

WEST VIRGINIA LEGISLATURE
REGULAR THIRTY-DAY SESSION, 1956



ENROLLED

HOUSE BILL NO. 9

(By Mr. Speaker Mr. Flannery)



PASSED February 9, 1956

In Effect from Passage



Filed in the Office of the Secretary of State
of West Virginia **FEB 15 1956**
D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

House Bill No. 9

(By MR. SPEAKER, MR. FLANNERY)

[Passed February 9, 1956; in effect from passage.]

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.—*

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

3 ten million dollars are hereby authorized to be issued
4 and sold for the purpose of raising funds for assisting
5 in building, constructing and maintaining the system of
6 roads and highways provided for by the constitution.
7 Such bonds may be issued by the governor in such
8 amounts, in coupon or registered form, in such denomi-
9 nations, at such times and bearing such date or dates as
10 the governor may determine, and shall become due and
11 payable serially in equal amounts beginning one year
12 and ending twenty-five years from the date thereof:
13 *Provided, however,* That no bonds may be issued under
14 the provisions of this act until bonds authorized and
15 issued under the provisions of the "Good Roads Amend-
16 ment" to the constitution of the state, ratified at the
17 general election held in November, one thousand nine
18 hundred twenty, have been retired and canceled out of
19 the state road sinking fund created by section six, chap-
20 ter one hundred thirteen, acts of the Legislature of West
21 Virginia, one thousand nine hundred twenty-one, in an
22 amount equal to or greater than the amount to be issued
23 hereunder at any one time.

Sec. 2. Transfer Fee; Registration Fee; Where Payable;

2 *Interest Rate; Tax Exempt.*—The auditor and the treas-
3 urer are hereby authorized to arrange for the transfer
4 of registered bonds, and for each such transfer a fee of
5 fifty cents shall be charged by and paid to the state of
6 West Virginia, to the credit of the state road sinking
7 fund. Bonds taken in exchange shall be canceled by the
8 auditor and treasurer and be carefully preserved by the
9 treasurer. The treasurer shall make provisions for regis-
10 tering “payable to bearer” bonds, and for each bond
11 registered a fee of fifty cents shall likewise be charged
12 by and paid to the state of West Virginia, to the credit
13 of the state road sinking fund. All of such bonds shall
14 be payable at the office of the treasurer of the state of
15 West Virginia, or, at the option of the holder, at some
16 bank in the city of New York to be designated by the
17 governor. The bonds shall bear interest at a rate not
18 exceeding four and one-half per cent per annum, pay-
19 able semi-annually, on the first day of, and the
20 first day of, of each year, to bearer, at the office
21 of the treasurer of the state of West Virginia, at the

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

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

8 COUPON ROAD BOND

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

10 OF THE

11 STATE OF WEST VIRGINIA

12 \$..... No.....

13 The state of West Virginia, under and by virtue of
14 authority of an act of the Legislature passed at the
15 regular session of one thousand nine hundred fifty-six,
16 on the day of, one thousand nine hundred
17 fifty-six, and approved by the governor on the day
18 of, one thousand nine hundred fifty-six, which
19 is hereby made a part hereof as fully as if set forth at
20 length herein, acknowledges itself to be indebted to,
21 and hereby promises to pay to the bearer hereof (in the
22 case of a coupon bond) or to or assigns (the
23 owner of record, in case of registered bonds) on the
24 day of, 19....., in lawful money of the United
25 States of America at the office of the treasurer of the
26 state of West Virginia at the capitol of said state, or at
27 the option of the holder at bank in the city
28 of New York, the sum of dollars, with interest

29 thereon at per centum per annum from date, pay-
30 able semi-annually in like lawful money of the United
31 States of America at the treasurer's office or bank afore-
32 said, on the first day of and the first day of
33 of each year, (and in the case of coupon bonds) accord-
34 ing to the tenor of the annexed coupons bearing the
35 engraved facsimile signature of the treasurer of the
36 state of West Virginia, upon surrender of such coupons.
37 This bond (in case of a coupon bond) may be exchanged
38 for a registered bond of like tenor upon application to
39 the treasurer of the state of West Virginia.

