WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1935

ENROLLED

HOUSE BILL No. 364

(By Mr. Vanderlip.)

PASSED March 7, 1935

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 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
3 issued and sold for the purpose of raising funds for assisting
4 in building and constructing the system of state roads and
5 highways provided for by the constitution. Said bonds may
6 be issued by the governor in such amounts, in coupon or reg-
7 istered form, in such denominations, at such times and bearing
8 such date or dates as the governor may determine, and shall
9 become due and payable serially in equal amounts beginning
10 one year and ending twenty-five years from the date thereof;
11 Provided, however, That no bonds may be issued under the
12 provisions of this act until bonds authorized and issued under the
12-a provisions of the "Good Roads Amendment" to the constitu-
13 tion of said state, ratified at the general election held in No-
14 vember, one thousand nine hundred and twenty, have been
15 retired and cancelled out of the state road sinking fund cre-
16 ated by section six of chapter one hundred thirteen of the
17 acts of the Legislature of West Virginia of one thousand
18 nine hundred twenty-one, in an amount equal to or greater
19 than the amount to be issued hereunder at any one time.

Sec. 2. The auditor and treasurer are authorized to ar-
2 range for the transfer of registered bonds and for each
3 such transfer a fee of fifty cents shall be charged by and
4 paid to the state of West Virginia, to the credit of the state
5 road sinking fund. Bonds taken in exchange will be cancelled
6 by the auditor and treasurer and be carefully preserved by the
7 treasurer. The treasurer shall make provisions for registering
8 payable to bearer bonds and for each bond registered a fee of
9 fifty cents shall likewise be charged by and paid to the state
10 of West Virginia, to the credit of the state road sinking fund.
11 All of such bonds shall be payable at the office of the treasurer
12 of the state of West Virginia, or, at the option of the holder,
13 at some designated bank in the city of New York to be desig-
14 nated by the governor. Said bonds shall bear interest at a
15 rate not exceeding four and one-half per centum per annum,
16 payable semi-annually, on the first day of
17 the first day of
18 at the office of the treasurer of the state of West Virginia, at
19 the capitol of said state, or at the bank designated by the gov-
20 ernor, upon presentation and surrender of interest coupons then
21 due, in the case of coupon bonds. In the case of registered
22 bonds the treasurer of the state of West Virginia shall issue
23 his check for the interest then due on the first day of
24 and
25 of each year, and mail the same to the reg-
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25 istered owner at his address as shown by the record of registra-
26 tion. Both the principal and interest of said bonds shall be
27 payable in lawful money of the United States of America and
28 said bonds shall be exempt from taxation by the state of West
29 Virginia, or by any county, district, or municipality thereof,
30 which fact shall appear on the face of the bonds as part of
31 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,
4 and countersigned by the auditor of the state, and shall be in
5 the following form or to the following effect, as nearly as may
6 be, namely:

7  COUPON ROAD BOND
8    (Or registered Road 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
13 of an act of its Legislature passed at the regular session of one
14 thousand nine hundred thirty-five on the    day of
one thousand nine hundred thirty-five and approved by the governor on the day of , one thousand nine hundred thirty-five, which is hereby made a part hereof as fully as if set forth at length herein, acknowledged itself to be indebted to, and hereby promise to pay to the bearer hereof (in the case of a coupon bond) or to or assigns, (the owner of record, in case of registered bonds) years after the date of this bond, to-wit: On the day of , 19 , in lawful money of the United States of America at the office of the Treasurer of the State of West Virginia, at the capitol of said state, or at the option of the holder at bank in the City of New York, the sum of dollars, with interest thereon at per centum per annum from date, payable semianually in like lawful money of the United States of America at the Treasurer's office or bank aforesaid, on the first day of and the first day of of each year, (and in the case of coupon bonds) according to the tenor of the annexed coupons, bearing the engraved facsimile signature of the Treasurer of the State of West Virginia, upon surrender of such coupons. This bond (in the case of a
coupon bond) may be exchanged for a registered bond of like

37 tenor upon application to the Treasurer of the State of West

38 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, within the limits pre-

42 scribed by the constitution, the board of public works of the

43 State of West Virginia shall annually cause to be levied and col-

44 lected an annual state tax on all property in the state, until said

45 bond is fully paid, sufficient to pay the annual interest on said

46 bond and the principal sum thereof within the time this bond

47 becomes due and payable.

