

# **WEST VIRGINIA LEGISLATURE**

FIRST REGULAR SESSION, 2003

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**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 3068**

(By Delegates Staton, R. Thompson and Perdue)

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Passed March 7, 2003

In Effect Ninety Days from Passage

FILED

2003 MAR 17 P 4: 49

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 3068**

(BY DELEGATES STATON, R. THOMPSON AND PERDUE)

[Passed March 7, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-five, article thirteen-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to contracts for the provision of engineering, design or feasibility studies by public service districts.

*Be it enacted by the Legislature of West Virginia:*

That section twenty-five, 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-25. Borrowing and bond issuance; procedure.**

- 1 (a) Notwithstanding any other provisions of this article to
- 2 the contrary, a public service district may not borrow money,

3 enter into contracts for the provision of engineering, design or  
4 feasibility studies, issue or contract to issue revenue bonds or  
5 exercise any of the powers conferred by the provisions of  
6 section thirteen, twenty or twenty-four of this article, without  
7 the prior consent and approval of the public service commis-  
8 sion.

9 (b) The public service commission may waive the provision  
10 of prior consent and approval for entering into contracts for  
11 engineering, design or feasibility studies pursuant to this section  
12 for good cause shown which is evidenced by the public service  
13 district filing a request for waiver of this section stated in a  
14 letter directed to the commission with a brief description of the  
15 project, a verified statement by the board members that the  
16 public service district has complied with chapter five-g of this  
17 code, and further explanation of ability to evaluate their own  
18 engineering contract, including, but not limited to: (1) Experi-  
19 ence with the same engineering firm; or (2) completion of a  
20 construction project requiring engineering services. The district  
21 shall also forward an executed copy of the engineering contract  
22 to the commission after receiving approval of the waiver.

23 (c) An engineering contract that meets one or more of the  
24 following criteria is exempt from the waiver or approval  
25 requirements:

26 (1) A contract with a public service district that is a Class  
27 A utility on the first day of April, two thousand three, or  
28 subsequently becomes a Class A utility as defined by commis-  
29 sion rule;

30 (2) A contract with a public service district that does not  
31 require borrowing and that can be paid out of existing rates;

32 (3) A contract where the payment of engineering fees are  
33 contingent upon the receipt of funding, and commission

34 approval of the funding, to construct the project which is the  
35 subject of the contract; or

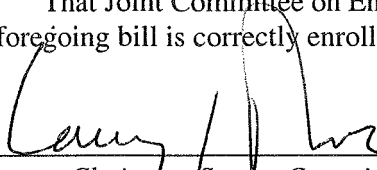
36 (4) A contract that does not exceed fifteen thousand dollars.

37 (d) Requests for approval or waivers of engineering  
38 contracts shall be deemed granted thirty days after the filing  
39 date unless the staff of the public service commission or a party  
40 files an objection to the request. If an objection is filed, the  
41 public service commission shall issue its decision within one  
42 hundred twenty days of the filing date. In the event objection is  
43 received to a request for a waiver, the application shall be  
44 considered a request for waiver as well as a request for approval  
45 in the event a waiver is not appropriate.

46 (e) Unless the properties to be constructed or acquired  
47 represent ordinary extensions or repairs of existing systems in  
48 the usual course of business, a public service district must first  
49 obtain a certificate of public convenience and necessity from  
50 the public service commission in accordance with the provi-  
51 sions of chapter twenty-four of this code, when a public service  
52 district is seeking to acquire or construct public service prop-  
53 erty.

54 Thirty days prior to making formal application for the  
55 certificate, the public service district shall prefile with the  
56 public service commission its plans and supporting information  
57 for the project in a manner prescribed by public service  
58 commission rules and regulations.

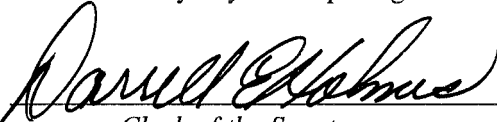
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

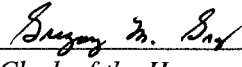
  
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Chairman Senate Committee

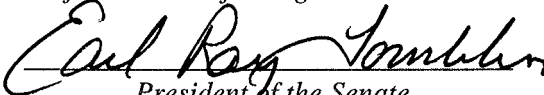
  
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Chairman House Committee


Originating in the House.

In effect ninety days from passage

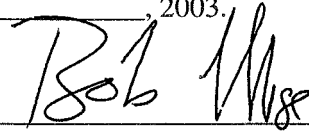
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 17th  
day of March, 2003.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/11/03

Time 11:00 am