40 To secure the payment of this bond, principal sum
41 and interest, when other funds and revenues sufficient
42 are not available for that purpose, it is agreed that,
43 within the limits prescribed by the constitution, the
44 board of public works of the state of West Virginia shall
45 annually cause to be levied and collected an annual
46 state tax on all property in the state, until this bond is
47 fully paid, sufficient to pay the annual interest on this
48 bond and the principal sum thereof within the time this
49 bond becomes due and payable.

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

53 In testimony whereof, witness the signature of the
 54 treasurer of the state of West Virginia, and the counter-
 55 signature of the auditor of the state, hereto affixed ac-
 56 cording to law, dated the day of , one
 57 thousand nine hundred , and the seal of the state
 58 of West Virginia.

59 (Seal)

60

61 Treasurer of the State of West Virginia

62 Countersigned:

63

64 Auditor of the State of West Virginia

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

3 STATE OF WEST VIRGINIA

4 Bond No. Coupon No.

5 On the first day of, 19....., the state of West
 6 Virginia will pay to the bearer, in lawful money of the

7 United States of America, at the office of the treasurer
8 of the state, or at the option of the holder at
9 bank in the city of New York, the sum of dollars,
10 the same being semi-annual interest on Road Bond
11 No.

12

13

Treasurer of the State of West Virginia

14 The signature of the treasurer to such coupon shall be
15 by his engraved facsimile signature and the coupons
16 shall be numbered in the order of their maturity, from
17 number one consecutively. The bonds and coupons may
18 be signed by the present treasurer and auditor, or by
19 any of their respective successors in office, and bonds
20 signed by the persons now in office may be sold by the
21 governor or his successor in office without being signed
22 by the successor in office of the present treasurer or
23 auditor.

Sec. 5. *Listing by Auditor.*—All coupon and registered
2 bonds issued under this act shall be separately listed by
3 the auditor of the state in books provided for the pur-
4 pose, in each case giving the date, number, character and

5 amount of obligations issued, and in case of registered
6 bonds, the name and post office address of the person,
7 firm or corporation registered as the owner thereof.

Sec. 6. *State Road Sinking Fund Sources Used to Pay*
2 *Bonds and Interest; Investment of Remainder.*—Into the
3 state road sinking fund there shall be paid all moneys
4 received from the annual state tax levy on the taxable
5 property in the state levied under the provisions of this
6 act, from any and all appropriations made by the state
7 from other sources for the purpose of paying the in-
8 terest on such bonds or paying off and retiring the bonds,
9 from fines, forfeitures and penalties, if any, made ap-
10 plicable by law for the payment of such bonds or the
11 interest thereon, from transfer fees as herein provided,
12 and from any source whatsoever, which is made liable
13 by law for the payment of the principal of such bonds
14 or the interest thereon.

15 All such funds shall be kept by the treasurer in a
16 separate account, under the designation aforesaid, and
17 all money belonging to the fund shall be deposited in
18 the state treasury to the credit thereof.

19 Such fund shall be applied by the treasurer of the
20 state first to the payment of the semi-annual interest on
21 such bonds as it shall become due as herein provided.
22 The remainder of the fund shall be turned over by the
23 state treasurer to the state sinking fund commission,
24 whose duty it shall be to invest the same in bonds of the
25 government of the United States, bonds of the state of
26 West Virginia, or any political subdivision thereof: *Pro-*
27 *vided, however,* That bonds so purchased by the state
28 sinking fund commission shall mature so as to provide
29 sufficient money to pay off all bonds herein provided to
30 be issued as they become due; and the money so paid
31 into the state road sinking fund under the provisions of
32 this act shall be expended for the purpose of paying the
33 interest and principal of the bonds hereby provided for
34 as they severally become due and payable and for no
35 other purpose except that the fund may be invested
36 until needed, as herein provided.

