

SENATE FILE NO. SF0095

State funded water and sewer program.

Sponsored by: Senator(s) Sessions and Ross and Representative(s) Illoway, Latta, Martin and McOmie

A BILL

for

1 AN ACT relating to administration of government;  
2 establishing a program to provide for public sewer systems;  
3 providing for administration; establishing criteria for  
4 eligibility; providing an appropriation; and providing for  
5 an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 16-1-401 and 16-1-402 are created to

10 read:

11

12 ARTICLE 4

12

13 STATE WATER AND SEWER PROGRAM

13

14

15 **16-1-401. Definitions.**

16

1 (a) As used in this article:

2

3 (i) "Account" means the state funded water and  
4 sewer program account;

5

6 (ii) "Board" means the state loan and investment  
7 board;

8

9 (iii) "Eligible public entity" means any city or  
10 town, sanitary and improvement district established under  
11 W.S. 35-3-101 through 35-3-124, or sewer district or water  
12 and sewer district organized pursuant to W.S. 41-10-101  
13 through 41-10-151;

14

15 (iv) "Qualifying property" means residential  
16 property which:

17

18 (A) Is not using the services of a public  
19 sewerage system;

20

21 (B) Contains a private septic system that  
22 requires repair or replacement;

23

1                   (C) Lies within an area for which a permit  
2 or other authorization is required to repair or replace the  
3 private septic system and for which the public entity with  
4 jurisdiction is unable to issue the permit or provide  
5 authorization for the repair or replacement due to a lawful  
6 agreement binding the entity or due to federal or state  
7 law.

8

9                   **16-1-402. State funded water and sewer program**  
10 **created; grants authorized; program administration.**

11

12                   (a) There is hereby established a state funded water  
13 and sewer grant program to be administered by the office of  
14 state lands and investments subject to direction of the  
15 state loan and investment board. The program shall provide  
16 grants to eligible public entities, to be used by the  
17 entity to pay for the cost of providing sewerage system  
18 service to qualifying properties.

19

20                   (b) The governing body of an eligible public entity  
21 may make application to the state loan and investment board  
22 for grants under the program. The office of state lands  
23 and investments in consultation with the department of  
24 environmental quality shall review each application

1 submitted and make a recommendation to the board regarding  
2 approval or disapproval of the application. The  
3 application shall meet requirements of rules promulgated by  
4 the board, which shall at a minimum require the  
5 identification of each qualifying property, the estimated  
6 cost of providing sewerage system service to the property  
7 and proof that the public entity has reached agreement with  
8 the owner of the qualifying property to pay the costs of  
9 expanding the sewerage system to the boundaries of the  
10 qualifying property, as limited by subsection (c) of this  
11 section, and to pay the sewer tap fee established by the  
12 public entity at a rate which will be adequate to finance  
13 continued operation and maintenance of the system.

14

15 (c) An owner of qualifying property shall agree to  
16 and pay in exchange for the provision of public sewerage  
17 system services under this section, the amount which would  
18 have otherwise been expended by the owner to reconstruct or  
19 repair the septic system and appurtenant facilities. The  
20 owner shall further agree to pay the sewer tap fee at the  
21 rate established by the eligible public entity and the  
22 property shall be subject to assessments to enforce payment  
23 and subsequent proceedings to enforce assessments as are  
24 otherwise provided by law.

1

2 (d) Grant amounts shall not exceed the estimated cost  
3 of the project minus the amount owners of qualifying  
4 properties are to pay for access to services under this  
5 section. Grants approved by the state loan and investment  
6 board shall be payable to the eligible public entity from  
7 the account and shall be used by the public entity only for  
8 purposes of the approved project. Any grant funds  
9 remaining shall be paid to the state treasurer within one  
10 hundred twenty (120) days after completion of the project  
11 for deposit to the account.

12

13 (e) Whenever public sewerage system service has been  
14 provided to a qualifying property all existing septic tanks  
15 on the property shall be dispensed with and no new septic  
16 tank shall be authorized.

17

18 (f) The state loan and investment board is authorized  
19 to adopt rules to implement this article.

20

21 **Section 2.** There is appropriated ten million dollars  
22 (\$10,000,000.00) from the budget reserve account to the  
23 state funded water and sewer program account created under  
24 this act.

1

2       **Section 3.** This act is effective July 1, 2005.

3

4

(END)