

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Gordon
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6

A Bill

SENATE BILL 602

For An Act To Be Entitled

8 "AN ACT TO AMEND THE PROVISIONS OF ARKANSAS CODE 18-15-601
9 IN ORDER TO AUTHORIZE ASSOCIATIONS AND CORPORATIONS WHICH
10 SUPPLY WATER TO CITIES, TOWNS, VILLAGES AND RURAL AREAS TO
11 EXERCISE THE POWER OF EMINENT DOMAIN IN ORDER TO CONSTRUCT
12 WATER FACILITIES, WATER TRANSMISSION AND DISTRIBUTION
13 LINES AND EXPAND WATER SERVICE AREAS; AND FOR OTHER
14 PURPOSES."

Subtitle

15 "TO AUTHORIZE ASSOCIATIONS AND
16 CORPORATIONS TO EXERCISE THE POWER OF
17 EMINENT DOMAIN TO CONSTRUCT WATER
18 FACILITIES, WATER TRANSMISSION AND
19 DISTRIBUTION LINES AND EXPAND WATER
20 SERVICE AREAS."
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code 18-15-601 is amended to read as follows:
26 "18-15-601. Power of eminent domain.

27 (a) All municipal corporations in this state, and all corporations,
28 including not-for-profit corporations and water associations, which supply
29 any town, city, or village in this state, or the inhabitants thereof with
30 water, or which supply water to rural customers or consumers, are authorized
31 to exercise the power of eminent domain to condemn, take, and use private
32 property for the use of the corporations when necessary or convenient to
33 carry out the purposes and objects of the corporations including, without
34 limitation, the condemnation of easements in which water transmission or

1 water distribution lines shall be constructed and located and the
2 condemnation of real property for the construction and location of water
3 storage tanks, water treatment facilities, master metering facilities, pump
4 stations and other necessary appurtenances needed for water production,
5 transmission and distribution regardless of whether or not said private
6 property is located within or outside of the boundaries of the city, town or
7 village which the municipal or other corporation, including not-for-profit
8 corporations and water associations, serves.

9 (b) Whenever the municipal or other corporation, including not-for-
10 profit corporations and water associations, in the construction of its
11 waterworks, or in enlarging or extending the waterworks, or water
12 distribution or water transmission lines shall deem it desirable to condemn,
13 take, use, or occupy private property in the construction of its water
14 treatment or storage facilities, water transmission or distribution lines, or
15 other appurtenances thereto, the corporation may condemn, take, and use the
16 private property, first making just compensation therefor, and proceed as
17 provided in this subchapter."

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

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23 SECTION 3. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.

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

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32 SECTION 5. EMERGENCY. It is hereby found and determined by the General
33 Assembly that the supplying of water to the citizens of the state shall be
34 expedited by this act; that there are numerous cities, villages and rural
35 areas desiring to immediately expand their water works facilities to meet the

1 demands of their customers and potential customers; that numerous citizens of
2 the state of Arkansas currently have no stable source of water and can obtain
3 such only through the immediate passage and effectiveness of this act; that
4 the supplying of water and expansion of water facilities shall be expedited
5 by this act; and that this act is necessary for the public health, safety and
6 welfare of the citizens of the state. Therefore, an emergency is hereby
7 declared to exist, and this act being immediately necessary for the
8 preservation of the public peace, health, and safety shall be in full force
9 and effect from and after its passage and approval.

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