ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 256

(SENATORS ANDERSON, ROSS, LOVE, SNYDER, BUCKALEW, BAILEY, DITTMAR, BOWMAN, WALKER AND SCHOONOVER, original sponsors)

[Passed April 10, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen-a, article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sale, lease or rental of water, sewer or gas systems by public service districts; requiring the approval of a majority of not less than sixty percent of the members of a public service board as a condition to the sale, lease or rental of any water, sewer or gas system owned by the public service district; publication of notice of a hearing as a Class I legal advertisement; and approval by county commission and public service commission.
Be it enacted by the Legislature of West Virginia:

That section eighteen-a, 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:

ARTICLE 13A. PUBLIC SERVICE DISTRICTS FOR WATER, SEWERAGE AND GAS SERVICES.

§16-13A-18a. Sale, lease or rental of water, sewer or gas system by district; distribution of proceeds.

1 In any case where a public service district owns a water, sewer or gas system, and a majority of not less than sixty percent of the members of the public service board thereof deem it for the best interests of the district to sell, lease or rent such water, sewer or gas system to any municipality or privately-owned water, sewer or gas system, or to any water, sewer or gas system owned by an adjacent public service district, the board may so sell, lease or rent such water, sewer or gas system upon such terms and conditions as said board, in its discretion, considers in the best interests of the district: Provided, That such sale, leasing or rental may be made only upon: (1) The publication of notice of a hearing before the board of the public service district, as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, in a newspaper published and of general circulation in the county or counties wherein the district is located, such publication to be made not earlier than twenty days and not later than seven days prior to the hearing; (2) approval by the county commission or commissions of the county or counties in which the district operates; and (3) approval by the public service commission of West Virginia.

24 In the event of any such sale, the proceeds thereof, if any, remaining after payment of all outstanding bonds and other obligations of the district, shall be ratably distributed to any persons who have made contributions in aid of construction of such water, sewer or gas system, such distribution not to exceed the actual amount of any such contribution, without interest, and any balance of funds thereafter remaining shall be paid to the county
commission of the county in which the major portion of such water, sewer or gas system is located to be placed in the general funds of such county commission.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Selover
Chairman Senate Committee

Nick Fantauzzi
Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Darrell Scott
Clerk of the Senate

Gregory L. Sappington
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Speaker House of Delegates

The within is approved this the ............... day of April ........................., 1997.

Earl Ray Tomblin
Governor