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SENATE BILL NO. 867

Senate Amendments in [] — February 2, 1995

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

Patrons—Holland, R.J.; Delegate: Councill

Referred to the Committee on Local Government

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~~ *"Authority" means* 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.

(~~e~~) ~~The words "bonds" or "revenue bonds," "Bonds" or "revenue bonds",~~ wherever used, include notes, bonds, bond anticipation notes, or other obligations.

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

(~~m~~) ~~The term "cost of improvements" shall mean~~ *"Cost of improvements" means* the cost of constructing improvements as hereinabove defined and shall embrace the cost of all labor and material, the cost of all lands, property, rights, easements, franchises, and permits acquired which are deemed necessary for such construction, interest during any period of disuse during such construction, the cost of all machinery and equipment, financing charges, cost of engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction.

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

(~~e~~) ~~The term "federal agency" shall mean~~ *"Federal agency" means* and ~~include~~ *includes* the United States of America, any department or bureau thereof, the Federal Works Agency, the Reconstruction Finance Corporation, and any other agency or instrumentality of the United States of America heretofore established or which may be established or created hereafter.

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

(~~k~~) ~~The term "garbage and refuse collection and disposal system"~~ *"Garbage and refuse disposal*

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60 *system*" means a system, plant or facility designed to collect, manage, dispose of, and/or recover and use
61 energy from garbage and refuse and the land, structures, vehicles and equipment for use in connection
62 therewith.

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

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

72 (e) The word "~~municipality~~" shall mean "*Municipality*" means any city or town incorporated under
73 the laws of the Commonwealth of Virginia.

74 (p) The word "~~owner~~" shall include "*Owner*" includes all individuals, incorporated companies,
75 copartnerships, societies or associations, and any federal agency or unit of the Commonwealth having
76 any title or interest in any water system, or sewer system, or sewage disposal system, or a garbage and
77 refuse collection and disposal system, or the services or facilities to be rendered thereby.

78 (e) The term "~~political subdivision~~" shall mean "*Political subdivision*" means a county, [~~or~~ or]
79 municipality [~~or authority~~] and any institution or commission of the Commonwealth of Virginia.

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

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

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

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

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