

MINUTES

WATER PROVIDER LEGISLATIVE TASK FORCE

DECEMBER 12, 2018

The Water Provider Legislative Task Force met Wednesday, December 12, 2018 at 9:30 a.m. in Room 151, State Capitol, Little Rock, Arkansas. This was an all-day meeting.

Legislative Task Force members present: Senators Alan Clark, Co-Chair, and Scott Flippo. Representative Fredrick Love.

Non-Legislative Task Force members present: Mark Bennett, Dr. Bob Blanz, Jack Critcher, Judge Rick Davis, Daniel Dawson, Jennifer Enos, Alan Fortenberry, Tom Fox, Barry Haas, Dale Kimbrow, Jean Noble, and Dennis Sternberg.

Other legislators present: Senator Gary Stubblefield. Representatives Vivian Flowers, Mark Lowery, and James Sorvillo.

**Call to Order**

Senator Clark called the meeting to order.

**Consideration of Motion for Approval of Minutes [Exhibit C]**

A motion to approve the minutes of December 4, 2018 Task Force meeting was made by Barry Haas and seconded by Representative Love. The motion carried.

**Continued Review of the Draft Water Provider Task Force Report as Specified in Act 1056 of 2017 [Exhibit D]**

Task Force members discussed specific wording in various sections of the Report including:

Recommendation 1.C.i

- Correction of name to - The Water Environment Federation (WEF)

Recommendation 1.C.ii

- Tentative wording change – remove the word suitably

Recommendation 1.C.v

- Tentative wording change – replace they serve to it serves

Recommendation 1.G

- Task Force members discussed this section in detail making several wording changes.

Recommendation 1.I

- Tentative wording change – add the word declared in first sentence

Recommendation 1.J.i

- Tentative wording change – Replace the word order with require

Appendix E

- Add a bullet point – members of the Legislative City, County, and Local Affairs Subcommittee designated for this purpose

Senator Clark recessed the meeting for lunch at 11:40 p.m. Following the lunch recess, Senator Clark, Co-chair, called the meeting to order at 1:15 p.m. Task Force members resumed discussion of various recommendations:

Recommendation 1.LV

Senator Clark recognized Mr. Dawson who suggested tentative wording - It is recommended that a legislative subcommittee dealing with water and wastewater issues be created under the organization of the Senate and House City, County, and Local Affairs Committees. Strike the remainder of the sentence and insert - It is also recommended that an Advisory Board be formed, as per Appendix E to oversee the development and tracking of a training curriculum.

Recommendation 2.F.

Senator Clark recognized Dr. Blanz who suggested – change wording water provision to water or wastewater systems

Recommendation 5.A.

Senator Clark recognized Dr. Blanz who suggested changing wording to – Recommend legislation giving authority to the ANRC or other state agency the ability to require water providers to honor written agreements regarding water provision, then retain the remainder of the sentence as is

Recommendation 5.B.

Senator Clark suggested wording change to – Failure to clearly define all requirements or any annexation for initial or future service on the initial written agreements should bar requirements being added at a later date without the mutual written agreement of all parties

Recommendation 5.D.

Senator Clark recognized Mr. Fortenberry who suggested wording change – from the word adequate to suitable distribution and collection infrastructure

Task Force members continued to review the Report making other wording changes. Senator Clark recognized BLR staff attorney, Kerrie Carlock, the attorney assigned to the Task Force. She reviewed her tentative draft legislation based on the draft Report prior to today's Task Force meeting. Ms. Carlock described the format she used in preparing the draft:

- A section with an overview of the general consensus of the Task Force
- A section addressing fiscal distress
- A section identifying the state agency as the Arkansas Natural Resource Commission and designated to oversee systems in fiscal distress
- A section to address the concerns of the Task Force about maintaining a sufficient and trained work force
- A section addressing providing water service to non-resident customers
- A section to address training

Senator Clark announced that the Task Force will meet on Tuesday, January 8, 2019 based on approval by the House Speaker and the Senate Pro Tem.

There being no further business, the meeting adjourned at 4:00 p.m.