

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3174**

By Delegates G. Howell and Eldridge

[Introduced March 06, 2025; referred to the  
Committee on Energy and Public Works]

1 A BILL to amend and reenact §8-19-17, §16-13-22a, and §16-13A-24 of the Code of West Virginia,  
2 1931, relating to requiring municipalities to determine the cost of adding potential  
3 customers to water service from the municipality; requiring municipalities to apply through  
4 the West Virginia Infrastructure and Jobs Development Council for available funding; and  
5 to requiring municipalities to extend service to potential customers who have made  
6 required deposits if a grant or grants are awarded to cover the fees for the service  
7 extension.

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

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 19. MUNICIPAL AND COUNTY WATERWORKS AND ELECTRIC POWER SYSTEMS.**

#### **PART V. GRANTS, LOANS, ADVANCES AND AGREEMENTS;**

#### **CUMULATIVE AUTHORITY.**

#### **§8-19-17. Grants, loans, advances and agreements.**

1 (a) As an alternative to, or in conjunction with, the issuance of revenue bonds authorized  
2 by this article, any municipality or county commission is hereby empowered and authorized to  
3 accept loans or grants and procure loans or temporary advances evidenced by notes or other  
4 negotiable instruments issued in the manner, and subject to the privileges and limitations, set forth  
5 with respect to bonds authorized to be issued under the provisions of this article, or otherwise  
6 enter into agreement, including, but not limited to, agreements of indemnity, assurance or  
7 guarantee with respect to, and for the purpose of financing part or all of, the cost of acquisition,  
8 construction, establishment, extension or equipment of waterworks or electric power systems and  
9 the construction of additions, betterments and improvements to existing waterworks systems or to  
10 existing electric power systems, and for the other purposes herein authorized, from or with any  
11 authorized agency of the state or from the United States of America or any federal or public

12 agency or department of the United States or any private agency, corporation or individual, which  
13 loans or temporary advances, including the interest thereon, or the municipality's or county's  
14 financial obligations contained in such other agreements, which need not bear interest, may be  
15 repaid out of the proceeds of bonds authorized to be issued under the provisions of this article, the  
16 revenues of or proceeds from the said waterworks system or electric power system or grants to the  
17 municipality or county commission from any agency of the state or from the United States of  
18 America or any federal or public agency or department of the United States or any private agency,  
19 corporation or individual or from any combination of such sources of payment, and may be  
20 secured in the manner provided in sections eight, nine and sixteen of this article to secure bonds  
21 issued under the provisions of this article, but shall not otherwise be subject to the requirements of  
22 sections eleven and twelve of this article, and to enter into the necessary contracts and  
23 agreements to carry out the purposes hereof with any agency of the state, the United States of  
24 America or any federal or public agency or department of the United States, or with any private  
25 agency, corporation or individual.

26 In no event shall any such loan or temporary advance or agreement be a general obligation  
27 of the municipality or county and such loans or temporary advances or agreements, including the  
28 interest thereon, shall be paid solely from the sources specified in this section.

29 (b) When potential customers apply for sewer service from the municipality, the  
30 municipality must determine the cost of the extension and then apply through the West Virginia  
31 Infrastructure and Jobs Development Council for any available funding.

32 (c) Notwithstanding any other provisions of this code to the contrary, if a grant or grants  
33 are awarded that covers the costs for a project to extend service to unserved potential customers,  
34 the municipality is required to extend service to said potential customers after the potential  
35 customers have made any required deposits.

## CHAPTER 16. PUBLIC HEALTH.

**ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.**

**§16-13-22a. Grants, loans and advances.**

(a) Any municipality is authorized and empowered to accept loans or grants and procure loans or temporary advances evidenced by notes or other negotiable instruments issued in the manner, and subject to the privileges and limitations, set forth with respect to bonds authorized to be issued under the provisions of this article, for the purpose of paying part or all of the cost of acquisition or construction of said sewage works and the construction of betterments and improvements thereto, and for the other purposes herein authorized, from any authorized agency of the state or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual, which loans or temporary advances, including the interest thereon, may be repaid out of the proceeds of bonds authorized to be issued under the provisions of this article, the revenues of the said sewage works or grants to the municipality from any agency of the state or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual or from any combination of such sources of payment, and to enter into the necessary contracts and agreements to carry out the purposes hereof with any agency of the state, the United States of America or any federal or public agency or department of the United States, or with any private agency, corporation or individual. Any other provisions of this article to the contrary notwithstanding, interest on any such loans or temporary advances may be paid from the proceeds thereof until the maturity of such notes or other negotiable instrument.

In no event shall any such loan or temporary advance be a general obligation of the municipality and such loans or temporary advances, including the interest thereon, shall be paid solely from the sources specified in this section.

(b) When potential customers apply for sewer service from the municipality, the municipality must determine the cost of the extension and then apply through the West Virginia Infrastructure and Jobs Development Council for any available funding.

(c) Notwithstanding any other provisions of this code to the contrary, if a grant or grants are awarded that covers the costs for a project to extend service to unserved potential customers, the municipality is required to extend service to said potential customers after the potential customers have made any required deposits.

**ARTICLE                    13A.                    PUBLIC                    SERVICE                    DISTRICTS.**  
**§16-13A-24.    Acceptance    of    loans,    grants    or    temporary    advances.**

(a) Any public service district created pursuant to the provisions of this article is authorized and empowered to accept loans or grants and procure loans or temporary advances evidenced by notes or other negotiable instruments issued in the manner, and subject to the privileges and limitations, set forth with respect to bonds authorized to be issued under the provisions of this article, for the purpose of paying part or all of the cost of construction or acquisition of water systems, sewage systems, stormwater systems or stormwater management systems or gas facilities, or all of these, and the other purposes herein authorized, from any authorized agency or from the United States of America or any federal or public agency or department of the United States or any private agency, corporation or individual, which loans or temporary advances, including the interest thereon, may be repaid out of the proceeds of the bonds authorized to be issued under the provisions of this article, the revenues of the said water system, sewage system, stormwater system or associated stormwater management system or gas facilities, or grants to the public service district from any authorized agency or from the United States of America or any federal or public agency or department of the United States or from any private agency, corporation or individual or from any combination of such sources of payment, and to enter into the necessary contracts and agreements to carry out the purposes hereof with any authorized agency or the United States of America or any federal or public agency or department of the United States, or with any private agency, corporation or individual. Any other provisions of this article to the contrary notwithstanding, interest on any such loans or temporary advances may be paid from the proceeds thereof until the maturity of such notes or other negotiable instrument.

- 21 (b) When potential customers apply for water and/or sewer service from the public service  
22 district, the public service district must determine the cost of the extension and then apply to  
23 through West Virginia Infrastructure and Jobs Development Council for any available funding.
- 24 (c) Notwithstanding any other provisions of this code to the contrary, if a grant or grants  
25 are awarded that covers the costs for a project to extend service to unserved potential customers,  
26 the public service district is required to extend service to said potential customers after the  
27 potential customers have made any required deposits.

NOTE: The purpose of this bill is to require municipalities to determine the cost of adding potential customers to water service from the municipality, apply through the West Virginia Infrastructure and Jobs Development Council for available funding, and to extend service to potential customers who have made required deposits if a grant or grants are awarded to cover the fees for the service extension.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.