

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 2028**

BY DELEGATE FAST

[Originating in the Committee on Government

Organization, February 13, 2020.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §16-13A-9b, relating to public service districts' laying of water or sewer lines  
3 on state rights-of-way; limiting the onsite time required supervision by a state engineer;  
4 and requiring payment and performance bonds to cover a reasonable length of time for  
5 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.**

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

7 (b) For the purpose of expansion of internet service to underserved areas of the state at  
8 a lower construction cost, prior to a public service district beginning construction of a water or  
9 sewer line on any state rights-of-way, the public service district shall notify the municipality if the  
10 construction is within a municipality's limits, or the county commission if the construction will occur  
11 outside any municipality. When the location and construction activity is suitable, the public service  
12 district shall allow that local government unit to install a fiber optics cable or conduit suitable for  
13 future installation of fiber optic cable. The local governmental unit shall pay for the costs of  
14 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.