

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

Committee Substitute for
SENATE BILL NO. 138

(By Mr.)

PASSED March 7 1951

In Effect Twenty days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 138

[Passed March 7, 1951; in effect ninety days from passage.]

AN ACT to amend article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section one-a, prohibiting the common council of any municipality of ten thousand population or less to sell, lease or dispose of its municipally-owned water plant without first having submitted the question of the proposed sale or lease to the voters of said municipality for ratification or rejection.

Be it enacted by the Legislature of West Virginia:

That article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be

amended by adding thereto a new section, to be designated section one-a, to read as follows:

Section 1-a. *Any Municipality of Ten Thousand Population or Less Prohibited to Sell or Lease Water Plant Without First Submitting Question to Voters.*—The common council of any municipality having a population of less than ten thousand of the State of West Virginia is hereby prohibited from selling, leasing or disposing of its municipally-owned water plant, unless upon submission of the question of the proposed sale or lease to the voters of said municipality for ratification or rejection at any general or special election, three-fifths of the votes cast shall be in favor of ratification. Should any such municipality desire to sell, lease or dispose of its water plant, it shall publish once a week for three successive weeks in one newspaper published in such municipality immediately prior to the general election or the special election, as fixed by the council, a notice setting forth the terms and conditions of such sale, lease or disposition of said water plant, and shall also give notice as to the price which has been agreed upon, the name of the purchaser

20 or purchasers or lessee or lessees, and shall also give such
21 other information to the voters of said municipality as
22 the council may deem necessary, and at such election
23 each voter desiring to vote shall deposit a ballot in a ballot
24 box to be provided for that purpose which ballot shall
25 have written or printed thereon the following words:

26 ☐ For ratification.

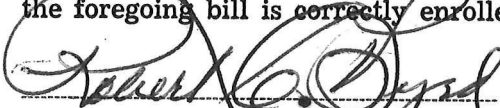
27 ☐ Against ratification.

28 Such election shall be held under the superintendence
29 of the commissioners of election appointed by the govern-
30 ing body of such municipality and the results of such
31 election shall be certified under oath and returned by said
32 election commissioners to the governing body of said
33 municipality as soon as may be after such election. In
34 the event of a vacancy due to the failure or refusal to act
35 of any election commissioner, such vacancy may be filled
36 by the other commissioners.

37 In the event that the sale, lease or disposition of said
38 water plant is ratified by three-fifths of the voters voting
39 at said special or general election, the governing body of
40 said municipality having control of such water plant

41 shall proceed to consummate the lease or sale to the
42 purchaser or purchasers upon the terms and provisions
43 as have been agreed upon.

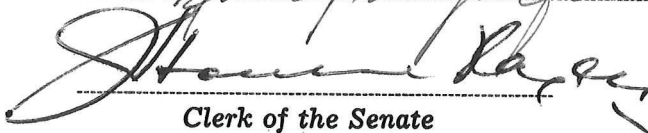
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

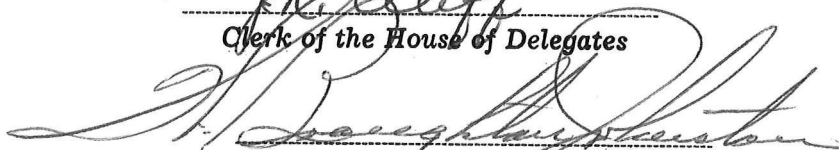

Chairman House Committee

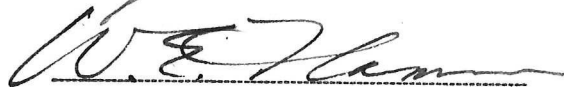
Originated in the Senate.

Takes effect thirty days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 14th
day of MARCH, 1951.


Governor.



FILED IN THE OFFICE OF THE SECRETARY OF STATE
OF West Virginia **MAR 15 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE