

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1960

ENROLLED

HOUSE BILL No...18.....

(By Mr. SPEAKER, MR. PAULEY AND MR. SEIBERT)

PASSED FEBRUARY 1, 1960

In Effect 90 Days From Passage



Filed in Office of the Secretary of State
of West Virginia FEB 8 1960
JOE F. BURDETT
SECRETARY OF STATE

H.B. #18

ENROLLED

House Bill No. 18

(By MR. SPEAKER, MR. PAULEY, and MR. SEIBERT)

[Passed February 1, 1960; in effect ninety days from passage.]

AN ACT authorizing the issuance and sale of not exceeding five 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 revenues sufficient to pay semiannually 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 five 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
10 as the governor may determine, and shall become due
11 and payable serially in equal amounts beginning one
12 year 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 reg-
10 istering “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 such bonds shall be
14 payable at the office of the treasurer of the state of West
15 Virginia, or, at the option of the holder, at some bank
16 in the city of New York to be designated by the governor.
17 The bonds shall bear interest at a rate not exceeding
18 four and one-half per cent per annum, payable semi-
19 annually, on the first day of _____,
20 and the first day of _____, of each year,
21 to bearer, at the office of the treasurer of the state of
22 West Virginia, at the capitol of the state, or at the bank

23 designated by the governor, upon presentation and sur-
24 render of interest coupons, then due, in the case of coupon
25 bonds. In the case of registered bonds the treasurer of
26 the state of West Virginia shall issue his check for the
27 interest then due on the first day of _____,
28 and _____ of each year, and mail it
29 to the registered owner at the address as shown by the
30 record of registration. Both the principal and interest
31 of the bonds shall be payable in lawful money of the
32 United States of America and the bonds shall be exempt
33 from taxation by the state of West Virginia, or by any
34 county, district, or municipality thereof, which facts shall
35 appear on the face of the bonds as part of the contract
36 with the 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
4 the great seal of the state, and countersigned by the
5 auditor of the state, and shall be in the following form
6 or to the following effect, as nearly as may be, namely:

7 COUPON ROAD BOND

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

9 OF THE

10 STATE OF WEST VIRGINIA

11 \$..... No.....

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

28 New York, the sum ofdollars,
29 with interest thereon at per centum
30 per annum from date, payable semiannually in like
31 lawful money of the United States of America at the
32 treasurer's office or bank aforesaid, on the first day of
33 and the first day of
34 of each year, (and in the case of coupon bonds) accord-
35 ing to the tenor of the annexed coupons bearing the en-
36 graved facsimile signature of the treasurer of the state
37 of West Virginia, upon surrender of such coupons. This
38 bond (in case of a coupon bond) may be exchanged for
39 a registered bond of like tenor upon application to the
40 treasurer of the state of West Virginia.

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

49 principal sum thereof within the time this bond becomes
 50 due and payable.

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

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

60 (SEAL)

61

 Treasurer of the State of West Virginia

62
 63 Countersigned:

64

 Auditor of the State of West Virginia

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

3 STATE OF WEST VIRGINIA

4 Bond No.

Coupon No.

5 On the first day of _____, 19____, the
6 state of West Virginia will pay to the bearer, in lawful
7 money of the United States of America, at the office of
8 the treasurer of the state, or at the option of the holder
9 at _____bank in the city of New
10 York, the sum of _____ dollars,
11 the same being semiannual interest on Road Bond No.
12 _____

13 _____
14 Treasurer of the State of West Virginia

15 The signature of the treasurer to such coupon shall
16 be by his engraved facsimile signature and the coupons
17 shall be numbered in the order of their maturity, from
18 number one consecutively. The bonds and coupons may
19 be signed by the present treasurer and auditor, or by any
20 of their respective successors in office, and the bonds
21 signed by the persons now in office may be sold by the
22 governor or his successor in office without being signed
23 by the successor in office of the present treasurer or
24 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 interest
8 on such bonds or paying off and retiring the bonds, from
9 fines, forfeitures and penalties, if any, made applicable
10 by law for the payment of such bonds or the interest
11 thereon, from transfer fees as herein provided, and from
12 any source whatsoever, which is made liable by law for
13 the payment of the principal of such bonds or the interest
14 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 the
18 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 semiannual interest
21 on 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
30 to 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 until
36 needed, as herein provided.

Sec. 7. Tax Levy to Pay, Unless Other Funds Available.

2 —In order to provide the revenue necessary for the pay-
3 ment of the principal and interest of such bonds, as here-
4 inbefore provided, the board of public works, within the
5 limits prescribed by the constitution, is authorized, em-
6 powered and directed to lay annually a tax upon all real
7 and personal property subject to taxation within this
8 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 pur-
15 pose: *Provided, however,* That if there be other funds in
16 the state treasury, or in the state road funds, in any
17 fiscal year, not otherwise appropriated, or if other sources
18 of 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 prin-
24 cipal 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
27 in it by present law.

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

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

Sec. 10. *Plates Property of State.*—The plates from
2 which the bonds authorized by this act are engraved shall
3 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 so
5 issued, they shall become full and legal obligations of
6 the state of West Virginia under all of the provisions of
7 this act just as fully and completely as the engraved and
8 permanent bonds.

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

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

William L. Howell
Chairman Senate Committee

Eudora Anderson
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 DAYS FROM passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

H. H. Bailey
Speaker, House of Delegates

The within approved this the 6th

day of February, 1960.

W. D. Anderson
Governor

