

RECEIVED

98 MAR 25 PM 1:25

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4626

(By Delegate Michael)



Passed March 12, 1998

In Effect Ninety Days from Passage

RECEIVED
98 MAR 25 PM 1:25
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ENROLLED
H. B. 4626

(BY DELEGATE MICHAEL)

[Passed March 12, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and three, article thirteen-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the drinking water treatment revolving fund; requiring that set-aside accounts be created for activities required by the federal safe drinking water act; authorizing the division of health to draw federal capitalization awards and deposit the moneys in the fund and the set-aside accounts; authorizing the division of health to administer the set-aside accounts; and eliminating certain deposit requirements for fund moneys.

Be it enacted by the Legislature of West Virginia:

That sections one and three, article thirteen-c, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 13C. DRINKING WATER TREATMENT REVOLVING
FUND ACT.**

§16-13C-1. Definitions.

- 1 Unless the context in which used clearly requires a
- 2 different meaning, as used in this article:
- 3 (1) "Authority" means the water development
- 4 authority provided for in section four, article one, chapter
- 5 twenty-two-c of this code.

6 (2) "Capacity development" means the technical,
7 managerial and financial capability of a public water
8 system.

9 (3) "Cost" means the cost of all labor, materials,
10 machinery, equipment, lands, property, rights and
11 easements, plans and specifications and all other expenses
12 necessary or incident to the acquisition, construction,
13 improvement, expansion, extension, repair or
14 rehabilitation of all or part of a project.

15 (4) "Disadvantaged community" means the service
16 area of a public water system that meets affordability
17 criteria established after public review and comment by
18 the state.

19 (5) "Federal safe drinking water act" means the federal
20 statute commonly known as the "Safe Drinking Water
21 Act", 42 U.S.C. 300f et seq., as enacted, amended, and as
22 may be subsequently amended.

23 (6) "Fund" means the West Virginia drinking water
24 treatment revolving fund created in this article.

25 (7) "Instrumentality" means the division of health
26 which has the primary responsibility for administering the
27 fund and this article pursuant to requirements of the
28 federal safe drinking water act.

29 (8) "Local entity" means any municipality, public
30 utility, or person, including any individual, firm,
31 partnership, association, not-for-profit corporation or
32 other corporation organized and existing under the laws
33 of the state which may construct and operate an eligible
34 project.

35 (9) "Public water system" means that term as defined
36 in section nine-a, article one, chapter sixteen of the code.

37 (10) "Project" means a project for improving a
38 drinking water system for the purpose of achieving or
39 maintaining compliance with applicable state and federal
40 drinking water regulations.

41 (11) "Set-aside accounts" means those accounts that
42 shall be set up for activities required by the federal Safe

43 Drinking Water Act and the moneys for these accounts
44 may be taken from the federal capitalization grant for
45 these nonproject activities before the capitalization grant is
46 deposited into the fund.

47 (12) "Small system" means a public water system
48 serving ten thousand or fewer persons.

**§16-13C-3. Drinking water treatment revolving fund; duties of
division of health and water development
authority; set-aside accounts.**

1 (a) There is continued in the office of the state
2 treasurer a permanent and perpetual special fund to be
3 known as the "West Virginia drinking water treatment
4 revolving fund". The fund shall be administered and
5 managed in accordance with the provisions of the federal
6 Safe Drinking Water Act. The division of health may
7 draw all or a portion of those moneys available under
8 capitalization agreements and with the capitalization grant
9 awards from the United States environmental protection
10 agency under the federal Safe Drinking Water Act and to
11 deposit such moneys into the fund and the set-aside
12 accounts.

13 (b) The fund, less the set-aside account moneys, shall
14 be administered and managed by the water development
15 authority under the direction of the division of health.
16 The fund shall be comprised of moneys appropriated to
17 the fund by the Legislature, moneys allocated to the state
18 by the federal government expressly for the purpose of
19 establishing and maintaining a drinking water treatment
20 revolving fund and set-aside accounts, all receipts from
21 loans made from the fund, all income from the investment
22 of moneys held in the fund, and all other sums designated
23 for deposits to the fund from any source, public or
24 private. Moneys in the fund shall be used solely to make
25 loans or provide other allowable financial assistance to
26 eligible projects for public water systems, as described in
27 the federal Safe Drinking Water Act.

28 (c) In order to carry out the administration and
29 management of the fund, the authority and the division of
30 health are authorized to employ officers, employees,

31 agents, advisors and consultants, including attorneys,
32 financial advisors, engineers, other technical advisors and
33 public accountants, and notwithstanding any provisions of
34 this code to the contrary, to determine their duties and
35 compensation without the approval of any other agency or
36 instrumentality.

37 (d) The authority shall propose legislative rules for
38 promulgation in accordance with the provisions of article
39 three, chapter twenty-nine-a of this code to govern the
40 pledge of loans to secure bonds of the authority.

41 (e) Disbursements from the fund shall be authorized
42 for payment by the director of the authority or the
43 director's designee. Moneys in the fund shall not be
44 commingled with other money of the authority. If not
45 needed for immediate use or disbursement, moneys in the
46 fund may be invested or reinvested by the authority in
47 obligations or securities which are considered lawful
48 investments for public funds under this code.

49 (f) Pursuant to the provisions of the federal Safe
50 Drinking Water Act, set-aside accounts shall be set up in
51 accounts separate from the drinking water treatment
52 revolving fund. These set-aside accounts shall include, but
53 not be limited to, administration costs, source water
54 protection, operator training and certification, technical
55 assistance to systems, local assistance, and other state
56 activities permitted by the federal Safe Drinking Water
57 Act. The division of health shall establish and administer
58 the set-aside accounts as permitted by the federal Safe
59 Drinking Water Act. An application fee may be charged
60 and deposited into the administrative account to defray the
61 cost of administering the program.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]

Chairman Senate Committee

[Signature]

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker of the House of Delegates

The within approved this the 24th
day of March, 1998.

[Signature]

Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/98

Time 9:26 pm