WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 1968

ENROLLED

HOUSE BILL No. 15

(By Mr. Me Mennis and Mr. Payne)

PASSED September 14, 1968

In Effect from Passage

# 15

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 9-19-68
ENROLLED

House Bill No. 15
(By MR. McMANUS and MR. PAYNE)

[Passed September 14, 1968; in effect from passage.]

AN ACT to amend and reenact sections five and nineteen, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section nineteen-a, all relating to the acquisition by the state road commission of the West Virginia turnpike, permitting the issuance of special obligation bonds for such purposes and granting the permission of the state for the turnpike commission to seek voluntary bankruptcy in accordance with Title 11 of the United States Code, §§ 401 to 403, inclusive.
Be it enacted by the Legislature of West Virginia:

That sections five and nineteen, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designed section nineteen-a, all to read as follows:

ARTICLE 16A. WEST VIRGINIA TURNPIKE COMMISSION.


1 The commission is hereby authorized and empowered:

2 (a) To adopt bylaws for the regulation of its affairs and the conduct of its business;

4 (b) To adopt an official seal and alter the same at pleasure;

6 (c) To maintain an office at such place or places within the state as it may designate;

8 (d) To sue and be sued in its own name, plead and be impleaded. Any and all actions at law or in equity against the commission shall be brought only in the county in which the principal office of the commission shall be located;
(e) To construct, maintain, repair and operate turnpike projects as hereinabove defined at such locations within the state as may be determined by the commission;

(f) To issue turnpike revenue bonds of the state of West Virginia, payable solely from revenues, for the purpose of paying all or any part of the cost of any one or more turnpike projects;

(g) To fix and revise from time to time tolls for transit over each turnpike project constructed by it;

(h) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this article;

(i) To acquire in the name of the state by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner hereinafter provided, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, ease-
ments and interests, as it may deem necessary for carrying out the provisions of this article. No compensation shall be paid for public lands, playgrounds, parks, parkways or reservations so taken, and all public property damaged in carrying out the powers granted by this article, shall be restored or repaired and placed in its original condition as nearly as practicable;

(j) To designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the commission to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix
their compensation. All such expenses shall be pay-
able solely from the proceeds of turnpike revenue bonds
issued under the provisions of this article or from
revenues;

(l) To receive and accept from any federal agency
grants for or in aid of the construction of any turnpike
project, and to receive and accept aid or contributions
from any source of either money, property, labor or
other things of value, to be held, used and applied only
for the purposes for which such grants and contributions
may be made;

(m) To do all acts and things necessary or convenient
to carry out the powers expressly granted in this article;

and

(n) To file the necessary petition or petitions pur-
suant to Title 11 United States Code, §401 (being section
81 of the act of Congress entitled "An act to establish
a uniform system of bankruptcy throughout the United
States," approved July 1, 1898, as amended) and to
prosecute to completion all proceedings permitted by
Title 11 United States Code, §§401-403 (being sections
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81 to 83, inclusive, of said act of Congress). The state road commission may in behalf of the commission or as successor to the commission pursuant to subdivision (a) of section four of this article file said petition and prosecute to completion all such proceedings as hereinabove provided for, and the state of West Virginia hereby consents to the application of said Title 11 United States Code, §§401-403, to the West Virginia turnpike commission or to the state road commission in behalf of or as successor to the turnpike commission.

§17-16A-19. Article deemed to provide additional and alternative methods.

1 This article shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. The issuance of special obligation bonds under the provisions of this article need not comply with the requirements of any other law applicable to the issuance of bonds.
§17-16A-19a. Additional powers of commission; issuance of special obligation bonds.

1 In addition to all powers granted by the foregoing sections of this article, the commission in connection with a proceeding prosecuted to completion under Title 11 United States Code, §§401-403 as permitted by subdivision (n) of section five of this article is hereby authorized to provide by resolution for the issuance of special obligation bonds of the state for the purpose of exchanging such special obligation bonds for all bonds then outstanding which shall have been issued under the provisions of this article. Special obligation bonds issued under the provisions of this section shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivision, but such bonds shall be payable solely from the funds herein provided therefor from pledged property and income therefrom as provided in subdivision (a) of this section. All such special obligation bonds shall contain on the face thereof a statement in accordance with the preceding sentence. The issuance of such
bonds, the maturities and other details thereof, the
rights of the holders thereof, and the rights, duties and
obligations of the commission in respect of the same
shall be governed by the provisions of this article insofar
as the same may be applicable with the following express
exceptions:
(a) The principal of and the interest on such special
obligation bonds shall not be payable from tolls or
revenues of any turnpike project but shall be payable
solely from such other property purchased and pledged
as security therefor together with the income derived
from such property as the commission shall determine
which other property may include direct obligations of,
or obligations the principal of and the interest on which
are guaranteed by, the United States government; and
(b) Following the issuance of such special obligation
bonds there shall be no obligation to fix, revise, charge
and collect tolls for the use of any turnpike project
and any turnpike project shall be transferred to the
state road commission and shall thereafter be maintained
by the state road commission free of tolls. At such
time as the special obligation bonds are issued, then
section sixteen of this article shall be of no further
force and effect.

Financial, legal, engineering and feasibility consultants
may be employed to perform such services as the com-
mission shall deem necessary or desirable in connection
with the Title 11 proceedings mentioned above and the
issuance and exchange of the special obligation bonds.
The entire powers herein granted by this section to
the commission may be exercised by the state road
commission in which event the special obligation bonds
herein authorized shall be signed by the governor or
with a facsimile signature of the governor and by the
state road commissioner, and the official seal of the
state road commission shall be affixed thereto and
attested by the executive secretary of the state road
commission, and any coupons attached thereto shall bear
the facsimile signature of the state road commissioner.
In the event that the state road commission shall elect
to exercise the powers granted by this section, it shall
file a statement to that effect in the office of the chairman
of the commission and in the office of the secretary of
state, and upon the issuance of the special obligation
bonds herein provided for the state road commission
shall succeed immediately to the principal functions of
the commission and the commission shall then be
abolished.

The state road commission is hereby empowered to
acquire by purchase the West Virginia turnpike com-
mission and all its rights-of-way, equipment, facilities
and any and all other rights or interest the West Virginia
turnpike commission has or had in the West Virginia
turnpike project, from any funds available to it, except
funds received from the issuance of bonds and to pay
any expenses incident to such acquisition under the
provisions of this article: Provided, however, That the
contribution of the state road commission in making such
acquisition shall not exceed the sum of twenty million
dollars from all sources of public moneys of the state of
West Virginia, excluding any funds reimbursed by the
federal government.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Temps
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

John H. Murphy
Clerk of the Senate

J. A. Blankenship
Clerk of the House of Delegates

Howard W. Caruso
President of the Senate

H. John White
Speaker House of Delegates

The within approved this the 19th day of September, 1968.

Huey P. Long
Governor