WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

ENROLLED

SENATE BILL NO. 138

(By Mr. Cassady and Mr. Blankenship)

PASSED ........................................ Feb. 12, 1970

In Effect ........................................ Ninety days from Passage

138

FILED IN THE OFFICE
JOHN D. ROCKERFELLER, IV
SECRETARY OF STATE
THIS DATE 2-12-70
AN ACT authorizing the issuance and sale by the governor of bonds of the state of West Virginia, under authority of the Better Roads Amendment of 1964, in an amount not exceeding twenty million dollars during the fiscal year ending June thirtieth, one thousand nine hundred seventy-one, for the sole purpose of raising funds for the building and construction of free state roads and highways as provided for by the constitution and the laws enacted thereunder; specifying the powers of and limitations upon the governor in the issuance and sale of such bonds; prescribing the duties of the auditor and treasurer with respect
to such bonds; providing for redemption; providing for
transfer and registration fees with respect to registered
bonds and the disposition of such fees; providing for
places of payment of principal and interest on such bonds;
exempting such bonds from taxation by the state, or by
any county, district, or municipality thereof; setting forth
the form of coupon and registered bonds and coupons;
stating what moneys shall be paid into the state road sink­
ing fund; providing for the disposition and investment of
the state road sinking fund; providing a covenant be­
tween the state and the bondholders; providing that the
proceeds from the sale of the bonds shall be paid into a
separate and distinct account in the state road fund and
for expenditures from such account; providing that the
plates, etc., from which the bonds are produced or made
shall be the property of the state; providing for interim
certificates in lieu of permanent bonds; and declaring that
all necessary expenses incurred in the execution of the
act shall be paid out of the state road fund on warrants of
the auditor drawn on the state treasurer.
Be it enacted by the Legislature of West Virginia:

§1. Road bonds; amount; redemption; when may issue.

1. Bonds of the state of West Virginia, under authority of the Better Roads Amendment of 1964, of the par value not to exceed twenty million dollars during the fiscal year ending June thirty, one thousand nine hundred seventy-one, are hereby authorized to be issued and sold for the sole purpose of raising funds for the building and construction of free state roads and highways as provided for by the constitution and the laws enacted thereunder. Such bonds may be issued by the governor in such amounts, in coupons or registered form, in such denominations, at such time, bearing such date or dates and redemption provisions, if any, as the governor may determine, based upon an examination of the state road commission's yearly program which justifies the issuance by the governor of said bonds, and shall become due and payable serially, annually or semiannually, in such amounts and mature in such years as the governor may determine, provided, however, such bonds shall mature within and not exceeding twenty-five years from their
The governor may retain such fiscal, financial and other professional services as he may deem necessary and desirable for the issuance and sale of said bonds.

§2. Transfer fee; registration fee; where payable; 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 cancelled 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 a bank in the city of New York to be designated by the governor, or, at the option of the holder at such other bank or banks, within or without
the state, as may be designated or approved by the governor. The bonds shall bear interest, payable semi-annually, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of the state, or at the banks designated and approved by the governor, upon presentation and surrender of interest coupons, then due, in the case of coupon bonds. For the payment of interest on registered bonds, the treasurer of the state of West Virginia shall requisition a warrant from the auditor of the state to be drawn on the state treasurer, and shall mail such warrant to the registered owner at the address as shown by the record of registration. Both the principal and interest of the bonds shall be payable in lawful money of the United States of America and the bonds shall be exempt from taxation by the state of West Virginia, or by any county, district, or municipality thereof, which facts shall appear on the face of the bonds as part of the contract with the holder thereof.

§3. Form of bond.

1 The bonds shall be executed on behalf of the state of West Virginia, by the manual or facsimile signature of the
treasurer thereof, under the great seal of the state or a facsimile thereof, and countersigned by the manual or facsimile signature of the auditor of the state, provided, however, that one of said signatures on said bonds shall be a manual signature and said bonds shall be in the following form or to the following effect, as nearly as may be, namely:

COUPON ROAD BOND

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

OF THE

STATE OF WEST VIRGINIA

$........................................· No. ______

The state of West Virginia, under and by virtue of authority of an amendment to the constitution, which was proposed by House Joint Resolution No. 10, adopted the seventh day of March, one thousand nine hundred sixty-three, and was ratified by a vote of the people at the general election on the third day of November, one thousand nine hundred sixty-four, which is hereby made a part hereof as fully as if set forth at length herein, acknowledges itself to be indebted to and hereby promises
to pay to the bearer hereof (in case of a coupon bond) or
to .......................................................... or assigns (the owner
of record, in case of registered bonds) on the ........day of
............., 19......, in lawful money of the United States of
America at the office of the treasurer of the state of West
Virginia at the capitol of said state, or, at......................
............................bank in the city of New York, or, at ........
............................bank, at the option of the holder, the sum of
dollars, with interest thereon at .............. per
centum per annum from the date, payable semiannually
in like lawful money of the United States of America at
the treasurer's office or banks aforesaid, on the first day of
..............and the first day of..............of each year (and
in the case of coupon bonds) according to the tenor of the
annexed coupons bearing the facsimile signature of the
treasurer of the state of West Virginia, upon surrender of
such coupons. This bond (in case of a coupon bond) may
be exchanged for a registered bond of like tenor upon
application to the treasurer of the state of West Virginia.

