

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

Committee Substitute for

SENATE BILL No. 82

*Originating in the Senate Committee on
Forestry and Conservation
(By Mr. _____)*

PASSED March 9 1945

In Effect 90-days from Passage



82

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COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 82

(Originating in the Senate Committee on Forestry and
Conservation.)

[Passed March 9, 1945; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and fourteen, article eleven, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the state water commission and compliance with its orders.

Be it enacted by the Legislature of West Virginia:

That sections two and fourteen, article eleven, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. *State Water Commission, How Constituted; Reimbursement for Expenditures; Assistance to by Director of Division of Sanitary Engineering and College of Engineering at West Virginia University.*—On and after the date this act shall go into effect the state water commission shall consist of the commissioner of health, the chairman of the West Virginia game and fish commission, and their successors in office, and three others to be appointed by the governor with the advice and consent of the senate. The terms of office of the members of the commission to be appointed by the governor shall be for six years, except that the first members to be appointed under the provisions of this act shall take office immediately and their terms shall be for two and four years, respectively, from July first, one thousand nine hundred forty-five. The members of the commission shall receive no salary or remuneration for their services as such commissioners but they shall be reimbursed, out of moneys appropriated for such purposes, all sums which they necessarily shall expend in the discharge of their duties as members of such commission. The director of the

22 division of sanitary engineering in the state health de-
23 partment shall perform such services as said commission
24 may request of him in connection with its duties here-
25 under; he shall be reimbursed, out of moneys appropri-
26 ated for such purposes, all sums which he necessarily shall
27 expend in the performance of such services. Nothing
28 contained in this act, however, shall be construed to limit
29 or interfere with the power of the state health depart-
30 ment to select, employ and direct the direction of the
31 division of sanitary engineering of said department, or
32 any employee thereof who in any way may perform any
33 services for the commission. The college of engineering
34 at West Virginia University, under the direction of the
35 dean thereof, shall, in so far as it can, without interfer-
36 ence with its usual and regular activities, aid and assist
37 the commission in the study and research of questions
38 connected with pollution of waters. The dean of the col-
39 lege of engineering shall be reimbursed out of moneys
40 appropriated for such purposes, any and all sums which
41 he necessarily shall expend in the performance of any

42 services he may render to the commission under the pro-
43 visions hereof.

Sec. 14. *Extension of Time for Compliance; Penalty for*
2 *Noncompliance.*—The state water commission shall have
3 the authority, in its discretion, to extend the time fixed
4 in any final order issued by it, within which any offender
5 is ordered to correct or abate a condition of pollution of
6 any water or waters, upon written petition filed with
7 such commission not less than thirty days prior to the
8 time fixed in such order, when it shall appear that a good
9 faith effort to comply with said order is being made, and
10 that it shall be impossible for such an offender to complete
11 the project of work undertaken within the time so fixed;
12 *Provided further, however,* That when it shall appear
13 from such petition aforesaid that due to wartime re-
14 strictions with respect to labor or material or both, com-
15 pliance with any such order would be impossible or place
16 undue burden upon such offender, the commission shall
17 then stay the execution of its order until such time as
18 it may satisfactorily appear that such wartime restric-
19 tions no longer exist.

20 Any person, corporation, municipal corporation, part-
21 nership, association or other legal entity, who shall fail
22 or refuse to correct or abate such polluted condition in
23 compliance with such order within the time fixed or
24 within the time additionally granted as herein provided,
25 shall be subject to a penalty of one hundred dollars for
26 each day that such polluted condition continues to exist
27 after the time so fixed, or additionally granted, which may
28 be recovered in a civil suit brought in the name of the
29 state of West Virginia and which penalty shall be in
30 addition to the penalty provided in section thirteen of this
31 act. It shall be the duty of the attorney general to prose-
32 cute all actions for penalties under this section, and all
33 penalties so recovered shall be paid into the common
34 school fund of the state. The penalties accruing for any
35 two or more days under the provisions of this section
36 may be recovered in one complaint and may be joined in
37 one paragraph of said complaint.

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

Charles C Morris
Chairman Senate Committee

J. A. Greathouse
Chairman House Committee

Originated in the Senate

Takes effect 90-days from passage

Howard Hedges
Clerk of the Senate

Phillip
Clerk of the House of Delegates

Arnold W. Sickers
President of the Senate

John E. Camos
Speaker House of Delegates

The within approved this the 14th
day of March, 1945.

Clarence Meadows
Governor.



Filed in the office of the Secretary of State
of West Virginia MAR 15 1945

Wm. S. O'BRIEN,
Secretary of State