ENROLLED BILL

Senate Bill No._1__

(By Mr. _W. Wella_)

Passed _February 11, 1931_

In Effect _from_ Passage
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.
Be it enacted by the Legislature of West Virginia:

Section 1. That bonds of the state of West Virginia of the par value of ten million dollars are hereby authorized to be issued and sold for the purpose of raising funds for assisting in building and constructing the system of state roads and highways provided for by the constitution. Said bonds may be issued by the governor in such amounts, in coupon or registered form, in such denominations, at such times and bearing such date or dates as the governor may determine, and shall become due and payable serially in equal amounts beginning one year and ending twenty-five years from the date thereof: Provided, however, That no bonds may be issued under the provisions of this act until bonds authorized and issued under the provisions of the "Good Roads Amendment" to the constitution of said state, ratified at the general election held in November, one thousand nine hundred and twenty, have been retired and cancelled out of the state road sinking fund created by section six of chapter one hundred and thirteen of the acts of the legislature of West Virginia of one thousand nine hundred and twenty-one, in an amount equal to or greater than the amount to be issued hereunder at any one time.
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
shall issue his check for the interest then due on the first day of .................... and .................... of each year, and mail the same to the registered owner at his address as shown by the record of registration. Both the principal and interest of said bonds shall be payable in gold coin of the United States of the present standard of weight and fineness and said bonds shall be exempt from taxation by the state of West Virginia, or by any county, district, or municipality thereof, which fact shall appear on the face of the bonds as part of the contract with the holder thereof.

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

COUPON GOLD BOND

(OR REGISTERED GOLD BOND, AS THE CASE MAY BE)

OF THE

STATE OF WEST VIRGINIA

$....................... No.......................  

The State of West Virginia, under and by virtue of authority
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
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
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
engraved fac simile signature and the coupons shall be num-
ered in the order of their maturity, from number one con-
secutively. Said bonds and coupons may be signed by the
present treasurer and auditor, or by any of their respective
successors in office; and bonds signed by the persons now in
office may be sold by the governor or his successor in office
without being signed by the successor in office of the present
treasurer or auditor.

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

Sec. 6. Into the state road sinking fund shall be paid all
moneys received from the annual state tax levy on the taxable
property in the state levied under the provisions of this act,
from any and all appropriations made by the state from other
sources for the purposes of paying the interest on said bonds or
paying off and retiring same, from fines, forfeitures and pen-
alties, if any made applicable by law for the payment of said
8 bonds or the interest thereon, from transfer fees as herein pro-
vided, and from any source whatsoever, which is made liable by
law for the payment of the principal of said bonds or the
interest thereon.

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

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