

CHAPTER 139

HIGHWAYS

COLORADO STATE HIGHWAY BONDS, ACT 1921

(H. B. No. 124, by Mr. Bond and Senator Elliot)

AN ACT

TO PROVIDE FOR CONTRACTING A DEBT BY A LOAN FOR THE PURPOSE OF CREATING A FUND FOR THE CONSTRUCTION AND IMPROVEMENT OF PUBLIC HIGHWAYS IN THE STATE OF COLORADO, SAID INDEBTEDNESS TO BE EVIDENCED BY COUPON INTEREST-BEARING BONDS; TO PROVIDE FOR THE ISSUANCE AND REDEMPTION AND THE TERMS, CONDITIONS AND RATE OF INTEREST THEREOF; TO PROVIDE FOR THE SALE OF SAID BONDS AND THE CREATION OF A FUND FROM THE PROCEEDS THEREOF, THE MANNER OF THE EXPENDITURE OF SAID FUND, AND TO EFFECTUATE CONSTITUTIONAL AMENDMENT TO SECTION 3 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF COLORADO, ADOPTED BY A VOTE OF THE PEOPLE AT THE GENERAL ELECTION HELD NOVEMBER 2, 1920.

Be It Enacted by the General Assembly of the State of Colorado:

Colorado State
Highway
Bonds, Act 1921

Section 1. The Governor, the Treasurer, and the Secretary of State are hereby authorized and instructed to issue negotiable coupon bonds of the State of Colorado, in the sum of Five Million Dollars, (\$5,000,000.) as hereinafter set forth, for the purpose of creating a fund to be expended by the State Highway Commission for the construction and improvement of public highways in the State of Colo-

rado. Said bonds shall be known as "Colorado State Highway Bonds, Act 1921", and shall be signed by the Governor, countersigned by the State Treasurer and attested by the Secretary of State, who shall affix the great seal of the State to each bond. All coupons attached to said bonds shall bear the facsimile signature of the State Treasurer. Said bonds shall be entered and registered in a book kept for that purpose by the State Treasurer, in the order in which the same shall be issued. All said bonds shall be negotiable in form and payable to bearer and each bond shall state upon its face the amount and purpose for which it is issued, the date of its issue and the title of this Act, together with reference by Article and Section to the constitutional authority for this Act.

Signatures

Registration
by treasurerForm and
contents

All bonds issued hereunder shall be registered in the office of the Auditor of State and the certificate of the Auditor of such registration, attested by his seal of office, affixed to each bond, shall be evidence of the legal issue thereof.

Registration by
auditor

Evidence

Section 2. Bonds issued under this Act shall be of the denomination of Fifty Dollars (\$50.00) each, or any multiple thereof, and shall be numbered consecutively and Two Million Dollars (\$2,000,000.) thereof shall be dated June 1, 1921 and Three Million Dollars (\$3,000,000.) thereof shall be dated June 1, 1922. The Principal of said bonds shall become due thirty (30) years from the date thereof or, at the option of the State Treasurer, at any time after ten years from their respective dates, and shall be payable at the office of the State Treasurer of the State of Colorado.

Denomination

Maturity

Section 3. Said bonds shall bear interest at the

Interest

Coupons

rate of five (5) per centum per annum, the interest to be evidenced by coupons attached to said bonds, payable semi-annually on June 1st and December 1st of each year at the office of the State Treasurer of the State of Colorado, or at such banking house in the City of New York as the State Treasurer may designate.

Governor and attorney general prescribe form

Section 4. The Governor and the Attorney General are hereby authorized to prescribe the form of the bonds to be issued hereunder and the coupons to be attached thereto, subject to the provisions of this Act.

Issuance and sale

Section 5. Bonds hereby authorized shall be issued and sold at such time or times and in such amounts as may be required for the construction and improvement of public highways in the State of Colorado upon certification by the Governor of the necessity therefor, and the Treasurer shall sell and dispose of all or such portion of said bonds as may be required, after public notice published for a period of thirty (30) days in a daily newspaper published in the City and County of Denver, Colorado. No such bonds shall be sold for less than par and accrued interest. The Treasurer may reject any and all bids and may sell said bonds at private sale if a better price can be obtained. All moneys received from the sale of said bonds shall be deposited in the State Treasury as follows: The amount of principal received from the sale of such bonds shall be deposited in an account hereby created to be known as the "Colorado State Highway Bonds, Act 1921, Fund" and all moneys received as accrued interest shall be deposited in the "Interest Fund, Colorado State Highway Bonds, Act 1921", hereinafter created.

Certification by governor

Notice

Price

Deposit of proceeds

Bond fund

Interest fund

Section 6. To provide for the payment of interest on the bonds issued under this Act, there is hereby created a fund to be known as "Interest Fund, Colorado State Highway Bonds, Act 1921", and except as herein otherwise provided, the interest on said bonds shall be paid from said fund.

