

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Thomas

# A Bill

HOUSE BILL 1835

## For An Act To Be Entitled

"AN ACT TO PROVIDE WATER SERVICE TO AREAS CONTIGUOUS TO  
CITIES OF THE FIRST CLASS; AND FOR OTHER PURPOSES."

### Subtitle

"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 amended to read as follows:

"(1) The 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 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 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

1 contiguous area;

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

5           (3) all rules and regulations set up by the water commission of  
6 the first class city, relating to minimum engineering requirements, must be  
7 met by the contiguous area;

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

11

12           SECTION 4. 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.

15

16           SECTION 5. 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.

21

22           SECTION 6. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

24

25           SECTION 7. EMERGENCY. It is hereby found and determined by the  
26 General Assembly of the State of Arkansas that the refusal of water  
27 commissions to serve contiguous areas causes both a health hazard and  
28 economic hardship on property owners in contiguous areas. Therefore, an  
29 emergency is hereby declared to exist and this act being necessary for the  
30 immediate preservation of the public peace, health, and safety, shall be in  
31 full force and effect from and after its passage and approval.

32

33

34

35

