

As Engrossed: 1/29/91, 2/11/91, 2/15/91, 3/27/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Moore**

A BILL ACT 1053 OF 1991
SENATE BILL 226

For An Act To Be Entitled

8 "AN ACT TO AMEND THE PUBLIC WATER SYSTEM SERVICE ACT; AND
9 FOR OTHER PURPOSES."

10

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

12

13 SECTION 1. Title 20, Chapter 28 of the Arkansas Code of 1987 Annotated
14 is hereby amended to read as follows:

15 "20-28-101 Title. This chapter shall be known as the 'Public Water
16 System Service Act.'

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18 20-28-102. Definitions. As used in this chapter, unless the context
19 otherwise requires:

20 (1) 'Public water system' means all sources and their surroundings
21 from which water is derived for drinking or domestic purposes by the public,
22 including sources for bottled water, and all structures, conduits, and
23 appurtenances in connection therewith by which water for such use is obtained,
24 treated, conditioned, stored, and delivered to customers;

25 (2) 'Community public water system' means a public water system which
26 serves at least fifteen (15) service connections used by year-round residents
27 or which regularly serves at least twenty-five (25) year-round residents;

28 (3) 'Noncommunity public water system' means a public water system,
29 not a community public water system, which serves fifteen (15) connections or
30 twenty-five (25) persons at least sixty (60) days during the year;

31 (4) 'Service connection' means any connection to a community or non-
32 transient noncommunity public water system which delivers treated water to a
33 residence, business, office, industry, or other customer for domestic,
34 commercial or industrial use;

35 (5) 'Public water system supervision program' means the program
36 administered by the Department of Health, Division of Engineering, which

1 includes the monitoring and supervision of all community public water systems.
2 Activities under this program include, but are not limited to, conducting
3 sanitary surveys, collecting and analyzing water samples and interpreting the
4 results, training water system operators, investigating water and waste water
5 complaints, and reviewing applications, engineering reports, and construction
6 plans for water and waste water facilities;

7 (6) 'Non-transient noncommunity water system' means a noncommunity
8 water system which serves at least twenty-five (25) of the same individuals at
9 least one hundred eighty (180) days, or portions thereof, per year, or a
10 Public Water System which is utilized as a source for bottled water.

11

12 20-28-103. Penalties-Enforcement. (a) The owner or agent of any water
13 system violating any provisions of this chapter shall, upon conviction, be
14 guilty of a misdemeanor. Each day in violation shall constitute a separate
15 offense, subject to a fine of not less than fifty dollars (\$50.00) nor more
16 than five hundred dollars (\$500).

17 (b) Additionally, any water system violating any provision of this
18 chapter shall be subject to civil penalties up to one thousand dollars (\$1000)
19 per day for each day during which the violation occurs.

20 (c) The Attorney General or his designee shall assist the Department in
21 prosecuting water systems not in compliance with this chapter.

22

23 20-28-104. Annual fees-Exceptions. (a) The Department of Health is
24 authorized to collect the following annual fees from each public water system
25 for service provided, other than plan reviews, by the public water system
26 supervision program:

27 (1) Community water systems and non-transient noncommunity water
28 systems: *fifteen cents (\$0.15)* per service connection per month.

29 (2) Noncommunity: \$100.00.

30 (3) The minimum fee charged to a community water system or a non-
31 transient noncommunity water system is \$200 per year.

32 (4) The number of service connections for non-transient
33 noncommunity water systems shall be calculated by dividing the population
34 served by 2.5.

35 (5) The number of service connections for community public water

1 systems not serving discrete service connections shall be calculated by
2 dividing the population served by 2.5.

3 (b) The number of service connections or population served shall be
4 taken from the Department of Health's public water system inventory at the
5 time of billing.

6 (c)(1) New water systems will not be assessed a fee for services until
7 water is supplied to the first connection.

8 (2) All state-owned noncommunity water systems are exempt from the
9 fee provisions of this chapter.

10 (d) *The fees prescribed by this section shall cease to be collected on*
11 *and after July 1, 1993.*

12

13 20-28-105. Payment of Fees.