Interest fund

There shall be levied and assessed each year, beginning with the year 1921, a special tax on all taxable property in this State, both real and personal, sufficient in amount together with any balance remaining in said Interest Fund, to pay all interest accruing on said bonds during the calendar year next succeeding such levy. Said tax shall be levied and collected as other state taxes and shall be paid into the Treasury to the credit of "Interest Fund, Colorado State Highway Bonds, Act 1921."

Tax levy to pay interest

The interest on said bonds due and payable December 1, 1921 shall be paid by the State Treasurer from the General Revenue of the State and so much money as may be necessary therefor is hereby appropriated.

Interest payments

Appropriation

Section 7. To provide for the purchase and ultimate redemption of the bonds issued under this Act there is hereby created a fund to be known as "Colorado State Highway Bonds, Act 1921, Sinking Fund", from which fund all of said bonds shall be purchased or redeemed.

Sinking fund

There shall be levied and assessed each year, beginning with the year 1926, a special tax on all taxable property in this state, both real and personal, sufficient, together with any balance remaining in said Sinking Fund, to produce an amount equal to five per centum (5%) of the whole of the bonds authorized by this Act. Said tax shall be levied and col-

Taxation for sinking fund

Levy and collection

lected in the same manner and at the same time as other state taxes, and shall be paid into the Treasury to the credit of the "Colorado State Highway Bonds, Act 1921, Sinking Fund."

Call for redemption

All bonds issued under this Act shall be subject to call for redemption, in the order of their issue, by the State Treasurer, on June 1, 1931 and any interest period thereafter, upon notice, by one publication in a daily paper, published in the City and County of Denver, at least thirty days previous to such date of redemption and the interest on such bonds so called shall cease at the next interest period after such publication.

Notice

Effect

Time of calls

Whenever, on or after June 1, 1931, there is a balance in "Colorado State Highway Bonds, Act 1921, Sinking Fund" sufficient to redeem five Thousand Dollars (\$5,000.00) or more of said bonds, the Treasurer shall call the same for redemption as herein provided.

Advertising for offers

Whenever prior to June 1, 1931 there is a balance of Five Thousand Dollars (\$5,000.00) or over, in the "Colorado State Highway Bonds, Act 1921, Sinking Fund", the Treasurer shall advertise for offers of bonds issued under this Act and shall purchase any bonds so offered in an amount not in excess of the balance in said fund; provided however that no such purchase shall be made at a price in excess of the par value of said bonds, plus a premium of one per centum on the par value thereof and the interest accrued on said bonds to the date of purchase.

Purchase of bonds

Price

Cancellation

All bonds purchased or redeemed under the provisions of this Act shall be canceled by the Treasurer in such manner that they can be plainly identified and a record of such cancellation shall be made

Record

in the register books of the State Treasurer and State Auditor and the bonds so canceled shall be kept on file in the Treasurer's office.

Section 8. All moneys paid into the "Colorado State Highway Bonds, Act 1921, Fund" shall be immediately available without further appropriation for expenditure by the State Highway Commission for the construction and improvement of public highways in the State of Colorado; fifty per centum for division among the various counties of the State, according to the mileage of state routes and state highways within said counties and the remaining fifty per centum to be used by the State Highway Commission only to meet and accept Federal aid awarded to the State of Colorado by United States Congressional Acts.

Use of proceeds

Distribution among counties

Joint expenditure with government

Section 9. All accounts for expenditures from said "Colorado State Highway Bonds, Act 1921, Fund" shall be evidenced by vouchers certified by the State Highway Commissioner or his successor. Said vouchers shall show the purpose for which said expenditures are made and whether the same are for use in the various counties of the State as herein provided or for the purpose of meeting Federal aid awarded to the State by United States Congressional Act, and all accounts shall be audited by the State Auditing Board and paid by the State Treasurer upon warrants drawn by the State Auditor in favor of the persons to whom the State shall become indebted under the provisions of this Act and the State Auditor is hereby authorized and directed to draw warrants payable out of the "Colorado State Highway Bonds, Act 1921, Fund" upon such vouchers properly certified and audited.

Accounts for expenditures—vouchers

Audit of accounts

Warrants

Report of
treasurer

Section 10. The Treasurer shall include in his biennial report a statement of all bonds sold and of all bonds purchased or redeemed and canceled and of taxes collected and of all disbursements under the provisions of this Act. The Treasurer shall at any time, upon request, report to the Highway Commission or the Highway Commissioner all balances to the credit of the "Colorado State Highway Bonds, Act 1921, Fund" and for what purposes the same are available.

Safety clause

Section 11. This act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety.

Emergency

Section 12. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 11, 1921.