

11/17

# ENROLLED BILL

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Senate Bill No. 11-

(By Mr. Wells)

Passed February 11, 1931

In Effect from Passage

Originated in the Senate Takes effect from Passage  
W. S. Hodges Clerk of the House of Delegates.  
W. S. Hodges Clerk.

CORRECTLY ENROLLED  
Charles W. Meadows Chairman House Committee.  
Joseph D. Smith Chairman Senate Committee.

## ENROLLED BILL

(S. B. No. 11)

[Passed February 11, 1931; in effect from passage.]

AN ACT authorizing the issuance and sale of not exceeding ten million dollars of road bonds of the state of West Virginia to raise money for road construction purposes under and by virtue of the "Good Roads Amendment" to the constitution adopted at the general election held in November, one thousand nine hundred and twenty; to provide for the distribution and expenditure of the proceeds of sale thereof, and to provide for the levy and collection of an annual state tax and other revenue sufficient to pay semi-annually the interest on said bonds and the principal thereof within twenty-five years.

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*James W. Mansour*

*Chairman House Committee.*

*Joseph D. Smith*

*Chairman Senate Committee.*

2

[Enrolled S. B. No. 11

*Be it enacted by the Legislature of West Virginia:*

Section 1. That bonds of the state of West Virginia of the  
2 par value of ten million dollars are hereby authorized to be  
3 issued and sold for the purpose of raising funds for assisting  
4 in building and constructing the system of state roads and high-  
5 ways provided for by the constitution. Said bonds may be  
6 issued by the governor in such amounts, in coupon or registered  
7 form, in such denominations, at such times and bearing such  
8 date or dates as the governor may determine, and shall become  
9 due and payable serially in equal amounts beginning one year  
10 and ending twenty-five years from the date thereof: *Provided,*  
11 *however,* That no bonds may be issued under the provisions of  
12 this act until bonds authorized and issued under the provisions  
13 of the "Good Roads Amendment" to the constitution of said  
14 state, ratified at the general election held in November, one  
15 thousand nine hundred and twenty, have been retired and can-  
16 celled out of the state road sinking fund created by section six  
17 of chapter one hundred and thirteen of the acts of the legis-  
18 lature of West Virginia of one thousand nine hundred and  
19 twenty-one, in an amount equal to or greater than the amount  
20 to be issued hereunder at any one time.

CORRECTLY ENROLLED

*Benjamin Harrison*

*Chairman House Committee.*

*Joseph D. Smith*

*Chairman Senate Committee.*

Enrolled S. B. No. 11]

3

Sec. 2. The auditor and treasurer are authorized to arrange  
2 for the transfer of registered bonds and for each such transfer  
3 a fee of fifty cents shall be charged by and paid to the state of  
4 West Virginia, to the credit of the state road sinking fund.  
5 Bonds taken in exchange will be cancelled by the auditor and  
6 treasurer and be carefully preserved by the treasurer. The  
7 treasurer shall make provisions for registering payable to bearer  
8 bonds and for each bond registered a fee of fifty cents shall  
9 likewise be charged by and paid to the state of West Virginia,  
10 to the credit of the state road sinking fund. All of such bonds  
11 shall be payable at the office of the treasurer of the state of  
12 West Virginia, or, at the option of the holder, at some desig-  
13 nated bank in the city of New York to be designated by the  
14 governor. Said bonds shall bear interest at a rate not exceeding  
15 four and one-half per centum per annum, payable semi-annually,  
16 on the first day of.....and the first day of....., of each year,  
17 to bearer, at the office of the treasurer of the state of West Vir-  
18 ginia, at the capitol of said state, or at the bank designated by  
19 the governor, upon presentation and surrender of interest cou-  
20 pons then due, in the case of coupon bonds. In the case of  
21 registered bonds the treasurer of the state of West Virginia

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*James M. Mason*

Chairman House Committee.

*Joseph D. Smith*

Chairman Senate Committee.

22 shall issue his check for the interest then due on the first day  
23 of.....and.....of each year, and mail the same to  
24 the registered owner at his address as shown by the record of  
25 registration. Both the principal and interest of said bonds  
26 shall be payable in gold coin of the United States of the present  
27 standard of weight and fineness and said bonds shall be exempt  
28 from taxation by the state of West Virginia, or by any county,  
29 district, or municipality thereof, which fact shall appear on the  
30 face of the bonds as part of the contract with the holder thereof.

Sec. 3. Said bonds and coupons shall be engraved and the  
2 bonds shall be signed, on behalf of the state of West Virginia,  
3 by the treasurer thereof, under the great seal of the state, and  
4 countersigned by the auditor of the state, and shall be in the  
5 following form or to the following effect, as nearly as may be,  
6 namely:

7                                   COUPON GOLD BOND  
8 (OR REGISTERED GOLD BOND, AS THE CASE MAY BE)  
9                                   OF THE  
10                                  STATE OF WEST VIRGINIA  
11 \$..... No.....

12 The State of West Virginia, under and by virtue of authority

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*Joseph D. Smith*  
Chairman Senate Committee.

*Samuel M. Reed*  
Chairman House Committee.