Sec. 7. *Tax Levy to Pay, Unless Other Funds Avail-*
2 *able.*—In order to provide the revenue necessary for the
3 payment of the principal and interest of such bonds, as

4 hereinafore provided, the board of public works, within
5 the limits prescribed by the constitution, is authorized,
6 empowered and directed to lay annually a tax upon all
7 real and personal property subject to taxation within
8 this state, sufficient to pay interest on the bonds accruing
9 during the current year and one twenty-fifth of the total
10 issue (at par value) of such bonds, for such number of
11 years, not exceeding twenty-five, as may be necessary
12 to pay the interest thereon and to pay off the principal
13 sum of the bonds; and such taxes, when so collected,
14 shall not be liable for or applicable to any other purpose:
15 *Provided, however,* That if there be other funds in the
16 state treasury, or in the state road funds, in any fiscal
17 year, not otherwise appropriated, or if other sources of
18 revenue be hereafter provided by law for the purpose,
19 the board of public works is authorized, empowered and
20 directed to set apart, in any year there be such funds,
21 or other sources of revenue provided for such purpose, a
22 sum sufficient to pay the interest on bonds accruing dur-
23 ing the current year, and to pay off, and retire the
24 principal of such bonds, or any part thereof, at maturity.

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

Sec. 8. *Sale by Governor; Minimum Price.*—The gov-
2 ernor shall sell the bonds herein mentioned at such
3 time or times as he may determine necessary to provide
4 funds for road construction and maintenance purposes,
5 as herein provided, upon recommendation of the state
6 road commission. All sales shall be at not less than par
7 and accrued interest. All interest coupons becoming
8 payable prior to the sale date shall be canceled by the
9 treasurer and rendered ineffective, before the delivery
10 of the bonds so sold.

Sec. 9. *Proceeds Paid Into State Road Fund.*—The pro-
2 ceeds of all sales of bonds herein authorized shall be
3 paid into the state road fund created by section one,
4 article three, chapter seventeen of the code of West Vir-
5 ginia, one thousand nine hundred thirty-one, as last
6 amended.

Sec. 10. *Plates Property of State.*—The plates from
2 which the bonds authorized by this act are engraved
3 shall be the property of the state of West Virginia.

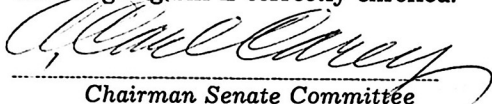
Sec. 11. *Auditor to Be Custodian of Unsold Bonds.*—

2 The state auditor shall be the custodian of all unsold
3 bonds issued pursuant to the provisions of this act.

Sec. 12. *Interim Certificates.*—The governor may au-
2 thorize the issuance of interim certificates to be issued
3 to the purchasers of such bonds to be held by them in
4 lieu of engraved bonds. When interim certificates are
5 so issued, they shall become full and legal obligations
6 of the state of West Virginia under all of the provisions
7 of this act just as fully and completely as the engraved
8 and permanent bonds.

Sec. 13. *Payment of Expenses.*—All necessary ex-
2 penses incurred in the execution of this act shall be paid
3 out of the state road fund on warrants of the auditor of
4 the state drawn on the state treasurer.

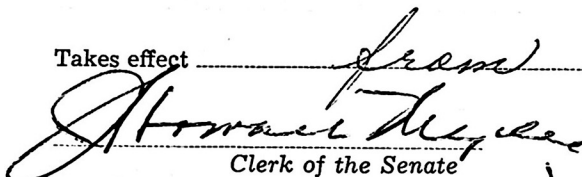
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

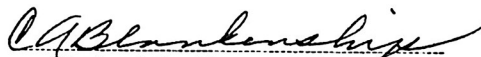

Chairman Senate Committee

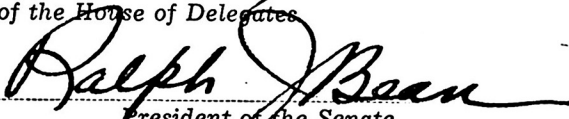

Chairman House Committee

Originated in the House of Delegates

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 14
day of February, 1956.


Governor



Filed in the Office of the Secretary of State
of West Virginia FEB 15 1956