WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 428

(By Mr. Knight)

PASSED March 8, 1947

In Effect ninety days from Passage
ENROLLED

House Bill No. 428
(By MR. KNIGHT)

[Passed March 8, 1947; in effect ninety days from passage.]

AN ACT to facilitate vehicular traffic in the state of West Virginia by providing for the construction, maintenance, repair and operation of turnpike projects; creating the West Virginia turnpike commission and defining its powers and duties; providing for financing the construction of such projects by the issuance of turnpike revenue bonds of the state, payable solely from tolls and other revenues; and providing for the collection of tolls and other revenues to pay the cost of maintenance, repair and operation of such projects and to pay such bonds and the interest thereon.

Be it enacted by the Legislature of West Virginia:

Section 1. Constructing and Financing Turnpike Projects.—In order to remove the present handicaps and hazards on the congested highways in the State of West
Virginia, to facilitate vehicular traffic throughout the State, to promote the agricultural and industrial development of the State, and to provide for the construction of modern express highways embodying every known safety device including center division, ample shoulder widths, longsight distances, the by-passing of cities, multiple lanes in each direction and grade separations at all intersections with other highways and railroads, the West Virginia turnpike commission (hereinafter created) is hereby authorized and empowered to construct, maintain, repair and operate turnpike projects (as hereinafter defined) at such locations as shall be approved by the State Road Commission, and to issue turnpike revenue bonds of the State of West Virginia, payable solely from revenues, to pay the cost of such projects.

Sec. 2. Credit of State Not Pledged.—Turnpike revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State or of any political subdivision thereof or a pledge of the faith and credit of the State or of any such political subdivision, but such bonds shall be payable solely from the funds
herein provided therefor from revenues. All such turn-
pike revenue bonds shall contain on the face thereof a
statement to the effect that neither the State nor any
political subdivision thereof shall be obligated to pay
the same or the interest thereon except from revenues of
the project or projects for which they are issued and that
neither the faith and credit nor the taxing power of the
State or any political subdivision thereof is pledged to
the payment of the principal of or the interest on such
bonds.

Sec. 3. West Virginia Turnpike Commission.—There
is hereby created a commission to be known as the “West
Virginia Turnpike Commission”, and by that name the
commission may sue and be sued, and plead and be
impleaded. The commission is hereby constituted an
agency of the State, and the exercise by the commission
of the powers conferred by this act in the construction,
operation and maintenance of turnpike projects shall
be deemed and held to be an essential governmental func-
tion of the state.

The West Virginia turnpike commission shall consist
of five members, including the state road commissioner,
who shall be a member ex-officio, and four members
appointed by the governor, by and with the advice and
consent of the senate. The appointive members shall be
residents of the state, and shall have been qualified
electors therein for a period of at least one year next
preceding their appointment. The members of the com-
misson first appointed shall continue in office for terms
expiring on July first, one thousand nine hundred fifty-
one, July first, one thousand nine hundred fifty-three,
July first, one thousand nine hundred fifty-five, and July
first, one thousand nine hundred fifty-seven, respectively,
the term of each such member to be designated by the
governor, and until their respective successors shall be
duly appointed and qualified. The successor of each such
member shall be appointed for a term of eight years,
except that any person appointed to fill a vacancy shall
be appointed to serve only for the unexpired term, and a
member of the commission shall be eligible for reappoint-
ment. Each appointed member of the commission before
entering upon his duties shall take an oath as provided
by section five of article four of the constitution of the state of West Virginia.

The commission shall elect one of the appointed members as chairman and another as vice chairman, and shall also elect a secretary and treasurer who need not be a member of the commission. Three members of the commission shall constitute a quorum and the vote of three members shall be necessary for any action taken by the commission. No vacancy in the membership of the commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

Before the issuance of any turnpike revenue bonds under the provisions of this Act, each appointed member of the commission shall execute a surety bond in the penal sum of twenty-five thousand dollars and the secretary and treasurer shall execute a surety bond in the penal sum of fifty thousand dollars, each such surety bond to be conditioned upon the faithful performance of the duties of his office, to be executed by a surety company authorized to transact business in the state of West
Virginia as surety and to be approved by the governor and filed in the office of the secretary of state.

The members of the commission shall not be entitled to compensation for their services but each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties. All expenses incurred in carrying out the provisions of this act shall be payable solely from funds provided under the authority of this act and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided under the authority of this act.

Sec. 4. Definitions.—As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:—

(a) The word “commission” shall mean the West Virginia Turnpike Commission, created by section three of this act, or, if said commission shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the commission shall be given by law.
(b) The word "project" or the words "turnpike project" shall mean any express highway or turnpike which the commission may at any time determine to construct under the provisions of this act, and shall embrace all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations, and administration, storage and other buildings which the commission may deem necessary for the operation of the project, together with all property, rights, easements and interests which may be acquired by the commission for the construction or the operation of the project.

