

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1960



ENROLLED

HOUSE BILL No. .... 25 .....

(By Mr. Myles + Ma Seibert )



PASSED January 29 ..... 1960

In Effect F.B.M. ..... Passage



Filed in Office of the Secretary of State  
of West Virginia FEB 5 1960  
JOE F. BURDETT  
SECRETARY OF STATE

**ENROLLED**

**House Bill No. 25**

(By MR. MYLES and MR. SEIBERT)

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[Passed January 29, 1960: in effect ~~March 1, 1960~~ from passage.]

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AN ACT to amend and reenact sections twenty-two and twenty-three, article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the validation of prior acts and proceedings by county courts and public service boards for creation of public service districts; inclusion of additional territory and appointment of members of district boards.

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

That sections twenty-two and twenty-three, article thirteen-a, 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 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  
5 of this state purporting to have been carried out under  
6 the provisions of this article which have been taken,  
7 prior to the date this section takes effect, for the purpose  
8 of creating public service districts or for the purpose of  
9 subsequent inclusion of additional territory to existing  
10 public service districts, after notice published by any  
11 such county court having territorial jurisdiction thereof  
12 of its intention to include such additional territory after  
13 hearing thereon, are hereby validated, ratified, approved  
14 and confirmed notwithstanding any other lack of power  
15 (other than constitutional) of any such county court to  
16 create such public service districts or to include addi-  
17 tional territory to existing public service districts or irreg-  
18 ularities (other than constitutional) in such proceedings,  
19 relating to the appointment and qualification of more  
20 than three members to the board of any such public  
21 service district or the subsequent appointment of suc-  
22 cessors of any or all of such members, notwithstanding  
23 that no city, incorporated town or other municipal cor-  
24 poration having a population in excess of three thousand

25 is included within the district, and the appointment and  
26 qualification of such members, and further including any  
27 irregularities in the petition for the creation of any public  
28 service district, irregularities in the description of the  
29 area embraced by such district, and irregularities in the  
30 notice and publication of notice for the hearing creating  
31 such district, prior to the date this section takes effect  
32 is hereby validated, ratified, approved and confirmed;  
33 and, further, in such cases where more than three mem-  
34 bers of the board of such districts have been so appointed  
35 prior to the date this section takes effect then such county  
36 court shall appoint, and they are hereby authorized and  
37 empowered to appoint, successors to such members in the  
38 manner as 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 section 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 qualifica-  
9 tion.

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

*James Davis*  
Chairman Senate Committee

*Tom Godfrey*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *1-20-60* passage.

*Howard Meyer*  
Clerk of the Senate

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

*Ralph Bean*  
President of the Senate

*W. P. Ramsey*  
Speaker, House of Delegates

The within *approved* this the *4th*

day of *February*, 1960.

*W. H. Underwood*  
Governor

Filed in Office of the Secretary of State  
of West Virginia **FEB 5 1960**  
JOE F. BURDETT  
SECRETARY OF STATE