

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 362

5 By: Senator Rapert
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 14 OF
10 THE ARKANSAS CODE CONCERNING LOCAL GOVERNMENT; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 14
16 OF THE ARKANSAS CODE CONCERNING LOCAL
17 GOVERNMENT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 14-14-107(a)(5), concerning the
23 verification of petitions, is amended to read as follows to correct word
24 usage and to correct the subdividing of the section:

25 (5) Verification of Petitions.

26 (A) Only legal voters shall be counted upon petitions.

27 (B)(i) Petitions may be circulated and presented in parts,
28 but each part of any petition shall have attached ~~thereto~~ to it the affidavit
29 of the persons circulating ~~them~~ the petition affirming that:

30 ~~(A)(a)~~ (A)(a) All signatures ~~thereon~~ on the petition
31 were made in the presence of the affiant; and

32 ~~(B)(b)~~ (B)(b) To the best of the affiant's knowledge
33 and belief, each signature is genuine and the person signing is a legal
34 voter.

35 (ii) No other affidavit or verification shall be
36 required to establish the genuineness of ~~such~~ signatures under subdivision



1 (a)(5)(B)(i) of this section;

2

3 SECTION 2. Arkansas Code § 14-14-813(b) and (c), concerning the power
4 of a county to regulate unsanitary conditions, are amended to read as follows
5 to correct improperly subdivided lists within lists:

6 (b) A copy of the order issued under subsection (a) of this section
7 shall be+

8 ~~(1) Posted~~ posted upon the property, and;

9 ~~(2)(A)(1)~~ Mailed to the last known address of the property owner
10 by the county clerk or other person designated by the quorum court; or

11 ~~(B)(2)~~ Published in accordance with § 14-14-104 if there is no
12 last known address for the property owner.

13 (c)(1) If the property owner has not complied with the order within
14 thirty (30) days after notice is given in accordance with subsection (b) of
15 this section, the county may:

16 (A)~~(i)~~ Do either of the following:

17 (i) Take any necessary corrective actions, including
18 repairs, to bring the property into compliance with the order; or

19 (ii) Remove or raze any structure ordered by the
20 county to be removed or razed; and

21 (B) Charge the cost of any actions under subdivision

22 (c)(1)(A) of this section to the owner of the real property.

23 (2) The county shall have a lien against the property for any
24 unpaid cost incurred under subdivision (c)(1) of this section in addition to
25 interest at the maximum legal rate.

26

27 SECTION 3. Arkansas Code § 14-14-1202(b), concerning the definition of
28 officers and employees of county government, is amended to read as follows to
29 correct an improperly subdivided list within a list:

30 (b) Officers and Employees of County Government Defined.

31 (1) For purposes of this section, officers and employees of
32 county government ~~shall~~ include:

33 (A)~~(i)~~ All elected county and township officers and their
34 employees;

35 ~~(ii)(B)~~ All district judicial officers serving a
36 county and their employees; and

1 ~~(iii)(C)~~ All members of county boards, and advisory,
2 administrative, or subordinate service districts and their employees; ~~and~~

3 ~~(B) All employees thereof.~~

4 (2) Officials who are considered to be state officers or deputy
5 prosecuting attorneys are not covered by this subsection.

6
7 SECTION 4. Arkansas Code § 14-15-307 is repealed because the Coroner's
8 Advisory Task Force was abolished in 2011.

9 ~~14-15-307. Coroner's Advisory Task Force — Creation — Powers and~~
10 ~~duties.~~

11 ~~(a)(1) The Coroner's Advisory Task Force is created and shall consist~~
12 ~~of thirteen (13) members.~~

13 ~~(2) The Governor shall appoint to the task force:~~

14 ~~(A)(i) Six (6) members who are current county coroners,~~
15 ~~selected in a manner so that each of the four (4) congressional districts are~~
16 ~~represented by at least one (1) coroner.~~

17 ~~(ii) Of the persons appointed under subdivision~~
18 ~~(a)(2)(A)(i) of this section:~~

19 ~~(a) One (1) member shall be from a Class 1~~
20 ~~county or a Class 2 county as defined by § 14-14-1204(b);~~

21 ~~(b) One (1) member shall be from a Class 3~~
22 ~~county or a Class 4 county as defined by § 14-14-1204(b);~~

23 ~~(c) One (1) member shall be from a Class 5~~
24 ~~county or a Class 6 county as defined by § 14-14-1204(b); and~~

25 ~~(d) One (1) member shall be from a Class 7~~
26 ~~county as defined by § 14-14-1204(b);~~

27 ~~(B) One (1) member who is a representative of the funeral~~
28 ~~home industry;~~

29 ~~(C) One (1) member who is a licensed attorney in Arkansas;~~

30 ~~(D) One (1) member who is a licensed physician in~~

31 ~~Arkansas;~~

32 ~~(E) The State Medical Examiner or his or her designee;~~

33 ~~(F) One (1) member to represent the Arkansas Sheriffs'~~
34 ~~Association;~~