48 This bond is hereby made exempt from any taxation by the

49 State of West Virginia, or by any county, district or municipal

50 corporation thereof.

51 In testimony whereof, witness the signature of

52 Treasurer of the State of West Virginia, and the countersigna-

53 ture of , the Auditor of said State hereto affixed

54 according to law, dated the day of , one thou-
55 and nine hundred
56 of West Virginia.
57 (S E A L)
58
59 Treasurer of the State of West Virginia

60 Countersigned:

61

62 Auditor of West Virginia

Sec. 4. The form of coupons shall be substantially as fol-
2 lows, to-wit:

3 STATE OF WEST VIRGINIA

4 Bond No. Coupon No.

5 On the first day of , 19 , the State of West
6 Virginia will pay to the bearer, in lawful money of the United
7 States of America, at the office of the Treasurer of the State,
8 or at the option of the holder at
9 bank in the City of New York, the sum of
10 dollars, the same being semi-annual interest on Road Bond
11 No. , series of one thousand nine hundred
12
13 Treasurer of the State of West Virginia
14 The signature of the treasurer to said coupon shall be by
15 his engraved fac simile signature and the coupons shall be
16 numbered in the order of their maturity, from number one con-
17 secutively. Said bonds and coupons may be signed by the
18 present treasurer and auditor, or by any of their respective
19 successors in office; and bonds signed by the persons now in
20 office may be sold by the governor or his successor in office with-
21 out being signed by the successor in office of the present treas-
22 urer or auditor.

Sec. 5. All coupon and registered bonds issued under this act
2 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, from
4 any and all appropriations made by the state from other sources
5 for the purposes of paying the interest on said bonds or paying
6 off and retiring same, from fines, forfeitures and penalties, if
any made applicable by law for the payment of said bonds or
the interest thereon, from transfer fees as herein provided, and
from any source whatsoever, which is made liable by law for the
payment of the principal of said bonds or the interest thereon.
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.

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 pro-
vide 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 and
27 principal of the bonds hereby provided for, and for no other
28 purpose except that said fund may be invested until needed,
29 as herein provided.

Sec. 7. In order to provide the revenue necessary for the pay-
2 ment of the principal and interest of said bonds, as hereinbefore
3 provided, the board of public works within the limits prescribed
4 by the constitution, is authorized, empowered and directed to
5 lay annually a tax upon all real and personal property subject
6 to taxation within this state, sufficient to pay interest on said
7 bonds accruing during the current year and one twenty-fifth of
8 the total issue (at par value) of said bonds, for such number
9 of years, not exceeding twenty-five, as may be necessary to pay
10 the interest thereon and to pay off the principal sum of said
11 bonds; and said taxes, when so collected, shall not be liable for
12 or applicable to any other purpose: Provided, however, That
13 if there be other funds in the state treasury, or in the state road
14 funds, in any fiscal year, not otherwise appropriated, or if other
15 sources of revenue be hereafter provided by law for the purpose,
16 the board of public works is authorized, empowered and directed
17 to set apart, in any year there be such funds, or other sources
18 of revenue provided for such purpose, a sum sufficient to pay
19 the interest on bonds accruing during the current year, and to
20 pay off and retire the principal of said bonds, or any part
21 thereof, at maturity.

22 The authority hereby vested in the board of public works shall
23 be in addition to the authority now vested in it by present
24 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
9 delivery 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 one,
3 article three of chapter forty of the acts of the Legislature, one
4 thousand nine hundred and thirty-three; and the proceeds from
5 the sale of said bonds shall be expended as provided by section
six, article three of chapter forty of the acts of the Legislature, one thousand nine hundred thirty-three.

Sec. 10. The plates from which the bonds authorized by this act are engraved shall be the property of the state of West Virginia.

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

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

Sec. 13. All necessary expenses incurred in the execution of this act shall be paid out of any money in the treasury of the state of West Virginia, not otherwise appropriated, on warrants of the auditor of the state drawn on the state treasurer.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect on passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates.

The within is approved this the 13th day of March, 1935.

Governor.

Filed in the office of the Secretary of State of West Virginia MAR 15 1935

Wm. S. O'Brien,
Secretary of State