Enrolled S. B. No. 11]

5

13 of an act of its Legislature passed at the regular session of one  
14 thousand nine hundred and thirty-one on the.....day of  
15 ....., one thousand nine hundred and thirty-one  
16 and approved by the governor on the.....day of.....,  
17 one thousand nine hundred and thirty-one, which is hereby  
18 made a part hereof as fully as if set forth at length herein,  
19 acknowledges itself to be indebted to, and hereby promises to  
20 pay to the bearer hereof (in the case of a coupon bond) or to  
21 ....., or assigns, (the owner of record, in case of  
22 registered bonds).....years after the date of this bond,  
23 to-wit, on the.....day of....., 19....., in gold coin of  
24 the United States of America of the present standard of weight  
25 and fineness at the office of the Treasurer of the State  
26 of West Virginia, at the capitol of said state, or at the option of  
27 the holder at.....bank in the City of New York  
28 the sum of.....dollars, with interest thereon  
29 at.....per centum per annum from date, payable  
30 semi-annually in like gold coin of the United States of America,  
31 at the Treasurer's office or bank aforesaid, on the first day of  
32 .....and the first day of.....of each year, (and in  
33 the case of coupon bonds) according to the tenor of the annexed

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*Benjamin Madison*

*Chairman House Committee.*

*James D. Smith*

*Chairman Senate Committee.*

34 coupons, bearing the engraved fac simile signature of the  
35 Treasurer of the State of West Virginia, upon surrender of  
36 such coupons. This bond (in the case of a coupon bond) may  
37 be exchanged for a registered bond of like tenor upon applica-  
38 tion to the Treasurer of the State of West Virginia.

39 To secure the payment of this bond, principal sum and in-  
40 terest, when other funds and revenues sufficient are not avail-  
41 able for that purpose, it is agreed that the board of public works  
42 of the State of West Virginia shall annually cause to be levied  
43 and collected an annual state tax on all property in the state,  
44 until said bond is fully paid, sufficient to pay the annual in-  
45 terest on said bond and the principal sum thereof within the  
46 time this bond becomes due and payable.

47 This bond is hereby made exempt from any taxation by the  
48 State of West Virginia, or by any county, district or municipal  
49 corporation thereof.

50 In testimony whereof, witness the signature of.....,  
51 Treasurer of the State of West Virginia, and the countersigna-  
52 ture of....., the Auditor of said State hereto  
53 affixed according to law, dated the.....day of.....,  
54 one thousand nine hundred and.....and the seal of the

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*Bruneau Madison*

Chairman House Committee.

*Joseph D. Smith*

Chairman Senate Committee.

Enrolled S. B. No. 11]

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55 State of West Virginia.

56 (Seal) .....

57

Treasurer of the State of West Virginia.

58 Countersigned,

59 .....

60

Auditor of West Virginia.

Sec. 4. The form of coupons shall be substantially as follows,

2 to-wit:

3

STATE OF WEST VIRGINIA

4 Bond No.....

Coupon No.....

5 On the first day of....., 19....., the State of

6 West Virginia will pay to the bearer, in gold coin of the United

7 States of the present standard of weight and fineness, at the

8 office of the Treasurer of the State, or at the option of the

9 holder at.....bank in the City of New

10 York, the sum of.....dollars, the same being semi-

11 annual interest on Bond No..... series of one thousand

12 nine hundred and.....

13 .....

14

Treasurer of the State of West Virginia.

15 The signature of the treasurer to said coupons shall be by his



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*Business Measures*

*Chairman House Committee.*

*Joseph D. Smith*  
*Chairman Senate Committee.*

16 engraved fac simile signature and the coupons shall be num-  
17 bered in the order of their maturity, from number one con-  
18 secutively. Said bonds and coupons may be signed by the  
19 present treasurer and auditor, or by any of their respective  
20 successors in office; and bonds signed by the persons now in  
21 office may be sold by the governor or his successor in office  
22 without being signed by the successor in office of the present  
23 treasurer or auditor.

Sec. 5. All coupon and registered bonds issued under this  
2 act shall be separately listed by the auditor of the state in books  
3 provided for the purpose, in each case giving the date, number,  
4 character and amount of obligations issued, and in case of  
5 registered bonds, the name and post office address of the person,  
6 firm or corporation registered as the owner thereof.

Sec. 6. Into the state road sinking fund shall be paid all  
2 moneys received from the annual state tax levy on the taxable  
3 property in the state levied under the provisions of this act,  
4 from any and all appropriations made by the state from other  
5 sources for the purposes of paying the interest on said bonds or  
6 paying off and retiring same, from fines, forfeitures and pen-  
7 alties, if any made applicable by law for the payment of said

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*Benjamin Madison*

*Chairman House Committee.*

*Joseph D. Smith*

*Chairman Senate Committee.*

Enrolled S. B. No. 11]

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8 bonds or the interest thereon, from transfer fees as herein pro-  
9 vided, and from any source whatsoever, which is made liable by  
10 law for the payment of the principal of said bonds or the  
11 interest thereon.

12 All such funds shall be kept by the treasurer in a separate  
13 account, under the designation aforesaid, and all money be-  
14 longing to said fund shall be deposited in the state treasury  
15 to the credit thereof.

