

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1549

5 By: Representative Davis
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING MUNICIPAL AND
9 NONMUNICIPAL SEWER SERVICE; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE LAW CONCERNING MUNICIPAL AND
13 NONMUNICIPAL SEWER SERVICE.
14

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 8-4-203(b)(1)(A), concerning permits for
20 nonmunicipal domestic sewage treatment works, is amended to read as follows:

21 (b)(1)(A) The department shall not issue, modify, renew, or transfer a
22 National Pollutant Discharge Elimination System permit or state permit for a
23 nonmunicipal domestic sewage treatment works without the permit applicant
24 first ~~paying:~~

25 (i) Paying the trust fund contribution fee required
26 under subdivision (b)(2)(4) of this section; and

27 (ii) Certifying that the permit applicant has
28 complied with applicable local ordinances and regulations, including without
29 limitation:

30 (a) Local zoning ordinances;

31 (b) Local planning authority regulations; and

32 (c) Local permitting requirements.
33

34 SECTION 2. Arkansas Code § 14-234-111 is amended to read as follows:
35 14-234-111. Service to adjacent areas – Municipalities generally.

36 (a) ~~Any~~ A municipality ~~in the State of Arkansas~~ owning and operating a



1 municipal ~~waterworks~~ water system or a municipal sewer system ~~or both~~ may
 2 extend its service lines beyond its corporate limits for the purpose of
 3 giving water service, or sewer service, ~~or both~~, to adjacent or nearby areas
 4 ~~where~~ if the demand for service is sufficient to produce revenues that will
 5 retire the cost of the service lines.

6 (b)(1) A municipality owning and operating a municipal water system or
 7 sewer system, ~~or both~~, ~~without applying for a certificate of convenience and~~
 8 ~~necessity~~, may extend its water lines and or sewer lines ~~or both~~ to serve the
 9 adjacent or nearby areas without applying for a certificate of convenience
 10 and necessity.

11 (2) ~~In order to~~ To secure the funds with which to make the
 12 service line extension or extensions, the municipality may issue negotiable
 13 coupon bonds or interest-bearing certificates of indebtedness to be paid out
 14 of the net revenues derived from the operation of the services ~~so~~ extended
 15 and, for the payment of the bonds, may pledge not only the net revenues from
 16 the adjacent or nearby areas but also any unpledged revenues derived by the
 17 municipality from the operation of ~~either~~ its water system or sewer system,
 18 ~~or both~~, that may be available from year to year ~~in order~~ to prevent a
 19 default in the payment of the revenue bonds issued for the extension beyond
 20 the corporate limits.

21 (c) The bonds or certificates of indebtedness authorized under this
 22 section shall be issued and sold under the provisions governing the issuance
 23 and sale of municipal water revenue bonds, as set out in ~~subchapter 2 of~~
 24 ~~chapter 234 of this title~~ § 14-234-201 et seq.

25 (d) ~~Any~~ A municipality extending a service to an adjacent or nearby
 26 area ~~shall have the power to~~ may fix the schedule of rates for services ~~so~~
 27 extended.

28 (e)(1) A municipal sewer system shall provide sewer service to a
 29 nonresident property owner or consumer whose property is a new development
 30 required to go through a municipal planning commission process and lies
 31 within the territorial jurisdiction of the municipality, if the municipal
 32 sewer system has the capacity and the nonresident property owner or consumer:

33 (A) Requests the sewer service;

34 (B) Has secured necessary easements for the sewer service
 35 infrastructure;

36 (C) Has borne the cost of the sewer service infrastructure

1 and the infrastructure existed at the time of the request under subdivision
2 (e)(1) of this section;

3 (D) Deeds the sewer service infrastructure to the
4 municipality; and

5 (E) Signs a pre-annexation agreement with the
6 municipality.

7 (2) If the nonresident property owner or consumer whose property
8 is a new development does not seek sewer service under subdivision (e)(1) of
9 this section, the nonresident property owner or consumer shall comply with
10 the requirements of § 8-4-203(b) for sewer service for the new development.

11 ~~(e)(f)~~ For the ~~purpose of carrying out the provisions~~ purposes of this
12 section, a municipality ~~shall have~~ has the right of eminent domain ~~as is~~
13 ~~provided in under §§ 18-15-301-18-15-307 et seq.~~

14 ~~(f)(g)~~ ~~Nothing in this~~ This section shall be construed to does not
15 require a municipality to extend ~~either~~ water service or sewer service to
16 adjacent or nearby areas, except as provided under subsection (e) of this
17 section.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36