(c) The word "cost" as applied to a turnpike project shall embrace the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the commission for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or inci-
dent to determining the feasibility or practicability of
constructing any such project, administrative expense,
and such other expense as may be necessary or incident
to the construction of the project, the financing of such
construction and the placing of the project in operation.

Any obligation or expense hereafter incurred by the state
road commission with the approval of the commission
for traffic surveys, borings, preparation of plans and
specifications, and other engineering services in connec-
tion with the construction of a project shall be regarded
as a part of the cost of such project and shall be reim-
bursed to the state out of the proceeds of turnpike reve-
uue bonds hereinafter authorized.

(d) The word “owner” shall include all individuals,
copartnerships, associations or corporations having any
title or interest in any property, rights, easements and
interests authorized to be acquired by this act.

Sec. 5. General Grant of Powers.—The commission
is hereby authorized and empowered:

(a) To adopt by-laws for the regulation of its affairs
and the conduct of its business;
(b) To adopt an official seal and alter the same at pleasure;

(c) To maintain an office at such place or places within the state as it may designate;

(d) To sue and be sued in its own name, plead and be impleaded: Provided, however, That any and all actions at law or in equity against the commission shall be brought only in the county in which the principal office of the commission shall be located;

(e) To construct, maintain, repair and operate turnpike projects as hereinabove defined at such locations within the state as may be determined by the commission;

(f) To issue turnpike revenue bonds of the state of West Virginia, payable solely from revenues, for the purpose of paying all or any part of the cost of any one or more turnpike projects;

(g) To fix and revise from time to time tolls for transit over each turnpike project constructed by it;

(h) To acquire, hold and dispose of real and personal
property in the exercise of its powers and the performance of its duties under this act;

(i) To acquire in the name of the state by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner hereinafter provided, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements and interests, as it may deem necessary for carrying out the provisions of this act: Provided, however, That no compensation shall be paid for public lands, playgrounds, parks, parkways or reservations so taken, and that all public property damaged in carrying out the powers granted by this Act, shall be restored or repaired and placed in its original condition as nearly as practicable;

(j) To designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the commission to insure the proper operation and maintenance of such project, and to pro-
hibit entrance to such project from any point or points not so designated;

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from the proceeds of turnpike revenue bonds issued under the provisions of this act or from revenues;

(l) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and

(m) To do all acts and things necessary or conve-
nient to carry out the powers expressly granted in this act.

Sec. 6. Incidental Powers.—The commission shall have authority to construct grade separations at intersections of any turnpike project with public roads and state highways and to change and adjust the lines and grades of such roads and highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such roads and highways shall be ascertained and paid by the commission as a part of the cost of such turnpike project.

If the commission shall find it necessary to change the location of any portion of any public road or state highway, it shall cause the same to be reconstructed at such location as the commission shall deem most favorable and of substantially the same type and in as good condition as the original road or highway. The cost of such reconstruction and any damage incurred in changing the location of any such road or highway shall be
ascertained and paid by the commission as a part of the
cost of such turnpike project.

Upon the request of the commission the state road
commissioner shall relocate or discontinue any road or
highway over which he has authority and control which
is affected by the construction of any turnpike project.

In addition to the foregoing powers the commission
and its authorized agents and employees may enter upon
any lands, waters and premises in the state for the pur-
pose of making surveys, soundings, drillings and exami-
nations as it may deem necessary or convenient for the
purposes of this act, and such entry shall not be deemed
a trespass, nor shall an entry for such purposes be
deemed an entry under any condemnation proceedings
which may be then pending. The commission shall make
reimbursement for any actual damages resulting to such
lands, waters and premises as a result of such activities.

The state of West Virginia hereby consents to the use
of all lands owned by it, including lands lying under
water, which are deemed by the commission to be neces-
sary for the construction or operation of any turnpike project.

Sec. 7. *Acquisition of Property.*—The commission is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, any land, property, rights, rights-of-way, franchises, easements and other interests in lands as it may deem necessary or convenient for the construction or operation of any turnpike project upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof, and to take title thereto in the name of the state.

Sec. 8. *Condemnation of Property.*—Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated, or is absent, unknown or unable to convey valid title, the commission is hereby authorized and empowered to acquire, by the exercise of the power of condemnation in accordance with and subject to the provisions of any and all existing laws and statutes applicable to the exercise of the power of con-
demnation of property for public use, any land, property, rights, rights-of-way, franchises, easements or other property deemed necessary or convenient for the constriction or the efficient operation of any turnpike project or necessary in the restoration of, public or private property damaged or destroyed. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the state or the commission except such as may be paid from the funds provided under the authority of this act.

