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### **WEST VIRGINIA LEGISLATURE**

**SECOND REGULAR SESSION, 1998** 

# ENROLLED

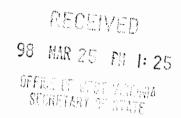
House Bill No. 4626

(By Delegate Michael)

Passed March 12, 1998

In Effect Ninety Days from Passage





#### **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 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 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

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

- (a) There is continued in the office of the state 1 2 treasurer a permanent and perpetual special fund to be known as the "West Virginia drinking water treatment 3 4 revolving fund". The fund shall be administered and managed in accordance with the provisions of the federal 5 Safe Drinking Water Act. The division of health may 6 7 draw all or a portion of those moneys available under capitalization agreements and with the capitalization grant awards from the United States environmental protection 9 agency under the federal Safe Drinking Water Act and to 10 deposit such moneys into the fund and the set-aside
- 11 12 accounts.
- 13 (b) The fund, less the set-aside account moneys, shall be administered and managed by the water development 14 15 authority under the direction of the division of health. The fund shall be comprised of moneys appropriated to 16 the fund by the Legislature, moneys allocated to the state 17 18 by the federal government expressly for the purpose of establishing and maintaining a drinking water treatment 19 20 revolving fund and set-aside accounts, all receipts from loans made from the fund, all income from the investment 21 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.

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- (d) The authority shall propose legislative rules for promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code to govern the pledge of loans to secure bonds of the authority.
- (e) Disbursements from the fund shall be authorized for payment by the director of the authority or the director's designee. Moneys in the fund shall not be commingled with other money of the authority. If not needed for immediate use or disbursement, moneys in the fund may be invested or reinvested by the authority in obligations or securities which are considered lawful 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 activities permitted by the federal Safe Drinking Water 56 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.

Chairman House Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.
Clerk of the Senate
Sugary to. Bray  Clerk of the House of Delegates
Carl Raw Tomblin
President of the Senate
Speaker of the House of Delegates

PRESENTED TO THE

GOVERNOR 3/20/98

Time\_