

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3223

BY DELEGATE L. PACK

[Introduced March 16, 2021; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §5-6-4 of the Code of West Virginia, 1931, as amended; to amend
 2 said code by adding thereto a new section, designated §7-3-19; and to amend said code
 3 by adding thereto a new section, designated §8-12-22, all relating to prohibiting the
 4 dedication or naming any state, county, or municipal building or public structure for a public
 5 official who is holding office at the time of the proposed dedication or naming.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

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 the commission or of the state,
 5 by purchase, lease, lease-purchase or otherwise, real property or rights or easements necessary
 6 or convenient for its corporate purposes and to exercise the power of eminent domain to
 7 accomplish those purposes;

8 (4) To acquire, hold and dispose of personal property for its corporate purposes;

9 (5) To make bylaws for the management and regulation of its affairs;

10 (6) With the consent of the Attorney General of the State of West Virginia, to use the
 11 facilities of his or her office, assistants and employees in all legal matters relating to or pertaining
 12 to the commission;

- 13 (7) To appoint officers, agents and employees and fix their compensation;
- 14 (8) To make contracts, and to execute all instruments necessary or convenient to
15 effectuate the intent of, and to exercise the powers granted to it by this article;
- 16 (9) To renegotiate all contracts entered into by it whenever, due to a change in situation,
17 it appears to the commission that its interests will be best served;
- 18 (10) To construct a building or buildings on real property, which it may acquire, or which
19 may be owned by the State of West Virginia, in the city of Charleston, as convenient as may be
20 to the capitol building, together with incidental approaches, structures and facilities, subject to the
21 consent and approval of the city of Charleston in any case as may be necessary; and, in addition,
22 to acquire or construct a warehouse, including office space in the warehouse in Kanawha County
23 for the West Virginia Alcohol Beverage Control Commissioner, and equip and furnish the office
24 space; and to acquire or construct, through lease, purchase, lease-purchase or bond financing,
25 hospitals or other facilities, buildings, or additions or renovations to buildings as may be necessary
26 for the safety and care of patients, inmates and guests at facilities under the jurisdiction of and
27 supervision of the division of health and at institutions under the jurisdiction of the Division of
28 Corrections or the regional jail and correctional facilities authority; and to formulate and program
29 plans for the orderly and timely capital improvement of all of the hospitals and institutions and the
30 state Capitol buildings; and to construct a building or buildings in Kanawha County to be used as
31 a general headquarters by the division of public safety to accommodate that division's executive
32 staff, clerical offices, technical services, supply facilities and dormitory accommodations; and to
33 develop, improve and expand state parks and recreational facilities to be operated by the Division
34 of Natural Resources; and to establish one or more systems or complexes of buildings and
35 projects under control of the commission; and, subject to prior agreements with holders of bonds
36 previously issued, to change the systems, complexes of buildings and projects from time to time,
37 in order to facilitate the issuance and sale of bonds of different series on a parity with each other
38 or having such priorities between series as the commission may determine; and to acquire by

39 purchase, eminent domain or otherwise all real property or interests in the real property necessary
40 or convenient to accomplish the purposes of this subdivision. The rights and powers set forth in
41 this subdivision shall not be construed as in derogation of any rights and powers now vested in
42 the West Virginia Alcohol Beverage Control Commissioner, the Department of Health and Human
43 Resources, the Division of Corrections, or the Division of Natural Resources;

44 (11) To maintain, construct and operate a project authorized under this article;

45 (12) To charge rentals for the use of all or any part of a project or buildings at any time
46 financed, constructed, acquired or improved, in whole or in part, with the proceeds of sale of
47 bonds issued pursuant to this article, subject to and in accordance with such agreements with
48 bondholders as may be made as provided in this article: *Provided*, That on and after the effective
49 date of the amendments to this section, to charge rentals for the use of all or any part of a project
50 or buildings at any time financed, constructed, acquired, maintained or improved, in whole or in
51 part, with the proceeds of sale of bonds issued pursuant to this article, subject to and in
52 accordance with such agreements with bondholders as may be made as in this section provided,
53 or with any funds available to the state building commission, including, but not limited to, all
54 buildings and property owned by the State of West Virginia or by the state building commission,
55 but no rentals shall be charged to the Governor, Attorney General, Secretary of State, State
56 Auditor, State Treasurer, the Legislature and the members of the Legislature, the Supreme Court
57 of Appeals, nor for their offices, agencies, official functions and duties;

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

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

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

65 and examinations;

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

68 (17) To issue revenue bonds in accordance with the applicable provisions of this article
69 for the purposes set forth in §5-6-11a of this code; and

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

71 (19) The power and authority granted to the state building commission pursuant to this
72 section and §5-6-7, §5-6-8, and §5-6-11a of this code to initiate, acquire, construct, finance or
73 develop projects; to issue revenue bonds; or to exercise the power of eminent domain with respect
74 to any project, shall terminate on the effective date of this section: *Provided*, That nothing herein
75 shall be construed to affect the validity of any act of the state building commission prior to the
76 effective date of this section or to impair the rights of bondholders with respect to bonds or other
77 evidence of indebtedness issued prior to the effective date of this section. Following the effective
78 date of this section, the secretary of administration may exercise any power expressly granted
79 pursuant to this article with respect to any project or facility previously constructed or acquired,
80 any existing contractual obligations, and any outstanding bonded indebtedness. Refunding bonds
81 for any outstanding bonded indebtedness are authorized, subject to the provisions of article two-
82 e, chapter thirteen of this code. The West Virginia economic development authority provided for
83 in §31-15-1 *et seq.* of this code is designated to act as the governing body whose authorizations
84 and determinations are required for the purpose of refunding bonds.

85 (20) To prohibit the dedication or naming any state building or public structure for a public
86 official who is holding office at the time of the proposed dedication or naming.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 3. COUNTY PROPERTY.

§7-3-19. Dedication to or naming county property for office holder prohibited.

1 County commissions may prohibit the dedication or naming of any county building or
 2 public structure for a public official who is holding office at the time of the proposed dedication or
 3 naming.

CHAPTER 8. MUNICIPAL CORPORATIONS.

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
 RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL
 OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

§8-12-22. Dedication to or naming municipal property for office holder prohibited.

1 Municipalities or governing bodies of municipalities may prohibit the dedication or naming
 2 of any municipal owned building or public structure for a public official who is holding office at the
 3 time of the proposed dedication or naming.

NOTE: The purpose of this bill is to prohibit the dedication or naming any state, county, or municipal building or public structure for a public official who is holding office at the time of the proposed dedication or naming.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.