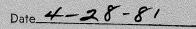
APPROVED AND SIGNED BY THE GOVERNOR



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WEST VIRGINIA LEGISLATURE REGULAR SESSION, 1981

ENROLLED

SENATE BILL NO. 140

(By Mr. Palumbo

PASSED <u>il //,</u> 1981 m_____Passage In Effect.....

E N R O L L E D Senate Bill No. 140 (By Mr. Palumbo)

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

AN ACT to amend and reenact section ten, article eighteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to revenue bonds issued by urban renewal authorities and the interest rates on such bonds.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 18. SLUM CLEARANCE.

§16-18-10. Bonds.

1 (a) An authority shall have power to issue bonds from 2 time to time in its discretion for any of its corporate 3 purposes including the payment of principal and interest 4 upon any advances for surveys and plans for redevelop-5 ment projects. An authority shall also have power to issue 6 refunding bonds for the purpose of paying or retiring or 7 in exchange for bonds previously issued by it. An author-8 ity may issue such types of bonds as it may determine, 9 including (without limiting the generality of the fore-10 going) bonds on which the principal and interest **are** 11 payable:

12 (1) Exclusively from the income, proceeds and rev13 enues of the redevelopment project financed with the
14 proceeds of such bonds; or

15 (2) Exclusively from the income, proceeds and rev-16 enues of any of its redevelopment projects whether or 17 not they are financed in whole or in part with the pro-18 ceeds of such bonds: *Provided*, That any such bonds may 19 be additionally secured by a pledge of any loan, grant or

20 contributions, or parts thereof, from the federal govern-21 ment or other sources, or a mortgage of any redevelop-22 ment project or projects of the authority.

23 (b) Neither the commissioners of an authority nor any 24 person executing the bonds shall be liable personally on 25 the bonds by reason of the issuance thereof. The bonds 26 and other obligations of the authority (and such bonds 27 and obligations shall so state on their face) shall not be a 28 debt of the municipality, the county or the state and 29 neither the municipality, the county nor the state shall 30 be liable thereon, nor in any event shall such bonds or 31 obligations be payable out of any funds or properties 32 other than those of said authority acquired for the pur-33 poses of this article. The bonds shall not constitute an 34 indebtedness within the meaning of any constitutional or 35 statutory debt limitation or restriction. Bonds of an **36** authority are declared to be issued for an essential public 37 and governmental purpose and to be public instrumental-38 ities and, together with interest thereon and income 39 therefrom, shall be exempt from all taxes. Such bonds 40 need not be offered by the authority to the state sinking 41 fund commission at any time and an authority shall not 42 be required to turn over any surplus or sinking funds to 43 the state sinking fund commission.

44 (c) Bonds of an authority shall be authorized by its
45 resolution and may be issued in one or more series and
46 shall bear such date or dates, be payable upon demand or
47 mature at such time or times, bear interest at such rate or
48 rates, not exceeding twelve per centum per annum, be in
49 such denomination or denominations, be in such form
50 either coupon or registered, carry such conversion or
51 registration privileges, have such rank or priority, be ex52 ecuted in such manner, be payable in such medium of
53 payment, at such place or places, and be subject to such
54 terms of redemption (with or without premium) as such
55 resolution, its trust indenture or mortgage may provide:
56 (d) The bonds shall be sold at not less than par at
57 public sale held after notice published as a Class I legal

58 advertisement in compliance with the provisions of article

three, chapter fifty-nine of this code, and the publication 59 60 area for such publication shall be the area of operation. 61 Such publication shall be made at least ten days prior to 62 such sale. The notice may be published in such other me-63 dium of publication as the authority may determine: Provided, That such bonds may be sold to the federal govern-64 ment at private sale at not less than par, and, in the event 65 less than all of the bonds authorized in connection with 66 67 any project or projects are sold to the federal government, 68 the balance of such bonds may be sold at private sale at 69 not less than par at an interest cost to the authority of not 70 to exceed the interest cost to the authority of the portion of the bonds sold to the federal government. 71

72 (e) In case any of the commissioners or officers of the 73 authority whose signatures appear on any bonds or cou-74 pons shall cease to be such commissioners or officers be-75 fore the delivery of such bonds, such signatures shall, 76 nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained 77 in office until such delivery. Any provision of any law to 78 79 the contrary notwithstanding, any bonds issued pursuant 80 to this article shall be fully negotiable.

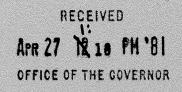
81 (f) In any suit, action or proceedings involving the 82 validity or enforceability of any bond of an authority or 83 the security therefor, any such bond reciting in substance that it has been issued by the authority to aid in financing 84 85 a redevelopment project, as herein defined, shall be con-86 clusively deemed to have been issued for such purpose 87 and such project shall be conclusively deemed to have 88 been planned, located and carried out in accordance with 89 the purposes and provisions of this article.

Enr. S. B. No. 140]

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. \$B Chairman Senate/Committee \mathbf{L}_{i} Chairman House Committee Originated in the Senate. To take effect from passage. Clerk of the Senate Blanchen Clerk of the House of Delegated President of the Senate Speaker House of Delegates The within. this the day of. ..., 1981

Governor

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