be charged
90 to the governor, attorney general, secretary of state, state
91 auditor, state treasurer, the Legislature and the members
92 of the Legislature, the supreme court of appeals, nor for
93 their offices, agencies, official functions and duties;

94 (13) To issue negotiable bonds and to provide for the
95 rights of the holders of the negotiable bonds;

96 (14) To accept and expend any gift, grant or contribution
97 of money to, or for the benefit of, the commission, from the
98 state of West Virginia or any other source for any or all of
99 the purposes specified in this article or for any one or more

100 of such purposes as may be specified in connection with
101 the gift, grant or contribution;

102 (15) To enter on any lands and premises for the purpose
103 of making surveys, soundings and examinations;

104 (16) To invest in United States government obligations,
105 on a short-term basis; any surplus funds which the com-
106 mission may have on hand pending the completion of any
107 project or projects;

108 (17) To issue revenue bonds in accordance with the
109 applicable provisions of this article for the purposes set
110 forth in section eleven-a of this article; and

111 (18) To do all things necessary or convenient to carry out
112 the powers given in this article.

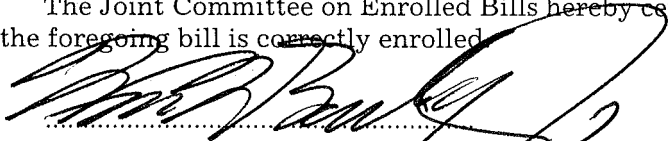
113 (19) The power and authority granted to the state
114 building commission pursuant to this section and sections
115 seven, eight and eleven-a of this article to initiate, acquire,
116 construct, finance or develop projects; to issue revenue
117 bonds; or to exercise the power of eminent domain with
118 respect to any project, shall terminate on the effective date
119 of this section: *Provided*, That nothing herein shall be
120 construed to affect the validity of any act of the state
121 building commission prior to the effective date of this
122 section or to impair the rights of bondholders with respect
123 to bonds or other evidence of indebtedness issued prior to
124 the effective date of this section. Following the effective
125 date of this section, the secretary of administration may
126 exercise any power expressly granted pursuant to this
127 article with respect to any project or facility previously
128 constructed or acquired, any existing contractual obliga-
129 tions, and any outstanding bonded indebtedness. Refund-
130 ing bonds for any outstanding bonded indebtedness are
131 authorized, subject to the provisions of article two-e,
132 chapter thirteen of this code. The West Virginia economic
133 development authority provided for in article fifteen,

134 chapter thirty-one of this code is designated to act as the
135 governing body whose authorizations and determinations
136 are required for the purpose of refunding bonds.

§5-6-11. Management and control of project.

1 The secretary of administration shall properly maintain,
2 repair, operate, manage and control the project, fix the
3 rates of rental, and establish bylaws and rules and regula-
4 tions for the use and operation of the project, and may
5 make and enter into all contracts or agreements necessary
6 and incidental to the performance of its duties and the
7 execution of its powers under this article.

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



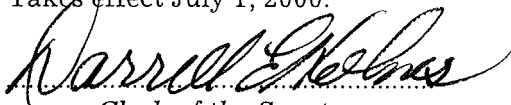
Chairman Senate Committee



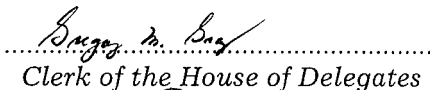
Chairman House Committee

Originating in the Senate.

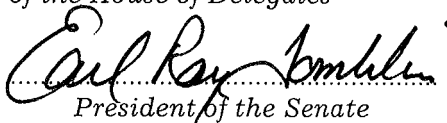
Takes effect July 1, 2000.



Clerk of the Senate



Clerk of the House of Delegates

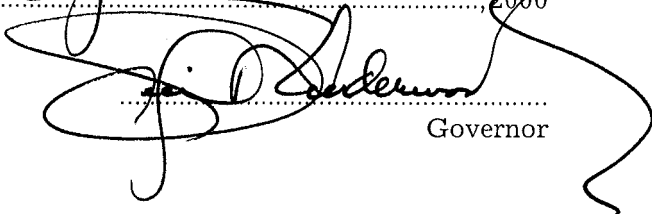


President of the Senate



Speaker House of Delegates

The within..... *approved* this the *3rd*
Day of..... *April* 2000



Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 2:57 pm