WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 310

(By Mr. Speaker, Mr. Flannery)

PASSED March 5, 1949

In Effect from Passage

310
AN ACT to amend chapter twenty-five, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, by amending and reenacting section nine thereof and by adding thereto four new sections, to be designated sections twenty-two-a, twenty-two-b, twenty-two-c and twenty-two-d, relating to the authority of municipalities to issue revenue bonds for sewage works and authorizing municipalities to accept loans and grants from the federal government in connection therewith.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-five, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-three, be amended by amending and reenacting section nine thereof and by adding thereto four new sections, to be designated sections
twenty-two-a, twenty-two-b, twenty-two-c and twenty-two-d, to read as follows:

Section 9. *Revenue Bonds.*—Nothing in this act contained shall be so construed as to authorize or permit any municipality to make any contract or to incur any obligation of any kind or nature except such as shall be payable solely from the funds provided under this act. Funds for the payment of the entire cost of the works, exclusive of any portions of the cost that may be defrayed out of any grant or contribution, shall be provided by the issuance of revenue bonds of the municipality, the principal and interest of which shall be payable solely from the fund herein provided for such payment, and said bonds shall not, in any respect, be a corporate indebtedness of such municipality, within the meaning of any statutory or constitutional limitations thereon. All the details of such bonds shall be determined by ordinance or ordinances of the municipality.

Sec. 22-a. *Authority to Accept Federal Grants or Loans.*—The municipality is authorized to accept from any authorized agency of the State and Federal government
loans or grants for the planning, construction, acquisition, lease or other provision of the works and to enter into agreements with such agency respecting such loans or grants, and any funds made available or paid to the municipality in accordance with any such agreement for loans or grants shall be considered as and deemed to be funds provided under the authority of this Act.

Sec. 22-b. Contracts for Abatement of Pollution.—When determined by its legislative body to be in the public interest and necessary for the protection of the public health, any municipality is authorized to enter into and perform contracts, whether long-term or short-term, with any industrial establishment for the provision and operation by the municipality of sewerage facilities to abate or reduce the pollution of waters caused by discharges of industrial wastes by the industrial establishment and the payment periodically by the industrial establishment to the municipality of amounts at least sufficient, in the determination of such legislative body, to compensate the municipality for the cost of providing (including payment of principal and interest charges, if any), and of
operating and maintaining the sewerage facilities serving such industrial establishment.

Sec. 22-c. Refunding Bonds.—Any municipality is authorized to issue refunding revenue bonds to refund, pay or discharge all or any part of its outstanding revenue bonds, including interest thereon, if any, in arrears or about to become due. The relevant provisions in this Act pertaining to revenue bonds shall be equally applicable in the authorization and issuance of refunding revenue bonds, including their terms and security, the ordinance, the trust indenture, rates, or other aspects of the bonds.

Sec. 22-d. Subordination of Bonds.—Notwithstanding any other provisions to the contrary in this Act, any municipality authorizing the issuance of bonds under this Act in an effort to aid in the abatement or reduction of the pollution of any waters or streams may provide in the ordinance authorizing the issuance of the bonds and in any trust indenture pertaining thereto that such bonds, or any additional bonds that may thereafter be issued to extend or improve the works, shall, to the extent and
in the manner prescribed, be subordinated and be junior
in standing, with respect to the payment of principal and
interest and the security thereof, to such other bonds
as are designated in the ordinance.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman Senate Committee
Chairman House Committee

Originated in the House of Delegates

Takes effect ___________ From ___________ passage.

[Signatures]
Clerk of the Senate

[Signatures]
Clerk of the House of Delegates

[Signatures]
President of the Senate
Speaker House of Delegates

The within Approved this the 15th day of March, 1949.

[Signatures]
Governor

Filed in the Office of the Secretary of State of West Virginia MAR 14 1949

D. Pitt O'Brien, Secretary of State