

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 452

BY SENATORS TARR, JEFFRIES, PHILLIPS, AND PLYMALE

[Introduced January 15, 2024; referred
to the Committee on Economic Development]

1 A BILL to amend and reenact §31-15A-8 of the Code of West Virginia, 1931, as amended, relating
2 to designating certain water and wastewater facilities as an emergency project; and
3 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 ~~and the emergency project will~~
2 ~~be funded solely with grant money for the extension of an existing certificated water facility or~~
3 ~~wastewater facility, and if the council finds in its recommendation that the construction and~~
4 ~~acquisition of the emergency project will have no effect on the public utility's customer rates and~~
5 ~~will have no significant effect on its operational costs as a result of the project cost then the~~
6 emergency project is exempt from the requirement to obtain a certificate of public convenience
7 and necessity under §24-2-11 of this code. If the public utility is a public service district, it is
8 exempt from the approval of the Public Service Commission required under §16-13A-25 of this
9 code.

10 ~~(b) Any public utility, and any other entity that will operate as a public utility, must obtain a~~
11 ~~certificate of public convenience and necessity pursuant to section eleven, article two, chapter~~
12 ~~twenty-four of this code for any emergency project that is not exempt under subsection (a) of this~~
13 ~~section. The Public Service Commission shall render its final decision on any application for a~~
14 ~~certificate within one hundred twenty days of the filing of the application: *Provided*, That the thirty-~~
15 ~~day pre-filing requirement is not required. If the project sponsor is a public service district, then the~~

16 project will be exempted from the approval requirements of section twenty-five, article thirteen-a,
17 chapter sixteen of this code

18 (e) (b) Projects that are not emergency projects are subject to the requirements of §24-2-
19 11 of this code to the extent they would be otherwise.

20 (d) (c) The North Fork Hughes River watershed project, proposed to enhance economic
21 growth and development through tourism as provided in §31-15A-2 (l), of this code and to include
22 a water facility project as defined in §31-15A-2-(n), of this code, is hereby specifically exempted
23 from any requirement imposed by this article, except that the provisions of subsection (a) of this
24 section are specifically made applicable to the project. The project is hereby specifically
25 authorized and the public land corporation shall have, and may exercise, the power of eminent
26 domain and all authority otherwise prescribed by law to acquire necessary land and rights-of-way,
27 to include approximately 478 acres, in connection with the project. Funding for the project shall
28 be provided by the federal government from the Appalachian Regional Commission through the
29 ~~United States Soil Conservation Service~~ Natural Resources Conservation Service. Upon
30 completion of the project, the property acquired shall be transferred to the state park system. The
31 commissioner of the ~~Division~~ Department of Tourism and parks or the successor to the
32 commissioner's powers and duties is directed to expand the boundaries of North Bend State Park
33 to include the project area and to operate the expanded park property, including improved
34 recreational facilities, from funds appropriated for that purpose.