35 ~~(G) The Director of the Department of Health or his or her~~
36 ~~designee; and~~

1 (a) Drug enforcement funds ~~may only~~ shall be used only for direct
2 expenses associated with the investigation of the criminal drug laws of this
3 state, ~~such as, but not limited to,~~ including without limitation:

- 4 (1) ~~the~~ The purchase of evidence,;
- 5 (2) The payment of informants,;
- 6 (3) The relocation ~~and/or~~ or security of witnesses, or both;
- 7 (4) ~~emergency~~ Emergency supply purchases,; and
- 8 (5) ~~emergency~~ Emergency travel expenses.

9 (b) Drug enforcement funds ~~may~~ shall not be used for:

- 10 (1) ~~equipment~~ Equipment purchases or leasing, salaries or wages,
11 professional services, training, or any other purpose not directly related to
12 a criminal drug investigation; or
- 13 (2) ~~In addition, these funds may not be used for administrative~~
14 Administrative costs associated with the sheriff's office.

15
16 SECTION 6. Arkansas Code § 14-40-103 is amended to read as follows to
17 change a defined term to the term used in the section:

18 14-40-103. Notice to Secretary of State upon municipal boundary change
19 - Definitions.

20 (a) As used in this section:

21 (1)(A) "Municipal boundary change" means an incorporation,
22 annexation, consolidation, detachment, surrender of charter, revocation of
23 charter, or municipal disincorporation under this subchapter, § 14-38-101 et
24 seq., or § 14-39-101 et seq.

25 (B) "Municipal boundary change" includes court orders,
26 amendments, and judicial corrections of boundaries or property descriptions;
27 and

28 (2) ~~"Municipal corporation~~ Municipality" means a city of the
29 first class, a city of the second class, or an incorporated town.

30 (b)(1) Within forty-five (45) days of the effective date of any
31 ordinance or resolution effecting a municipal boundary change under this
32 subchapter, § 14-38-101 et seq., or § 14-39-101 et seq., the city clerk shall
33 provide written notice, along with complete documentation, to the county
34 clerk of each county in which the territory is affected.

35 (2) Within thirty (30) days of receipt from a municipality, each
36 respective county clerk shall provide written notice to the Secretary of

1 State of filings and records related to the municipal boundary change as
 2 required by statute or by the Secretary of State, to be kept by the county
 3 clerk, and shall provide those records with notice delivered to the Secretary
 4 of State.

5 (3)(A) Within fourteen (14) days of receipt of a summons,
 6 complaint, circuit court order, or court judgment concerning a municipal
 7 boundary change, each municipality shall notify in writing the Secretary of
 8 State and the respective county clerk of each county in which the territory
 9 is or may be affected.

10 (B) Upon receipt of notice of a court challenge, the
 11 county clerk shall provide written notice to the Secretary of State of a
 12 summons, complaint, circuit court order, or court judgment that may affect a
 13 municipal boundary change.

14 (c) Absent notice of a court challenge, within thirty (30) days of
 15 receipt of a notice of a municipal boundary change, the Secretary of State
 16 shall forward appropriate notice and a copy of the appropriate records to
 17 the:

- 18 (1) Arkansas Geographic Information Systems Office;
- 19 (2) Tax Division of the Arkansas Public Service Commission;
- 20 (3) Arkansas Department of Transportation; and
- 21 (4) Department of Finance and Administration.

22 (d) Within thirty (30) days of receipt of notice of a municipal
 23 boundary change from the Secretary of State, the Arkansas Geographic
 24 Information Systems Office shall provide notice and the appropriate
 25 electronic records to the:

- 26 (1) Tax Division of the Arkansas Public Service Commission;
- 27 (2) Arkansas Department of Transportation; and
- 28 (3) Department of Finance and Administration.

29 (e) Within thirty (30) days of receipt of notice from the Arkansas
 30 Geographic Information Systems Office or the Secretary of State of a
 31 municipal boundary change, the Arkansas Public Service Commission shall file
 32 and preserve the appropriate records and shall notify the entities under the
 33 ~~commission's~~ jurisdiction of the Arkansas Public Service Commission that have
 34 property in the municipality of the annexation.

35 (f) The Secretary of State may prescribe documents for providing
 36 appropriate notice and may prescribe a mandatory form for providing

1 sufficient notice.

2

3 SECTION 7. Arkansas Code § 14-43-316(a), concerning the election of
4 certain officials in cities of fewer than fifty thousand, is amended to read
5 as follows to correct an improperly subdivided list within a list:

6 (a)(1) The qualified voters of cities of the first class having a
7 population of fewer than fifty thousand (50,000) and having the mayor-council
8 form of government shall elect on the first Tuesday following the first
9 Monday in November, 1962, and every four (4) years thereafter:

10 (A) ~~(i) One (1) city clerk; and~~
11 ~~(ii) One (1) city treasurer, unless appointed~~
12 pursuant to § 14-43-405 One (1) city clerk and, unless appointed pursuant to
13 § 14-43-405, one (1) city treasurer; or

14 (B) A One (1) city clerk-treasurer.