Sec. 9. Turnpike Revenue Bonds.—The commission is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of turnpike revenue bonds of the state for the purpose of paying all or
any part of the cost of any one or more turnpike projects.

The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the commission, and may be made redeemable before maturity, at the option of the commission, at such price or prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds. The commission shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. The bonds shall be signed by the governor or with a facsimile signature of the governor and by the chairman of the commission, and the official seal of the commission shall be affixed thereto and attested by the secre-
tary and treasurer of the commission, and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or in registered form, or both, as the commission may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The com-
mmission may sell such bonds in such manner, either at public or at private sale, and for such price, as it may determine to be for the best interests of the state, but no
such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than five per centum per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the commission may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same,
shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed the cost of the turnpike project or projects for which the same shall have been issued, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the commission may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The commission may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this act without obtaining the consent of any department, division, commission, board, bureau or agency of the state, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this act.
Sec. 10. **Trust Agreement.**—In the discretion of the commission any bonds issued under the provisions of this act may be secured by a trust agreement by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. Any such trust agreement may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage any turnpike project or any part thereof. Any such trust agreement or any resolution providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the turnpike project or projects in connection with which such bonds shall have been authorized, and the custody, safeguarding and application of all moneys, and provisions for the employment of consulting engineers in connection with
the construction or operation of such turnpike project or projects. It shall be lawful for any bank or trust company incorporated under the laws of the state which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the commission. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds and debentures of corporations. In addition to the foregoing, any such trust agreement may contain such other provisions as the commission may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of the turnpike project or projects.

Sec. 11. Revenues.—The commission is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections
thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such turnpike project or projects and (b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the state. The tolls and all other revenues derived from the turnpike project or projects in connection with which
the bonds of any issue shall have been issued, except such
part thereof as may be necessary to pay such cost of
maintenance, repair and operation and to provide such
reserves therefor as may be provided for in the resolu-
tion authorizing the issuance of such bonds or in the
trust agreement securing the same, shall be set aside at
such regular intervals as may be provided in such resolu-
tion or such trust agreement in a sinking fund which is
hereby pledged to, and charged with, the payment of
(1) the interest upon such bonds as such interest shall
fall due, (2) the principal of such bonds as the same shall
fall due, (3) the necessary charges of paying agents for
paying principal and interest, and (4) the redemption
price or the purchase price of bonds retired by call or
purchase as therein provided. The use and disposition
of moneys to the credit of such sinking fund shall be
subject to the provisions of the resolution authorizing
the issuance of such bonds or of such trust agreement.
Except as may otherwise be provided in such resolution
or such trust agreement, such sinking fund shall be a
fund for all such bonds without distinction or priority of
one over another. The moneys in the sinking fund, less such reserve as may be provided in such resolution or trust agreement, if not used within a reasonable time for the purchase of bonds for cancellation as above provided, shall be applied to the redemption of bonds at the redemption price then applicable.

Sec. 12. Trust Funds.—All moneys received pursuant to the authority of this act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this act. The resolution authorizing the issuance of bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and such resolution or trust agreement may provide.

Sec. 13. Remedies.—Any holder of bonds issued under the provisions of this act or any of the coupons appertaining thereto, and the trustee under any trust
agreement, except to the extent the rights herein given
may be restricted by such trust agreement, may, either at
law or in equity, by suit, action, mandamus or other pro-
ceeding, protect and enforce any and all rights under the
laws of the state or granted hereunder or under such
trust agreement or the resolution authorizing the issu-
ance of such bonds, and may enforce and compel the
performance of all duties required by this act or by such
trust agreement or resolution to be performed by the
commission or by any officer thereof, including the fix-
ing, charging and collecting of tolls.

Sec. 14. *Exemption from Taxation.*—The exercise of
the powers granted by this act will be in all respects for
the benefit of the people of the state, for the increase of
their commerce and prosperity, and for the improvement
of their health and living conditions, and as the operation
and maintenance of turnpike projects by the commission
will constitute the performance of essential governmental
functions, the commission shall not be required to pay
any taxes or assessments upon any turnpike project or
any property acquired or used by the commission under
11 the provisions of this act or upon the income therefrom,
12 and the bonds issued under the provisions of this act,
13 their transfer and the income therefrom (including any
14 profit made on the sale thereof) shall at all times be free
15 from taxation within the state.

