WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 939

(By Mr. [Signature], Mr. [Signature])

PASSED March 8, 1969

In Effect Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-12-69
AN ACT to amend and reenact sections five and nineteen-a, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the acquisition by the state road commission of any turnpike project, 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-a, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16A. WEST VIRGINIA TURNPIKE COMMISSION.


1 The commission is hereby authorized and empowered:

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

3 (2) To adopt an official seal and alter the same at pleasure;

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

5 (4) To sue and be sued in its own name, plead and be impleaded. Any and all actions against the commission shall be brought only in the county in which the principal office of the commission shall be located;

6 (5) To construct, maintain, repair and operate turnpike projects as hereinabove defined at such locations within the state as may be determined by the commission;

7 (6) 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;

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

(8) 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;

(9) 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, easements 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;

(10) 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;

(11) 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 payable solely from the proceeds of turnpike revenue bonds issued under the provisions of this article or from revenues;

(12) 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;

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

and

(14) To file the necessary petition or petitions pursuant 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 81 to 83, inclusive, of said act of Congress). 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.
§17-16A-19a. Additional powers of commission; issuance of special obligation bonds.

(a) 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 (14), 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 (1) of this subsection. 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:

(1) The principal of and the interest on such special
obligation bonds shall not be payable from tolls or reve-
 nues of any turnpike project but shall be payable solely
from such other property purchased and pledged as secur-
ity therefor as the commission shall determine together
with the income derived therefrom which other property
may include direct obligations of, or obligations the prin-
cipal of and the interest on which are guaranteed by, the
United States government or participation certificates or
other obligations issued by or by authority of the United
States government; and

(2) 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.

(b) Financial, legal, engineering and feasibility con-
sultants may be employed to perform such services as the
commission shall deem necessary or desirable in connec-
tion with the Title 11 proceedings mentioned above and
the issuance and exchange of the special obligation bonds.

(c) 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 commis-
tion and in the office of the secretary of state, and upon
the issuance of the special obligation bonds herein pro-
vided for the state road commission shall succeed immedi-
ately to the principal functions of the commission and the
commission shall then be abolished.

(d) The state road commission is hereby empowered
to acquire by purchase the turnpike commission and all
its rights-of-way, equipment, facilities and any and all
other rights or interest the turnpike commission has or
had in any turnpike project, from any funds available to
it, and to pay any expenses incident to such acquisition
under the provisions of this article: Provided, 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 or
reimbursable or otherwise provided or to be provided
by the federal government. No funds derived from the
sale of the three hundred and fifty million dollars bond
issue authorized by the road development amendment
shall be included in the acquisition of the West Virginia
turnpike.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William TEMple
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

E. A. Blankenship
Clerk of the House of Delegates

Lloyd E. Jackson
President of the Senate

Joe F. Bowles
Speaker House of Delegates

The within approved this the 14th day of March, 1969.

Arch Shreve Jr.
Governor
PRESENTED TO THE
GOVERNOR—

Date 3/12/69
Time 2:45 p.m.