WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 185

(By Mr. Johnston, Mr. President.)

PASSED, February 28, 1949

In Effect July 1, 1949, Passage
ENROLLED

Senate Bill No. 185
(By Mr. Johnston, Mr. President)

[Passed February 28, 1949; in effect July 1, 1949.]

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 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.—
That bonds of the state of West Virginia of the par value of ten 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 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 Exempt.—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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21 capitol of the state, or at the bank designated by the gov-
22 ernor, upon presentation and surrender of interest cou-
23 pons then due, in the case of coupon bonds. In the case
24 of registered bonds the treasurer of the state of West Vir-
25 ginia shall issue his check for the interest then due on the
26 first day of ____________ and __________ of each year, and mail
27 it to the registered owner at his address as shown by the
28 record of registration. Both the principal and interest of
29 the bonds shall be payable in lawful money of the United
30 States of America and the bonds shall be exempt from
31 taxation by the state of West Virginia, or by any county,
32 district, or municipality thereof, which facts shall appear
33 on the face of the bonds as part of the contract with the
34 holder thereof.

Sec. 3. Form of Bond.—The bonds and coupons shall be
2 engraved and the bonds shall be signed on behalf of the
3 state of West Virginia, by the treasurer thereof, under the
4 great seal of the state, and countersigned by the auditor
5 of the state, and shall be in the following form or to the
6 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

$..........................  No..........................

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-nine, on the __________ day of __________, one thousand nine hundred forty-nine, and approved by the governor on the __________ day of __________, one thousand nine hundred forty-nine, 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) 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 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, sufficient to pay the annual interest on this 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 the 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.

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
successor 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 purpose 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 such 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 the 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 sufficient to pay the interest on bonds accruing
during the current 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 governor 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 commission. 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 rendered ineffective, before the delivery of the bonds so sold.

Sec. 9. Proceeds Paid Into State Road Fund.—The proceeds 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1949, upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within [signature] this the 44th day of March, 1949.

Governor.

Filed in the office of the Secretary of State of West Virginia MAR 8, 1949

D. Pitt O'Brien,
Secretary of Staff