15 (2) The city clerk and city treasurer, or the city clerk-
16 treasurer, shall hold office for four (4) years and until a successor is
17 elected and qualified.

18

19 SECTION 8. Arkansas Code § 14-47-117(c), concerning the appointment of
20 an acting mayor, is repealed because the language is also codified as § 14-
21 47-118.

22 ~~(c) If both the mayor and assistant mayor should be absent or disabled~~
23 ~~from performing their duties, the board may designate by resolution one (1)~~
24 ~~of its members as acting mayor, to serve during the absence or disability and~~
25 ~~no longer.~~

26

27 SECTION 9. Arkansas Code § 14-47-120(4)(A)(ii), concerning the
28 appointment power of a mayor, is amended to read as follows to correct a
29 reference:

30 (ii) If the mayor has appointment power pursuant to
31 ~~§ 14-47-108(a)(2)(C)~~ § 14-47-108(a)(2)(E), the nominations shall be made by
32 the mayor.

33

34 SECTION 10. Arkansas Code § 14-47-131(a)(2)(B), concerning the
35 appointment power of a mayor, is amended to read as follows to correct a
36 reference:

1 (B) However, the appointment of personnel shall be by the
2 mayor if the mayor has appointment power pursuant to ~~§ 14-47-108(a)(2)(G)~~ §
3 14-47-108(a)(2)(E);

4
5 SECTION 11. Arkansas Code § 14-47-132(a), concerning the appointment
6 power of a mayor, is amended to read as follows to correct a reference:

7 (a) Any vacancy on any municipal board or commission of any city of
8 the first class having a population of fewer than fifty thousand (50,000) and
9 having a city manager form of government shall be filled by a majority vote
10 of the board of directors of the city or by the mayor, if the mayor has
11 appointment power pursuant to ~~§ 14-47-108(a)(2)(G)~~ § 14-47-108(a)(2)(E).

12
13 SECTION 12. Arkansas Code § 14-47-133(a), concerning the appointment
14 power of a mayor, is amended to read as follows to correct a reference:

15 (a) Subject to the exceptions contained in § 14-47-108, every person
16 appointed by the board of directors or by the mayor, if authorized as
17 provided in ~~§ 14-47-108(a)(2)(G)~~ § 14-47-108(a)(2)(E), to any municipal
18 office, employment, or position or to membership on any board, authority, or
19 commission shall serve for such time and shall receive such compensation as
20 the board of directors may fix and determine by ordinance.

21
22 SECTION 13. Arkansas Code § 14-62-110(b)(1)(B)(iii), concerning the
23 disposition of revenues collected by a receiver when the charter of a
24 municipal corporation has been revoked, is amended to read as follows for
25 consistency within the subdivision:

26 (iii)(a) The receiver shall continue to collect such
27 millages, fines, fees, state insurance tax turnbacks, and other revenues as
28 allowed by law for the support of a local firemen’s relief and pension fund
29 or a local policemen’s pension and relief fund.

30 (b) When a final order of dissolution is entered under § 14-62-114,
31 the millages, fines, fees, state insurance tax turnbacks, and other revenues
32 as allowed by law shall be paid to the system.

33
34 SECTION 14. Arkansas Code § 14-116-402(a), concerning powers of a
35 water district, is amended to read as follows to correct an improperly
36 subdivided list within a list:

1 (a) Each water district shall have power to:

2 (1) Sue and be sued and complain and defend in the district's
3 name;

4 (2) Adopt a seal which may be altered at pleasure and to use it,
5 or a facsimile thereof, as required by law;

6 (3)~~(A)~~ Acquire absolute title to and use for any purpose and at
7 any place water stored in any reservoir or other water source created by the
8 construction of a multipurpose dam by or under the direction and supervision
9 of the United States Army Corps of Engineers, or by the water district with
10 federal financial or other assistance furnished by the United States
11 Secretary of Agriculture under the provisions of the Watershed Protection and
12 Flood Prevention Act, as amended, or with financing provided by any federal,
13 state, or other source;

14 ~~(B)~~(4) Acquire water storage and withdrawal rights in any
15 reservoir or other water source created by the construction of a multipurpose
16 dam by or under the direction and supervision of the United States Army Corps
17 of Engineers, or by the water district with federal financial or other
18 assistance furnished by the United States Secretary of Agriculture under the
19 provisions of the Watershed Protection and Flood Prevention Act, as amended,
20 or with financing provided by any federal, state, or other sources;

