

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

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House Bill No. 310

(By MR. SPEAKER, MR. FLANNERY)

[Passed March 5, 1949; in effect from passage.]

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 con-
tained shall be so construed as to authorize or permit any
municipality to make any contract or to incur any obli-
gation 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 de-
frayed 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 sole-
ly from the fund herein provided for such payment, and
said bonds shall not, in any respect, be a corporate in-
debtedness 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 au-
thorized agency of the State and Federal government

4 loans or grants for the planning, construction, acquisition,
5 lease or other provision of the works and to enter into
6 agreements with such agency respecting such loans or
7 grants, and any funds made available or paid to the
8 municipality in accordance with any such agreement for
9 loans or grants shall be considered as and deemed to be
10 funds provided under the authority of this Act.

Sec. 22-b. *Contracts for Abatement of Pollution.*—When
2 determined by its legislative body to be in the public in-
3 terest and necessary for the protection of the public
4 health, any municipality is authorized to enter into and
5 perform contracts, whether long-term or short-term, with
6 any industrial establishment for the provision and oper-
7 ation by the municipality of sewerage facilities to abate
8 or reduce the pollution of waters caused by discharges of
9 industrial wastes by the industrial establishment and the
10 payment periodically by the industrial establishment to
11 the municipality of amounts at least sufficient, in the
12 determination of such legislative body, to compensate the
13 municipality for the cost of providing (including pay-
14 ment of principal and interest charges, if any), and of

15 operating and maintaining the sewerage facilities serv-
16 ing such industrial establishment.

Sec. 22-c. *Refunding Bonds*.—Any municipality is au-
2 thorized to issue refunding revenue bonds to refund, pay
3 or discharge all or any part of its outstanding revenue
4 bonds, including interest thereon, if any, in arrears or
5 about to become due. The relevant provisions in this
6 Act pertaining to revenue bonds shall be equally appli-
7 cable in the authorization and issuance of refunding rev-
8 enue bonds, including their terms and security, the ord-
9 inance, the trust indenture, rates, or other aspects of the
10 bonds.

Sec. 22-d. *Subordination of Bonds*.—Notwithstanding
2 any other provisions to the contrary in this Act, any mu-
3 nicipality authorizing the issuance of bonds under this
4 Act in an effort to aid in the abatement or reduction of
5 the pollution of any waters or streams may provide in
6 the ordinance authorizing the issuance of the bonds and
7 in any trust indenture pertaining thereto that such bonds,
8 or any additional bonds that may thereafter be issued
9 to extend or improve the works, shall, to the extent and

10 in the manner prescribed, be subordinated and be junior
11 in standing, with respect to the payment of principal and
12 interest and the security thereof, to such other bonds
13 as are designated in the ordinance.

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

Forest L. McCreer

Chairman Senate Committee

Chas. Matthews

Chairman House Committee

Originated in the House of Delegates

Takes effect *From* passage.

Howard Meyer

Clerk of the Senate

J. A. Ruff

Clerk of the House of Delegates

W. A. R. Houston

President of the Senate

W. E. Flannery

Speaker House of Delegates

The within *Approved* this the *12th*
day of *March*, 1949.

Okey L. Pattison

Governor.



Filed in the Office of the Secretary of State
of West Virginia **MAR 14 1949**
D. PITT O'BRIEN,
SECRETARY OF STATE