

As Engrossed: 3/5/93 3/26/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Goodwin**

A Bill

HOUSE BILL 1728

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 4 TO
9 AUTHORIZE THE COLLECTION OF AN ANNUAL ENVIRONMENTAL FEE
10 FOR ENVIRONMENTAL PROGRAMS OF FORTY CENTS (\$.40) PER
11 SERVICE CONNECTION ON PUBLIC WATER AND SEWER SYSTEMS; AND
12 FOR OTHER PURPOSES."

Subtitle

14 "TO AUTHORIZE THE COLLECTION OF ANNUAL ENVIRONMENTAL
15 FEES."

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Subchapter 2 of Chapter 4 of Title 8 of the Arkansas Code is
21 amended by inserting two additional sections at the end thereof to read as
22 follows:

23 "8-4-230. Environmental fees.

24 (a) Purpose. The fee hereby established shall be collected by the
25 Arkansas Department of Pollution Control & Ecology, for the use of the State
26 Department of Pollution Control & Ecology and the Arkansas Soil and Water
27 Conservation Commission in implementation of the State Water Plan, the
28 Arkansas Air and Water Pollution Control Act, and the Groundwater Protection
29 and Management Act. The charge shall not be considered as part of the rates
30 of the respective water or sewer systems.

31 (b) (1) Assessment of Fees. The Department of Pollution Control &
32 Ecology is authorized to assess and collect the following monthly
33 environmental fees from each public water system or public sewer system:

34 (A) For unsewered service connections ten cents (\$.10) per
35 month per connection;

1 (B) For sewer service connections forty cents (\$.40) per
2 month per connection;

3 (C) The minimum fee charged to a community water system is
4 five hundred dollars (\$500) per year;

5 (D) The number of service connections for community public
6 water or sewer systems not serving discrete service connections shall be
7 calculated by dividing the population served by two and one-half (2.5);

8 (E) Sewer systems shall collect thirty cents (\$.30) per
9 month for sewer service connections not billed on community water systems.

10 (2) The number of service connections or population served shall
11 be taken from existing and subsequent records.

12 (3) New water or sewer systems will not be assessed a fee for
13 services until service is supplied to the first connection.

14 (4) The number of service connections shall not include
15 connections intended solely for fire protection or irrigation, or a service
16 connection through which water is provided to another public water system.

17 (c) Payment of fees.

18 (1) All fees payable under this chapter shall be due according to
19 the following schedule and shall be payable to the *Department of Pollution*
20 *Control & Ecology*:

21 (A) Annual fees of one thousand dollars (\$1,000) and less
22 shall be payable in a single payment due on January 1 of each year;

23 (B) Fees greater than one thousand dollars (\$1,000) and
24 less than five thousand dollars (\$5,000) shall be payable in quarterly
25 payments with the first payment due on October 1 of each year. Successive
26 payments shall be due on the first day of each quarter;

27 (C) Fees of five thousand dollars (\$5,000) and greater
28 shall be payable in monthly payments with the first payment due on August 1 of
29 each year. Subsequent payments shall be due the first day of each month.

30 (2) All water and sewer systems issuing regular water and sewer
31 bills for service may recover the cost of the fees in this act by one (1) of
32 the following methods:

33 (A) Assessing a direct charge on each bill equal to the
34 total annual fee divided by twelve (12) months divided by the number of
35 service connections; or

1 (B) Apportioning the total amount of the monthly fee
2 charged to the water or sewer system among its customers in any manner that
3 the water or sewer system determines to be more equitable. The maximum charge
4 authorized for a non-residential service connection shall not exceed two
5 dollars and fifty cents (\$2.50) per month."
6

7 SECTION 2. An advisory committee shall be formed to advise the Governor
8 and state agencies about plans for assuring the quality and quantity of all
9 waters to be used as sources for drinking water. The first term for the two
10 (2) members representing a group will be three (3) years and five (5) years
11 respectively with five (5) year terms thereafter. The groups represented by
12 one (1) member shall serve a five (5) year term. Each organization shall
13 designate its member or members to this advisory committee. The following
14 shall serve on the advisory committee:

15 (1) Two (2) members from the Arkansas Rural Water Association;

16 (2) Two (2) members from the Arkansas Water and Waste Water Managers
17 Association;

18 (3) Two (2) members from the Arkansas Waterworks and Water Environment
19 Association;

20 (4) One (1) member from the Arkansas Department of Pollution Control
21 and Ecology;

22 (5) One (1) member from the Arkansas Department of Health;

23 (6) One (1) member from the Arkansas Soil and Water Conservation
24 Commission; and

25 (7) One (1) member from the Arkansas Municipal League.
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27 8-4-231. *Disposition of funds.*

28 (a) All fees authorized to be collected by the *Department of Pollution*
29 *Control and Ecology* under this chapter are declared special revenues and shall
30 be deposited in the State Treasury as follows: (1) Fees applied to water
31 connections shall be deposited to the credit of the Arkansas Soil and Water
32 Conservation Commission Environmental Fee Revolving Fund as created in this
33 section; and

34 (2) Fees applied to sewer connections shall be deposited to the credit
35 of the Department of Pollution Control and Ecology Fee Fund as established in

1 Arkansas Code 19-6-444.

2 (b) There is hereby created on the books of the State Treasurer, State
3 Auditor and Chief Fiscal Officer of the State a fund to be known as the
4 Arkansas Soil and Water Conservation Commission Environmental Fee Revolving
5 Fund there to be used for the support of the Arkansas Soil and Water
6 Conservation Commission as appropriated by law. Monies may be transferred
7 from this fund to other funds from which appropriations for the benefit of the
8 Arkansas Soil and Water Conservation Commission are made.

9 (c) Subject to the rules and regulations as may be implemented by the
10 Chief Fiscal Officer of the State, all unexpended funds received in the
11 Arkansas Soil and Water Conservation Commission Environmental *Fee Revolving*
12 Fund shall be carried forward and made available for expenditures for the same
13 purpose for any following fiscal year. Expenditures of funds collected under
14 this act to be used by the Arkansas Soil and Water Conservation Commission
15 shall be limited to the purpose of the implementation of the Ground Water
16 Protection and Management Act and the State Water Plan.

17

18 SECTION 3. All provisions of this act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

21

22 SECTION 4. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 5. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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31 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
32 Seventy-Ninth General Assembly that to protect the public health and to serve
33 the needs of the citizens of Arkansas this act should become effective
34 immediately. Therefore, an emergency is hereby declared to exist and this act
35 being necessary for the immediate preservation of the public peace, health and

1 safety shall be in full force and effect from July 1, 1993.

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/s/Larry Goodwin