

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943

House Bill No. 205

ENROLLED

HOUSE BILL No. 205

Originating in the Committee on the Judiciary
(By Mr. _____)

PASSED March 1, 1943

In Effect from Passage

205

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 205

(Originating in the Committee on the Judiciary)
[Passed March 1, 1943; in effect from passage.]

AN ACT to amend chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, as amended by chapter fifty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, by adding thereto a new section twenty-one-a, relating to municipal administration and control of flood walls.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, as amended by chapter fifty-five, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended by adding thereto a new section twenty-one-a to read as follows:

Section 21- (a). *Flood Wall Board—Alternate Plan.*—In
2 any municipality which now maintains and operates a
3 flood wall or walls for protection against floods by virtue

4 of the provisions of this act, or any municipality which
5 may hereafter construct, maintain and operate any such
6 flood wall or walls under the provisions of this act or any
7 amendment hereafter made hereto, the municipal au-
8 thorities thereof may, in their discretion, provide by or-
9 dinance that the custody, administration, operation and
10 maintenance of such flood wall or walls shall be under the
11 supervision and control of a board. If and when such
12 ordinance is enacted creating such board, fixing the man-
13 ner and method of the appointment thereof, and reciting
14 therein its purpose to accept the provisions of this sec-
15 tion, then such ordinance shall not thereafter be re-
16 pealed or amended in such manner as to impair or defeat
17 the purposes therein stated for which it was enacted.
18 Such board shall consist of the number of members fixed
19 in the ordinance creating the board, and the manner and
20 mode of their selection and appointment shall be stated
21 in such ordinance. The members of the board shall be
22 chosen without regard to their political affiliations, but
23 with regard to their business and professional experience
24 or standing as citizens in the community. The chief ex-

25 ecutive officer of the municipality shall ex officio be a
26 member and, if he so elects, the chairman of such board.

27 Except as herein otherwise provided the board shall
28 have the power to establish by-laws, rules and regulations
29 for its own government which are not in conflict with the
30 provisions of this act or the ordinance creating it, but
31 the board shall not have the power to levy or collect
32 ad valorem or any other taxes or assessments. The mu-
33 nicipal authorities shall provide adequate funds to meet
34 the needs of the board in accordance with the purposes
35 of this act and in accordance with the purposes of the
36 ordinance creating the board. All expenses, including at-
37 torney's fees of such board, shall be paid solely from
38 funds provided under the authority of this act.

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

Ray F. Johnson
Chairman Senate Committee

Thud F. Potuff
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Allen Watkins
Clerk of the Senate

St. Cliffe
Clerk of the House of Delegates

James P. Rance
President of the Senate

John E. Rance
Speaker House of Delegates

The within approved this the 9th
day of March, 1943.

Matthew M. Neely
Governor.

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Filed in the office of the Secretary of State
of West Virginia MAR 9 1943
Wm. S. O'BRIEN,
Secretary of State