21 ~~(C)~~(5) Transport, distribute, sell, furnish, and dispose
22 of the water from whatever source derived to any person at any place;

23 ~~(D)~~(6) In the case of a district in existence on January
24 1, 2001, other than districts the lands in which are subject to assessment
25 under § 14-116-601 et seq., collect, transport, treat, and dispose of sewage
26 and liquid waste and own, acquire, operate, construct, equip, improve,
27 expand, contract concerning, or otherwise deal in and with regard to
28 facilities for any or all of the purposes;

29 ~~(E)~~(7) Construct, erect, purchase, lease as lessee and in
30 any manner acquire, own, hold, maintain, operate, sell, dispose of, lease as
31 lessor, exchange, and mortgage real property, personal property, easements,
32 interests in real property, plants, buildings, works, machinery, supplies,
33 equipment, apparatus, facilities, property rights, and transportation and
34 distribution lines, facilities, equipment, or systems necessary, convenient,
35 or useful;

36 ~~(F)~~~~(i)~~(8)(A) Regulate, define, and control the rate and

1 location of any withdrawal or transfer of water which is owned, acquired, or
2 developed by the water district in natural or manmade channels.

3 ~~(ii)(B)~~ Provided, that However, riparian owners of
4 natural watercourses are not obligated to pay for their historical riparian
5 use from such natural water courses;

6 ~~(G)(i)(9)(A)~~ Authorize persons to enter for any purpose
7 water which has been or is being transported or is held by the water
8 district, but only if the water district has acquired absolute title to land
9 under the water or has obtained permission of the owner of the land under the
10 water.

11 ~~(ii)(B)~~ Provided, However, this ~~provision shall not~~
12 subdivision (a)(9) does not limit a district’s authority to enter on lands
13 for inspection or other purposes consistent with the purposes of this
14 chapter;

15 ~~(4)(10)~~ Assist its customers in the preparation of their
16 premises for the use of water furnished by the water district and install
17 upon the premises fixtures, machinery, supplies, apparatus, and equipment of
18 any and all kinds and character, and in connection therewith, and for that
19 purpose, to purchase, acquire, lease, sell, distribute, install, and repair
20 fixtures, machinery, supplies, apparatus, and equipment of any and all kinds
21 and character and to receive, acquire, endorse, pledge, hypothecate, and
22 dispose of notes, bonds, and other evidences of indebtedness;

23 ~~(5)(11)~~ Acquire, own, hold, use, exercise, and to the extent
24 permitted by law, to sell, mortgage, pledge, hypothecate, and in any manner
25 dispose of franchises, rights, privileges, licenses, rights-of-way, and
26 easements necessary, useful, or appropriate;

27 ~~(6)(12)~~ Purchase, receive, lease as lessee, or in any other
28 manner acquire, own, hold, maintain, sell, exchange, and use any and all real
29 and personal property, or any interest therein;

30 ~~(7)(A)(13)(A)~~ Borrow money and otherwise contract indebtedness,
31 to issue its obligations therefor, and to secure the payment thereof by
32 mortgage, pledge, or deed of trust of all or any part of its property,
33 assets, franchises, rights, privileges, licenses, rights-of-way, easements,
34 revenues, or income.

35 (B) The obligations may be in the form of negotiable bonds
36 but may be registered as public obligations under the Registered Public

1 Obligations Act of Arkansas, § 19-9-401 et seq., may be issued in one (1) or
 2 more series, may bear such date or dates, may mature at such times, not
 3 exceeding forty (40) years from their respective dates, may bear interest at
 4 rate or rates, may be in such form, may be executed in such manner, may be
 5 payable in such medium of payment, may be payable at such place or places,
 6 within or without the State of Arkansas, may be subject to such terms of
 7 redemption, and may contain such terms, covenants, and conditions as the
 8 resolution of the board authorizing the bonds may provide.

9 (C) The resolution of the board authorizing the bonds may
 10 provide for the execution by the water district of a trust indenture with a
 11 bank or trust company, within or without the State of Arkansas, which defines
 12 the rights of the holders and registered owners of the bonds and provides for
 13 the appointment of a trustee for the holders and registered owners of the
 14 bonds.

15 (D) The trust indenture may control the priority between
 16 successive issues and may contain such other terms, covenants, and conditions
 17 that are deemed desirable including, without limitation, those pertaining to
 18 the custody and application of the proceeds of the bonds, the collection and
 19 disposition of revenues, the maintenance and investment of various funds and
 20 reserves, the nature and extent of the security, the rights and duties of the
 21 water district and the trustee for the holders or registered owners of the
 22 bonds, and the rights of the holders or registered owners of the bonds.

23 (E) The bonds may be sold at such price, including sale at
 24 a discount, and in such manner as the board may determine.

