ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 63

By Mr. Neale

PASSED JANUARY 17, 1934

IN EFFECT FROM PASSAGE
AN ACT to amend and reenact section two, chapter fourteen, acts of the Legislature, regular session, one thousand nine hundred thirty-three, relating to depository banks for state funds and depository bonds.

Be it enacted by the Legislature of West Virginia:

That section two, chapter fourteen, acts of the Legislature, regular session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Sec. 2. Before allowing any money to be deposited with any depository the board of public works shall require such depository to give bond with good security to be approved by
4 said board, in the penalty of not less than ten thousand dollars,
5 payable to the state of West Virginia, conditioned for the
6 prompt payment, whenever lawfully required, of any state
7 money, or part thereof, that may be deposited with such de-
8 pository, or of any accrued interest on deposits, which bond shall
9 expire on the thirtieth day of April next ensuing.

10 The board of public works may accept as surety on, or for
11 the faithful performance of the conditions of such bonds, the
12 following:

13 (a) A surety, fidelity or indemnity company authorized to
14 do business in this state and having a combined capital and
15 surplus of not less than one million dollars, and all bonds so
16 secured are here designated as surety bonds;
17
18 (b) Persons or corporations which are duly authorized to
19 become surety for another, who are owners of property situate
20 in this state of an aggregate assessed valuation as shown on
21 the current assessment books equal to the penalty of the bond
22 plus all liens or charges against such property, and all bonds
23 so secured are here designated as personal bonds. Any person
24 or any officer of any corporation becoming or offering to become
25 surety on a personal bond may be required by the board of
public works or the state treasurer to furnish to said board
under oath in writing such data and documentary evidence as
to the financial status of such surety as such board may request.
Any person who shall knowingly make a false statement in the
matter of supplying the information so requested as aforesaid
shall be guilty of a misdemeanor, and upon conviction thereof
shall be fined not less than twenty-five dollars nor more than
five hundred dollars, and may, at the discretion of the court,
be confined in the county jail for not exceeding one year;
(c) Collateral security consisting of bonds of the United
States, and its possessions, of the federal land banks, of the
home owners' loan corporation, of the state of West Virginia
or of any county, district or municipality of this state or other
bonds or securities approved by the said board of public works.
All bonds so secured are here designated as collaterally secured
bonds. Withdrawal or substitution of any collateral pledged
as security for the performance of the conditions of such bond
may be permitted with the approval in writing of the treasurer
of the state of West Virginia and three other members of the
board of public works who shall report such withdrawal or
substitution at the next meeting of the board. All depository
bonds shall be recorded by the secretary of state in a book kept in his office for the purpose, and a copy of such record, certified by him, shall be prima facie evidence of the execution and contents of such bond in any suit or legal proceeding.

All collateral securities shall be delivered to the treasurer of the state of West Virginia, who shall receipt therefor to the owner thereof, and the said treasurer and his bondsmen shall be liable to any person for any loss by reason of the embezzlement or misapplication of said securities by said treasurer or any of his official employees, and for the loss thereof due to his negligence or the negligence of any of his official employees;

and such securities shall be delivered to the owner thereof when liability under the bond which they are pledged to secure has terminated. The treasurer may contract with one or more banking institutions in the state of West Virginia for safekeeping and exchange of such collateral securities, and may prescribe the rules and regulations for handling and protecting the same, subject to the approval of the board of public works.
Enrolled S. B. No. 63]

[Signature]
Speaker of the House of Delegates

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Clerk of the Senate

The within is............................................................

day of.............................................................., 1934.

Filed in the office of the Secretary of State of West Virginia JAN 25 1934

Wm. S. O'BRIEN, Secretary of State

Governor