WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED
Committee on
HOUSE BILL No. 119
(By Mr.)

PASSED March 3, 1945

In Effect from Passage
AN ACT authorizing the issuance and sale of not exceeding fifteen 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 such 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.—

2 Bonds of the state of West Virginia of the par value of

3 fifteen 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. Such 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 hundred twenty-one, in an amount equal to or greater than the amount to be issued hereunder at any one time.

Sec. 2. Transfer, Fee; Registration, Fee; Where Payable;
Interest Rate; Tax Exemptions.—The auditor and the 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 shall 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 bank in the city of New York to be designated by the governor. The 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
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capitol of the state, or at the bank designated by the gov-
ernor, upon presentation and surrender of interest cou-
pons 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 it to the registered owner at his address
as shown by the record of registration. Both the princi-
pal and interest of the bonds shall be payable in lawful
money of the United States of America and the bonds shall
be exempt from taxation by the state of West Virginia, or
by any county, district, or municipality thereof, which
facts shall appear on the face of the bonds as part of the
contract with the holder thereof.

Sec. 3. Form of Bond.—The 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 audi-
tor 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-five, on the day of __________, one thousand nine hundred forty-five, and approved by the governor on the day of __________, one thousand nine hundred forty-five, 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 __________________________ dollars,

with interest thereon at __________________________ per centum per annum

from date, payable semi-annually 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 tenor

upon application to the treasurer of the State of West

Virginia.

To Secure the payment of this bond, principal sum and

interest, when other funds and revenues sufficient are

not available for that purpose, it is agreed that, within

the limits prescribed by the constitution, the board of

public works of the State of West Virginia shall annually

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

property in the state, until this bond is fully paid, suffi-
sient to pay the annual interest on this bond and the prin-
cipal 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 the state, hereto affixed ac-
cording to law, dated the ___________ day of ____________,
one thousand nine hundred ____________, and the seal
of the state of West Virginia.

(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

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 such coupon shall be by his engraved facsimile signature and the coupon shall be numbered in the order of their maturity, from number one consecutively. The 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 successors in office without being signed by the successor 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 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. 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 interest on such bonds or paying off and retiring the bonds, from fines, forfeitures and penalties, if any, made applicable by law for the payment of such 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 such 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 the fund shall be deposited in the state treasury to the credit thereof.

Such 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 the 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 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 the 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 such 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 the bonds accruing during the current year and one twenty-fifth of the total issue (at par value) of such bonds, for such number of years, not exceeding twenty-five, as may be necessary to pay interest thereon and to pay off the principal sum of the bonds; and such 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 suffi-
cient to pay the interest on bonds accruing during the cur-
rent year, and to pay off, and retire the principal of such 
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 gover-
nor shall sell the bonds herein mentioned at such time or 
times as he may determine necessary to provide funds for 
road construction and maintenance purposes, as herein 
provided, upon recommendation of the state road commis-
sion. All sales shall be at not less than par and accrued 
interest. All interest coupons becoming payable prior to 
the sale date shall be cancelled by the treasurer and ren-
dered ineffective 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 seventeen, of the code, one thousand nine hundred thirty-one, as last amended.

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 such bonds to be held by them in lieu of engraved bonds. When 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.

Charles C. Morris
Chairman Senate Committee

Chairman House Committee

Originated in the House

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 8th day of March, 1945.

Governor