25 (F) All bonds, whether previously or subsequently issued
 26 pursuant to the provisions of this section, shall be exempt from all state,
 27 county, and municipal taxes;

28 ~~(8)(14)~~ Sell and convey, mortgage, pledge, lease as lessor, and
 29 otherwise dispose of all or any part of its property, assets, franchises,
 30 rights, privileges, licenses, rights-of-way, and easements;

31 ~~(9)(A)(15)(A)~~ In connection with the acquisition, construction,
 32 improvement, operation, or maintenance of its transportation and distribution
 33 lines, systems, equipment, facilities, or apparatus, use the bed of any
 34 stream without adversely affecting existing riparian rights, any highway or
 35 any right-of-way, easement, or other similar property rights, or any tax-
 36 forfeited land owned or held by the State of Arkansas or any political

1 subdivision.

2 (B) However, this ~~provision~~ subdivision (a)(15) does not
3 entitle riparian users to receive water owned, acquired, or developed by the
4 water district without paying the district's water user charges;

5 ~~(10)(A)(16)(A)~~ Have and exercise the right of eminent domain for
6 the purpose of acquiring rights-of-way and other properties necessary in the
7 construction or operation of its property and business in the manner now
8 provided by the condemnation laws of this state for acquiring private
9 property for public use.

10 (B) However, ~~this~~ the power under subdivision (a)(16)(A)
11 of this section shall not be used by an irrigation water district for the
12 acquisition or construction of private on-farm irrigation reservoirs or
13 natural watercourses, and any surplus property obtained by an irrigation
14 water district under this power shall be first offered to the person or
15 persons owning the remaining property from which it was taken at the price
16 paid as eminent domain damages before it may be sold to others;

17 ~~(11)(17)~~ Accept gifts or grants of money, services, franchises,
18 rights, privileges, licenses, rights-of-way, easements, or other property,
19 real or personal;

20 ~~(12)(18)~~ Make any and all contracts necessary or convenient for
21 the exercise of the powers granted in this chapter;

22 ~~(13)(A)(19)(A)~~ Fix, regulate, and collect rates, fees, rents, or
23 other charges for water and any other facilities, supplies, equipment, or
24 services furnished by the water district.

25 (B) Rates shall be just, reasonable, and
26 nondiscriminatory.

27 (C)(i) If any district distributes water to consumers
28 outside the district, the rates, fees, rents, and other charges for water and
29 other facilities, supplies, equipment, or services furnished to consumers
30 outside the district shall be calculated to pay the cost of such distribution
31 outside the district.

32 (ii) No part of the cost of distributing water or
33 providing other services outside the district shall be borne by the members
34 of the district, and there shall be no increase in the cost to members in the
35 district as a result of furnishing water to consumers outside the district;

36 ~~(14)(20)~~ Conduct its affairs within and without this state;

1 ~~(15)~~(21) Elect, appoint, or employ officers, agents, and
 2 employees of the water district and define their duties and fix their
 3 compensation;

4 ~~(16)~~(22) Do and perform all acts and things and have and
 5 exercise any and all powers as may be necessary, convenient, or appropriate
 6 to effectuate the purposes for which the water district is organized;

7 ~~(17)~~(23) Accept appropriations from the state upon such terms
 8 and conditions as may be imposed by law or regulation to be used in the
 9 furtherance of the purposes for which the water district was created; and

10 ~~(18)~~(24) With notice, enter upon any land within or outside the
 11 water district for inspection purposes or other purposes as are necessary,
 12 convenient, and not inconsistent with the purposes of this chapter.
 13

14 SECTION 15. Arkansas Code § 14-121-105 is amended to read as follows
 15 to correct a designation in a penalty provision that does not impose a
 16 sentence other than a fine and to correct word usage:

17 14-121-105. Obstructing or damaging drainage works – Penalty.

18 Any person who ~~shall obstruct~~ obstructs a drain or ~~damage~~ damages
 19 drainage works provided for by this act shall be guilty of a ~~misdemeanor~~
 20 violation and fined one hundred dollars (\$100). He or she shall also be
 21 liable to the district for double the cost of removing the obstruction or
 22 repairing damage.
 23

24 SECTION 16. Arkansas Code § 14-138-102 is amended to read as follows
 25 to arrange the defined terms in alphabetical order, to remove self-evident
 26 defined terms, to correct an improperly subdivided list within a list, and to
 27 clarify references:

28 14-138-102. Definitions.

29 As used in this chapter, ~~unless the context otherwise requires:~~

30 ~~(1)~~(2) "Corporation" means a corporation organized ~~pursuant to~~
 31 ~~the provisions of~~ under this chapter;

32 ~~(2)~~(1) "Board" means the board of directors of the corporation;

33 ~~(3)~~ "State" means the State of Arkansas;

34 ~~(4)~~(7) "Municipality" means that incorporated town, city of the
 35 second class, or city of the first class in the state ~~which~~ that authorized
 36 the organization of the corporation; and

1 ~~(5)~~(3) "County" means that county in which the certificate of
2 incorporation of the corporation shall be filed for record;

3 ~~(6)~~ "United States" means the United States of America or any of
4 its agencies or instrumentalities;

5 ~~(7)~~(4) "Governing body" means the council, board of directors,
6 or other like body in which the legislative functions of the municipality are
7 vested by law;

8 ~~(8)~~(6)(A) "Lessee" means the municipality, the county, or other
9 public body leasing a project from the corporation.

