

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 40

(By Mr. Speaker, Mr. Singleton 2nd & Mr. Pauley.



PASSED Feby. - 8 - 1963

In Effect July 1-1963 Passage



Filed in Office of the Secretary of State
of West Virginia 2-18-63

JOE F. BURDETT
SECRETARY OF STATE

#40

ENROLLED

House Bill No. 40

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

[Passed February 8, 1963; in effect July 1, 1963.]

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 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 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 denom-
9 inations, at such times and bearing such date or dates
10 as 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
19 of the state road sinking fund created by section six,
20 chapter one hundred thirteen, acts of the Legislature of
21 West Virginia, one thousand nine hundred twenty-one,
22 in an amount equal to or greater than the amount to
23 be issued hereunder at any one time.

Sec. 2. Transfer Fee; Registration Fee; Where Pay-

able; Interest Rate; Tax Exempt.—The auditor and the treasurer are hereby authorized to arrange for the transfer of registered bonds, and for each such transfer a fee of fifty cents shall be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. Bonds taken in exchange shall be canceled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering “payable to bearer” bonds, and for each bond registered a fee of fifty cents shall likewise be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. All such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at some bank in the city of New York to be designated by the governor. The bonds shall bear interest at a rate not exceeding four and one-half percent per annum, payable semi-annually, on the first day of _____, and the first day of _____, of each year, to bearer, at the office of the treasurer of the state of West

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

15

session of one thousand nine hundred sixty-three, on

16

the_____day of_____, one thousand

17

nine hundred sixty-three, and approved by the governor

18

on the_____day of_____, one thou-

19

sand nine hundred sixty-three, which is hereby made a

20

part hereof as fully as if set forth at length herein,

21

acknowledges itself to be indebted to and hereby promises

22

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

23

or to_____or assigns (the owner of

24

record, in case of registered bonds) on the_____day

25

of_____, 19____, in lawful money of the

26

United States of America at the office of the treasurer

27

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

28

or at the option of the holder at_____bank

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

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

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

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

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

61 (SEAL)

62 _____

63 Treasurer of the State of West Virginia

64 Countersigned:

65 _____

66 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

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 postoffice address of the person, firm
7 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 by
10 law for the payment of such bonds or the interest thereon,
11 from transfer fees as herein provided, and from any source
12 whatsoever, which is made liable by law for the payment
13 of the principal of such bonds or the interest thereon.

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

18 Such fund shall be applied by the treasurer of the
19 state first to the payment of the semiannual interest on
20 such bonds as it shall become due as herein provided. The
21 remainder of the fund shall be turned over by the state
22 treasurer to the state sinking fund commission, whose
23 duty it shall be to invest the same in bonds of the gov-
24 ernment of the United States, bonds of the State of West
25 Virginia, or any political subdivision thereof: *Provided,*
26 *however,* That bonds so purchased by the state sinking
27 fund commission shall mature so as to provide sufficient
28 money to pay off all bonds herein provided to be issued
29 as they become due; and the money so paid into the
30 state road sinking fund under the provisions of this act
31 shall be expended for the purpose of paying the interest
32 and principal of the bonds hereby provided for as they
33 severally become due and payable and for no other pur-
34 pose except that the fund may be invested until needed,
35 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 dur-
9 ing 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 to
12 pay the interest thereon and to pay off the principal sum
13 of the bonds; and such taxes, when so collected, shall not
14 be liable for or applicable to any other purpose: *Pro-*
15 *vided, however,* That if there be other funds in the state
16 treasury, or in the state road funds, in any fiscal year,
17 not otherwise appropriated, or if other sources of revenue
18 be hereafter provided by law for the purpose, the board
19 of public works is authorized, empowered and directed to
20 set apart, in any year there be such funds, or other sources
21 of revenue provided for such purpose, a sum sufficient to
22 pay the interest on bonds accruing during the current
23 year, and to pay off, and retire the principal of such
24 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
2 governor 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 commissioner. All sales shall be at not less than
7 par and accrued interest. All interest coupons becoming
8 payable prior to the sale date shall be cancelled 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
2 proceeds of all sales of bonds herein authorized shall
3 be paid into the state road fund created by section one,
4 article three, chapter seventeen of the code of West
5 Virginia, 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 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
8 and permanent bonds.

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

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

O. Roy Parker
Chairman Senate Committee

Esther L. Sandell
Chairman House Committee

Originated in the House.

Takes effect July 1 - 1963 passage.

Howard Thyeen
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singleton
Speaker House of Delegates

The within approval this the 15th
day of February, 1963.

W. W. Bason
Governor

