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
ENROLLED

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 whenever,
24 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
 incidental approaches, structures and facilities, subject to
the consent and approval of the city of Charleston in any
case as may be necessary; and, in addition, to acquire or
construct a warehouse, including office space in the
warehouse in Kanawha County for the West Virginia
alcohol beverage control commissioner, and equip and
furnish the office space; and to acquire or construct,
through lease, purchase, lease-purchase or bond financing,
hospitals or other facilities, buildings, or additions or
renovations to buildings as may be necessary for the safety
and care of patients, inmates and guests at facilities under
the jurisdiction of and supervision of the division of health
and at institutions under the jurisdiction of the division of
corrections or the regional jail and correctional facilities
authority; and to formulate and program plans for the
orderly and timely capital improvement of all of the
hospitals and institutions and the state capitol buildings;
and to construct a building or buildings in Kanawha
County to be used as a general headquarters by the
division of public safety to accommodate that division's
executive staff, clerical offices, technical services, supply
facilities and dormitory accommodations; and to develop,
improve and expand state parks and recreational facilities
to be operated by the division of natural resources; and to
establish one or more systems or complexes of buildings
and projects under control of the commission; and, subject
to prior agreements with holders of bonds previously
issued, to change the systems, complexes of buildings and
projects from time to time, in order to facilitate the
issuance and sale of bonds of different series on a parity
with each other or having such priorities between series as
the commission may determine; and to acquire by pur-
chase, eminent domain or otherwise all real property or
interests in the real property necessary or convenient to
accomplish the purposes of this subdivision. The rights
and powers set forth in this subdivision shall not be
construed as in derogation of any rights and powers now
vested in the West Virginia alcohol beverage control
commisioner, the department of health and human
resources, the division of corrections or the division of
natural resources;

(11) To maintain, construct and operate a project autho-

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

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

(14) To accept and expend any gift, grant or contribution
of money to, or for the benefit of, the commission, from the
state of West Virginia or any other source for any or all of
the purposes specified in this article or for any one or more
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of such purposes as may be specified in connection with
the gift, grant or contribution;

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

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

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

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

(19) The power and authority granted to the state
building commission pursuant to this section and sections
seven, eight and eleven-a of this article to initiate, acquire,
construct, finance or develop projects; to issue revenue
bonds; or to exercise the power of eminent domain with
respect to any project, shall terminate on the effective date
of this section: Provided, That nothing herein shall be
construed to affect the validity of any act of the state
building commission prior to the effective date of this
section or to impair the rights of bondholders with respect
to bonds or other evidence of indebtedness issued prior to
the effective date of this section. Following the effective
date of this section, the secretary of administration may
exercise any power expressly granted pursuant to this
article with respect to any project or facility previously
constructed or acquired, any existing contractual obliga-
tions, and any outstanding bonded indebtedness. Refund-
ing bonds for any outstanding bonded indebtedness are
authorized, subject to the provisions of article two-e,
chapter thirteen of this code. The West Virginia economic
development authority provided for in article fifteen,
chapter thirty-one of this code is designated to act as the governing body whose authorizations and determinations are required for the purpose of refunding bonds.

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

1 The secretary of administration shall properly maintain, repair, operate, manage and control the project, fix the rates of rental, and establish bylaws and rules and regulations for the use and operation of the project, and may make and enter into all contracts or agreements necessary and incidental to the performance of its duties and the 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 this the 3rd Day of April, 2000

Governor
PRESENTED TO THE
GOVERNOR
Date 3/16/00
Time 2:50 PM