10 (B) "Other public body" as used in this subdivision ~~shall~~
11 ~~mean~~ (6) means any department, agency, subdivision, or instrumentality of the
12 State of Arkansas or the United States, or of any city, county, or school
13 district, a vocational-technical school, or a community junior college
14 district;

15 ~~(9)~~(A)(8)(A) "Project" means equipment to be utilized within or
16 near or one (1) or more buildings located or to be located within or near the
17 municipality and designed for use or occupancy by a lessee, as defined in
18 this section, for any one (1) of the following public purposes:

- 19 (i) Convention centers;
- 20 (ii) Airport facilities;
- 21 (iii) Transportation facilities;
- 22 (iv) Off-street parking facilities;
- 23 (v) Schools of any and all kinds supported by public
- 24 funds including, but not limited to, day care, kindergarten, elementary,
- 25 junior high, senior high, junior college, college, community college,
- 26 graduate college, vocational-technical schools, and school administration
- 27 facilities;
- 28 (vi) City halls, including administrative offices,
- 29 police, courts, and jail facilities;
- 30 (vii)~~(a)~~ Fire stations and substations, and sewage,
- 31 garbage, and solid waste disposal facilities, and

32 ~~(b)~~—A a system for the management of a project described in
33 subdivision (9)(A)(vii)(a) of this section fire stations and substations and
34 sewage, garbage, and solid waste disposal facilities;

35 (viii) Courthouses and related administrative
36 facilities including, but not limited to, courts and jail facilities;

1 (ix) Recreational facilities and community centers
2 including, but not limited to, handicrafts, public gymnasiums and related
3 facilities, swimming pools, meeting rooms, and dining facilities;

4 (x) Office space for state and federal agencies;

5 (xi) Both school and public stadiums;

6 (xii) Offices and administrative facilities
7 including garages and necessary parking facilities for agencies of cities,
8 counties, or other public bodies;

9 (xiii) Libraries and branch libraries;

10 (xiv) Hospitals and other medical facilities, and
11 nursing homes and similar facilities;

12 (xv) Garages including parking garages and storage
13 buildings; and

14 (xvi) Any combination of ~~the above subdivisions~~
15 (8)(A)(i)-(xv) of this section or any type of facilities customarily
16 constructed by the public for public use and benefit.

17 (B) The ~~above~~ projects listed in subdivision (8)(A) of
18 this section may include any lands or interest therein, deemed by the board
19 to be desirable in connection therewith, and necessary equipment for the
20 proper functioning and operation of the buildings or facilities involved~~;~~.

21 ~~(10)(5)~~ "Indenture" means a mortgage, an indenture of mortgage,
22 deed of trust, trust agreement, or trust indenture executed by the
23 corporation as security for any bonds~~;~~;

24
25 SECTION 17. Arkansas Code § 14-164-305(a), concerning the supplemental
26 application of the Local Government Bond Act, is amended to read as follows
27 to remove a reference to a repealed Code provision:

28 (a) It is the specific intent of this subchapter that this subchapter,
29 and in particular ~~§ 14-164-303(b) [repealed]~~ and §§ 14-164-326 – 14-164-339,
30 be supplemental to other constitutional or statutory provisions that may
31 provide for the financing of capital improvements of a public nature or
32 economic development projects.

33
34 SECTION 18. Arkansas Code § 14-164-402(2)(A), concerning the
35 definition of "capital improvements" under the Local Government Capital
36 Improvement Revenue Bond Act, is amended to read as follows to correct

1 improperly subdivided list within a list:

- 2 (A)~~(i)~~ City or town halls~~;~~,
- 3 ~~(ii) Courthouses;~~ courthouses, and
- 4 ~~(iii) Administrative~~ administrative, executive, or
- 5 other public offices;

6
7 SECTION 19. Arkansas Code § § 14-164-402(2)(H), concerning the
8 definition of "capital improvements" under the Local Government Capital
9 Improvement Revenue Bond Act, is amended to read as follows to correct
10 improperly subdivided list within a list:

11 (H) Facilities for nonprofit organizations engaged
12 primarily in:

- 13 (i)~~(a) Public health;~~ Any of the following:
- 14 (a) Public health;
- 15 (b) Health systems support;
- 16 (c) Safety; or
- 17 (d) Disaster relief; and
- 18 (ii) Related activities;

19
20 SECTION 20. The lead-in language of Arkansas Code § 14-184-115,
21 concerning powers and duties of an improvement district, is amended to read
22 as follows to conform the language to Code style:

