

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1970



ENROLLED

HOUSE BILL No. 4

(By Mr. Beirach & Mr. Watson)



PASSED June 18, 1970

In Effect June Passage



# 4

FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 6-23-70

**ENROLLED**

# House Bill No. 4

(By MR. SPEAKER, MR. BOIARSKY, and MR. WATSON)

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[Passed June 18, 1970; in effect from passage.]

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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
- 2 from time to time in its discretion for any of its cor-

3 porate purposes including the payment of principal  
4 and interest upon any advances for surveys and plans  
5 for redevelopment projects. An authority shall also  
6 have power to issue refunding bonds for the purpose  
7 of paying or retiring or in exchange for bonds pre-  
8 viously issued by it. An authority may issue such  
9 types of bonds as it may determine, includ-  
10 ing (without limiting the generality of the fore-  
11 going) bonds on which the principal and interest are  
12 payable:

13 (1) Exclusively from the income, proceeds and reve-  
14 nues of the redevelopment project financed with the pro-  
15 ceeds of such bonds; or

16 (2) Exclusively from the income, proceeds and reve-  
17 nues of any of its redevelopment projects whether or  
18 not they are financed in whole or in part with the pro-  
19 ceeds of such bonds: *Provided*, That any such bonds  
20 may be additionally secured by a pledge of any loan,  
21 grant or contributions, or parts thereof, from the federal  
22 government or other sources, or a mortgage of any re-  
23 development project or projects of the authority.

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

45 (c) Bonds of an authority shall be authorized by its  
46 resolution and may be issued in one or more series and  
47 shall bear such date or dates, be payable upon demand  
48 or mature at such time or times, bear interest at such  
49 rate or rates, not exceeding seven per centum per annum,  
50 be in such denomination or denominations, be in such  
51 form either coupon or registered, carry such conversion  
52 or registration privileges, have such rank or priority,  
53 be executed in such manner, be payable in such medium  
54 of payment, at such place or places, and be subject to  
55 such terms of redemption (with or without premium) as  
56 such resolution, its trust indenture or mortgage may pro-  
57 vide.

58 (d) The bonds shall be sold at not less than par at  
59 public sale held after notice published as a Class I legal  
60 advertisement in compliance with the provisions of ar-  
61 ticle three, chapter fifty-nine of this code, and the publi-  
62 cation area for such publication shall be the area of  
63 operation. Such publication shall be made at least ten  
64 days prior to such sale. The notice may be published in  
65 such other medium of publication as the authority may

66 determine: *Provided*, That such bonds may be sold to the  
67 federal government at private sale at not less than par,  
68 and, in the event less than all of the bonds authorized in  
69 connection with any project or projects are sold to the  
70 federal government, the balance of such bonds may be  
71 sold at private sale at not less than par at an interest  
72 cost to the authority of not to exceed the interest cost  
73 to the authority of the portion of the bonds sold to the  
74 federal government.

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

84 (f) In any suit, action or proceedings involving the  
85 validity or enforceability of any bond of an authority  
86 or the security therefor, any such bond reciting in sub-

87 stance that it has been issued by the authority to aid in  
88 financing a redevelopment project, as herein defined, shall  
89 be conclusively deemed to have been issued for such  
90 purpose and such project shall be conclusively deemed  
91 to have been planned, located and carried out in accord-  
92 ance with the purposes and provisions of this article.

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

*William Tompkins*  
\_\_\_\_\_

Chairman Senate Committee

*Clayton B. Davidson*  
\_\_\_\_\_

Chairman House Committee

Originated in the House.

Takes effect from passage.

*John D. Meyer*  
\_\_\_\_\_

Clerk of the Senate

*M. Blankenship*  
\_\_\_\_\_

Clerk of the House of Delegates

*Lloyd Garrison*  
\_\_\_\_\_

President of the Senate

*Jim F. Bowley*  
\_\_\_\_\_

Speaker House of Delegates

The within *approved* \_\_\_\_\_ this the *22<sup>nd</sup>*  
day of *June* \_\_\_\_\_, 1970.

*Arch A. Shaver Jr.*  
\_\_\_\_\_

Governor

PRESENTED TO THE  
GOVERNOR

Date 6/22/70

Time 7:40 p.m.

RECEIVED

JUN 23 9 45 AM '70

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA