

1943

**Authorizing the State of Colorado, Acting by and Through the State Highway Department as an Agency Thereof, to Refund All or Any Part of the Outstanding State of Colorado State Highway Fund Revenue Anticipation Warrants, Dated June 1, 1936, by the Issue of New Warrants and Authorizing Said Department to Provide for the Payment Thereof; Prescribing Details in Connection Therewith; and Declaring an Emergency.**

Colorado General Assembly

Follow this and additional works at: <https://scholar.law.colorado.edu/session-laws-1901-1950>

---

#### Recommended Citation

Colorado General Assembly, "Authorizing the State of Colorado, Acting by and Through the State Highway Department as an Agency Thereof, to Refund All or Any Part of the Outstanding State of Colorado State Highway Fund Revenue Anticipation Warrants, Dated June 1, 1936, by the Issue of New Warrants and Authorizing Said Department to Provide for the Payment Thereof; Prescribing Details in Connection Therewith; and Declaring an Emergency." (1943). *Session Laws 1901-1950*. 5391. <https://scholar.law.colorado.edu/session-laws-1901-1950/5391>

This Act is brought to you for free and open access by the Colorado Session Laws at Colorado Law Scholarly Commons. It has been accepted for inclusion in Session Laws 1901-1950 by an authorized administrator of Colorado Law Scholarly Commons. For more information, please contact [rebecca.ciota@colorado.edu](mailto:rebecca.ciota@colorado.edu).

CHAPTER 171

ROADS AND HIGHWAYS—PUBLIC WORKS  
REFUND OF ANTICIPATION WARRANTS

(House Bill No. 224. By Representatives Evans and Sanburg)

AN ACT

AUTHORIZING THE STATE OF COLORADO, ACTING BY AND THROUGH THE STATE HIGHWAY DEPARTMENT AS AN AGENCY THEREOF, TO REFUND ALL OR ANY PART OF THE OUTSTANDING STATE OF COLORADO STATE HIGHWAY FUND REVENUE ANTICIPATION WARRANTS, DATED JUNE 1, 1936, BY THE ISSUE OF NEW WARRANTS AND AUTHORIZING SAID DEPARTMENT TO PROVIDE FOR THE PAYMENT THEREOF; PRESCRIBING DETAILS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY.

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

Section 1. *Recitals.* In accordance with the provisions of Chapters 181 and 124 of the Session Laws of Colorado for the year 1935, there were issued State of Colorado State Highway Fund Revenue Anticipation Warrants, dated June 1, 1936, maturing serially on June 1st in each of the years 1943 and 1944, of which warrants there are now outstanding and unpaid warrants numbered 5221 to 8080, inclusive, in the aggregate principal amount of \$2,860,000.00, together with accrued interest thereon.

Recitals

Section 2. *Refunding.* Subject to the provisions and limitations of this Act, the State of Colorado, acting by and through the State Highway Department as an agency thereof, is hereby authorized and directed, whenever the State Highway Department (hereinafter referred to as the Department) shall determine that it is for the best interests of the State of Colorado, to refund all or any of said 1943 and 1944 maturities of said warrants at any time outstanding, including any warrants issued hereunder, by the issue of new warrants of the State of Colorado to be denominated

Refund of  
Anticipation  
Warrants

New Warrant  
May Be Issued

Amount

Form

Payment of  
WarrantsDate and  
Maturity of  
Warrants

State of Colorado Refunding State Highway Fund Revenue Anticipation Warrants, in such amount or amounts, but not in excess of the principal amount of the warrants refunded, in such form, designation and denomination, and with such maturities and provisions for their payment and conditions for their retirement and calling, and bearing such rate of interest, as the Department may by resolution prescribe consistent with the provisions of this Act. Such resolution shall be effective upon its adoption by an affirmative majority vote of the Highway Advisory Board and upon its approval by the Governor and State Highway Engineer. Such refunding warrants shall be executed in such manner and be payable at such place or places as the Department shall determine. Such warrants may be registered either as to principal or interest, or both, at the option of the holder, at the office of the Department. Such warrants shall be exempt from all taxes imposed by any taxing authority except income taxes which may at any time be levied and assessed by the State of Colorado. Such warrants may be issued in exchange for the warrants refunded or may be sold at not less than par, at public or private sale, and the proceeds used in payment of the warrants refunded.

Section 3. *Payment of Warrants.* Such refunding warrants shall be payable solely from the Highway Anticipation Fund created by resolution of the Department adopted the 4th day of May, 1936, pursuant to the authority conferred by Section 6, Chapter 181 of the Session Laws of Colorado, 1935, which fund shall have a continued existence for the purposes hereof, and shall be secured by and shall constitute a lien, to the extent herein provided, upon the revenues of the State Highway Fund derived by way of excise taxation from the imposition of any license, registration fee or other charge with respect to the operation of any motor vehicle upon any public highway in the State and from the imposition of any excise tax on gasoline or other liquid motor fuel.