23 A central business improvement district ~~shall have~~ has all powers
24 necessary or desirable to undertake and carry out ~~any or~~ all parts of the
25 planned improvement, ~~including, but not limited to, the following~~ without
26 limitation:

27
28 SECTION 21. Arkansas Code § 14-184-115(3), concerning powers and
29 duties of an improvement district, is amended to read as follows to correct
30 an improperly subdivided list within a list:

- 31 (3)~~(A)~~ To do all of the following:
- 32 (A) To acquire Acquire, construct, install, operate,
- 33 maintain, and contract regarding ~~pedestrian or shopping malls, plazas,~~
- 34 ~~sidewalks or moving sidewalks, parks, parking lots, parking garages, offices,~~
- 35 ~~urban residential facilities including, without limitation, apartments,~~
- 36 ~~condominiums, hotels, motels, convention halls, rooms, and related~~

1 facilities, and buildings and structures to contain any of these facilities,
2 bus stop shelters, decorative lighting, benches or other seating furniture,
3 sculptures, telephone booths, traffic signs, fire hydrants, kiosks, trash
4 receptacles, marquees, awnings or canopies, walls and barriers, paintings or
5 murals, alleys, shelters, display cases, fountains, child care facilities,
6 restrooms, information booths, aquariums or aviaries, tunnels and ramps, and
7 pedestrian and vehicular overpasses and underpasses:

8 (i) Pedestrian or shopping malls;

9 (ii) Plazas;

10 (iii) Sidewalks or moving sidewalks;

11 (iv) Parks;

12 (v) Parking lots;

13 (vi) Parking garages;

14 (vii) Offices;

15 (viii) Urban residential facilities, including
16 without limitation, apartments, condominiums, hotels, motels, convention
17 halls, rooms, and related facilities, and buildings and structures to contain
18 any of these facilities;

19 (ix) Bus stop shelters;

20 (x) Decorative lighting;

21 (xi) Benches or other seating furniture;

22 (xii) Sculptures;

23 (xiii) Telephone booths;

24 (xiv) Traffic signs;

25 (xv) Fire hydrants;

26 (xvi) Kiosks;

27 (xvii) Trash receptacles;

28 (xviii) Marquees, awnings or canopies;

29 (xix) Walls and barriers;

30 (xx) Paintings or murals;

31 (xxi) Alleys;

32 (xxii) Shelters;

33 (xxiii) Display cases;

34 (xxiv) Fountains;

35 (xxv) Childcare facilities;

36 (xxvi) Restrooms;

- 1 (xxvii) Information booths;
- 2 (xxviii) Aquariums or aviaries;
- 3 (xxix) Tunnels and ramps; and
- 4 (xxx) Pedestrian and vehicular overpasses and
- 5 underpasses;

6 (B) ~~To acquire~~ Acquire airspace for and to construct

7 pedestrian walkways through buildings; and

8 (C) ~~To construct each and~~ Construct every other useful,

9 necessary, or desired facility or improvement that may secure and develop

10 industry and be conducive to improved economic activity within the district;

11

12 SECTION 22. Arkansas Code § 14-184-115(15), concerning powers and

13 duties of an improvement district, is amended to read as follows to correct

14 an improperly subdivided list within a list:

15 (15)~~(A) To remove, by~~ By agreement or by the exercise of the

16 power of eminent domain~~;~~;

17 (A) To remove any existing structures or signs of any

18 description in the district not conforming to the plan of improvement; and

19 (B) ~~To require, whether by agreement or by the exercise of~~

20 ~~eminent domain, any or all~~ utilities servicing the district to lay such pipe,

21 extend such wires, provide such facilities, or conform, modify, or remove

22 existing facilities to effectuate the plan of improvement for the district;

23

24 SECTION 23. Arkansas Code § 14-217-103 is amended to read as follows

25 to arrange the defined terms in alphabetical order and to otherwise conform

26 the section to Code style:

27 14-217-103. Definitions.

28 ~~Whenever~~ As used in this chapter, ~~unless the context otherwise~~

29 ~~requires:~~

30 ~~(1)(6)~~ (6) “Consolidated utility district” or “district” means any

31 municipal improvement district created before March 19, 1975, pursuant to

32 special act or general act, or created after March 19, 1975, pursuant to this

33 chapter, for the purpose of constructing or operating and maintaining a

34 consolidated utility system;

35 ~~(2)(7)~~ (7) “Consolidated utility system”, or “consolidated system”,

36 or “system” means any system of public utilities together with any facilities

1 related to or necessary or appropriate to the construction, operation, or
2 maintenance consisting of:

3 (A) A combined water system and sewer system; or

4 (B) An electric system consolidated or combined with a
5 water system or with a sewer system;

6 ~~(3)~~(9) “Electric system” means any system for the production,
7 generation, transmission, or delivery of electricity;

8 ~~(4)~~(17) “Water system” means any system for the acquisition,
9 treatment, storage, transmission, or delivery of water~~+~~.

