

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1959

**ENROLLED**

SENATE BILL NO. 59

(By Mr. Martin)

PASSED Feb 2 1959

In Effect from Passage



Filed in Office of the Secretary of State  
of West Virginia FEB 10 1959  
JOE F. BURDETT  
SECRETARY OF STATE

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**Senate Bill No. 59**

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AN ACT to amend article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section thirty-four, and to amend and reenact section four, article one thereof, all relating to bonded indebtedness.

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

That article one, chapter thirteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section designated section thirty-four, and by amending and reenacting section four, article one thereof, all to read as follows:

Section 4. *Bond Issue Proposal to Be Submitted to*  
2 *Voters; Election Order.*—No debt shall be contracted or

3 bonds issued under this article until all questions con-  
4 nected with the same shall have been first submitted to a  
5 vote of the qualified electors of the political division for  
6 which the bonds are to be issued, and shall have received  
7 three-fifths of all the votes cast for and against the same.

8 The governing body of any political division referred to  
9 in this article may, and when requested so to do by a peti-  
10 tion in writing, praying that bonds be issued and stating  
11 the purpose and amount thereof, signed by legal voters  
12 of 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 peti-  
22 tion has been filed as provided herein, that such petition  
23 has 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  
33 the 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 suffi-  
44 cient levy annually to provide funds for the payment of

45 the interest upon the bonds and the principal at maturity,  
46 and the approximate rate of levy necessary for this  
47 purpose;

48 (m) In the case of school bonds, that such bonds, to-  
49 gether with all existing bonded indebtedness, will not  
50 exceed in the aggregate five per cent of the value of the  
51 taxable property in such school district ascertained in ac-  
52 cordance with section eight, article ten of the constitu-  
53 tion; and that such bonds will be payable from a direct  
54 annual tax levied and collected in each year on all taxable  
55 property in such school district sufficient to pay the  
56 principal and the interest maturing on such bonds in such  
57 year, together with any deficiencies for prior years,  
58 within, and not exceeding thirty-four years, which tax  
59 levies will be laid separate and apart and in addition to  
60 the maximum rates provided for tax levies by school dis-  
61 tricts on the several classes of property in section one,  
62 article ten of the constitution, but in the same proportions  
63 as such maximum rates are levied on the several classes  
64 of property; and said tax may be levied outside the limits  
65 fixed by section one, article ten of the constitution.

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

Sec. 34. *Bonded Indebtedness of School Districts and*  
2 *Annual Tax to Be Levied and Collected to Pay Same.—*  
3 Notwithstanding any other provisions of this article or  
4 of any other law to the contrary, every school district, by  
5 and through its board of education, shall levy and collect  
6 in each year a direct annual tax on all taxable property  
7 in such school district sufficient to pay the principal and  
8 interest maturing in such year, together with any defi-  
9 ciencies for prior years, within, and not exceeding thirty-  
10 four years, on any bonded indebtedness of such school  
11 district, now or hereafter contracted, not to exceed five  
12 per cent of the value of the taxable property therein  
13 to be ascertained in accordance with section eight of  
14 article ten of the constitution, which levies shall be laid  
15 separate and apart and in addition to the maximum rates  
16 provided for tax levies by school districts on the several  
17 classes of property specified in article one, section ten  
18 of the constitution, but in the same proportions as such

19 maximum rates are levied on the several classes of prop-  
20 erty, and which tax may be levied outside the limits fixed  
21 by said section one, article ten of the constitution.

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

*James Davis, Jr.*  
Chairman Senate Committee  
**MEMBER**

*Eudora Andrews*  
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

*Howard Meyer*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*Reph Bean*  
President of the Senate

*H. Paddy*  
Speaker House of Delegates

The within approved this the 9th  
day of February, 1939.

*W. H. Underwood*  
Governor