16 Said fund shall be applied by the treasurer of the state, first  
17 to the payment of the semi-annual interest on said bonds as it  
18 shall become due as herein provided. The remainder of said  
19 fund shall be turned over by the state treasurer to the state  
20 sinking fund commission, whose duty it shall be to invest the  
21 same in the bonds of the government of the United States, the  
22 bonds of the state of West Virginia, or any political sub-division  
23 thereof: *Provided, however,* That bonds so purchased by the  
24 state sinking fund commission shall mature so as to provide  
25 sufficient money to pay off all bonds herein provided to be  
26 issued as they may become due; and the money so paid into  
27 the said state road sinking fund under the provisions of this  
28 act shall be expended for the purpose of paying the interest

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*Amesbury*

*Chairman House Committee.*

*Joseph D. Smith*

*Chairman Senate Committee.*

10

[Enrolled S. B. No. 11

29 and principal of the bonds hereby provided for, and for no  
30 other purpose except that said fund may be invested until  
31 needed, as herein provided.

Sec. 7. In order to provide the revenue necessary for the  
2 payment of the principal and interest of said bonds, as herein-  
3 before provided, the board of public works is authorized, em-  
4 powered and directed to lay annually a tax upon all real and  
5 personal property subject to taxation within this state, suffi-  
6 cient to pay interest on said bonds accruing during the current  
7 year and one twenty-fifth of the total issue (at par value) of  
8 said bonds, for such number of years, not exceeding twenty-five,  
9 as may be necessary to pay the interest thereon and to pay off  
10 the principal sum of said bonds; and said taxes, when so col-  
11 lected, shall not be liable for or applicable to any other pur-  
12 pose: *Provided, however,* That if there be other funds in the state  
13 treasury, or in the state road funds, in any fiscal year, not  
14 otherwise appropriated, or if other sources of revenue be here-  
15 after provided by law for the purpose, the board of public works  
16 is authorized, empowered and directed to set apart, in any year  
17 there be such funds, or other sources of revenue provided for  
18 such purpose, a sum sufficient to pay the interest on bonds ac-

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*Samuel Madison*

*Chairman House Committee.*

*Joseph D. Smith*

*Chairman Senate Committee.*

Enrolled S. B. No. 11]

11

19 cruing during the current year, and to pay off and retire the  
20 principal of said bonds, or any part thereof, at maturity.

21 The authority hereby vested in the board of public works  
22 shall be in addition to the authority now vested in it by present  
23 law.

Sec. 8. The governor shall sell all bonds herein mentioned at  
2 such time or times as he may determine necessary to provide  
3 funds for road construction purposes, as herein provided, upon  
4 recommendation of the state road commission. All sales shall  
5 be at not less than par and accrued interest. Registered bonds  
6 shall bear interest only from the date of delivery. All interest  
7 coupons becoming payable prior to said sale date shall be can-  
8 celled by the treasurer and rendered ineffective before the de-  
9 livery of the bonds so sold.

Sec. 9. The proceeds of all sales of bonds herein authorized  
2 shall be paid into the state road fund created by section fifteen,  
3 chapter one hundred and twelve of the acts of the legislature  
4 of one thousand nine hundred and twenty-one; and the pro-  
5 ceeds from the sale of said bonds shall be apportioned by the  
6 state road commission among the several counties on the eighty-  
7 twenty basis in accordance with the provisions of section twenty-

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*Benjamin M. Mason*

*Chairman House Committee.*

*Joseph D. Smith*

*Chairman Senate Committee.*

8 three, chapter seventeen of the acts of the legislature of one  
9 thousand nine hundred and twenty-five.

Sec. 10. The plates from which the bonds authorized by this  
2 act are engraved shall be the property of the state of West Vir-  
3 ginia.

Sec. 11. The state auditor shall be the custodian of all unsold  
2 bonds issued pursuant to the provisions of this act.

Sec. 12. The governor may authorize the issuance of interim  
2 certificates to be issued to the purchasers of said bonds to be  
3 held by them in lieu of engraved bonds. When said interim  
4 certificates are so issued, they shall become full and legal obli-  
5 gations of the state of West Virginia under all of the provisions  
6 of this act just as fully and completely as the engraved and  
7 permanent bonds.

Sec. 13. All necessary expenses incurred in the execution of  
2 this act shall be paid out of any money in the treasury of the  
3 state of West Virginia, not otherwise appropriated, on warrants  
4 of the auditor of the state drawn on the state treasurer.

CORRECTLY ENROLLED

*Jack D. Smith*  
Chairman Senate Committee.

*Wesley M. Adams*  
Chairman House Committee.

*J. Alfred Taylor*  
Speaker of the House of Delegates.

*R. K. Kilg*  
Clerk of the House of Delegates.

*M. J. White*  
President of the Senate.

*M. S. Hodges*  
Clerk of the Senate.

The within is *approved*

this *20<sup>th</sup>* day of *Feb.*, 1931.

*W. G. Cowles*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia **FEB 20 1931**

GEORGE W. ESLEP,  
Secretary of State.