

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 939

(By Mr. Spake, Mr. Beasley)



PASSED March 8, 1969

In Effect per Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 3-12-69

656 #

**ENROLLED**  
**House Bill No. 939**

(By MR. SPEAKER, MR. BOIARSKY)

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[Passed March 8, 1969; in effect from passage.]

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AN ACT to amend and reenact sections five and nineteen-a, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the acquisition by the state road commission of any turnpike project, 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-a, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine

hundred thirty-one, as amended, be amended and reenacted 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 (1) To adopt bylaws for the regulation of its affairs  
3 and the conduct of its business;

4 (2) To adopt an official seal and alter the same at  
5 pleasure;

6 (3) To maintain an office at such place or places  
7 within the state as it may designate;

8 (4) To sue and be sued in its own name, plead  
9 and be impleaded. Any and all actions against the  
10 commission shall be brought only in the county in  
11 which the principal office of the commission shall be  
12 located;

13 (5) 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 commis-  
16 sion;

17 (6) To issue turnpike revenue bonds of the state of

18 West Virginia, payable solely from revenues, for the pur-  
19 pose of paying all or any part of the cost of any one or  
20 more turnpike projects;

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

23 (8) To acquire, hold and dispose of real and personal  
24 property in the exercise of its powers and the performance  
25 of its duties under this article;

26 (9) To acquire in the name of the state by purchase or  
27 otherwise, on such terms and conditions and in such  
28 manner as it may deem proper, or by the exercise of the  
29 right of condemnation in the manner hereinafter pro-  
30 vided, such public or private lands, including public  
31 parks, playgrounds or reservations, or parts thereof or  
32 rights therein, rights-of-way, property, rights, easements  
33 and interests, as it may deem necessary for carrying out  
34 the provisions of this article. No compensation shall be  
35 paid for public lands, playgrounds, parks, parkways or  
36 reservations so taken, and all public property damaged  
37 in carrying out the powers granted by this article, shall

38 be restored or repaired and placed in its original condi-  
39 tion as nearly as practicable;

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

47 (11) To make and enter into all contracts and agree-  
48 ments necessary or incidental to the performance of its  
49 duties and the execution of its powers under this article,  
50 and to employ consulting engineers, attorneys, account-  
51 ants, construction and financial experts, superintendents,  
52 managers, and such other employees and agents as may  
53 be necessary in its judgment, and to fix their compensa-  
54 tion. All such expenses shall be payable solely from the  
55 proceeds of turnpike revenue bonds issued under the  
56 provisions of this article or from revenues;

57 (12) To receive and accept from any federal agency

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

64 (13) To do all acts and things necessary or convenient  
65 to carry out the powers expressly granted in this article;  
66 and

67 (14) To file the necessary petition or petitions pur-  
68 suant to Title 11, United States Code, §401 (being section  
69 81 of the act of Congress entitled "An act to establish a  
70 uniform system of bankruptcy throughout the United  
71 States," approved July 1, 1898, as amended) and to prose-  
72 cute to completion all proceedings permitted by Title 11,  
73 United States, Code, §§401-403 (being sections 81 to 83,  
74 inclusive, of said act of Congress). The state of West  
75 Virginia hereby consents to the application of said Title  
76 11, United States Code, §§401-403, to the West Virginia  
77 turnpike commission.

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

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

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

26 (1) The principal of and the interest on such special  
27 obligation bonds shall not be payable from tolls or reve-  
28 nues of any turnpike project but shall be payable solely  
29 from such other property purchased and pledged as secur-  
30 ity therefor as the commission shall determine together  
31 with the income derived therefrom which other property  
32 may include direct obligations of, or obligations the prin-  
33 cipal of and the interest on which are guaranteed by, the  
34 United States government or participation certificates or  
35 other obligations issued by or by authority of the United  
36 States government; and

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



42 state road commission free of tolls. At such time as the  
43 special obligation bonds are issued, then section sixteen of  
44 this article shall be of no further force and effect.

45 (b) Financial, legal, engineering and feasibility con-  
46 sultants may be employed to perform such services as the  
47 commission shall deem necessary or desirable in connec-  
48 tion with the Title 11 proceedings mentioned above and  
49 the issuance and exchange of the special obligation bonds.

50 (c) The entire powers herein granted by this section  
51 to 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 state  
56 road commission shall be affixed thereto and attested by  
57 the executive secretary of the state road commission, and  
58 any coupons attached thereto shall bear the facsimile  
59 signature of the state road commissioner. In the event  
60 that the state road commission shall elect to exercise the  
61 powers granted by this section, it shall file a statement to  
62 that effect in the office of the chairman of the commis-

63 sion and in the office of the secretary of state, and upon  
64 the issuance of the special obligation bonds herein pro-  
65 vided for the state road commission shall succeed immedi-  
66 ately to the principal functions of the commission and the  
67 commission shall then be abolished.

68 (d) The state road commission is hereby empowered  
69 to acquire by purchase the turnpike commission and all  
70 its rights-of-way, equipment, facilities and any and all  
71 other rights or interest the turnpike commission has or  
72 had in any turnpike project, from any funds available to  
73 it, and to pay any expenses incident to such acquisition  
74 under the provisions of this article: *Provided*, That the  
75 contribution of the state road commission in making such  
76 acquisition shall not exceed the sum of twenty million  
77 dollars from all sources of public moneys of the state  
78 of West Virginia, excluding any funds reimbursed or  
79 reimbursable or otherwise provided or to be provided  
80 by the federal government. No funds derived from the  
81 sale of the three hundred and fifty million dollars bond  
82 issue authorized by the road development amendment  
83 shall be included in the acquisition of the West Virginia  
84 turnpike.

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

*William Tompau*  
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Chairman Senate Committee

*Clayton C Davidson*  
-----  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Thomas Myers*  
-----  
Clerk of the Senate

*C. A. Blankenship*  
-----  
Clerk of the House of Delegates

*Clayton B Jackson*  
-----  
President of the Senate

*Ivor F. Boiesby*  
-----  
Speaker House of Delegates

The within *approved* this the *14th*  
day of *March*, 1969.

*Arch A Shreve Jr.*  
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Governor



PRESENTED TO THE  
GOVERNOR

Date 3/12/69

Time 2:45 p.m.