

Stricken language would be deleted from present law. Underlined language would be added to present law.

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

As Engrossed: S2/28/97

A Bill

ACT 698 OF 1997
HOUSE BILL 1508

5 By: Representatives Miller and Ferrell
6
7

For An Act To Be Entitled

9 "AN ACT TO PROTECT EXISTING WATER, AND WASTEWATER SERVICE
10 AREAS OF BORROWERS OF THE ARKANSAS SOIL AND WATER
11 CONSERVATION COMMISSION, ALLOW THE COMMISSION TO APPROVE,
12 CONDITION OR PROHIBIT SERVICE BY ANOTHER WITHIN AN
13 EXISTING SERVICE AREA; *LIMIT TO WHOM THE COMMISSION MAY*
14 *PROVIDE FINANCIAL ASSISTANCE;* AND FOR OTHER PURPOSES."

Subtitle

16 "PERTAINING TO THE PROTECTION OF
17 ARKANSAS SOIL AND WATER CONSERVATION
18 COMMISSION BORROWER'S SERVICE AREAS."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. (a) It is unlawful for a person to provide water, or
24 wastewater services to an area where such services are being provided by the
25 current provider that has pledged or utilizes revenue derived from services
26 within the area to repay financial assistance provided by the Arkansas Soil
27 and Water Conservation Commission, unless approval for such activity has been
28 given by the Commission.

29 (b) As a condition of its approval, the Commission may require the
30 payment of an equitable portion of the outstanding financial assistance
31 provided. Any payment made shall reduce the outstanding balance of the
32 financial assistance provided by the Commission to the current provider. Upon
33 enactment of this act, financial assistance provided by the Commission for
34 potable water or wastewater projects shall be provided only to:

35 (1) the state, counties, cities, towns, or their agencies or
36 instrumentalities; and

1 (2) non-profit corporations existing on the effective date of
2 this act.

3 (c) The Commission or other parties may institute a civil action in the
4 chancery court of the county where the unlawful activities have or will likely
5 occur to restrain such activities, to compel compliance with provision of this
6 act, and to recover all costs and expenses incurred as a result of violation
7 of this act.

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

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

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

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/s/Miller et al

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APPROVED:3-19-97

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