

INTERIM STUDY PROPOSAL 2019-085

1
2 State of Arkansas
3 92nd General Assembly
4 Regular Session, 2019

A Bill

SENATE BILL 554

5
6 By: Senator A. Clark

7 Filed with: Senate Committee on City, County, and Local Affairs
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

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

Subtitle

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15 TO REQUIRE WATER PROVIDERS TO EXTEND
16 WATER SERVICE TO NONRESIDENT CONSUMERS
17 AND PROPERTY OWNERS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Arkansas Code Title 14, Chapter 229, Subchapter 1, is
24 amended to add an additional section to read as follows:

25 14-229-105. Water providers – Services to nonresident property owners
26 or consumers.

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

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

1 (3)(A) Water shall be supplied to resident property owners or
2 consumers and nonresident property owners or consumers at rates the water
3 provider deems just and reasonable.

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

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

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

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

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

16 (i) Has installed water lines or other
17 infrastructure; and

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

21 (C) Infrastructure to supply services exists at the time
22 of the request; and

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

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

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

33 (1) The provision of water; and

34 (2) The availability of new service.

1 Referred requested by the Arkansas Senate

2 Prepared by: KLC/VJF

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