14 (a) All fees payable under this chapter shall be due according to the
15 following schedule and shall be payable to the Department of Health:

16 (1) Annual fees of one thousand dollars (\$1000) and less shall be
17 payable in a single payment due on January 1 of each year;

18 (2) Annual fees greater than one thousand dollars (\$1000) and
19 less than five thousand dollars (\$5000) shall be payable in quarterly
20 payments, with the payments due on October 1, January 1, April 1, and July 1
21 of each year;

22 (3) Annual fees of five thousand dollars (\$5000) and greater
23 shall be payable in monthly payments with the first payment due on August 1 of
24 each year. Successive payments shall be due on the first day of each month.

25 (b) *All water systems issuing regular water bills for water service may*
26 *recover the cost of the fees stated in Section 20-28-104 by one of the*
27 *following methods:*

28 (1) *Assessing a direct charge on each bill of fifteen cents (\$0.15)*
29 *per month per service connection; or*

30 (2) *Apportioning the total amount of the annual fee charged to the*
31 *water system among its customers in any manner that the water system*
32 *determines to be more equitable; provided, however, that no charge in excess*
33 *of fifteen cents (\$0.15) per month per service shall be charged for any*
34 *service through which water is provided to another community public water*
35 *system.*

1 (c) The charge shall be labeled "FEE FOR FEDERAL SAFE DRINKING WATER
2 ACT COMPLIANCE" and shall not be considered as a part of the water rates of
3 the respective water systems. The fees prescribed by this section shall cease
4 to be collected on and after July 1, 1993.

5 20-28-106. Disposition of funds. (a) All fees, fines, and penalties
6 collected under this chapter are declared special revenues and shall be
7 deposited in the State Treasury to the credit of the Public Health Fund, and
8 such monies shall be expended only as specified below for the operation of the
9 Public Water System Supervision Program.

10 (b) Subject to such rules and regulations as may be implemented by the
11 Chief Fiscal Officer of the State, the disbursing officer for the Department
12 of Health is authorized to transfer all unexpended funds relative to the
13 Public Water System Supervision Program that pertain to fees collected, as
14 certified by the Chief Fiscal Officer of the State, to be carried forward and
15 made available for expenditures for the same purpose for any following fiscal
16 year.

17 (c) Expenditures of funds collected under this section shall be limited
18 to the following purposes:

19 (1) In the Division of Engineering, Arkansas Department of Health:

20 (A) Personnel expenditures for staff engaged in public
21 water system supervision program activities;

22 (B) Expenditures for capital equipment, including vehicles,
23 for public water system supervision program activities;

24 (C) Maintenance and operation expenditures for staff
25 engaged in public water system supervision program activities;

26 (D) Expenditures for official business travel for staff
27 engaged in public water system supervision program activities;

28 (E) Expenditures for training and conferences for staff
29 engaged in public water system supervision program activities;

30 (F) Expenditures for public education activities in support
31 of the public water system supervision program and the drinking water
32 industry;

33 (G) Expenditures for water system operator training
34 activities;

35 (H) Expenditures in support of a statewide wellhead

1 protection program;

2 (I) Expenditures for consultants and professional services
3 in support of public water system supervision program activities;

4 (J) Expenditures for any other activities, directly related
5 to the public water system supervision program;

6 (2) In the Division of Public Health Laboratories of the Arkansas
7 Department of Health:

8 (A) Personnel expenditures for staff engaged in drinking
9 water analyses;

10 (B) Expenditures for capital equipment for drinking water
11 analytical services;

12 (C) Maintenance and operation expenditures for staff
13 engaged in drinking water analytical services;

14 (D) Expenditures for official business travel for staff
15 engaged in drinking water analytical services;

16 (E) Expenditures for training and conferences for staff
17 engaged in drinking water analytical services."

18

19 SECTION 2. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.

22

23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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29 SECTION 4. All laws and parts of laws in conflict with this act are
30 hereby repealed.

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32 SECTION 5. *Emergency. It is hereby found and determined by the*
33 *Seventy-Eighth General Assembly that this act provides for the collection of*
34 *certain fees based on the state's fiscal year; that for the proper*
35 *administration of this act, it should become effective on the first day of the*

1 next fiscal year; that the beginning of the next fiscal year is July 1, 1991;
2 and that if this emergency clause is not adopted the effective date of this
3 act may be after July 1, 1991. Therefore, an emergency is hereby declared to
4 exist and this act being necessary for the immediate preservation of the
5 public peace, health and safety shall be in full force and effect from and
6 after July 1, 1991.

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/s/Moore

APPROVED: 4-9-91