WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Committee Substitute for
SENATE BILL NO. 657

(By Mr. Locks)

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, 1933; 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 article, any municipality may acquire, construct, estab-
lish, extend, equip, repair, maintain and operate, or lease
to others for operation, a waterworks system, or con-
struct, maintain and operate additions, betterments and
improvements to an existing waterworks system or an
existing electric power system, notwithstanding any pro-
vision or limitation to the contrary in any other law or
charter: Provided, That such municipality shall not serve
or supply water facilities or electric power facilities or
services within the corporate limits of any other munici-
pality without the consent of the governing body of such
other municipality.

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

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

PART III. RIGHT OF EMINENT DOMAIN.

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

For the purpose of acquiring, constructing, establishing
or extending any waterworks system, or for the purpose
of constructing any additions, betterments or improve-
ments to any waterworks or electric power system, or for
the purpose of acquiring any property necessary, appro-
priate, useful, convenient or incidental for or to any
waterworks or electric power system, under the provi-
sions of this article, the municipality shall have the right of eminent domain as provided in chapter fifty-four of this code: Provided, That such right of eminent domain for the acquisition of a complete privately owned waterworks system shall not be exercised without prior approval of the public service commission, and in no event shall any municipality construct, establish or extend beyond the corporate limits of said municipality a municipal waterworks or electric power system under the provisions of this article to supply service in competition with an existing privately or municipally owned waterworks or electric power system in such municipality or within the proposed extension of such system, unless a certificate of public convenience and necessity therefor shall have been issued by the public service commission. Nothing herein shall prohibit a municipal electric power system from constructing, operating and maintaining electric generators or electric generating systems or electric transmission systems outside of said municipality and said electric generation systems shall not be under the jurisdiction of the public service commission.
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