

Hall of the House of Representatives
87th General Assembly - Regular Session, 2009
Amendment Form

Subtitle of House Bill No. 1647

"TO EXTEND THE ABILITY TO PURCHASE RURAL WATER SERVICE FACILITIES TO A
MUNICIPALITY AFTER ANNEXATION."

Amendment No. 1 to House Bill No. 1647.

Amend House Bill No. 1647 as originally introduced:

Page 2, line 1, delete "(a)(1)(A)(i)" and substitute "(a)(1)"

AND

Page 2, line 7, delete ", within"

AND

Page 2, line 8, delete "three (3) years after the certification of annexation,"

AND

Page 2, line 12, delete "storage-serving" and substitute "storage serving"

AND

Page 2, delete lines 14 through 24

AND

Page 2, line 29, delete "making a timely election and"

AND

Page 2, line 29, delete "subchapter" and substitute "chapter"

AND

Page 2, line 31, delete "violation." and substitute "violation of this chapter."



AND

Page 2, delete line 33, and substitute the following:
"service prior to the municipality acquiring from"

AND

Page 3, delete lines 1 through 5

AND

Page 3, line 6, delete "(3)" and substitute "(2)"

AND

Page 3, line 9, delete "area:" and substitute "area."

AND

Page 3, delete lines 10 through 16, and substitute the following:

"(3)(A) Before an acquisition under this chapter by the municipality, the municipality shall receive approval from the Arkansas Natural Resources Commission that the action complies with the Arkansas Water Plan under § 15-22-503.

(B) The commission shall:

(i) Approve the application under the Arkansas Water Plan if it determines the requirements of § 15-22-223(b)(2)(B) are satisfied, including costs derived from negotiation or appraisal;

(ii) Issue a letter to the municipality that the proposed action is exempt from review under the Arkansas Water Plan; or

(iii) Deny the application under the Arkansas Water Plan if it determines the requirements of § 15-22-223(b)(2)(B) are not satisfied."

AND

Page 3, line 19, delete "law." and substitute "law, including without limitation 7 U.S.C. § 1926(b)."

AND

Page 3, delete line 22, and substitute the following:

"(a)(1)(A) If an agreement under § 14-208-102 can not be"

AND

Page 3, line 26, delete "fair market"

AND

Page 3, delete lines 27 and 28, and substitute the following:

"facilities of the rural water service annexed by the municipality.

(B) The value of customers, distribution properties, and

facilities of the rural water service annexed by the municipality shall be determined by using the factors set out in § 15-22-223(b)(2)(B).

(2) The agreement or decision of at least two (2) of the three"

AND

Page 3, line 29, delete "fair market"

AND

Page 3, line 32, delete "fair market"

AND

Page 3, line 36, delete "fair market"

AND

Page 4, line 8, delete "(b)(1)" and substitute "(b)"

AND

Page 4, delete lines 11 and 12

AND

Immediately following SECTION 1, add an additional section to read as follows:

"SECTION 2. Arkansas Code § 15-22-223(b)(2)(B), concerning the Arkansas Natural Resources Commission's determination of approval of the purchase of water services, is amended to read as follows:

(B) To determine the amount of payment, the commission shall base its approval on the following factors:

(i) The impact of the transfer of the area on the current provider's existing indebtedness and its ability to repay the debt;

(ii) The value, including depreciation, of the current provider's facilities in the area to be transferred;

(iii) The amount of any expenditures by the current provider for planning, design, or construction of service facilities outside the area, including without limitation treatment, transmission, and storage facilities, that are directly and reasonably allocable to the area to be transferred;

(iv) Any demonstrated impairment of service or increase in cost, including without limitation operation and maintenance, to consumers of the current provider remaining after the transfer of the area;

(v) The impact of future lost revenues from the current provider's existing consumers in the area to be transferred, but only until the indebtedness is retired;

(vi) Necessary and reasonable legal expenses and professional fees; and

(vii) Other relevant factors as determined by the commission."

The Amendment was read _____
By: Representative Woods
KLL/YTC - 03-16-2009 15:17
KLL254

Chief Clerk