

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S1/28/97

A Bill

ACT 305 OF 1997
SENATE BILL 19

5 By: Senator Walters
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For An Act To Be Entitled

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

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16 "TO INCLUDE CLASS C OR LOWER WATER OR
17 SEWER COMPANIES WITHIN THE DEFINITION OF
18 PUBLIC UTILITY."
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code 23-1-101(4)(F) is amended to read as follows:

23 "(F)(i) (a) Within any county not subject to subsection (b) below, any
24 Class C or lower water company or Class C or lower sewer company that would
25 otherwise be exempt from the definition of public utility under subdivision
26 (4)(A)(ii)(b) or (4)(A)(vi)(b) shall be included within the term public
27 utility if such Class C or lower water company or Class C or lower sewer
28 company petitions the Public Service Commission to have the company included.
29 *The provisions of this paragraph do not apply to water or sewer companies*
30 *formed under the non-profit corporation laws of this state or any improvement*
31 *district or water distribution district law of this state.*

32 (b) All Class C or lower water companies or Class C or lower sewer
33 companies that would otherwise be exempt from the definition of public
34 utility under subdivision (4)(A)(ii)(b) or (4)(A)(vi)(b) shall be included
35 within the term public utility if a majority of the customers of the company
36 petition the Public Service Commission to have the company included. The

1 Public Service Commission shall determine the sufficiency of the petition at a
2 public hearing. The water or sewer company or any customer of the company may
3 appear and present evidence on the sufficiency of the petition. *The*
4 *provisions of this paragraph do not apply to water or sewer companies formed*
5 *under the non-profit corporation laws of this state or any improvement*
6 *district or water distribution district law of this state.*

7 (ii) The Public Service Commission shall adopt regulations governing
8 the petition process.

9 (iii) A Class C or lower water company or sewer company shall provide
10 the Public Service Commission a list of metered customers upon request."

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

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16 SECTION 3. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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

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/s/Walters

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APPROVED: 2-28-97

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