

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



444
ENROLLED

HOUSE BILL No... 444...

(By Mr. Speaker, Mr. Singleton)



PASSED March 11 1961

In Effect from Passage

Filed in Office of the Secretary of State
of West Virginia

MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
House Bill No. 444

(By MR. SPEAKER, MR. SINGLETON)

[Passed March 11, 1961; in effect 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 in
5 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 and
12 ending twenty-five years from the date thereof: *Provided,*
13 *however,* That no bonds may be issued under the pro-
14 visions of this act until bonds authorized and issued under
15 the provisions of the "Good Roads Amendment" to the
16 constitution of the state, ratified at the general election
17 held in November, one thousand nine hundred twenty,
18 have been retired and canceled out of the state road
19 sinking fund created by section six, chapter one hundred
20 thirteen, acts of the Legislature of West Virginia, one
21 thousand nine hundred twenty-one, in an amount equal
22 to or greater than the amount to be issued hereunder at
23 any one time.

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

2 *Interest Rate; Tax Exempt.*—The auditor and the trea-
3 surer 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 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 four
18 and one-half per cent per annum, payable semiannually,
19 on the first day of _____, and the first day
20 of _____, of each year, to bearer, at the
21 office 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 West
26 Virginia shall issue his check for the interest then due
27 on the first day of, and
28 of each year, and mail it to the registered owner at the
29 address as shown by the record of registration. Both
30 the principal and interest of the bonds shall be payable
31 in lawful money of the United States of America and
32 the bonds shall be exempt from taxation by the state of
33 West Virginia, or by any county, district, or municipality
34 thereof, which facts shall appear on the face of the bonds
35 as 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 of
3 the 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-one, on

15

the day of, one thousand

16

nine hundred sixty-one, and approved by the governor

17

on the day of, one thousand

18

nine hundred sixty-one, which is hereby made a part

19

hereof as fully as if set forth at length herein, acknow-

20

ledges itself to be indebted to and hereby promises to

21

pay to the bearer hereof (in the case of a coupon bond)

22

or toor assigns (the

23

owner of record, in case of registered bonds) on the

24

day of, 19....., in lawful money of

25

the United States of America at the office of the treasurer

26

of the state of West Virginia at the capitol of said state,

27

or at the option of the holder at

28

bank in the city of New York, the sum of

29

.....dollars, with interest thereon at

30 per centum per annum from date, payable semiannually
31 in like lawful money of the United States of America at
32 the 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) according
35 to the tenor of the annexed coupons bearing the engraved
36 facsimile signature of the treasurer of the state of West
37 Virginia, upon surrender of such coupons. This bond (in
38 case of a coupon bond) may be exchanged for a registered
39 bond of like tenor upon application to the treasurer of
40 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
43 not available for that purpose, it is agreed that within
44 the limits prescribed by the constitution, the board of
45 public works of the state of West Virginia shall annually
46 cause to be levied and collected an annual state tax on all
47 property in the state, until this bond is fully paid, suffi-
48 ent 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 ac-
 57 cording to law, dated the day of,
 58 one thousand nine hundred, and
 59 the seal of the state of West Virginia.

60 (SEAL)

61

62

Treasurer of the State of West Virginia

63 Countersigned:

64

65 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
 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
10 of New York, the sum of
11 dollars, the same being semiannual interest on Road
12 Bond No.

13

14 Treasurer of the State of West Virginia

15 The signature of the treasurer to such coupon shall be
16 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
20 any 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 purpose,

4 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 all

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

23 during 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
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 here-
5 in 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
3 shall be the property of the state of West Virginia.

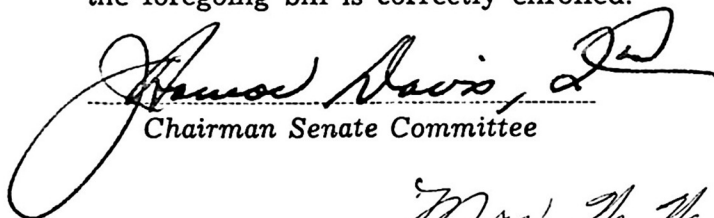
Sec. 11. *Auditor to be Custodian of Unsold Bonds.*—

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 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.

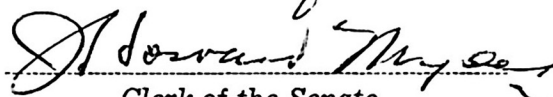
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee



Chairman House Committee

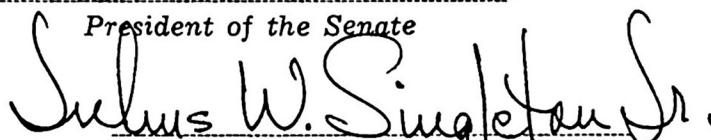
Originated in the House.

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 17th
day of March, 1961.


Governor

Filed in Office of the Secretary
of West Virginia **MAR 17 1961**
JOE F. BURDETT
SECRETARY OF STATE