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
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
division of sanitary engineering in the state health department shall perform such services as said commission may request of him in connection with its duties hereunder; he shall be reimbursed, out of moneys appropriated for such purposes, all sums which he necessarily shall expend in the performance of such services. Nothing contained in this act, however, shall be construed to limit or interfere with the power of the state health department to select, employ and direct the direction of the division of sanitary engineering of said department, or any employee thereof who in any way may perform any services for the commission. The college of engineering at West Virginia University, under the direction of the dean thereof, shall, in so far as it can, without interference with its usual and regular activities, aid and assist the commission in the study and research of questions connected with pollution of waters. The dean of the college of engineering shall be reimbursed out of moneys appropriated for such purposes, any and all sums which he necessarily shall expend in the performance of any
services he may render to the commission under the pro-
visions hereof.

Sec. 14. Extension of Time for Compliance; Penalty for

Noncompliance.—The state water commission shall have
the authority, in its discretion, to extend the time fixed
in any final order issued by it, within which any offender
is ordered to correct or abate a condition of pollution of
any water or waters, upon written petition filed with
such commission not less than thirty days prior to the
time fixed in such order, when it shall appear that a good
faith effort to comply with said order is being made, and
that it shall be impossible for such an offender to complete
the project of work undertaken within the time so fixed;
Provided further, however, That when it shall appear
from such petition aforesaid that due to wartime re-
strictions with respect to labor or material or both, com-
pliance with any such order would be impossible or place
undue burden upon such offender, the commission shall
then stay the execution of its order until such time as
it may satisfactorily appear that such wartime restric-
tions no longer exist.
Any person, corporation, municipal corporation, partnership, association or other legal entity, who shall fail or refuse to correct or abate such polluted condition in compliance with such order within the time fixed or within the time additionally granted as herein provided, shall be subject to a penalty of one hundred dollars for each day that such polluted condition continues to exist after the time so fixed, or additionally granted, which may be recovered in a civil suit brought in the name of the state of West Virginia and which penalty shall be in addition to the penalty provided in section thirteen of this act. It shall be the duty of the attorney general to prosecute all actions for penalties under this section, and all penalties so recovered shall be paid into the common school fund of the state. The penalties accruing for any two or more days under the provisions of this section may be recovered in one complaint and may be joined in 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. Allbright
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

Pierson H. Hays
Clerk of the Senate

Clerk of the House of Delegates

Arnold W. Fickes
President of the Senate

John E. Conroe
Speaker House of Delegates

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

Governor.

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

Wm. S. O'Brien,
Secretary of State