

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4862**

By Delegate Linville

[Requested by the Public Service Commission]

[Introduced January 28, 2026; referred to the  
Committee on Energy and Public Works]

1 A BILL to amend and reenact §16-13A-18a of the Code of West Virginia, 1931, relating to the  
2 responsibility of a board of a public service district to cooperate with a county commission  
3 in the sale of assets of a public service district that is being dissolved, sold or merged with  
4 another public service district.

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

**ARTICLE                    13A.                    PUBLIC                    SERVICE                    DISTRICTS.**

**§16-13A-18a. Sale, lease or rental of water, sewer, stormwater or gas system by district;  
distribution of proceeds.**

1            (a) In any case where a public service district owns a water, sewer, stormwater or gas  
2 system, and a majority of not less than sixty percent of the members of the public service board  
3 thereof deem it for the best interests of the district to sell, lease or rent such water, sewer,  
4 stormwater or gas system to any municipality or privately-owned water, sewer, stormwater or gas  
5 system, or to any water, sewer, stormwater or gas system owned by an adjacent public service  
6 district, the board may so sell, lease or rent such water, sewer, stormwater or gas system upon  
7 such terms and conditions as said board, in its discretion, considers in the best interests of the  
8 district. *Provided*, That such sale, leasing

9            (b) A sale, lease, or rental may be made only upon:

10            (1) The publication of notice of a hearing before the board of the public service district, as a  
11 Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of  
12 this code, in a newspaper published and of general circulation in the county or counties wherein  
13 the district is located, such publication to be made not earlier than twenty days and not later than  
14 seven days prior to the hearing;

15            (2) Approval by the county commission or commissions of the county or counties in which  
16 the district operates; and

17            (3) Approval by the Public Service Commission of West Virginia.

18        (c) If the county commission or commissions of the county or counties in which the district  
19    operates have previously ordered the dissolution and sale or merger of a water or sewer public  
20    service district system to any other public service district, municipality or privately-owned public  
21    utility system, and has received approval of the dissolution, sale and or merger from the Public  
22    Service Commission, the notice, hearing and approval of the board of the public district that is to  
23    be dissolved, sold or merged is not required. The board of a public service district that is being  
24    dissolved or merged with another public utility shall cooperate with the county commission in the  
25    sale of district assets and shall execute, or cause to be executed, any necessary documents  
26    related to the sale and transfer of such assets.

27        (d) In the event of any such sale, the proceeds thereof, if any, remaining after payment of  
28    all outstanding bonds and other obligations of the district, shall be ratably distributed to any  
29    persons who have made contributions in aid of construction of such water, sewer, stormwater or  
30    gas system, such distribution not to exceed the actual amount of any such contribution, without  
31    interest, and any balance of funds thereafter remaining shall be paid to the county commission of  
32    the county in which the major portion of such water, sewer, stormwater or gas system is located to  
33    be placed in the general funds of such county commission: *Provided*, That no such distribution  
34    shall be required in the case of a sale between political subdivisions of the state.

NOTE: The purpose of this bill is to require the board of a public service district to cooperate with a county commission when the county commission has authorized the dissolution, sale or merger of the district with another public service district.

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