

1 (a) Residents in rural communities without access to municipal
2 water services or public service district water services may
3 participate in the construction of pipelines from municipal or
4 public service district water services or water treatment plants to
5 the rural areas or communities in question. Material for the
6 construction of the pipelines may be furnished by the municipality
7 or local public service district. The construction of the
8 pipelines may be performed by private contractors or citizens who
9 work at their own risk.

10 (b) The construction of a pipeline giving rural communities
11 access to water services from municipalities or public service
12 districts is hereby declared to be a community infrastructure
13 investment project. When the secretary finds that the project, for
14 rural communities to have access to water services from
15 municipalities or public service districts, has met the
16 requirements contained in this article, the secretary shall issue
17 a certificate of appropriateness to the municipal utility or public
18 service district as evidence of the approval.

19 (c) Municipal utilities or public service districts may
20 jointly enter into agreements with private contractors for the
21 purpose of applying to the Secretary of the Department of
22 Environmental Protection or the local public service district for
23 approval of project facilities. The minimum terms and conditions
24 of such agreements are established by the provisions of section

1 four of this article: *Provided*, That the agreement must also
2 provide a waiver and release for liability of the municipal
3 corporation or public service district in which the contractor
4 agrees to indemnify, save harmless from and release the municipal
5 corporation or public service district from all liability resulting
6 from any claim for injury or damages resulting from any act or
7 omission of the municipal corporation or public service district,
8 the contractor incurred in the performance of the agreement.

9 (d) The provisions of this section may not be construed to
10 require a municipality or public service district to provide any
11 materials, services, labor or equipment for a pipeline project
12 authorized by this section.

13 (e) As used in this section, "private contractor" means a
14 person who, voluntarily and without compensation, provides
15 services, labor, equipment or materials for the construction of a
16 pipeline or other related infrastructure as permitted in this
17 section.

18 (f) The secretary shall propose rules for legislative approval
19 in accordance of article three, chapter twenty-nine-a of this code
20 relating to the construction of pipelines from municipal or public
21 service district water services or water treatment plants to the
22 rural areas or communities and construction of these projects by
23 private contractors or citizens.

24 **§22-28-8a. Exemption from Public Service Commission approval.**

1 All project facilities constructed or improved for the purpose
2 of giving rural communities access to water services from
3 municipalities or public service districts pursuant to the
4 provisions of this article are exempt from the provisions of
5 chapter twenty-four of this code until such time as the pipeline is
6 transferred to the municipal utility or public service district.
7 Nothing herein may be construed to give the Public Service
8 Commission authority to regulate or intervene in the approval and
9 construction of any project or agreement provided in section
10 three-a of this article. Notwithstanding any other provision of
11 this code to the contrary, private contractor as defined in
12 section three-a of this article constructing a pipeline giving
13 rural communities access to water services from municipalities or
14 public service districts the acquisition of a project facility by
15 a municipality or public service district under the provisions of
16 this article are not required to subscribe to workers' compensation
17 or provide workers' compensation coverage to any of their employees
18 during the time of construction of the pipeline and are not subject
19 to liability for injury or damages resulting from any act or
20 omission resulting from the construction of a pipeline covered by
21 this section and section three-a of this article.

NOTE: The purpose of this bill is to provide that the construction of pipelines to rural communities for access to municipal water services or public service district water services is a community infrastructure investment project. The bill requires the state to supply material for construction. It

authorizes construction by private contractors or private citizens and exempts the private citizens from workers' compensation coverage.

§22-28-3a and §22-28-8a are new; therefore, they have been completely underscored.