

Act 495 of the 1989 Regular Session.

Act 495

SB398

By: Senator Cassady

"AN ACT TO AMEND ARKANSAS CODE 14-201-110 TO GRANT UTILITY COMMISSIONS THE POWER OF EMINENT DOMAIN IN CERTAIN CIRCUMSTANCES."

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

SECTION 1. Arkansas Code Section 14-201-110 is hereby amended to read in its entirety hereby as follows:

"14-201-110. General Powers of commission.

(a) (1) The commission shall have full power to manage, operate, improve, extend, maintain, and contract concerning the municipal waterworks and distribution system or electric light plant and system, or both, and has full power to employ or remove any and all assistants and employees and to fix, regulate, and pay their salaries.

(2) Without limiting the generality of the foregoing, the commission is empowered to acquire, construct, and equip any and all facilities, consisting of real property, personal property, or mixed property of any and every kind, which in the judgment of the commission are necessary or useful as a part of or in connection with the municipal waterworks and distribution system or electric light plant and system, or both including, without limitation, facilities for the generation of electric power and related transmission facilities, which may be located within or without the corporate boundaries of the city. In furtherance of its authority to construct facilities for the distribution or transmission of electric energy, and to provide its customers reliable utility service, the commission is granted the right of eminent domain outside the corporate limits of the municipality creating the commission but subject to the provisions of Arkansas Code 14-201-102 (b) and only within the contiguous service territory as heretofore or hereafter granted to the municipality by the Arkansas Service Public Commission and in accordance with the procedures of Arkansas Code 18-15-301 through 18-15-308 and as those sections may be amended.

(b) (1) The commission is empowered to establish rates for water, electricity, or both, and it may change the rates when the facts so warrant.

(2) The commission is empowered to execute long-term contracts for utility service subject to the power to change the rates applicable to them as set out in this section."

SECTION 2. 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 3. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 13, 1989

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