

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 2052

(By Mr. Curtis )



PASSED March 13<sup>th</sup> 1937

In Effect 90 days from Passage

**ENROLLED**  
**Senate Bill No. 252**

(BY MR. CURTIS) (by request)

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

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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  
2 discretion, provide by ordinance that the custody, admini-  
3 stration, operation and maintenance of public works shall  
4 be under the supervision and control of a board as provided  
5 by section three hereof, and in such case, the municipal au-  
6 thorities may provide, by ordinance or resolution, for said  
7 board to exercise such of the functions of the municipal  
8 authorities in connection with the matter as they deem  
9 proper, and may provide for said board to receive such  
10 compensation as such authorities may deem proper, all of  
11 which authority and compensation shall be specifically pro-  
12 vided for by ordinance or resolution. All compensation and  
13 expense of such board shall be paid solely from funds pro-  
14 vided under the authority of this act. Such board shall  
15 have power to establish by-laws, rules and regulations for  
16 its own government.

17 The municipal authorities also, in their discretion, may  
18 provide by ordinance for the leasing of municipal public  
19 works and provide for the custody, operation and main-  
20 tenance thereof by a lessee in accordance with the pro-  
21 visions of such ordinance and lease contract executed pur-

22 suant thereto: *Provided, however,* That the lessor shall pay  
23 to the municipality for the use and occupancy of such muni-  
24 cipal public works so leased an amount sufficient to provide  
25 a sinking fund for the payment of the bonds and the interest  
26 thereon and all other charges mentioned in said section  
27 sixteen, chapter sixty-eight of the code.

Sec. 24. Any holder of any such bonds, or any of the  
2 coupons attached thereto, and the trustee, if any, except to  
3 the extent of the rights herein given, may be restricted by  
4 said ordinance or resolution authorizing issuance of the  
5 bonds, or by the trust indenture, may either at law or in equity,  
6 by suit, action, mandamus, or other proper proceeding,  
7 protect and enforce any and all rights granted hereunder  
8 or under such ordinance, resolution, or trust indenture, and  
9 may enforce and compel performance of all duties required  
10 by this act, or by such ordinances, resolution or trust in-  
11 denture to be performed by the municipality issuing the  
12 bond, or by the board or any officer, including the making  
13 and collecting of reasonable and sufficient charges and rates  
14 for services rendered by the works. If there be any failure  
15 to pay the principal or interest of any of the bonds on the

16 date therein named for such payment, any court having  
17 jurisdiction may appoint a receiver to administer the works  
18 on behalf of the municipality, and the bond holders and/or  
19 trustees, except as so restricted, with power to charge and  
20 collect rates sufficient to provide for the payment of the ex-  
21 penses of operation, repair and maintenance, and also to pay  
22 any bonds and interest outstanding, and to apply the reve-  
23 nues in conformity with this act, and the said ordinance,  
24 resolution and/or trust indenture, and the power herein  
25 provided for the appointment of a receiver and the ad-  
26 ministration by the court of the works on behalf of the  
27 municipality and the bondholders and/or trustees, shall  
28 apply to cases where such works are operated by a lessee of  
29 the municipality as well as to cases where works are  
30 operated by the municipality. In case a receiver is ap-  
31 pointed for works operated by a lessee of a municipality, the  
32 lease agreement then existing between the municipality and  
33 the lessee *ipso facto* thereby shall be terminated and all  
34 property, equipment, bills receivable and assets of every  
35 kind, used in connection with the operation of such works  
36 shall pass to the receiver and upon the termination of such

37 receivership, such works, equipment, property, bills receiv-  
38 able and assets of every kind then in the hands of the re-  
39 ceiver thereupon shall pass to the municipality.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Carl B. Galbraith*

Chairman Senate Committee

*Wesley B. Baker*

Chairman House Committee

Originated in the.....

Takes effect..... passage.

*Charles H. Hays*

Clerk of the Senate

*Wesley B. Baker*

Clerk of the House of Delegates

*Charles H. Hays*

President of the Senate

*J. K. Thomas*

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 19<sup>th</sup> day of March, 1937.....

  
SECRETARY OF STATE