

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

A Bill

SENATE BILL 35

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 23-1-101(4)(F) TO INCLUDE
9 CERTAIN CLASS C OR LOWER WATER OR SEWER COMPANIES WITHIN
10 THE DEFINITION OF 'PUBLIC UTILITY' UPON THE PETITION OF
11 THE MAJORITY OF THE UTILITY'S CUSTOMERS; AND FOR OTHER
12 PURPOSES."

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

16 SECTION 1. Arkansas Code 23-1-101(4)(F) is amended to read as follows:

17 "*(F)(i)(a) Within any county not subject to subsection (b) below, any*
18 *Class C or lower water company or Class C or lower sewer company that would*
19 *otherwise be exempt from the definition of 'public utility' under subdivision*
20 *(4)(A)(ii)(b) or (4)(A)(vi)(b) shall be included within the term 'public*
21 *utility' if such Class C or lower water company or Class C or lower sewer*
22 *company petitions the Public Service Commission to have the company included.*

23 *(b) Within any county having a population according to the 1990 Federal*
24 *Decennial Census in excess of ninety-eight thousand (98,000) people but less*
25 *than one hundred and twelve thousand (112,000) people, any Class C or lower*
26 *water company or Class C or lower sewer company that would otherwise be exempt*
27 *from the definition of 'public utility' under subdivision (4)(A)(ii)(b) or*
28 *(4)(A)(vi)(b) shall be included within the term 'public utility' if a majority*
29 *of the customers of the company petition the Public Service Commission to have*
30 *the company included. The Public Service Commission shall determine the*
31 *sufficiency of the petition at a public hearing. The water or sewer company*
32 *or any customer of the company may appear and present evidence on the*
33 *sufficiency of the petition.*

34 *(ii) The Public Service Commission shall adopt regulations*
35 *governing the petition process.*

1 (iii) A Class C or lower water company or sewer company shall
2 provide the Public Service Commission a list of customers upon request."
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4 SECTION 2. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.
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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.
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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.
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17 /s/Walters
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