WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 78

(By Mr. Jeffries)

PASSED March 12 1943

In Effect Ninety days from Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.
ENROLLED

Senate Bill No. 78

(By MR. PELTER)

[Passed March 12, 1943; in effect ninety days from passage.]

AN ACT authorizing the issuance and sale of not exceeding five million dollars of road bonds of the state of West Virginia to raise money for road construction and maintenance 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. Road Bonds; Amount; When May Issue.

Bonds of the state of West Virginia of the par value of five million dollars are hereby authorized to be issued and sold for the purpose of raising funds for assisting in building, constructing and maintaining 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 the state, ratified at the general election held in November, one thousand nine hundred twenty, have been retired and cancelled out of the state road sinking fund created by section six, chapter one hundred thirteen, acts of the Legislature of West Virginia, one thousand nine hun-
dred twenty-one, in an amount equal to or greater than
the amount to be issued hereunder at any one time.

Of the bonds authorized by this section, three million
dollars may be issued and sold for the purpose of raising
funds for building and constructing the system of state
roads and highways provided for by the constitution,
and the issuance and sale of the remainder shall be
limited to maintenance, subject to the limitations upon
such issuance and sale hereinafter imposed: Provided,
however, That no bonds authorized by this section for the
purpose of maintaining the system of state roads and high-
ways provided for by the constitution shall be issued
for said purposes of maintenance until it shall have
been ascertained by the board of public works, by order
entered of record, that the total revenues of the state
road commission of West Virginia from all sources have
depended to the point that such revenues will not produce
the sum of fourteen million dollars in the fiscal year in
which such order is entered and during which the pro-
ceds of said bonds are to be used for said maintenance
purposes.
Sec. 2. *Transfer, Fee; Registration, Fee; Where Payable; Interest Rate; Tax Exempt.* The auditor and treasurer are hereby authorized to arrange for the transfer of registered bonds, and for each such transfer a fee of fifty cents shall be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. Bonds taken in exchange will be cancelled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering "payable to bearer" bonds and for each bond registered a fee of fifty cents shall likewise be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. All of such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at some designated bank in the city of New York to be designated by the governor. Said bonds shall bear interest at a rate not exceeding four and one-half per cent per annum, payable semi-annually, on the first day of .......... and the first day of .........., of each year, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of said state, or
at the bank designated by the governor, upon presenta-
tion and surrender of interest coupons then due, in the
case of coupon bonds. In the case of 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 regis-
tered owner at his address as shown by the record of
registration. Both the principal and interest of said
bonds shall be payable in lawful money of the United
States of America 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. Form of Bond. 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, un-
der 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 ROAD BOND

(Or registered road bond, as the case may be)

OF THE

STATE OF WEST VIRGINIA

$..............

The state of West Virginia, under and by virtue of authority of an act of the Legislature passed at the regular session of one thousand nine hundred forty-three, on the __ day of __________, one thousand nine hundred forty-three, and approved by the governor on the __ day of __________, one thousand nine hundred forty-three, which is hereby made a part hereof as fully as if set forth at length herein, acknowledges itself to be indebted to, and hereby promises 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 ________ 

29 dollars, with interest thereon at ________ per centum per

30 annum from date, payable semi-annually in like lawful

31 money of the United States of America at the treasurer's

32 office or bank aforesaid, one the first day of ________

33 and the first day of ________ of each year, (and in the

34 case of coupon bonds) according to the tenor of the an-

35 nexed coupons, bearing the engraved facsimile signature

36 of the treasurer of the state of West Virginia, upon sur-

37 render of such coupons. This bond (in the case of a cou-

38 pon bond) may be exchanged for a registered bond of

39 like tenor upon application to the treasurer of the state

40 of West Virginia.

41 To secure the payment of this bond, principal sum and

42 interest, when other funds and revenues sufficient are not

43 available for that purpose, it is agreed that, within the

44 limits prescribed by the constitution, the board of pub-

45 lic works of the state of West Virginia shall annually

46 cause to be levied and collected an annual state tax on all

47 property in the state, until said bond is fully paid, suf-

48 ficient to pay the annual interest on said bond and the
principal sum thereof within the time this bond becomes due and payable.

