

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1216

By: Representative McKissack

For An Act To Be Entitled

"AN ACT TO PROVIDE WATER SERVICE TO AREAS CONTIGUOUS TO
CITIES OF THE FIRST CLASS."

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

SECTION 1. Arkansas Code 14-234-110(b)(1) is hereby amended to read as follows:

"(b)(1) Any municipality shall have the option of extending its services to any consumer outside the municipal boundaries, but it shall not be obligated to do so except as provided in Arkansas Code 14-234-306(d)."

SECTION 2. Arkansas Code 14-234-111(f) is hereby amended to read as follows:

"(f) Except as provided in Arkansas Code 14-234-306(d), a municipality shall not be required to extend either water or sewer service to adjacent or nearby areas."

SECTION 3. Arkansas Code 14-234-306 is hereby amended by adding a new subdivision at the end thereof to read as follows:

"(d) Any water commission of a city of the first class owning or operating a water system, shall, in its governmental capacity, sell water and offer water service to any area that is contiguous to the municipality, even in another county, under the following conditions.

(1) the water commission or the municipality shall not be required to expend any monies for improvements necessary to service the contiguous area;

(2) the rates charged customers in the contiguous area may be higher than the rates charged customers within the municipality but shall be no higher than rates charged other customers outside the municipality;

(3) all rules and regulations set up by the water commission of the first

class city, relating to minimum engineering requirements, must be met by the contiguous area;

(4) nothing in this subdivision (d) shall be construed to require any city, other than a first class city, to provide water or sewer service in adjacent or contiguous areas."

SECTION 4. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. EMERGENCY. It is hereby found and determined by the General Assembly that the refusal of water commissions to serve contiguous areas causes both a health hazard and economic hardship on property owners in contiguous areas. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.