Sec. 15. Miscellaneous.—Each turnpike project when
2 constructed and opened to traffic shall be maintained and
3 kept in good condition and repair by the commission.
4 Each such project shall also be policed and operated by
5 such force of police, toll-takers and other operating
6 employees as the commission may in its discretion
7 employ.
8 All private property damaged or destroyed in carrying
9 out the powers granted by this act shall be restored or
10 repaired and placed in its original condition as nearly as
11 practicable or adequate compensation made therefor out
12 of funds provided under the authority of this act.
13 All counties, cities, villages, townships and other
14 political subdivisions and all public agencies and com-
15 missions of the state of West Virginia, notwithstanding
16 any contrary provision of law, are hereby authorized
and empowered to lease, lend, grant or convey to the
commission at its request upon such terms and condi-
tions as the proper authorities of such counties, cities,
villages, townships, other political subdivisions or public
agencies and commissions of the state may deem reason-
able and fair and without the necessity for any advertise-
ment, order of court or other action or formality, other
than the regular and formal action of the authorities
concerned, any real property which may be necessary or
convenient to the effectuation of the authorized purposes
of the commission, including public roads and other real
property already devoted to public use.

Sec. 16. Cessation of Tolls.—When all bonds issued
under the provisions of this act in connection with any
turnpike project or projects and the interest thereon
shall have been paid or a sufficient amount for the pay-
ment of all such bonds and the interest thereon to the
maturity thereof shall have been set aside in trust for
the benefit of the bondholders, such project or projects,
if then in good condition and repair to the satisfaction
of the state road commission, shall become part of the
state road system and shall thereafter be maintained by
the state road commission free of tolls:  Provided, how-
ever, That the commission may thereafter charge tolls
for the use of any such project and pledge such tolls to
the payment of bonds issued under the provisions of this
act in connection with another turnpike project or pro-
jects, but any such pledge of tolls of a turnpike project
to the payment of bonds issued in connection with
another project or projects shall not be effectual until
the principal of and the interest on the bonds issued in
connection with the first mentioned project shall have
been paid or provision made for their payment.

Sec. 17. Preliminary Expenses.—The state road com-
mission is hereby authorized in its discretion to expend
out of any funds available for the purpose such moneys
as may be necessary for the study of any turnpike pro-
ject or projects and to use its engineering and other
forces, including consulting engineers and traffic engi-
neers, for the purpose of effecting such study and to pay
for such additional engineering and traffic and other
expert studies as it may deem expedient and all such
expenses incurred by the state road commission prior to
the issuance of turnpike revenue bonds under the provi-
sions of this act, shall be paid by the state road commis-
sion and charged to the appropriate turnpike project or
projects, and the state road commission shall keep proper
records and accounts showing each amount so charged.
Upon the sale of turnpike revenue bonds for any turnpike
project or projects, the funds so expended by the state
road commission in connection with such project or pro-
jects shall be reimbursed to the state road commission
from the proceeds of such bonds.

Sec. 18. Turnpike Revenue Refunding Bonds.—The
commission is hereby authorized to provide by resolution
for the issuance of turnpike revenue refunding bonds of
the state for the purpose of refunding any bonds then
outstanding which shall have been issued under the pro-
visions of this act, including the payment of any redemp-
tion premium thereon and any interest accrued or to
accrue to the date of redemption of such bonds, and, if
deemed advisable by the commission, for the additional
purpose of constructing improvements, extensions or
enlargements of the turnpike project or projects in connection with which the bonds to be refunded shall have been issued. The commission is further authorized to provide by resolution for the issuance of turnpike revenue bonds of the state for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional turnpike project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the commission in respect of the same, shall be governed by the provisions of this act in so far as the same may be applicable.

Sec. 19. Additional Method.—The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be
regarded as in derogation of any powers now existing;

Provided, however, That the issuance of turnpike revenue
bonds or turnpike revenue refunding bonds under the
provisions of this act need not comply with the require-
ments of any other law applicable to the issuance of
bonds.

Sec. 20. Act Liberally Construed.—This act, being
necessary for the welfare of the state and its inhabitants,
shall be liberally construed to effect the purposes thereof.

Sec. 21. Constitutional Construction.—The provi-
sions of this act are severable, and if any of its provisions
shall be held unconstitutional by any court of competent
jurisdiction, the decision of such court shall not affect or
impair any of the remaining provisions.

Sec. 22. Repeal.—All acts and parts of acts incon-
sistent with this act are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McNeer
Chairman Senate Committee

B.L. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

J. Howard Mayer
Clerk of the Senate

J. Huff
Clerk of the House of Delegates

Arnold M. Vickery
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 14th day of March, 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia, MAR 14, 1947, SECRETARY OF STATE