WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

SENATE BILL No. 252

(By Mr. Curtis)

PASSED March 13th, 1937

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 252

(BY MR. CURTIS) (by request)

[Passed March 13, 1937; in effect ninety days from passage.]

AN ACT to amend and reenact sections twenty-one and twenty-four, chapter sixty-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, relating to municipal public works and to the issuance and sale of revenue bonds for the construction thereof.

Be it enacted by the Legislature of West Virginia:

That sections twenty-one and twenty-four, chapter sixty-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, be amended and reenacted to read as follows:
Section 21. The municipal authorities may, in their discretion, provide by ordinance that the custody, administration, operation and maintenance of public works shall be under the supervision and control of a board as provided by section three hereof, and in such case, the municipal authorities may provide, by ordinance or resolution, for said board to exercise such of the functions of the municipal authorities in connection with the matter as they deem proper, and may provide for said board to receive such compensation as such authorities may deem proper, all of which authority and compensation shall be specifically provided for by ordinance or resolution. All compensation and expense of such board shall be paid solely from funds provided under the authority of this act. Such board shall have power to establish by-laws, rules and regulations for its own government.

The municipal authorities also, in their discretion, may provide by ordinance for the leasing of municipal public works and provide for the custody, operation and maintenance thereof by a lessee in accordance with the provisions of such ordinance and lease contract executed pur-
suant thereto: *Provided, however,* That the lessor shall pay to the municipality for the use and occupancy of such municipal public works so leased an amount sufficient to provide a sinking fund for the payment of the bonds and the interest thereon and all other charges mentioned in said section sixteen, chapter sixty-eight of the code.

Sec. 24. Any holder of any such bonds, or any of the coupons attached thereto, and the trustee, if any, except to the extent of the rights herein given, may be restricted by said ordinance or resolution authorizing issuance of the bonds, or by the trust indenture, may either at law or in equity, by suit, action, mandamus, or other proper proceeding, protect and enforce any and all rights granted hereunder or under such ordinance, resolution, or trust indenture, and may enforce and compel performance of all duties required by this act, or by such ordinances, resolution or trust indenture to be performed by the municipality issuing the bond, or by the board or any officer, including the making and collecting of reasonable and sufficient charges and rates for services rendered by the works. If there be any failure to pay the principal or interest of any of the bonds on the
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date therein named for such payment, any court having
jurisdiction may appoint a receiver to administer the works
on behalf of the municipality, and the bond holders and/or
trustees, except as so restricted, with power to charge and
collect rates sufficient to provide for the payment of the ex-
penses of operation, repair and maintenance, and also to pay
any bonds and interest outstanding, and to apply the reve-
nues in conformity with this act, and the said ordinance,
resolution and/or trust indenture, and the power herein
provided for the appointment of a receiver and the ad-
ministration by the court of the works on behalf of the
municipality and the bondholders and/or trustees, shall
apply to cases where such works are operated by a lessee of
the municipality as well as to cases where works are
operated by the municipality. In case a receiver is ap-
pointed for works operated by a lessee of a municipality, the
lease agreement then existing between the municipality and
the lessee ipso facto thereby shall be terminated and all
property, equipment, bills receivable and assets of every
kind, used in connection with the operation of such works
shall pass to the receiver and upon the termination of such
receivership, such works, equipment, property, bills receivable and assets of every kind then in the hands of the receiver thereupon shall pass to the municipality.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the...

Takes effect...passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...this the...

day of..., 1937.

Governor

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.

Filed in the office of the Secretary of State of West Virginia. MAR 19 1937

Wm. S. O'BRIEN,
Secretary of State
I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 19th day of March, 1937.

[Signature]

SECRETARY OF STATE