

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 130

(By Mr. Shinn, by Request)



PASSED March 8, 1941

In Effect Ninety days from Passage

130

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House Bill No. 130

(BY MR. SHINN, BY REQUEST)

[Passed March 8, 1941; in effect ninety days from passage.]

AN ACT to amend article three, chapter eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter fifty-six, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, by adding thereto a new section to be numbered section five-a, providing that a home rule charter may create one or more independent municipal boards to have complete and exclusive jurisdiction of the powers and duties of municipalities pertaining to the acquisition, establishment, improvement, operation, maintenance and repair of a municipal sewage system and/or of municipal public utilities; and may provide for the appointment and financial support of a board of directors for a municipal public library and of a board of directors for municipal public parks,

and repealing any act or parts of acts inconsistent therewith.

Be it enacted by the Legislature of West Virginia:

That article three, chapter eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter fifty-six, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended by adding to said article a new section to be numbered section five-a, to read as follows:

Section 5-a. Creation of Independent Municipal Boards

2 *Having Complete and Exclusive Jurisdiction Over Municipal*
3 *pal Sewage Systems and/or Municipal Public Utilities;*
4 *Library Board; Park Board.*—A home rule charter, in providing for a form of government based upon any one of
5 the four plans set forth in sections two to five, inclusive,
6 of this article, may withdraw from the governing body
7 and administrative authority of the city the municipal
8 powers and duties pertaining to the acquisition, establishment, improvement, operation, maintenance and repair
9 of a municipal sewage system and/or of any one or more
10 of the municipal public utilities mentioned in section
11
12

13 twenty-six, article four of this chapter, and confer such
14 powers and duties upon one or more independent boards
15 created by said charter, whose members shall be elected
16 by the voters of the city, or appointed, in the manner
17 provided in said charter. Such board or boards shall
18 have complete and exclusive jurisdiction of the exercise
19 and discharge of the municipal powers and duties so
20 conferred upon it or them, independent of control by the
21 governing body and administrative authority of the city.

22 A home rule charter may also provide for the appoint-
23 ment and financial support of a board of directors for a
24 municipal public library in accordance with the provi-
25 sions of article one, chapter ten of the code of West Vir-
26 ginia, and of a board of park commissioners for municipal
27 public parks in accordance with the provisions of chapter
28 ninety-one, acts of the Legislature, regular session, one
29 thousand nine hundred thirty-nine. Such boards shall
30 have the powers and perform the duties conferred and
31 required by general law.

32 The provisions of this act shall be construed as con-
33 ferring additional authorization and powers upon muni-

34 cipal corporations enacting ordinances hereunder, and
35 shall not be construed as affecting any authorization or
36 power heretofore conferred upon any municipality by
37 the Legislature of the state of West Virginia by general,
38 special, local or municipal charters, or parts thereof.

39 All acts or parts of acts inconsistent herewith are
40 hereby expressly repealed.

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

C. H. McKeown

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Wade Walker

Clerk of the Senate

Jackliff

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Malden R. Arnold

Speaker House of Delegates

The within approved this the 14

day of March, 1941.

Matthew M. Neely

Governor.

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

Wm. S. O'BRIEN,
Secretary of State