

WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 1968



ENROLLED

HOUSE BILL No. 15

(By Mr. Mc Manus and Mr. Payne)



PASSED September 14, 1968

In Effect from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 9-19-68

#15

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House Bill No. 15
(By MR. McMANUS and MR. PAYNE)

[Passed September 14, 1968; in effect from passage.]

AN ACT to amend and reenact sections five and nineteen, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section nineteen-a, all relating to the acquisition by the state road commission of the West Virginia turnpike, permitting the issuance of special obligation bonds for such purposes and granting the permission of the state for the turnpike commission to seek voluntary bankruptcy in accordance with Title 11 of the United States Code, §§ 401 to 403, inclusive.

Be it enacted by the Legislature of West Virginia:

That sections five and nineteen, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designed section nineteen-a, all to read as follows:

ARTICLE 16A. WEST VIRGINIA TURNPIKE COMMISSION.

§17-16A-5. Commission's general powers.

- 1 The commission is hereby authorized and empowered:
- 2 (a) To adopt bylaws for the regulation of its affairs
- 3 and the conduct of its business;
- 4 (b) To adopt an official seal and alter the same at
- 5 pleasure;
- 6 (c) To maintain an office at such place or places
- 7 within the state as it may designate;
- 8 (d) To sue and be sued in its own name, plead and
- 9 be impleaded. Any and all actions at law or in equity
- 10 against the commission shall be brought only in the
- 11 county in which the principal office of the commission
- 12 shall be located;

13 (e) To construct, maintain, repair and operate turn-
14 pike projects as hereinabove defined at such locations
15 within the state as may be determined by the com-
16 mission;

17 (f) To issue turnpike revenue bonds of the state of
18 West Virginia, payable solely from revenues, for the
19 purpose of paying all or any part of the cost of any
20 one or more turnpike projects;

21 (g) To fix and revise from time to time tolls for
22 transit over each turnpike project constructed by
23 it;

24 (h) To acquire, hold and dispose of real and per-
25 sonal property in the exercise of its powers and the
26 performance of its duties under this article;

27 (i) To acquire in the name of the state by purchase
28 or otherwise, on such terms and conditions and in such
29 manner as it may deem proper, or by the exercise of
30 the right of condemnation in the manner hereinafter
31 provided, such public or private lands, including public
32 parks, playgrounds or reservations, or parts thereof or
33 rights therein, rights-of-way, property, rights, ease-

34 ments and interests, as it may deem necessary for
35 carrying out the provisions of this article. No compen-
36 sation shall be paid for public lands, playgrounds, parks,
37 parkways or reservations so taken, and all public prop-
38 erty damaged in carrying out the powers granted by
39 this article, shall be restored or repaired and placed
40 in its original condition as nearly as practicable;

41 (j) To designate the locations, and establish, limit
42 and control such points of ingress to and egress from
43 each turnpike project as may be necessary or desirable
44 in the judgment of the commission to insure the proper
45 operation and maintenance of such project, and to
46 prohibit entrance to such project from any point or points
47 not so designated;

48 (k) To make and enter into all contracts and agree-
49 ments necessary or incidental to the performance of
50 its duties and the execution of its powers under this
51 article, and to employ consulting engineers, attorneys,
52 accountants, construction and financial experts, super-
53 intendants, managers, and such other employees and
54 agents as may be necessary in its judgment, and to fix

55 their compensation. All such expenses shall be pay-
56 able solely from the proceeds of turnpike revenue bonds
57 issued under the provisions of this article or from
58 revenues;

59 (l) To receive and accept from any federal agency
60 grants for or in aid of the construction of any turnpike
61 project, and to receive and accept aid or contributions
62 from any source of either money, property, labor or
63 other things of value, to be held, used and applied only
64 for the purposes for which such grants and contributions
65 may be made;

66 (m) To do all acts and things necessary or convenient
67 to carry out the powers expressly granted in this article;
68 and

69 (n) To file the necessary petition or petitions pur-
70 suant to Title 11 United States Code, §401 (being section
71 81 of the act of Congress entitled "An act to establish
72 a uniform system of bankruptcy throughout the United
73 States," approved July 1, 1898, as amended) and to
74 prosecute to completion all proceedings permitted by
75 Title 11 United States Code, §§401-403 (being sections

76 81 to 83, inclusive, of said act of Congress). The state
77 road commission may in behalf of the commission or
78 as successor to the commission pursuant to subdivision
79 (a) of section four of this article file said petition and
80 prosecute to completion all such proceedings as herein-
81 above provided for, and the state of West Virginia hereby
82 consents to the application of said Title 11 United States
83 Code, §§401-403, to the West Virginia turnpike commission
84 or to the state road commission in behalf of or as successor
85 to the turnpike commission.

