WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

ENROLLED

HOUSE BILL No. 733

(By Mr. [Signature])

PASSED February 12, 1970

In Effect [Signature] Passage

733

FILED IN THE OFFICE
JOHN G. BUCKEYER, IV
SECRETARY OF STATE
THIS DATE 2-16-70
AN ACT to amend and reenact sections nine and fourteen, article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the maximum rate of interest on and the net interest cost of revenue bonds issued by county courts.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. COUNTY PROPERTY.

§7-3-9. Form and payment of bonds; use of proceeds of bonds.

1 Any county court issuing revenue bonds under the pro-
visions of this article shall thereafter, so long as any such bonds remain outstanding, operate and maintain said courthouse, hospital, other public buildings, or jail, to provide revenues sufficient to pay all operating costs, provide a sinking fund for, and to retire such bonds and pay the interest thereon as the same may become due. The amounts, as and when so set apart by said county court, shall be remitted to the state sinking fund commission at least thirty days previous to the time interest or principal payments become due, to be retained and paid out by said commission consistent with the provisions of this article and with the order pursuant to which such bonds have been issued. The state sinking fund commission is hereby authorized to act as fiscal agent for the administration of such sinking fund under any order passed pursuant to the provisions of this article, and shall invest all sinking funds, as provided by general law. Revenue bonds issued under the provisions of this article are hereby declared to be and to have all the qualities of negotiable instruments. Such bonds shall bear interest at not more than seven percent per
annum, payable semiannually, and shall mature at any
time fixed by the county court, in not more than thirty
years from their date. Such bonds shall be sold at a price
not lower than a price which, when computed upon stan-
dard tables of bond values, will show a net return of not
more than eight percent per annum to the purchaser upon
the amount paid therefor. Such bonds may be made re-
deeable at the option of the county court at such price
and under terms and conditions as said court may fix, by
its order, prior to the issuance of such bonds. Revenue
bonds issued hereunder shall be payable at the office of the
state treasurer, or some bank in the city of New York.

In case any of the officers whose signatures appear on
such bonds or coupons shall cease to be such officers be-
fore the delivery of such bonds, such signatures shall,
nevertheless, be valid and sufficient for all purposes the
same as if they had remained in office until such delivery.
The county court shall by order entered prior to the issu-
ance of said bonds, fix the denominations, times and places
of payment of such bonds, the principal and interest of
which shall be payable in lawful money of the United
States of America. The proceeds of such bonds shall be used solely for the payment of the cost of land, buildings, furniture and equipment thereon, and shall be checked out by the county court under such restrictions as are contained in the order providing for the issuance of said bonds. If the proceeds of such bonds issued for any courthouse, hospital, other public buildings, or jail, shall exceed the cost thereof, the surplus shall be paid into the fund herein provided for the payment of principal and interest upon such bonds. Such fund may be used for the purchase or redemption of any of the outstanding bonds payable from such fund at the market price, but at not exceeding the price at which any of such bonds shall in the same year be redeemable, as fixed by the court in its said order, and all bonds redeemed or purchased shall forthwith be canceled, and shall not again be issued.

Prior to the preparation of definitive bonds, the county court may, under like restrictions, issue temporary bonds, or interim certificates, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. Such bonds may be issued without any other
proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this article.

§7-3-14. Authority to acquire and operate hospitals, clinics, long-term care facilities and other related facilities; financing.

1 The county court of any county is hereby authorized and empowered to acquire by purchase or construction and to thereafter own, equip, furnish, operate, lease, improve and extend a public hospital, clinic, long-term care facility and other related facilities, with all appurtenances, including the necessary real estate as a site therefor. Any such county public hospital acquired pursuant hereto may include a nurses home and nurses training school. The county court is further authorized and empowered, upon acquiring a hospital, clinic, long-term care facility or other related facility, to lease to others any or all such facilities for such rentals and upon such terms and conditions as the county court may deem advisable. For the purpose of paying all or any part of the costs, not otherwise provided, of acquiring, completing, equipping, furnishing, improving or extending such hos-
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17 pital, clinic, long-term care facility or other related
18 facility, the county court is hereby authorized and em-
19 powered by order duly entered of record, to issue
20 and sell the negotiable revenue bonds of such county,
21 which shall be payable solely and only from all or such
22 part of the net revenues from the operation of such
23 county public hospital, clinic, long-term care facility
24 or other related facility as may be provided by said
25 order; and each such revenue bond so issued shall con-
26 tain a recital that payment or redemption of the bond
27 and payment of the interest thereon is secured by the
28 revenues pledged therefor, and that such bond does not
29 constitute an indebtedness of such county or the county
30 court thereof within the meaning of any constitutional
31 or statutory limitation or provision. Such revenue bonds
32 may bear such date or dates, may mature at such time
33 or times not exceeding thirty-four years from their
34 respective dates, may bear interest at such rate or rates not
35 exceeding seven percent per annum, may be of such de-
36 nomination or denominations, may be in such form; may
37 carry such registration privileges, may be made subject to
such terms of redemption with or without premium, and
may contain such other terms and covenants not inconsis-
tent with this article as may be provided in such order.
Such revenue bonds shall be exempt from taxation by the
state of West Virginia and the other taxing bodies of
the state. In determining the amount of revenue bonds
to be issued, there may be included any expenses in
connection with and incidental to the issuance and sale
of bonds and for the preparation of plans, specifications,
surveys and estimates, interest during the estimated
construction period and for six months thereafter, and
a reasonable amount for working capital and prepaid
insurance. Such bonds may be sold in such manner, at
such times and upon such terms as may be determined
by the county court to be for the best interests of the
county: *Provided*, That no bonds may be sold upon terms
which will result in the net interest cost of more than
eight percent per annum computed to maturity of the
bonds according to standard tables of bond values. There
may be included in any such order authorizing the issu-
ance of revenue bonds such covenants, stipulations and
conditions as may be deemed necessary with respect to
the expenditure of the bond proceeds, the operation and
maintenance of the county public hospital, clinic, long-
term care facility or other related facility, and the custody
and application of the revenues from such operation. The
holder of any bond or bonds may, by mandamus or other
appropriate proceedings, require and compel performance
of any duties imposed by law in connection with the hos-
pital, clinic, long-term care facility or other related facil-
ity, or any covenant, stipulation or condition that may
have been expressed in such bond order.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tomper
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Howard Ray
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lloyd G. Jackson
President of the Senate

Jim T. Barbour
Speaker House of Delegates

The within approved this the 17th day of February, 1970.

Arch.Shape,J.
Governor
PRESENTED TO THE
GOVERNOR

Date 2/16/70
Time 2:40 P.M.