Section 4. *Security.* Said refunding warrants shall be dated as of the first day of June of the year of issue. None of said refunding warrants shall mature prior to June 1, 1955, and the principal of said warrants shall not be paid until all of the anticipation warrants issued pursuant to Chapters 181 and 124 of the Session Laws of Colorado for the year 1935, have been paid and discharged both as to principal

and interest. Said refunding warrants shall constitute a lien upon the revenues in the State Highway Fund derived by way of excise taxation from the imposition of any license, registration fee or other charge with respect to the operation of any motor vehicle upon any public highway in the State and from the imposition of any excise tax on gasoline or other liquid motor fuel, subject only to the lien of said anticipation warrants, which lien, after the payment of said anticipation warrants, shall constitute a first and irrevocable charge against said revenues. On the first day of each month after the issuance of any refunding warrants under the provisions of this Act, and continuing on the first day of each month thereafter until all of the warrants issued under the provisions of this Act shall have been paid, or provision made for such payment, there shall be set aside by the State Treasurer from the State Highway Fund and paid into said Highway Anticipation Fund, a sum equal to one-sixth of the amount of interest payable on the interest payment date next succeeding, and commencing on the first day of July in the year next preceding the year during which any of said refunding warrants become due, and on the first day of each month thereafter until all of said refunding warrants shall have been paid, or provision made for such payment, there shall be set aside by the State Treasurer from the State Highway Fund and paid into said Highway Anticipation Fund, a sum equal to one-twelfth of the amount of principal payable on the first day of June next succeeding with respect to all such warrants which shall on the first day of such month be outstanding, and also a proper proportionate part of the necessary fiscal agency charges for paying such warrants and interest. If the moneys in the State Highway Fund at any time shall be insufficient to make the required payments into the Highway Anticipation Fund, then the amount of any deficiency in the payment shall be added to the amount otherwise required to be paid into the Highway Anticipation Fund on the first day of the next month.

Lien Upon  
Revenues of  
Highway Fund

State  
Treasurer Set  
Aside Amounts  
Necessary to  
Pay Warrants  
and Interest

Section 5. *Effect of Issuance.* In the event refunding warrants are sold pursuant to the provisions of this Act, the proceeds derived from the sale shall be deposited in the Highway Anticipation Fund and used only for the payment of the highway anticipation warrants thereby refunded as the same mature, which said warrants shall thereupon be cancelled. Upon the

Proceeds From  
Sale of  
Refunding  
Warrants Used  
to Refund  
Anticipation  
Warrants

State Treasurer  
Transfer Any  
Balance After  
Warrants Are  
Refunded

refunding and cancellation of the said highway anticipation warrants the State Treasurer shall transfer all moneys which had theretofore been paid into the Highway Anticipation Fund from the State Highway Fund for the purpose of paying the principal of said highway anticipation warrants so refunded and cancelled, from the Highway Anticipation Fund to the State Highway Fund, to be used for the purposes thereof.

Official  
Signatures  
On Warrants  
Validated

Section 6. *Official Signatures.* In case any of the officers whose signatures or countersignatures appear on said refunding revenue anticipation warrants, or the coupons attached thereto, shall cease to be such officers before delivery of such warrants, such signatures or countersignatures shall, nevertheless, be valid and sufficient for all purposes with the same force and effect as if they had remained in office until such delivery.

Laws Not to Be  
Repealed or  
Amended So That  
Revenue Is  
Insufficient to  
Pay Installments  
of Principal  
and Interest

Section 7. *Revenue Laws Irrepealable.* That from and after the date the Department shall have created obligations by contract or otherwise, as provided by Chapters 181 and 124 of the Session Laws of Colorado, 1935, or in this Act, the laws of Colorado relating to taxes levied and fees charged for the purpose of construction, improvement, reconstruction and maintenance of the state system of highways shall not be repealed or amended so that the aggregate of revenues for such purposes will be insufficient to pay the annual installments of principal and interest and retire all warrants issued under the provisions of this Act or under the provisions of Chapters 181 and 124 of the Session Laws of Colorado, 1935, as the same shall respectively become due and payable.

Authority Given  
by Act Not in  
Derogation to  
Existing  
Powers

Section 8. *Intent.* The authority given herein shall be in addition to and not in derogation of any existing power now vested in the State Highway Department under any statutory or constitutional provisions which it may now have or hereafter adopt or have granted to it, and without limiting the generality of the foregoing, nothing herein contained shall be so construed as to impair the obligation incurred by the State of Colorado and the Department as a result of the issuance of the state highway warrants authorized by Chapters 181 and 124 of the Session Laws of Colorado, 1935, and the fund created for the payment of said warrants shall continue to be pledged for their payment and administered as provided in

Intent of Act

Chapters 181 and 124 of the Session Laws of Colorado, 1935, the intention hereof being to permit the issuance of the refunding revenue anticipation warrants authorized by this Act in place of any or all of said revenue anticipation warrants maturing June 1, 1943 and June 1, 1944, but secured by a pledge of the same fund to the extent herein provided.

Section 9. *Liberal Construction.* The General Assembly hereby declares that this Act is necessary to secure and promote the safety, convenience, progress and welfare of the people of the State of Colorado and shall be liberally construed to effect the purposes of this Act.

Act Construed  
Liberally

Section 10. *Subrogation.* That in the event any refunding revenue anticipation warrants issued pursuant to the provisions of this Act are for any reason declared to be invalid or unenforceable, the holder or holders thereof shall be subrogated to and have all the rights formerly possessed by the holders of the revenue anticipation warrants refunded by the warrants so declared to be invalid or unenforceable.

Rights of  
Holders in  
Case Warrants  
Held Invalid

Section 11. *Expiration of Authority.* The authority to issue warrants conferred by this Act shall expire the 31st day of December, 1944.

Expiration of  
Authority  
Conferred  
by Act

Section 12. *Safety Clause.* The General Assembly hereby declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Safety Clause

Section 13. *Emergency Clause.* 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.

Emergency

Approved: April 29, 1943.