§17-16A-19. Article deemed to provide additional and alternative methods.

1 This article shall be deemed to provide an additional
2 and alternative method for the doing of the things
3 authorized thereby, and shall be regarded as supple-
4 mental and additional to powers conferred by other
5 laws, and shall not be regarded as in derogation of any
6 powers now existing. The issuance of special obligation
7 bonds under the provisions of this article need not
8 comply with the requirements of any other law applicable
9 to the issuance of bonds.

§17-16A-19a. Additional powers of commission; issuance of special obligation bonds.

1 In addition to all powers granted by the foregoing
2 sections of this article, the commission in connection
3 with a proceeding prosecuted to completion under Title
4 11 United States Code, §§401-403 as permitted by sub-
5 division (n) of section five of this article is hereby
6 authorized to provide by resolution for the issuance of
7 special obligation bonds of the state for the purpose
8 of exchanging such special obligation bonds for all
9 bonds then outstanding which shall have been issued
10 under the provisions of this article. Special obligation
11 bonds issued under the provisions of this section shall
12 not be deemed to constitute a debt of the state or of any
13 political subdivision thereof or a pledge of the faith
14 and credit of the state or of any such political sub-
15 division, but such bonds shall be payable solely from
16 the funds herein provided therefor from pledged prop-
17 erty and income therefrom as provided in subdivision
18 (a) of this section. All such special obligation bonds
19 shall contain on the face thereof a statement in accor-
20 dance with the preceding sentence. The issuance of such

21 bonds, the maturities and other details thereof, the
22 rights of the holders thereof, and the rights, duties and
23 obligations of the commission in respect of the same
24 shall be governed by the provisions of this article insofar
25 as the same may be applicable with the following express
26 exceptions:

27 (a) The principal of and the interest on such special
28 obligation bonds shall not be payable from tolls or
29 revenues of any turnpike project but shall be payable
30 solely from such other property purchased and pledged
31 as security therefor together with the income derived
32 from such property as the commission shall determine
33 which other property may include direct obligations of,
34 or obligations the principal of and the interest on which
35 are guaranteed by, the United States government; and

36 (b) Following the issuance of such special obligation
37 bonds there shall be no obligation to fix, revise, charge
38 and collect tolls for the use of any turnpike project
39 and any turnpike project shall be transferred to the
40 state road commission and shall thereafter be maintained
41 by the state road commission free of tolls. At such

42 time as the special obligation bonds are issued, then
43 section sixteen of this article shall be of no further
44 force and effect.

45 Financial, legal, engineering and feasibility consultants
46 may be employed to perform such services as the com-
47 mission shall deem necessary or desirable in connection
48 with the Title 11 proceedings mentioned above and the
49 issuance and exchange of the special obligation bonds.

50 The entire powers herein granted by this section to
51 the commission may be exercised by the state road
52 commission in which event the special obligation bonds
53 herein authorized shall be signed by the governor or
54 with a facsimile signature of the governor and by the
55 state road commissioner, and the official seal of the
56 state road commission shall be affixed thereto and
57 attested by the executive secretary of the state road
58 commission, and any coupons attached thereto shall bear
59 the facsimile signature of the state road commissioner.
60 In the event that the state road commission shall elect
61 to exercise the powers granted by this section, it shall
62 file a statement to that effect in the office of the chairman

63 of the commission and in the office of the secretary of
64 state, and upon the issuance of the special obligation
65 bonds herein provided for the state road commission
66 shall succeed immediately to the principal functions of
67 the commission and the commission shall then be
68 abolished.

69 The state road commission is hereby empowered to
70 acquire by purchase the West Virginia turnpike com-
71 mission and all its rights-of-way, equipment, facilities
72 and any and all other rights or interest the West Virginia
73 turnpike commission has or had in the West Virginia
74 turnpike project, from any funds available to it, except
75 funds received from the issuance of bonds and to pay
76 any expenses incident to such acquisition under the
77 provisions of this article: *Provided, however,* That the
78 contribution of the state road commission in making such
79 acquisition shall not exceed the sum of twenty million
80 dollars from all sources of public moneys of the state of
81 West Virginia, excluding any funds reimbursed by the
82 federal government.

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

William Tompos
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Harold Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Carson
President of the Senate

H. Lahan White
Speaker House of Delegates

The within approved this the 19
day of September, 1968.

Hueyt C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 9/18/68

Time 10:25 AM

SEP 19 1 33 PM '68
OFFICE
SECRETARY OF STATE
STATE OF VIRGINIA

RECEIVED