

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 157

Committee

(By Mr. *Counties & Man. Comm.*)



PASSED *July 23* 1937

In Effect *from* Passage

ENROLLED

SENATE COMMITTEE SUBSTITUTE FOR

Senate Bill No. 157

(Originating in the Committee on Counties and Municipal Corporations.)

[Passed February 23, 1937; in effect from passage.]

AN ACT to amend and reenact sections one and nine, chapter twenty-six, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended by chapter forty-nine, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, relating to water works systems of municipal corporations.

Be it enacted by the Legislature of West Virginia:

That sections one and nine, chapter twenty-six, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended by chapter forty-nine, acts of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, be amended and reenacted to read as follows:

Section. 1. Subject to and in accordance with the provisions of this act, any municipal corporation in the state of West Virginia may purchase, construct, extend and operate a water works system or construct and operate betterments and improvements to an existing water works system within the corporate limits of said municipality and within the area included in a three mile extension of the corporate limits of said municipality, notwithstanding any provision or limitation to the contrary in any other general law or municipal charter.

Sec. 9. For the purpose of acquiring any water works system under the provision of this act, or for the purpose of acquiring any property necessary therefor, the municipality shall have the right of eminent domain as is now

5 provided by chapter fifty-four, of the code of West Vir-
6 ginia, one thousand nine hundred thirty-one, as now or
7 hereafter amended: *Provided, however,* That such right of
8 eminent domain for the aquisition of a complete privately
9 owned water works system shall not be exercised under
10 the provision of this act without prior approval of the
11 public service commission of West Virginia, and in no event
12 shall any municipality establish, construct or extend be-
13 yond the corporate limits of said municipality a municipal
14 water works system under the provisions of this act to
15 supply service in competition with an existing privately
16 or municipally owned water works system in such mu-
17 nicipality or within the proposed extension of such system,
18 unless a certificate of public convenience and necessity
19 therefor shall have been issued by the public service com-
20 mission of West Virginia.

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

Carl B. Galbreath

Chairman Senate Committee

Dee B. Baker

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Franklin

Clerk of the Senate

Mo. A. Hall

Clerk of the House of Delegates

Chas. E. Hays

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within *Approved* this the *5th*

day of *March*, 1937.

Frank A. Holt

Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 5 1937**

Wm. S. O'BRIEN,
Secretary of State