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APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Committee Substitute for
SENATE BILL NO. 657

(By Mr. Loehr)

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PASSED March 12 1983

In Effect ninety days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 657
(Mr. LOEHR, original sponsor)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and three, article nineteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal waterworks and electric power systems; construction of improvements; extension beyond corporate limits; right of eminent domain; exempting municipal electric power systems from requirement of certificate of convenience and necessity.

Be it enacted by the Legislature of West Virginia:

That sections one and 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 AND ELECTRIC POWER SYSTEMS.

**PART 1. MUNICIPAL WATERWORKS AND ELECTRIC
POWER SYSTEMS AUTHORIZED; DEFINITIONS.**

§8-19-1. Acquisition and operation of municipal waterworks systems; construction of improvements to municipal electric power systems; extension beyond corporate limits; definitions.

1 Subject to and in accordance with the provision of this
2 article, any municipality may acquire, construct, estab-

3 lish, extend, equip, repair, maintain and operate, or lease
4 to others for operation, a waterworks system, or con-
5 struct, maintain and operate additions, betterments and
6 improvements to an existing waterworks system or an
7 existing electric power system, notwithstanding any pro-
8 vision or limitation to the contrary in any other law or
9 charter: *Provided*, That such municipality shall not serve
10 or supply water facilities or electric power facilities or
11 services within the corporate limits of any other munici-
12 pality without the consent of the governing body of such
13 other municipality.

14 When used in this article, the term "waterworks sys-
15 tem" shall be construed to mean and include a water-
16 works system in its entirety or any integral part thereof,
17 including mains, hydrants, meters, valves, standpipes,
18 storage tanks, pump tanks, pumping stations, intakes,
19 wells, impounding reservoirs, pumps, machinery, purifi-
20 cation plants, softening apparatus, and all other facilities
21 necessary, appropriate, useful, convenient or incidental
22 in connection with or to a water supply system.

23 When used in this article, the term "electric power
24 system" means a system or facility which produces elec-
25 tric power in its entirety or any integral part thereof,
26 including, but not limited to, power lines and wires,
27 power poles, guy wires, insulators, transformers, gene-
28 rators, cables, power line towers, voltage regulators,
29 meters, power substations, machinery and all other fa-
30 cilities necessary, appropriate, useful, or convenient or
31 incidental in connection with or to an electric power
32 supply system.

PART III. RIGHT OF EMINENT DOMAIN.

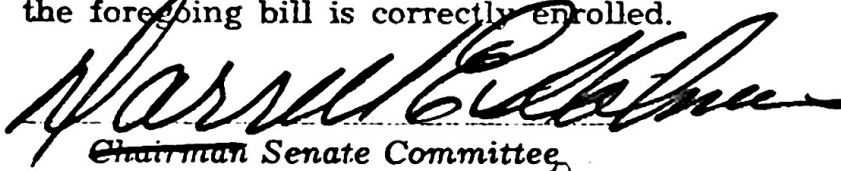
§8-19-3. Right of eminent domain; limitations.

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 or electric power system, or for
5 the purpose of acquiring any property necessary, appro-
6 priate, useful, convenient or incidental for or to any
7 waterworks or electric power system, under the provi-

8 sions of this article, the municipality shall have the right
9 of eminent domain as provided in chapter fifty-four of
10 this code: *Provided*, That such right of eminent domain
11 for the acquisition of a complete privately owned water-
12 works system shall not be exercised without prior
13 approval of the public service commission; and in no
14 event shall any municipality construct, establish or extend
15 beyond the corporate limits of said municipality a municipi-
16 pal waterworks or electric power system under the pro-
17 visions of this article to supply service in competition
18 with an existing privately or municipally owned water-
19 works or electric power system in such municipality or
20 within the proposed extension of such system, unless a
21 certificate of public convenience and necessity therefor
22 shall have been issued by the public service commission.
23 Nothing herein shall prohibit a municipal electric power
24 system from constructing, operating and maintaining elec-
25 tric generators or electric generating systems or electric
26 transmission systems outside of said municipality and
27 said electric generation systems shall not be under the
28 jurisdiction of the public service commission.

Enr. Com. Sub. for S. B. No. 657] 4

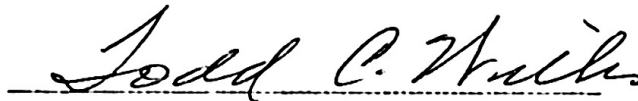
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

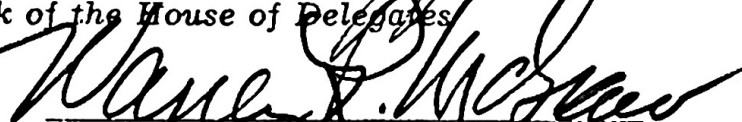

Chairman House Committee

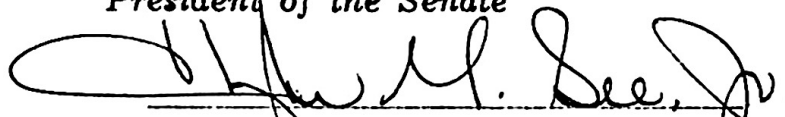
Originated in the Senate.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 27
day of March, 1983.


Governor

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