10 ~~(5)~~(16) “Sewer system” means any system for the collection,
11 transmission, treatment, or disposal of liquid or solid industrial or
12 domestic waste; and

13 ~~(6)~~(11) “Major utility facility” or “major facility” means any
14 electric generating plant or bulk water supply facility and related necessary
15 appurtenant land and land rights, substation, fuel, fuel handling and storage
16 equipment, and similar necessary equipment;

17 ~~(7)~~(8) “Construct” or “construction” means to acquire,
18 construct, reconstruct, extend, improve, install, or equip any system or
19 portion thereof;

20 ~~(8)~~(12) “Municipality” means any city of the first class, city
21 of the second class, or incorporated town;

22 ~~(9)~~(10) “Governing body” means the council, board of directors,
23 commission, or other governing body of a municipality;

24 ~~(10)~~(4) “City clerk” means city clerk, city recorder, town
25 recorder, or other similar office hereafter created or established;

26 ~~(11)~~(14) “Public utility corporation” means any public utility
27 as defined in § 23-1-101;

28 ~~(12)~~(13) “Person” means any natural person, firm, corporation,
29 association, public agency located within or outside the State of Arkansas,
30 or other legally recognized entity;

31 ~~(13)~~(3) “Bonds” means bonds issued under the authority of this
32 chapter, whether assessment secured bonds or revenue bonds;

33 ~~(14)~~(1) “Assessment secured bonds” means bonds described in and
34 issued under the authority of § 14-217-109(b);

35 (15) “Revenue bonds” means bonds described in and under the
36 authority of § 14-217-109(c);

1 ~~(16)~~(2) “Board of commissioners” or “board” means the board of
2 commissioners, board of directors, board of improvement, or other governing
3 board of a district; ~~and~~

4 ~~(17)~~(5) “Commissioner” means any member of a board of
5 commissioners; ~~;~~

6
7 SECTION 24. Arkansas Code § 14-237-106(e), concerning the authority of
8 water and sewer departments to provide for disbursement of department funds
9 by electronic funds transfer, is amended to read as follows to correct the
10 subdividing of the subsection:

11 (e)(1) Disbursements of department funds, other than for payments
12 under subsections (b) and (d) of this section, may be made by electronic
13 funds transfer ~~provided that~~.

14 ~~(1)~~(2) The department’s governing body may establish an
15 electronic funds payment system directly into payees’ accounts in financial
16 institutions in payment of any account allowed against the department.

17 ~~(2)~~(3) ~~As used in this subsection, departments~~ A department
18 opting for an electronic funds payment system shall establish an electronic
19 payment method that provides for internal accounting controls and
20 documentation for audit and accounting purposes.

21 ~~(3)~~(4) Each electronic payment method established under
22 subdivision ~~(e)~~(2)~~(e)~~(3) of this section shall be approved by the Legislative
23 Joint Auditing Committee before implementation by the department.

24 ~~(4)~~(5) A single electronic funds payment may contain payments to
25 multiple payees, appropriations, characters, or funds.

26
27 SECTION 25. Arkansas Code § 14-356-102 is repealed because the act
28 from which the section was derived was declared unconstitutional in its
29 entirety in City of North Little Rock v. Pulaski County, 332 Ark. 578, 968
30 S.W.2d (1998).

31 ~~14-356-102. Use Exclusively public.~~

32 ~~(a) The ownership, operation, and management of municipal airports,~~
33 ~~county airports, municipal airports operated pursuant to the Airport~~
34 ~~Commission Act, § 14-359-101 et seq., airports in border municipalities~~
35 ~~operated pursuant to the Municipal Airports Act, § 14-361-101 et seq., and~~
36 ~~regional airports operated pursuant to the Regional Airport Act, § 14-362-101~~

~~et seq., and their related properties and facilities, including without limitation runways, hangars, terminal facilities, and suitable areas or space which are made available to those who are willing and otherwise qualified to offer transportation services to the public or support services to aircraft operators, all as may be necessary or desirable for the servicing of aircraft in commercial or general aviation or for the comfort and accommodation of air travelers traveling in commercial or general aviation, are vital to the economic welfare of the State of Arkansas and its people, and such airports and their related properties and facilities are declared and confirmed to be used exclusively for public purposes.~~

~~(b) All airport property and related properties and facilities owned by a municipality, county, or other public agency for the purposes enumerated in this section are declared to be acquired and used exclusively for public and governmental purposes and as a matter of public necessity and shall be exempt from ad valorem taxation to the same extent as other property used exclusively for public purposes.~~

SECTION 26. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Second General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Second General Assembly and this act:

(A) The act of the regular session of the Ninety-Second General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Second General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 3/8/19