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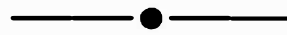
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006

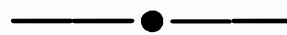


ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4120

(By Delegates Michael, Stemple, Boggs, Ashley,
Hrutkay, Martin, Swartzmiller, Stalnaker and Evans)



Passed March 9, 2006

In Effect Ninety Days from Passage

FILED

2006 APR -4 P 2: 29

OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4120

(BY DELEGATES MICHAEL, STEMPLE, BOGGS, ASHLEY,
HRUTKAY, MARTIN, SWARTZMILLER, STALNAKER AND EVANS)

[Passed March 9, 2006; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24-3-10, relating to authorizing the termination of water service for delinquent sewer bills; providing for the termination of water service for delinquent sewer bills where sewer service is provided by a public utility that is owned and operated by a homeowners' association; and providing for the termination of water service for delinquent sewer bills where sewer service is provided by a privately owned public utility.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §24-3-10, to read as follows:

ARTICLE 3. DUTIES AND PRIVILEGES OF PUBLIC UTILITIES SUBJECT TO REGULATIONS OF COMMISSION.

§24-3-10. Termination of water service for delinquent sewer bills.

1 (a) In the event that any publicly or privately owned utility,
2 city, incorporated town, municipal corporation or public service
3 district owns and operates either water facilities or sewer
4 facilities, and a privately owned public utility or a public utility
5 that is owned and operated by a homeowners' association owns
6 and operates the other kind of facilities, either water or sewer,
7 then the privately owned public utility or the homeowners'
8 association may contract with the publicly or privately owned
9 utility, city, incorporated town, or public service district which
10 provides the other services to shutoff and discontinue the
11 supplying of water service for the nonpayment of sewer service
12 fees and charges.

13 (b) Any contracts entered into by a privately owned public
14 utility or by a public utility that is owned and operated by a
15 homeowners' association pursuant to this section must be
16 submitted to the Public Service Commission for approval.

17 (c) Any privately owned public utility or any public utility
18 that is that is owned and operated by a homeowners' association
19 which provides water and sewer service to its customers may
20 terminate water service for delinquency in payment of either
21 water or sewer bills.

22 (d) Where a privately owned public utility or a public utility
23 that is owned and operated by a homeowners' association is
24 providing sewer service and another utility is providing water
25 service, and the privately owned public utility or the homeown-
26 ers' association providing sewer service experiences a delin-
27 quency in payment, the utility providing water service, upon the
28 request of the homeowners' association or the privately owned
29 public utility providing sewer service to the delinquent account,

30 shall terminate its water service to the customer having the
31 delinquent sewer account.

32 (e) Any termination of water service must comply with all
33 rules and orders of the Public Service Commission.

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

Candy White
Chairman Senate Committee

R. Berry
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell Holmes
Clerk of the Senate

Betsy M. Day
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert L. Williams
Speaker of the House of Delegates

The within is approved this the 44th
day of April, 2006.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 23 2006

Time 3:15 pm