

30 230

RECEIVED

97 APR 22 PM 6:46

OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

Committee Substitute for
SENATE BILL NO. 256

(By Senator ANDERSON, ET AL)



PASSED APRIL 10, 1997

In Effect NINETY DAYS FROM Passage

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,
2 sewer or gas system, and a majority of not less than sixty
3 percent of the members of the public service board thereof
4 deem it for the best interests of the district to sell, lease or
5 rent such water, sewer or gas system to any municipality
6 or privately-owned water, sewer or gas system, or to any
7 water, sewer or gas system owned by an adjacent public
8 service district, the board may so sell, lease or rent such
9 water, sewer or gas system upon such terms and condi-
10 tions as said board, in its discretion, considers in the best
11 interests of the district: *Provided*, That such sale, leasing
12 or rental may be made only upon: (1) The publication of
13 notice of a hearing before the board of the public service
14 district, as a Class I legal advertisement in compliance
15 with the provisions of article three, chapter fifty-nine of
16 this code, in a newspaper published and of general circu-
17 lation in the county or counties wherein the district is
18 located, such publication to be made not earlier than
19 twenty days and not later than seven days prior to the
20 hearing; (2) approval by the county commission or com-
21 missions of the county or counties in which the district
22 operates; and (3) approval by the public service commis-
23 sion of West Virginia.

24 In the event of any such sale, the proceeds thereof, if
25 any, remaining after payment of all outstanding bonds
26 and other obligations of the district, shall be ratably
27 distributed to any persons who have made contributions
28 in aid of construction of such water, sewer or gas system,
29 such distribution not to exceed the actual amount of any
30 such contribution, without interest, and any balance of
31 funds thereafter remaining shall be paid to the county

32 commission of the county in which the major portion of
33 such water, sewer or gas system is located to be placed in
34 the general funds of such county commission.

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

Randy Schomover
.....
Chairman Senate Committee

Neil Fantasia
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holmes
.....
Clerk of the Senate

Gregory M. Gray
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the *22nd*
day of *April*, 1997.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 4/16/97
Time 2:55pm