

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

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## ENROLLED

SENATE BILL NO. 294

(By Mr. Moats)

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PASSED March 9, 1951

In Effect from Passage



294

**ENROLLED**  
**Senate Bill No. 294**  
(By MR. MOATS)

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[Passed March 9, 1951; in effect from passage.]

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AN ACT to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article to be designated article sixteen, relating to authorizing a flood control project in this state by counties or municipal corporations and empowering counties and municipal corporations to enter into agreements with the federal government and to accept federal funds available for flood control.

*Be it enacted by the Legislature of West Virginia:*

That chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article to be designated article sixteen, to read as follows:

**Article 16. Flood Control Project.**

Section 1. *Establishment and Operation of Flood Control Project by Counties and Municipalities.*—Any county, city, or town in this state may establish, construct, maintain, and operate for such county, city, or town, a flood control project, including the removal of accumulated snags and other debris, and clearing and straightening the channel of navigable streams and tributaries thereof, and such county, city, or town may accept all benefits, moneys, services, and assistance from the federal government in connection with any agreement as authorized by federal statutes and laws relating to flood control, and such county, city, or town, under such agreements as required by Section 701c, Title 33, United States Code Annotated, or other federal statutes, shall be authorized to give assurances satisfactory to the secretary of the army or other proper federal authority that such county, city, or town will provide: (a) Without cost to the United States all lands, easements and rights of way necessary for the construction of the project; (b) hold and save the United States free from damages due to

21 the construction works; (c) maintain and operate all the  
22 works after completion in accordance with the regula-  
23 tions prescribed by the secretary of the army. Any such  
24 county, city, or town is further empowered to levy, with-  
25 in constitutional and statutory limitations, for the main-  
26 tenance or operation of a flood control project, and to  
27 purchase land situate therein for the same, and is em-  
28 powered to institute condemnation proceedings for the  
29 acquiring of any such land required under the flood con-  
30 trol project, and may authorize the issuance and sale of  
31 bonds within constitutional and statutory limitation, as  
32 is provided under the general provisions of law for the  
33 issuance and sale of bonds by counties and municipalities  
34 for public purposes generally. Real or personal property  
35 or moneys may also be acquired for such purpose by  
36 gifts by such county, city, or town.

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

*Robert C. Byrd*  
Chairman Senate Committee

*James O. Loop*  
Chairman House Committee

Originated in the Senate.

Takes effect

from \_\_\_\_\_ passage.

*Howard Hughes*  
Clerk of the Senate

*W. E. Clift*  
Clerk of the House of Delegates

*Franklin D. Roosevelt*  
President of the Senate

*W. E. Clift*  
Speaker House of Delegates

The within

*APPROVED*

this the

*16th*

day of

*MARCH*

, 1951.

*Chas. S. Patton*  
Governor.



of West Virginia

**MAR 16 1951**

**D. PITT O'BRIEN,**

SECRETARY OF STATE