

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 359

(By Mr. Hudson and Mr. Casey)



PASSED March 5, 1941

In Effect from Passage

359

ENROLLED

House Bill No. 359

(BY MR. HUDSON and MR. CASEY)

[Passed March 5, 1941; in effect from passage.]

AN ACT to authorize and empower the county of Cabell and the city of Huntington, a municipal corporation, to acquire, improve, operate, maintain and lease for operation a sewage disposal plant, and other public facilities outside the corporate limits of said city and outside the state of West Virginia, and for other purposes.

Be it enacted by the Legislature of West Virginia:

Section 1. That the county of Cabell, acting by and
2 through the county court of said county, and the city of
3 Huntington, a municipal corporation, acting by and
4 through the mayor and the common council of said city,
5 or either or both of them, jointly and severally, shall be
6 and are hereby fully empowered and authorized to ac-
7 quire by lease, gift, purchase or otherwise any and all
8 lands reasonably necessary for the purposes herein set

9 out, whether located and situate within or without the
10 boundaries of the county of Cabell, or the corporate limits
11 of the city of Huntington, or the boundaries of the state
12 of West Virginia, for use as sewerage disposal plant, in-
13 cinerator plants, piers, docks, terminals, airports, recrea-
14 tional parks and swimming pools for the use of said
15 county or city and their inhabitants, and to enact such
16 rules and regulations for the government and control of
17 the same as may be expedient and proper and not in con-
18 flict with any governmental authority.

Sec. 2. That for the practical exercise and enjoyment of
2 the powers and authorities hereby conferred, said county
3 or said city, or either or both of them, as circumstances
4 may require, may designate and appoint a board or com-
5 mission, or if such public projects, works or improvements
6 be located or situate outside the said state of West Vir-
7 ginia, may cause to be incorporated under the laws of the
8 state of West Virginia a non-stock, non-profit corpora-
9 tion and may cause such non-stock, non-profit corpora-
10 tion to be domesticated in the state in which any such

11 public projects, works or improvements are to be situ-
12 ate.

Sec. 3. Any such board or commission when so desig-
2 nated and appointed, and any such non-stock, non-profit
3 corporation, when so incorporated and organized, shall
4 have, exercise and enjoy, for and on behalf of said county
5 and said city, or either or both of them, all of the powers,
6 authorities and privileges as are set out in section one
7 hereof, together with any and all such other powers as
8 may be legally conferred upon such corporation under
9 the general laws of the state of West Virginia.

Sec. 4. The said county of Cabell and the said city of
2 Huntington, or either or both of them, may provide and
3 are hereby empowered and authorized to provide, by levy
4 (but without thereby exceeding the limitation of the
5 levies imposed by applicable constitutional and statutory
6 provisions) for the reasonable and necessary cost of ac-
7 quiring, improving and equipping such public projects,
8 works or improvements, including the cost of all profes-
9 sional and clerical services incidental thereto, and all
10 funds levied for and allocated to such purpose shall be

11 collected, administered, disbursed and accounted for as
12 other public moneys.

Sec. 5. Notwithstanding the fact that any such pro-
2 ject, works or improvement may be situate outside the
3 boundaries of the state of West Virginia, the said city
4 of Huntington and any board, commission or non-stock,
5 non-profit corporation which it may cause to be incor-
6 porated and organized under the powers hereby conferred,
7 shall have, exercise and enjoy all of the powers, rights and
8 privileges, and in the event of the exercising of any of
9 said rights, powers and privileges shall be charged with
10 all of the duties and responsibilities with respect to pro-
11 viding for the reasonable and necessary cost and expense
12 of acquiring, improving and equipping any such project,
13 works or improvement, as are set out in chapter sixty-
14 eight, acts of the Legislature of West Virginia, regular ses-
15 sion, one thousand nine hundred thirty-five, as fully and
16 completely and with the same force and effect as if said
17 chapter sixty-eight were included herein.

Sec. 6. Having acquired and improved any such land
2 for the purposes as contemplated hereby, said county and

3 said city or either of them, or any such board or commis-
4 sion, or any such non-stock, non-profit corporation as cir-
5 cumstances may require may:

6 (a) Operate the same under such terms and conditions
7 and under such rules and regulations as the county or mu-
8 nicipal authorities prescribed; or

9 (b) Let, lease and demise any or all said facilities and
10 all the improvements thereon to any responsible person,
11 firm or corporation, for such period of time and upon
12 such terms and conditions as the lessor may prescribe.

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

C. A. McKeown

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Walter Watkins

Clerk of the Senate

J. R. Hilly

Clerk of the House of Delegates

Byron B. Kaulbach

President of the Senate

Malcolm R. Arnold

Speaker House of Delegates

The within approved this the 14th
day of March, 1941.

Matthew M. Neely
Governor.

1-5

Filed in the office of the Secretary of State
of West Virginia MAR 17 1941

Wm S. O'BRIEN,
Secretary of State