

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 762

By: Senator A. Clark

For An Act To Be Entitled

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

Subtitle

TO REQUIRE WATER PROVIDERS TO EXTEND
WATER SERVICE TO NONRESIDENT CONSUMERS
AND PROPERTY OWNERS.

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

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

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

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

(2) A water provider shall supply the same amount of water and water pressure to resident property owners or consumers and nonresident property owners or consumers if infrastructure exists to do so, but a water provider is not obligated to increase the number or size of, or change the location of, mains or pipes outside its boundaries.

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



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

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

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

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

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

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

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

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

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

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

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

(1) The provision of water; and

(2) The availability of new service.