

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

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ENROLLED

SENATE BILL NO. 145

(By Mr. Love)

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PASSED February 13, 1951

In Effect from Passage



145

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[Passed February 13, 1951; in effect from passage.]

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AN ACT to amend and reenact sections three and four, article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one as amended, relating to public bonded indebtedness.

*Be it enacted by the Legislature of West Virginia:*

That sections three and four, article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. *Amount of Indebtedness for Which Bonds*  
2 *May Be Issued.*—No political division authorized by this  
3 article to issue bonds, except county boards of educa-  
4 tion, shall by any bond issue, become indebted to an  
5 amount, including all other indebtedness, exceeding two

6 and one-half per cent of the value of the taxable prop-  
7 erty therein, as shown by the last assessment thereof,  
8 for state and county purposes, next prior to the issuing  
9 of such bonds: *Provided, however,* That any county for  
10 the erection and equipment of a courthouse and/or jail  
11 for such county, with funds borrowed from the govern-  
12 ment of the United States or any governmental agency,  
13 federal or state, and any municipal corporation of three  
14 hundred inhabitants or more, for the purpose of grading,  
15 paving, sewerage, and otherwise improving or reimprov-  
16 ing its streets and alleys, or for establishing and main-  
17 taining a library or museum for the public use, or a build-  
18 ing or structure for educational purposes, or acquiring a  
19 recreation park for the public use, may become indebted  
20 and issue bonds in an additional sum not exceeding two  
21 and one-half per cent of the value of the taxable property  
22 therein, ascertained as aforesaid; *Provided further,* That  
23 no county board of education authorized by this article  
24 to issue bonds, shall, by any bond issue, become indebted,  
25 in any manner, or for any purpose, to an amount, includ-  
26 ing all other indebtedness, in the aggregate, exceeding

27 five per cent on the value of the taxable property there-  
28 in, in the county school district to be ascertained by the  
29 last assessment for state and county taxes, previous to  
30 the incurring of such indebtedness, in the manner pro-  
31 vided by the "School Bond Amendment," as ratified.

32 The term "sewering" as used herein shall be treated  
33 in a comprehensive sense, so as to include all mains,  
34 laterals, connections, traps, incinerating and disposal  
35 plants, and other necessary and convenient accessories to  
36 a modern sanitary and efficient sewerage system and  
37 shall include storm sewers.

38 The county court of any county is hereby authorized  
39 and empowered to negotiate and sell to the government  
40 of the United States or to any governmental agency,  
41 federal or state, at private sale, at not less than par any  
42 bonds issued for the purpose of erecting and equipping  
43 a courthouse or other public buildings for such county,  
44 under and by virtue of article one, chapter thirteen of  
45 the code of West Virginia, without first offering them  
46 for sale at public auction, or to any other person or  
47 agency.

Sec. 4. *Bond Issue Proposal to Be Submitted to Voters;*

2 *Election Order.*—No debt shall be contracted or bonds  
3 issued under this article until all questions connected  
4 with the same shall have been first submitted to a vote  
5 of the qualified electors of the political division for which  
6 the bonds are to be issued, and shall have received three-  
7 fifths of all the votes cast for and against the same. The  
8 governing body of any political division referred to in  
9 this article may, and when requested so to do by a petition  
10 in writing, praying that bonds be issued and stating the  
11 purpose and amount thereof, signed by legal voters of  
12 the political division equal to twenty per cent of the  
13 votes cast in a county or magisterial district for gover-  
14 nor, or in a municipal corporation or school district for  
15 mayor or member of the board of education, as the case  
16 may be, shall, by order entered of record, direct that an  
17 election be held for the purpose of submitting to the  
18 voters of the political division all questions connected  
19 with the contracting of debt and the issuing of bonds.

20 Such order shall state:

21 (a) The necessity for issuing the bonds, or, if a petition

22 has been filed as provided herein, that such petition has  
23 been filed;

24 (b) If for the construction of a county-district road or  
25 bridge thereon, a summary of the engineer's report pro-  
26 vided for in the following section setting forth the ap-  
27 proximate extent and the estimated cost of the proposed  
28 improvement, and the kind or class of work to be done  
29 thereon;

30 (c) Purpose or purposes for which the proceeds of  
31 bonds are to be expended;

32 (d) Valuation of the taxable property as shown by the  
33 last assessment thereof for state and county purposes;

34 (e) Indebtedness, bonded or otherwise;

35 (f) Amount of the proposed bond issue;

36 (g) Maximum term of bonds and series;

37 (h) Maximum rate of interest;

38 (i) Date of election;

39 (j) If a special election, names of commissioners for  
40 holding same;

41 (k) If registration of voters is necessary, notice of the  
42 time, place and manner of making same;

43 (l) That the levying body is authorized to lay a suf-  
44 ficient levy annually to provide funds for the payment  
45 of the interest upon the bonds and the principal at ma-  
46 turity, and the approximate rate of levy necessary for  
47 this purpose;

48 (m) In case of school bonds, that such bonds, not ex-  
49 ceeding in the aggregate three per centum of such as-  
50 sessed valuation of taxable property in the manner  
51 provided by the "School Bond Amendment" of the con-  
52 stitution of this state, will be payable from a direct  
53 annual tax on all taxable property therein, in the ratio,  
54 as between the several classes or types of such taxable  
55 property, specified in section one, article ten of the con-  
56 stitution, separate and apart from and in addition to all  
57 other taxes for all other purposes, sufficient to pay, an-  
58 nually, the interest on such debt, and the principal there-  
59 of, within, and not exceeding thirty-four years, which  
60 may be levied outside the limits fixed by section one,  
61 article ten of the constitution of this state in the manner  
62 provided by section eight, article ten, "School Bond  
63 Amendment," of the constitution.

64 Any other provision which does not violate any pro-  
65 vision of law, or transgress any principle of public  
66 policy, may be incorporated in the order.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*A. R. Winters*

Chairman Senate Committee

*James W. Loop*

Chairman House Committee

Originated in the Senate.

Takes effect *from* passage.

*Lawrence Meyer*

Clerk of the Senate

*J. R. Alliff*

Clerk of the House of Delegates

*W. Douglas Hunter*

President of the Senate

*W. E. Fanner*

Speaker House of Delegates

The within *APPROVED* this the *21ST*

day of *FEBRUARY*, 1951.

*Okuy S. Patterson*  
Governor.



of West Virginia **FEB 22 1951**

**D. PITT O'BRIEN,**  
SECRETARY OF STATE