

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

A Bill

SENATE BILL

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 THIRTY CENTS (\$0.30) PER
11 SERVICE CONNECTION ON PUBLIC SEWER SYSTEMS; AND FOR OTHER
12 PURPOSES."

Subtitle

15 "TO AUTHORIZE THE COLLECTION OF ANNUAL ENVIRONMENTAL FEES"

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

19 SECTION 1. Arkansas Code Title 8, Chapter 4 is amended by adding new
20 sections to read as follows:

21 "8-4-230. Environmental Fee established.

22 The fee hereby established shall be collected by the Department of
23 Pollution Control and Ecology and utilized for purposes of administering the
24 various programs operated by the department. The charge shall be labeled an
25 Environmental Fee and shall not be considered a part of the rates of the
26 respective sewer systems.

28 8-4-231. Assessment of Fees.

29 (a) The department is authorized to assess and collect the fee from
30 each public sewer system in an amount not to exceed thirty cents (\$0.30) per
31 month for each connection served by the system.

32 (b) The number of connections or population served shall be taken from
33 existing and subsequent records or, where the number cannot be ascertained, by
34 dividing the population by two and one-half (2.5).

35 (c) New sewer systems shall not be assessed a fee until initial

1 operation of the system.

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4 8-4-232. Payment of fees.

5 (a) All fees payable under this section shall be due according to the
6 following schedule and shall be payable to the Department of Pollution Control
7 and Ecology:

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

10 (2) Annual fees greater than one thousand dollars (\$1,000) and
11 less than five thousand dollars (\$5,000) shall be payable in quarterly
12 payments with the first payment due on October 1 of each year. Successive
13 payments shall be due on the first day of each quarter;

14 (3) Annual fees of five thousand dollars (\$5,000) and greater
15 shall be payable in monthly payments with the first payment due on August 1 of
16 each year. Subsequent payments shall be due the first day of each month.

17 (b) All sewer systems issuing regular sewer bills for sewer service may
18 recover the cost of the fees in this act by one (1) of the following methods:

19 (1) Assessing a direct charge on each bill equal to the total
20 annual fee divided by twelve (12) months divided by the number of service
21 connections; or

22 (2) Apportioning the total amount of the monthly fee charged to
23 the sewer system among its customers in any manner that the sewer system
24 determines to be more equitable. Although the goal is to assess a monthly fee
25 equal to the total annual fee divided by twelve (12) months divided by the
26 number of service connections per residential service connection, this shall
27 in no way prohibit the adjustment of assessments in special cases which may
28 include, but need not be limited to, the elderly and business entities. The
29 maximum charge authorized for a non- residential service connection shall not
30 exceed two dollars and fifty cents (\$2.50); and provided further, however,
31 that no charge in excess of those stated above shall be charged for any
32 service through which service is provided to another sewer system.

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34 8-4-233. Disposition of Funds.

35 All fees collected by the department under this subsection shall be

1 deposited in the State Treasury as special revenue to the credit of the
2 Arkansas Department of Pollution Control and Ecology Fee Fund as established
3 by Arkansas Code Annotated 19-6-444."
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5 SECTION 2. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.
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9 SECTION 3. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.
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15 SECTION 4. All laws and parts of laws in conflict with this act are
16 hereby repealed.
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18 SECTION 5. EMERGENCY. It is hereby found and determined by the General
19 Assembly of the State of Arkansas that to protect the public health and to
20 serve the needs of the citizens of Arkansas this act should become effective
21 immediately. Therefore, an emergency is hereby declared to exist and this act
22 being necessary for the immediate preservation of the public peace, health,
23 and safety, shall be in full force and effect from and after July 1, 1993.
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