

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4  
5 By: Senator A. Clark  
6

# A Bill

SENATE BILL 35

## For An Act To Be Entitled

8 AN ACT TO REQUIRE WATER PROVIDERS TO EXTEND WATER  
9 SERVICE TO NONRESIDENT CONSUMERS AND PROPERTY OWNERS;  
10 AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO REQUIRE WATER PROVIDERS TO EXTEND  
14 WATER SERVICE TO NONRESIDENT CONSUMERS  
15 AND PROPERTY OWNERS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 14, Chapter 229, Subchapter 1, is  
22 amended to add an additional section to read as follows:

23 14-229-105. Water providers – Services to nonresident property owners  
24 or consumers.

25 (a)(1) A water provider in this state shall provide services to a  
26 nonresident property owner or consumer whose property lies within the  
27 accepted service area of the water provider if requested by the nonresident  
28 property owner or consumer, except as provided under this section.

29 (2) A water provider shall supply the same amount of water and  
30 water pressure to resident property owners or consumers and nonresident  
31 property owners or consumers if infrastructure exists to do so, but a water  
32 provider is not obligated to change the location or increase the size or  
33 number of mains or pipes outside of the water provider's service area  
34 boundaries.

35 (3)(A) Water shall be supplied to resident property owners or  
36 consumers and nonresident property owners or consumers at rates the water



1 provider deems just and reasonable.

2 (B)(i) A water provider may establish separate rate  
3 classifications for resident property owners or consumers and nonresident  
4 property owners or consumers with reasonable justification.

5 (ii) The water provider shall treat all property  
6 owners or consumers within a rate classification equally.

7 (b)(1) A water provider shall provide services to a nonresident  
8 property owner or consumer at the request of the nonresident property owner  
9 or consumer if:

10 (A) The nonresident property owner or consumer does not  
11 have access to any other water service;

12 (B) The nonresident property owner or consumer resides in  
13 a water improvement district that:

14 (i) Has installed water lines or other  
15 infrastructure; and

16 (ii) Has deeded the infrastructure to the water  
17 provider, and the water provider has accepted the infrastructure with no  
18 requirement for annexation;

19 (C) Infrastructure to supply services exists at the time  
20 of the request; and

21 (D) The nonresident property owner or consumer provides  
22 any necessary pipes or structures to access the water provider  
23 infrastructure.

24 (2) Resident property owners or consumers and nonresident  
25 property owners or consumers who seek water service or receive water service  
26 for agricultural, developmental, or industrial purposes shall be treated  
27 equally in relation to any water conservation measures.

28 (c) Except for emergency measures established by rule and promulgated  
29 by the Department of Health, a water provider shall treat all property owners  
30 and consumers equally in terms of service, including without limitation:

31 (1) The provision of water; and

32 (2) The availability of new service.

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