

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 452

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 22 P 1:37

FILED

BY SENATORS TARR, JEFFRIES, PHILLIPS, AND PLYMALE

[Passed March 8, 2024; in effect 90 days from
passage (June 6, 2024)]

SB452

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1 AN ACT to amend and reenact §31-15A-8 of the Code of West Virginia, 1931, as amended,
2 relating to designating certain water and wastewater facilities as an emergency project;
3 and modifying the requirements to the designation.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT
COUNCIL.**

**§31-15A-8. Exemption of certain emergency projects from certificate of public convenience
and necessity requirements; review of certain emergency projects by Public
Service Commission; and exemption for North Fork Hughes River watershed
project.**

1 (a) If the council determines a project to be an emergency, then the emergency project is
2 exempt from the requirement to obtain a certificate of public convenience and necessity under
3 §24-2-11 of this code. If the public utility is a public service district, it is exempt from the approval
4 of the Public Service Commission required under §16-13A-25 of this code.

5 (b) Projects that are not emergency projects are subject to the requirements of §24-2-11
6 of this code to the extent they would be otherwise.

7 (c) The North Fork Hughes River watershed project, proposed to enhance economic
8 growth and development through tourism as provided in §31-15A-2 (l), of this code and to include
9 a water facility project as defined in §31-15A-2-(n), of this code, is hereby specifically exempted
10 from any requirement imposed by this article, except that the provisions of subsection (a) of this
11 section are specifically made applicable to the project. The project is hereby specifically
12 authorized and the public land corporation shall have, and may exercise, the power of eminent
13 domain and all authority otherwise prescribed by law to acquire necessary land and rights-of-way,
14 to include approximately 478 acres, in connection with the project. Funding for the project shall
15 be provided by the federal government from the Appalachian Regional Commission through the

16 Natural Resources Conservation Service. Upon completion of the project, the property acquired
17 shall be transferred to the state park system. The commissioner of the Department of Tourism
18 and parks or the successor to the commissioner's powers and duties is directed to expand the
19 boundaries of North Bend State Park to include the project area and to operate the expanded
20 park property, including improved recreational facilities, from funds appropriated for that purpose.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Joe Lamm
.....
Clerk of the Senate

Steve Harrison
.....
Clerk of the House of Delegates

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.

G.P. Beason-Held
.....
President of the Senate

Ben Hankins
.....
Speaker of the House of Delegates

The within is *approved* this the *22nd*
Day of *March*, 2024.

James O. Eastman
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 13 2024

Time 12:59pm