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HOUSE BILL NO. 1488

Offered January 11, 1995

A *BILL to amend and reenact § 15.1-1240 of the Code of Virginia, relating to the definition of "political subdivision" in the Virginia Water and Sewer Authorities Act.*

Patrons—Shuler and Griffith; Senator: Marye

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 15.1-1240 of the Code of Virginia is amended and reenacted as follows:**

§ 15.1-1240. Definitions.

As used in this chapter, the following words and terms shall have the following meanings unless the context shall indicate another meaning or intent:

(a) The word "authority" shall mean an authority created under the provisions of § 15.1-1241 or, if any such authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this chapter to such authority shall be given by law.

(b) The word "county" shall mean any county in the Commonwealth of Virginia.

(c) The word "municipality" shall mean any city or town incorporated under the laws of the Commonwealth of Virginia.

(d) The word "unit" shall mean any department, institution or commission of the Commonwealth of Virginia and any public corporate instrumentality thereof, and any district, and shall include counties and municipalities.

(e) The term "political subdivision" shall mean a county, *authority* or municipality and any institution or commission of the Commonwealth of Virginia.

(f) The term "governing body" shall mean in the case of a county the board of supervisors and in the case of a municipality the board, commission, council or other body by whatever name it may be known, in which the general legislative powers of the municipality are vested.

(g) The term "water system" shall mean all plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water, or facilities incident thereto, and any integral part thereof, including water supply systems, water distribution systems, dams and facilities for the generation or transmission of hydroelectric power, reservoirs, wells, intakes, mains, laterals, pumping stations, standpipes, filtration plants, purification plants, hydrants, meters, valves and equipment, appurtenances, and all properties, rights, easements and franchises relating thereto and deemed necessary or convenient by the authority for the operation thereof but not including dams or facilities for the generation or transmission of hydroelectric power that are not incident to plants, systems, facilities or properties used or useful or having the present capacity for future use in connection with the supply or distribution of water.

(h) The term "sewer system" or "sewage system" means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage, industrial wastes or other wastes to a plant of ultimate disposal.

(i) The term "sewage" means the water-carried wastes created in and carried, or to be carried, away from residences, hotels, schools, hospitals, industrial establishments, commercial establishments or any other private or public buildings, together with such surface or ground water and household and industrial wastes as may be present.

(j) The term "sewage disposal system" means any system, plant, disposal field, lagoon, pumping station, constructed drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfills, or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage, industrial waste or other wastes.

(k) The term "garbage and refuse collection and disposal system" means a system, plant or facility designed to collect, manage, dispose of, and/or recover and use energy from garbage and refuse and the land, structures, vehicles and equipment for use in connection therewith.

(l) The word "improvements" shall mean such repairs, replacements, additions, extensions and betterments of and to a water system, a sewer system, a sewage disposal system, or a garbage and refuse collection and disposal system, as are deemed necessary by the authority to place or to maintain such system in proper condition for the safe, efficient and economic operation thereof or to meet requirements for service in areas which may be served by the authority and in which no existing service is being rendered.

(m) The term "cost of improvements" shall mean the cost of constructing improvements as

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60 hereinabove defined and shall embrace the cost of all labor and material, the cost of all lands, property,
61 rights, easements, franchises, and permits acquired which are deemed necessary for such construction,
62 interest during any period of disuse during such construction, the cost of all machinery and equipment,
63 financing charges, cost of engineering and legal expenses, plans, specifications, and such other expenses
64 as may be necessary or incident to such construction.

65 (n) The word "cost" as applied to a water system, a sewer system, a sewage disposal system, or a
66 garbage and refuse collection and disposal system, shall include the purchase price of any such system
67 or the cost of acquiring all of the capital stock of the corporation owning such system and the amount
68 to be paid to discharge all of its obligations in order to vest title to the system or any part thereof in the
69 authority, the cost of improvements, the cost of all lands, properties, rights, easements, franchises and
70 permits acquired, the cost of all machinery and equipment, financing charges, interest prior to and
71 during construction and for one year after completion of construction, any deposit to any bond interest
72 and sinking fund reserve account, cost of engineering and legal services, plans, specifications, surveys,
73 estimates of costs and of revenues, other expenses necessary or incident to the determining of the
74 feasibility or practicability of any such acquisition, improvement, or construction, administrative
75 expenses, and such other expenses as may be necessary or incident to the financing herein authorized, to
76 the acquisition, improvement, construction of a water system, a sewer system, a sewage disposal system,
77 or a garbage and refuse collection and disposal system, and the placing of the same in operation by the
78 authority. Any obligation or expense incurred by the authority in connection with any of the foregoing
79 items of cost and any obligation or expense incurred by the authority prior to the issuance of revenue
80 bonds under the provisions of this chapter for engineering studies and for estimates of cost and of
81 revenues and for other technical or professional services which may be utilized in the acquisition,
82 improvement or construction of such system, may be regarded as a part of the cost of such system.

83 (o) The term "federal agency" shall mean and include the United States of America, any department
84 or bureau thereof, the Federal Works Agency, the Reconstruction Finance Corporation, and any other
85 agency or instrumentality of the United States of America heretofore established or which may be
86 established or created hereafter.

87 (p) The word "owner" shall include all individuals, incorporated companies, copartnerships, societies
88 or associations, and any federal agency or unit of the Commonwealth having any title or interest in any
89 water system, or sewer system, or sewage disposal system, or a garbage and refuse collection and
90 disposal system, or the services or facilities to be rendered thereby.

91 (q) The words "bonds" or "revenue bonds," wherever used, include notes, bonds, bond anticipation
92 notes, or other obligations.

93 (r) The term "garbage and refuse," means all solid waste, which shall mean not only any material
94 customarily referred to as garbage and refuse, but also sludge and other discarded material, including
95 solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining, and
96 agricultural operations and from community activities and residences, but does not include (i) solid and
97 dissolved materials in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in
98 industrial discharges which are sources subject to a permit from the State Water Control Board or (iii)
99 source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as
100 amended.