

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 985

(By Mr. MADRE AND MR. SCOTT)

PASSED MARCH 13, 1971

In Effect NINETY DAYS FROM Passage



985-
Veto

ENROLLED

House Bill No. 985

(By MR. MOORE and MR. SCOTT)

[Passed March 13, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article nineteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to a municipality's right to acquire a waterworks system by eminent domain; limitations.

Be it enacted by the Legislature of West Virginia:

That section three, article nineteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 19. MUNICIPAL WATERWORKS SYSTEM.

PART III. RIGHT OF EMINENT DOMAIN.

§8-19-3. Right of eminent domain; limitations.

- 1 For the purpose of acquiring, constructing, establishing
- 2 or extending any waterworks system, or for the purpose

3 of constructing any additions, betterments or improve-
4 ments to any waterworks system, or for the purpose of
5 acquiring any property necessary, appropriate, useful,
6 convenient or incidental for or to any waterworks sys-
7 tem, under the provisions of this article, the municipality
8 shall have the right of eminent domain as provided in
9 chapter fifty-four of this code: *Provided*, That such right
10 of eminent domain for the acquisition of a complete
11 privately owned waterworks system shall not be exer-
12 cised without prior notification to the public service
13 commission, and in no event shall any municipality
14 construct, establish or extend beyond the corporate limits
15 of said municipality a municipal waterworks system
16 under the provisions of this article to supply service in
17 competition with an existing privately or municipally
18 owned waterworks system in such municipality or with-
19 in the proposed extension of such system, unless a cer-
20 tificate of public convenience and necessity therefor
21 shall have been issued by the public service commission.

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

Russell G. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard Keyser
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

E. Hans McPount
President of the Senate

Leedie N. McManus
Speaker House of Delegates

The within disapproved this the 1st
day of April, 1971.

W. A. Thayer Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/18/71
Time 1:55 p.m.

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA