ENROLLED

House Bill No. 304
(By Mr. Whaley)

[Passed March 8, 1931; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal combined waterworks and sewerage systems and the issuance of revenue bonds in connection therewith.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Refund of Outstanding Obligations or Securities; Issuance of Bonds.—Whenever a waterworks and sewerage system is included in a combined waterworks and sewerage system under this article and there are unpaid and outstanding revenue bonds or any other obligations or securities previously issued which are payable
solely from the revenues of such waterworks or such
sewerage system or any part thereof, such outstanding
bonds, obligations or securities may be refunded by the
issue and sale or exchange therefor of revenue bonds to
be issued under the provisions of this article. For the
purpose of defraying the cost of acquiring or constructing
any such waterworks or sewerage systems, or both, and
for the purpose of paying the cost of constructing any
extensions or improvements to any such combined water-
works and sewerage system any such municipality may
issue revenue bonds under the provisions of this article.
All such bonds may be authorized, issued and sold pur-
suant to ordinance in installments at different times or
an entire issue or series may be sold at one time. Such
bonds shall bear interest at a rate not to exceed six per
cent per annum payable semi-annually and shall mature
within the period of usefulness of the project involved,
to be determined by the governing body and in any event
not more than forty years. Such bonds may be in such
denomination or denominations, may be in such form,
either coupon or registered, may carry such registration
and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be subject to such terms of redemption, with or without a premium, may be declared to become due before the maturity date thereof, may provide for the replacement of mutilated, destroyed, stolen, or lost bonds, may be authenticated in such manner and upon compliance with such conditions, and may contain such other terms and covenants, as may be provided by ordinance of the governing body of the municipality. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is non-negotiable, all such bonds shall at all times be, and shall be treated as, negotiable instruments for all purposes. Such bonds may be sold in such manner as the governing body shall determine and if issued to bear interest at the rate of six per cent per annum shall be sold for not less than par and accrued interest. If any such bonds shall be issued to bear interest at a rate of less than six per cent per annum, the minimum price at which they may be sold shall be such that the interest
cost to such municipality of the proceeds of such bonds shall not exceed six per cent per annum computed to maturity according to the standard table of bond values, Provided, That if the governing body of the municipality determines to sell any revenue bonds of such combined waterworks and sewerage system for refunding purposes such bonds shall be sold at not less than par and accrued interest and the proceeds deposited at the place of payment of the bonds, obligations or securities being refunded thereby. In case any officer whose signature appears on such bonds or coupons attached thereto shall cease to be such officer before the delivery of the bonds to the purchaser, such signature shall nevertheless be valid and sufficient for all purposes, with the same effect as if he had remained in office until the delivery of the bonds. Such bonds shall have all the qualities of negotiable instruments under the law of this state. Whenever any outstanding bonds, obligations or securities previously issued which are payable solely from the revenues of any waterworks or sewerage system included in a combined waterworks and sewerage system under this article are
refunded, if the refunding is to be accomplished by ex-
change such outstanding bonds, obligations or securities
shall be surrendered and exchanged for revenue bonds
of such combined waterworks and sewerage system of a
total principal amount which shall not be more and may
be less than the principal amount of the bonds, obliga-
tions or securities surrendered and exchanged plus the
interest to accrue thereon to the date of surrender and
exchange, and if the refunding is to be accomplished
through the sale of revenue bonds of such combined
waterworks and sewerage system the total principal
amount of such revenue bonds which may be sold for
refunding purposes shall not exceed the principal amount
of the bonds, obligations or securities being refunded plus
the interest to accrue thereon to the retirement date or
the next succeeding interest payment date, whichever
date may be the earlier. Provision may be made that each
bond to be exchanged for refunding bonds shall be kept
intact and shall not be cancelled or destroyed until the
refunding bonds, and interest thereon, have been finally
paid and discharged; but shall be stamped with a legend
to the effect that such bonds have been refunded pursuant to this article.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

L. H. McCourt
Chairman Senate Committee

Whitman
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

J. H. Kennahey
Clerk of the Senate

C.A. Blandshurst
Clerk of the House of Delegates

Ralph J. Burns
President of the Senate

W. C. Carwile
Speaker, House of Delegates

The within approved this the 15th
day of March, 1957.

G. H. Underwood
Governor

Filed in the Office of the Secretary of State
of West Virginia, MAR 15 1957

D. Pitt O'Brien
Secretary of State