

No. 1522

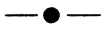
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WEST VIRGINIA LEGISLATURE

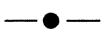
REGULAR SESSION, 1985



ENROLLED

HOUSE BILL No. 1522

(By Mr. Del. J. Martini)



Passed April 13, 1985

In Effect from Passage



ENROLLED
H. B. 1522
(By DELEGATE J. MARTIN)

[Passed April 13, 1985; in effect from passage.]

AN ACT to amend and reenact section twenty, article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to and providing for alternative methods by which a municipality may provide for the defeasance or payment of bonded indebtedness.

Be it enacted by the Legislature of West Virginia:

That section twenty, 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:

ARTICLE 13. TAXATION AND FINANCE.

§8-13-20. Balances in municipal bond commission fund may be transferred or remitted to general fund where bonded indebtedness has been paid or where defeasance or payment of bonded indebtedness has been provided for; use of transferred or remitted funds.

1 (a) As used in this section, unless the context in which used
2 clearly requires a different meaning, the word "commission"
3 means the West Virginia municipal bond commission.

4 (b) Every municipality shall have plenary power and
5 authority to transfer to the general fund of such municipality:

6 (1) Any unexpended balances of funds raised to pay the
7 interest on and create sinking funds for any bonded indebted-

8 ness when the bonded indebtedness for the payment of which
9 such funds were raised has been fully paid and discharged or
10 when provision has been made, as hereinafter provided in
11 subsection (d) of this section, to fully pay and discharge such
12 bonded indebtedness, and

13 (2) Any balance remaining in any fund levied and collected
14 under authority of any special levy election.

15 (c) The commission is authorized to remit to the munici-
16 pality which has issued or issues any bonds, to be credited to
17 the general fund of such municipality, any balances of funds
18 remaining under the supervision and control of the commis-
19 sion when the bonded indebtedness for the payment of which
20 such funds were raised and paid to the commission has been
21 fully paid and discharged or when provision has been made,
22 as hereinafter provided in subsection (d) of this section, to fully
23 pay and discharge such bonded indebtedness.

24 (d) All outstanding bonds of any series shall, prior to the
25 maturity date thereof, be deemed to have been fully paid and
26 discharged when there shall have been deposited with the
27 commission:

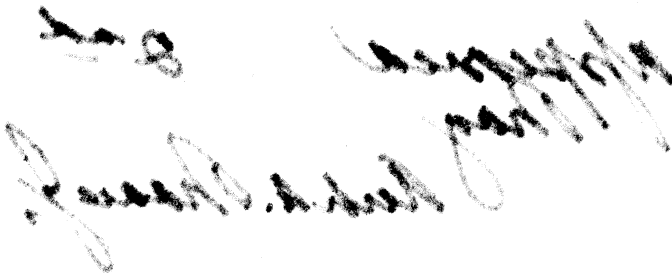
28 (1) Either moneys in an amount which shall be sufficient,
29 or

30 (2) Securities of a quality in which the commission is
31 authorized by law to invest moneys in its possession and
32 control, the principal of and interest on which will provide
33 moneys which, together with the moneys, and investment
34 securities, if any, theretofore deposited with, or acquired by,
35 the commission and held by it for the payment of such bonds
36 and the moneys, if any, then deposited with the commission
37 for such purpose, (i) shall be sufficient to pay when due the
38 principal and interest due and to become due on said bonds
39 on and prior to the maturity date thereof, or (ii) if the
40 outstanding bonds are redeemable and the municipality by
41 ordinance determines to redeem said outstanding bonds, shall
42 be sufficient to pay when due the redemption price, and
43 interest due and to become due on said bonds on and prior
44 to the next redemption date thereof.

45 The moneys and securities held by the commission pursuant
46 to this subsection (d) shall be held by the commission in trust

47 for the payment of the principal or redemption price, if
48 applicable, of and interest on the bonds for the payment or
49 redemption of which such provision is made: *Provided*, That
50 any cash received from principal or interest payments on
51 securities so held by the commission, if not then needed for
52 such purpose, shall, to the extent practicable, be reinvested in
53 securities maturing at times and in principal amounts sufficient
54 to pay when due the principal or redemption price, if
55 applicable, of and interest to become due on such bonds on
56 and prior to the redemption date or maturity date thereof, as
57 the case may be, and the interest earned from any such
58 reinvestments shall be paid over to the municipality which
59 issued such bonds, as received by the commission, free and
60 clear of any trust. Any moneys, and the proceeds of any
61 securities, held by the commission in trust for the redemption,
62 if applicable, or for the payment and discharge of any series
63 of bonds, which are in excess of the moneys required to fully
64 pay and discharge such bonds, by redemption, if applicable,
65 or upon maturity thereof, shall also be transferred to the
66 general fund of the municipality which issued such bonds after
67 such bonds are redeemed, if applicable, or after such bonds
68 are fully paid and discharged at maturity, as the case may be.

69 (e) In any case where such funds are transferred from
70 sinking funds, or are remitted from the commission, as
71 hereinabove provided, no part of the moneys so transferred
72 or remitted shall be expended for the payment of current
73 expenses of the municipality, but such funds shall be expended
74 as the governing body of such municipality shall elect for the
75 liquidation of existing nonbonded indebtedness, if any, of such
76 municipality or for the liquidation of other bonded indebted-
77 ness of such municipality or for any combination of such uses.

The bottom of the page contains several handwritten signatures and scribbles in black ink. The signatures are somewhat illegible but appear to be written in a cursive style. There are also some dark, irregular marks that look like ink blots or heavy scribbles.

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

Harold E. Clarke
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect from passage.

Jedd C. Hulse
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Sam Tomlinson
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within *approved* this the *2nd*
day of *May*, 1985.

Richard Thomas J.
Governor



PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 7:33 p.m.