Committee Substitute

for

House Bill 2028

BY DELEGATE FAST

[Originating in the Committee on Government Organization, February 13, 2020.]
A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-13A-9b, relating to public service districts’ laying of water or sewer lines on state rights-of-way; limiting the onsite time required supervision by a state engineer; and requiring payment and performance bonds to cover a reasonable length of time for defects to be discovered.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13A. PUBLIC SERVICE DISTRICTS.

§16-13A-9b. Supervision of laying of lines on state rights-of-way limited.

(a) When a public service district lays water or sewer lines on state rights-of-way, the state may require a state engineer to inspect the project at its commencement, periodically and at its conclusion. The state may not require a public service district to have an on-site state engineer for the entire time the project is under construction. The public service district shall require payment and performance bonds to cover a reasonable length of time for defects to be discovered.

(b) For the purpose of expansion of internet service to underserved areas of the state at a lower construction cost, prior to a public service district beginning construction of a water or sewer line on any state rights-of-way, the public service district shall notify the municipality if the construction is within a municipality’s limits, or the county commission if the construction will occur outside any municipality. When the location and construction activity is suitable, the public service district shall allow that local government unit to install a fiber optics cable or conduit suitable for future installation of fiber optic cable. The local governmental unit shall pay for the costs of installation of the cable or conduit and shall own and control its use.

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