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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

— ● —

ENROLLED

HOUSE BILL No. 839

(By Mr. Burke and Mrs. Ginen)

— ● —

PASSED February 24, 1975

In Effect ninety days from Passage



ENROLLED

H. B. 839

(By MR. BURKE and MRS. GIVEN)

[Passed February 24, 1975; in effect ninety days from passage.]

AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-u, relating to empowering counties and municipalities to treat streams to prevent floods by rechanneling, dredging, removing obstructions, straightening stream channels and carrying out erosion and sedimentation control measures and programs; to acquire property required for such purpose; to levy and accept money and services available for such purpose; and to cooperate with each other to carry out stream treatment; and defining the term "stream" for purposes of the section.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. COUNTY COURTS GENERALLY.

§7-1-3u. Authority of counties and municipalities to treat streams to prevent floods.

- 1 To protect people and property from floods, counties and
- 2 municipalities are hereby empowered to rechannel and dredge
- 3 streams; remove accumulated debris, snags, sand bars, rocks
- 4 and any other kinds of obstructions from streams; straighten

5 stream channels; and carry out erosion and sedimentation con-
6 trol measures and programs.

7 For stream treatment to prevent floods as provided in this
8 section, counties and municipalities are hereby further empow-
9 ered to levy, within all constitutional and statutory limitations;
10 acquire property by purchase, exercise of the right of eminent
11 domain, lease, gift or grant; accept any and all benefits,
12 moneys, services and assistance which may be available from
13 the federal and state government or any private source; issue
14 and sell bonds within the constitutional and statutory limita-
15 tions prescribed by law for the issuance and sale of bonds by
16 counties and municipalities for public purposes generally. Any
17 such levy shall be equal and uniform throughout the county or
18 municipality.

19 The power and authority granted in this section, may be
20 exercised by any county or municipality in cooperation with
21 each other or separately as provided in section three-i of this
22 article. Any county or municipality which exercises any power
23 or authority set forth in this section shall comply with all
24 applicable provisions of federal and state laws and rules and
25 regulations lawfully promulgated thereunder.

26 The term "stream" as used in this section means any water-
27 course, whether natural or man-made, distinguishable by banks
28 and a bed, regardless of their size, through which water flows
29 continually or intermittently, regardless of its volume.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chamberlain
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Sullivan Jr.
Clerk of the Senate

C. A. Blackenship
Clerk of the House of Delegates

W. T. Bratton Jr.
President of the Senate

Lewis N. M. Manne
Speaker House of Delegates

The within Approved this the 4th
March
day of _____, 1975.

Arch A. Haare Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/27/75

Time 3:35 p.m.