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

In testimony whereof, witness the signature of the treasurer of the state of West Virginia, and the counter-signature of the auditor of said state, hereto affixed according to law, dated the ___ day of __________, one thousand nine hundred __________, and the seal of the state of West Virginia.

(Seal)

Treasurer of the State of West Virginia.

Countersigned:

Auditor of the State of West Virginia.

Sec. 4. Form of Coupon. The form of coupon shall be substantially as follows, to-wit:

STATE OF WEST VIRGINIA

Bond No. _______  Coupon No. _______

On the first day of _________________, 19____, the state
of West Virginia will pay to the bearer, in lawful money
of the United States of America, at the office of the
treasurer of the state, or at the option of the holder
at ___________ bank in the City of New York,
the sum of ___________ dollars, the same being semi-
annual interest on Road Bond No. ___________, series
of one thousand nine hundred ___________.

__________________________________________
Treasurer of the State of West Virginia.

The signature of the treasurer to said coupon shall be
by his engraved facsimile signature and the coupons
shall be numbered in the order of their maturity, from
number one consecutively. 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 suc-
cessor in office of the present treasurer or auditor.

Sec. 5. Listing By Auditor. All coupon and registered
bonds issued under this act shall be separately listed by
the auditor of the state in books provided for the pur-
pose, 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. **State Road Sinking Fund, Sources; Used to Pay
Bonds and Interest; Investment of Remainder.** Into the
state road sinking fund there 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 in-
terest on said bonds or paying off and retiring same,
from fines, forfeitures and penalties, if any made appli-
cable by law for the payment of said bonds or the in-
terest 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 belonging 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 bonds of the government of the United States, bonds of the state of West Virginia, or any political subdivision 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 and principal of the bonds hereby provided for as they severally become due and payable, and for no other purpose except that said fund may be invested until needed, as herein provided.
Sec. 7. Tax Levy to Pay, Unless Other Funds Available. In order to provide the revenue necessary for the payment of the principal and interest of said bonds, as hereinbefore provided, the board of public works, within the limits prescribed by the constitution, is authorized, empowered and directed to lay annually a tax upon all real and personal property subject to taxation within this state, sufficient to pay interest on said bonds accruing during the current year and one twenty-fifth of the total issue (at par value) of said bonds, for such number of years, not exceeding twenty-five, as may be necessary to pay the interest thereon and to pay off the principal sum of said bonds; and said taxes, when so collected, shall not be liable for or applicable to any other purpose: Provided, however, That if there be other funds in the state treasury, or in the state road funds, in any fiscal year, not otherwise appropriated, or if other sources of revenue be hereafter provided by law for the purpose, the board of public works is authorized, empowered and directed to set apart, in any year there be such funds, or other sources of revenue provided for such purpose, a sum suf-
ficient to pay the interest on bonds accruing during the
current year, and to pay off, and retire the principal of
said bonds, or any part thereof, at maturity.

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

Sec. 8. Sale by Governor; Minimum Price. The gov-
ernor shall sell all bonds herein mentioned at such time
or times as he may determine necessary to provide funds
for road construction purposes, as herein provided, upon
recommendation of the state road commission. All sales
shall be at not less than par and accrued interest. All
interest coupons becoming payable prior to said sale date
shall be cancelled by the treasurer and rendered in-
effective, before the delivery of the bonds so sold.

Sec. 9. Proceeds Paid Into State Road Fund. The pro-
ceeds of all sales of bonds herein authorized shall be paid
into the state road fund created by section one, article
three, chapter forty, acts of the Legislature, first ex-
traordinary session, one thousand nine hundred thirty-
three.
Sec. 10. *Plates Property of State.* The plates from which the bonds authorized by this act are engraved shall be the property of the state of West Virginia.

Sec. 11. *Auditor to Be Custodian of Unsold Bonds.* The state auditor shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

Sec. 12. *Interim Certificates.* 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. *Payment of Expenses.* All necessary expenses incurred in the execution of this act shall be paid out of the state road fund 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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 19th day of March, 1943.

[Signature]
Governor.

Filed in the office of the Secretary of State of West Virginia, MAR 19, 1943
Wm. S. O'Brien, Secretary of State