

WEST VIRGINIA LEGISLATURE  
SECOND REGULAR THIRTY-DAY SESSION, 1958

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**ENROLLED**

SENATE BILL NO. 2

(By Mr. Martin.....)

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PASSED February 1..... 1958

In Effect from..... Passage



Filed in Office of the Secretary of State  
of West Virginia FEB 10 1958  
HELEN HOLT  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 2**  
(By MR. MARTIN)

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[Passed February 1, 1958; in effect from passage.]

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AN ACT to amend article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto three new sections, to be designated sections twenty-two, twenty-three and twenty-four, relating to public service districts for water and sewerage services; providing for the validation, ratification, approval and confirmation of certain proceedings heretofore taken by county courts of this state relative to the creation and continuance of **public** service districts pursuant to the provisions of said **chapter** sixteen of said code and the subsequent inclusion of additional territory to existing public service districts by such county courts and

the appointment of members of public service boards; authorizing the appointment of successors to members of certain public service boards; and the validation, ratification, approval and confirmation of certain acts and proceedings of public service boards prior to the date this act takes effect, and authorizing the acceptance by any public service district of loans or temporary advances from, and contracts and agreements with, federal agencies or private parties.

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

That article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto three new sections, to be designated sections twenty-two, twenty-three and twenty-four, to read as follows:

*Section 22. Validation of Prior Proceedings by County*

2 *Courts for Creation of Districts, Inclusion of Additional*

3 *Territory and Appointment of Members of District Boards.*

4 —All acts and proceedings taken by any county court of

5 this state purporting to have been carried out under the

6 provisions of this article which have been taken, prior to

7 the date this act takes effect, for the purpose of creating  
8 public service districts or for the purpose of subsequent  
9 inclusion of additional territory to existing public service  
10 districts, after notice published by any such county court  
11 having territorial jurisdiction thereof of its intention to  
12 include such additional territory after hearing thereof,  
13 are hereby validated, ratified, approved and confirmed  
14 notwithstanding any other lack of power (other than  
15 constitutional) of any such county court to create such  
16 public service districts or to include additional territory  
17 to existing public service districts or irregularities (other  
18 than constitutional) in such proceedings, relating  
19 to the appointment and qualification of more than  
20 three members to the board of any such public serv-  
21 ice district or the subsequent appointment of successors  
22 of any or all of such members, notwithstanding that no  
23 city, incorporated town or other municipal corporation  
24 having a population in excess of three thousand is in-  
25 cluded within the district, and the appointment and quali-  
26 fication of such members, and further including any ir-  
27 regularities in the petition for the creation of any public

28 service district, irregularities in the description of the area  
29 embraced by such district, and irregularities in the notice  
30 and publication of notice for the hearing creating such  
31 district, prior to the date this act takes effect is hereby  
32 validated, ratified, approved and confirmed; and, further,  
33 in such cases where more than three members of the  
34 board of such districts have been so appointed prior to the  
35 date this act takes effect then such county court shall ap-  
36 point, and they are hereby authorized and empowered to  
37 appoint, successors to such members in the manner as  
38 otherwise provided by this article.

Sec. 23. *Validation of Acts and Proceedings of Public*  
2 *Service Boards.*—All acts and proceedings taken by any  
3 public service board the members of which were ap-  
4 pointed, prior to the date this act takes effect, by any  
5 county court of this state having territorial jurisdiction  
6 thereof, are hereby validated, ratified, approved and con-  
7 firmed, as to defects and irregularities which may other-  
8 wise exist on account of their appointment and qualifi-  
9 cation.

Sec. 24. *Acceptance of Loans or Temporary Advances from, and Contracts and Agreements with, Federal Agencies or Private Parties.*— Any public service district created pursuant to the provisions of this article is authorized and empowered to accept loans or grants or temporary advances for the purpose of paying part or all of the cost of construction or acquisition of water or sewerage systems, or both, and the other purposes herein authorized, from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual, which temporary advances may be repaid out of the proceeds of the bonds authorized to be issued under the provisions of this article and to enter into the necessary contracts and agreements to carry out the purposes hereof with the United States of America or any federal or public agency or department of the United States, or with any private agency, corporation or individual.

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

*Sam H. Marshall*  
Chairman Senate Committee

*Wm. E. Mah*  
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

*Howard Tugey*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Raymond Brown*  
President of the Senate

*W. G. J. [Signature]*  
Speaker House of Delegates

The within \_\_\_\_\_ this the \_\_\_\_\_

day of \_\_\_\_\_, 1958.

\_\_\_\_\_  
Governor



Filed in Office of the Secretary of State  
of West Virginia FEB 10 1958  
HELEN FOLT  
SECRETARY OF STATE

neither approved  
nor disapproved. letter 2/8/58.



STATE OF WEST VIRGINIA  
EXECUTIVE DEPARTMENT  
CHARLESTON 5

CECIL H. UNDERWOOD

GOVERNOR

February 8, 1958

The Honorable  
The Secretary of State  
Capitol Building  
Charleston 5, West Virginia

Dear Mrs. Holt:

Pursuant to the provisions of law in such cases, I am herewith filing in your office Enrolled Senate Bill Number Two (2) relating to public service districts for water and sewerage services, and providing for the validation, ratification, approval and confirmation of certain proceedings heretofore taken by county courts of this state relative to the creation and continuance of public service districts.

You will note that I have neither approved nor disapproved this Bill and you will please engross thereon the proper certificate to that effect.

Very sincerely,

A handwritten signature in cursive script, appearing to read "Cecil H. Underwood".

CECIL H. UNDERWOOD  
Governor