(Redemption provisions, if any, to be inserted here)

To secure the payment of the principal and interest of
this bond, the state of West Virginia covenants and agrees with the holder as follows: (1) That this bond shall constitute a direct and general obligation of the state of West Virginia; (2) that the full faith and credit of the state is pledged to secure the payment of the principal and interest of this bond; (3) that an annual state tax shall be collected in an amount sufficient to pay as it may accrue the interest on this bond and the principal thereof; and (4) that such tax shall be levied in any year only to the extent that the moneys in the state road fund irrevocably set aside and appropriated for and applied to the payment of the interest on and principal of this bond becoming due and payable in such year are insufficient therefor.

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

In testimony whereof, witness the manual or facsimile signature of the treasurer of the state of West Virginia, and the manual or facsimile countersignature of the auditor of the state, hereto affixed according to law, dated the ........day of ............., one thousand nine hundred ............,
and the seal of the state of West Virginia or a facsimile thereof.

Treasurer of the State of West Virginia (SEAL)

Countersigned:

Auditor of the State of West Virginia

§4. Form of coupon.

The form of coupon shall be substantially as follows,
to wit:

STATE OF WEST VIRGINIA

On the first day of ....................................., 19..., the state of West Virginia will pay to the bearer, in lawful money of the United States of America, at the office of the treasurer of the state, or, at ...........................................................

at the option of the holder, the sum of ...........................................
dollars, the same being semiannual interest on Road Bond No. ...........................................

Treasurer of the State of West Virginia
The signature of the treasurer to such coupon shall be by his facsimile signature and the coupons shall be numbered in the order of their maturity, from number one consecutively. The bonds and coupons may be signed, as provided in this act, by the present treasurer and auditor, or by any of their respective successors in office, and the bonds signed by the persons now in the office may be sold by the governor or his successor in office without being signed by the successor in office of the present treasurer or auditor.

§5. Listing by auditor.

All coupons and registered bonds issued under this bill shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and in case of registered bonds, the name and post-office address of the person, firm or corporation registered as the owner thereof.

§6. State road sinking fund sources used to pay bonds and interest; investment of remainder.

Into the state road sinking fund there shall be paid all money from any and all appropriations made by the
state from the state road fund for the purpose of paying
the interest on such bonds or paying off and retiring the
bonds, from transfer and registration fees as herein pro-
vided, and from any other source whatsoever which is
made liable by law for the payment of the principal of
such bonds or the interest thereon.

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

Such fund shall be applied by the treasurer of the
state first to the payment of the semiannual interest on
such bonds as it shall become due as herein provided. The
remainder of the fund shall be turned over by the state
treasurer to the state sinking fund commission, whose
duty it shall be to invest the same in obligations of the
government of the United States, bonds of the state of
West Virginia, or any political subdivision thereof: Pro-
vided, That bonds or other obligations so purchased by
the state sinking fund commission shall mature so as to
provide sufficient money to pay off all bonds herein pro-
vided to be issued as they become due; and the money so
paid into the state road sinking fund under the provisions
of this act shall be expended for the purpose of paying
the interest and principal of the bonds hereby provided
for as they severally become due and payable and for no
other purpose except that the fund may be invested
until needed, as herein provided.

§7. Covenants of state.

The state of West Virginia covenants and agrees with
the holders of the bonds issued pursuant hereto as fol-
lows: (1) That such bonds shall constitute a direct and
general obligation of the state of West Virginia; (2) that
the full faith and credit of the state is hereby pledged to
secure the payment of the principal and interest of such
bonds; (3) that an annual state tax shall be collected in
an amount sufficient to pay as it may accrue the interest
on such bonds and the principal thereof; and (4) that
such tax shall be levied in any year only to the extent
that the moneys in the state road fund irrevocably set
aside and appropriated for and applied to the payment
of the interest on and principal of said bonds becoming
due and payable in such year are insufficient therefor.

§8. Sale by governor; minimum price.

1 The governor shall sell the bonds herein authorized
2 at such time or times as he may determine necessary to
3 provide funds for the building and construction of free
4 state roads and highways, as herein provided, upon the
5 recommendation of the state road commissioner, and after
6 reviewing the program of the state road commission and
7 subject to the limitations contained in section one hereof.
8 All sales shall be at not less than par and accrued interest.
9 All interest coupons becoming payable prior to the sale
date shall be cancelled by the treasurer and rendered
ineffective, before the delivery of the bonds so sold.

§9. Proceeds paid into separate account in state road fund;

expenditures.

1 The proceeds of all sales of bonds herein authorized
2 shall be paid into a separate and distinct account in the
3 state road fund and shall be used and appropriated solely
4 for the building and construction of free state roads and
5 highways provided for by the state constitution and the
laws enacted thereunder. Except for such sums necessary for current operating balances, such account shall be invested and reinvested in short-term obligations of the United States treasury: Provided, That no such investment or reinvestment shall adversely affect the current operating balances of such account.

§ 10. Plates, etc., property of state.

The plates, casts, dies or other forms from which the bonds authorized by this act are produced or made shall be the property of the state of West Virginia.

§ 11. Auditor to be custodian of unsold bonds.

The state auditor shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

§ 12. Interim certificates.

The governor may authorize the issuance of interim certificates to be issued to the purchasers of such bonds to be held by them in lieu of permanent bonds. When interim certificates are so issued, they shall become full and legal obligations of the state of West Virginia under all of the provisions of this act just as fully and completely as the permanent bonds.
§13. Payment of expenses.

1. All expenses incurred in the execution of this act,
2. shall be paid out of the state road fund on warrants of
3. the auditor of the state drawn on the state treasurer.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins  
Chairman Senate Committee

Clayto Le Davidson  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Jeff Howard Keely  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Lloyd E. Jackson  
President of the Senate

Ives J. Brown  
Speaker House of Delegates

The within approved this the 17th day of February, 1970.

Arch A. Stem Jr.  
Governor