

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 163 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 62

4
5 By: Senator Madison
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 14 OF
10 THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR
11 OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO MAKE VARIOUS CORRECTIONS TO
15 TITLE 14 OF THE ARKANSAS CODE OF 1987
16 ANNOTATED.
17
18

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

21 SECTION 1. Arkansas Code § 14-144-103 is amended to read as follows to
22 add a definition:

23 (13) "Research park authority" means a public entity created
24 under this chapter to provide facilities and support for businesses engaged
25 in research and development in pursuit of economic development opportunities;

26 ~~(13)~~(14)(A) "Sell" means to sell for a price, in a manner, and
27 upon terms the authority ~~shall determine~~ determines, including without
28 limitation, private or public sale.

29 (B)(i) If the sale is public, the authority shall
30 advertise the sale and shall determine whether the sale shall be for cash or
31 credit payable in lump sum or in installments over a period the authority
32 shall determine.

33 (ii) If the sale is for credit, the authority shall
34 determine whether the credit shall be with or without interest and at what
35 rate; and



1 ~~(14)~~(15) "State" means the State of Arkansas.

2
3 SECTION 2. Arkansas Code § 14-164-208(f) is amended to read as
4 follows:

5 (f)(1)(A) A municipal ordinance authorizing bonds shall be published
6 one (1) time in a newspaper of general circulation in the municipality.

7 ~~(2)~~(B) It shall not be necessary to publish a county court
8 order authorizing bonds.

9 ~~(3)~~(C) It shall not be necessary to comply with general
10 provisions of other laws dealing with the publication or posting of
11 ordinances or orders.

12 (2)(A) Subdivision (f)(1) of this section applies to all
13 ordinances and orders adopted or entered under this section before March 28,
14 2007.

15 (B) An ordinance or order adopted or entered before March
16 28, 2007, shall be considered for all purposes as if adopted or entered under
17 the authority of this subsection (f).

18 (C) An ordinance adopted before March 28, 2007, shall not
19 be held to be invalidly adopted for noncompliance with § 14-55-206.

20
21 SECTION 3. Arkansas Code § 14-171-215(a) is amended to read as follows
22 to remove temporary language that has expired:

23 (a) Payments of state assistance to cities and counties ~~pursuant to~~
24 under an agreement with the eligible facilities shall be made as follows:

25 ~~(1) The War Memorial Stadium Commission or its bond trustee~~
26 ~~shall receive the moneys listed in this subdivision (a)(1) less any general~~
27 ~~revenues appropriated to War Memorial Stadium;~~

28 ~~(A) Eight hundred thousand fifty six dollars (\$800,056) in~~
29 ~~the fiscal year 2001;~~

30 ~~(B) Seven hundred forty four thousand four hundred fifty-~~
31 ~~seven dollars (\$744,457) in the fiscal year 2002;~~

32 ~~(C) Seven hundred fifty two thousand nine hundred forty-~~
33 ~~one dollars (\$752,941) in the fiscal year 2003; and~~

34 ~~(D) Seven hundred sixty four thousand six hundred seventy-~~
35 ~~eight dollars (\$764,678) in the fiscal year 2004;~~

36 ~~(2) The City of Fayetteville Continuing Education Center or its~~

1 ~~bond trustee shall receive:~~

2 ~~(A) Two hundred ninety seven thousand two hundred two~~
 3 ~~dollars (\$297,202) in the fiscal year 2001;~~

4 ~~(B) Two hundred seventy nine thousand two hundred eighty-~~
 5 ~~nine dollars (\$279,289) in the fiscal year 2002;~~

6 ~~(C) Two hundred eighty two thousand two hundred eighty-~~
 7 ~~nine dollars (\$282,289) in the fiscal year 2003;~~

8 ~~(D) Two hundred eighty four thousand nine hundred six~~
 9 ~~dollars (\$284,906) in the fiscal year 2004; and~~

10 ~~(E) Two hundred ninety thousand two hundred thirty eight~~
 11 ~~dollars (\$290,238) in the fiscal year 2005;~~

12 ~~(3)(1)~~ The City of Fort Smith Convention Center or its bond
 13 trustee shall receive:

14 ~~(A) One million eight hundred seven thousand nine hundred~~
 15 ~~five dollars (\$1,807,905) in the fiscal year 2001;~~

16 ~~(B) One million six hundred ninety nine thousand three~~
 17 ~~hundred thirty nine dollars (\$1,699,339) in the fiscal year 2002;~~

18 ~~(C) One million seven hundred twenty one thousand nine~~
 19 ~~hundred forty nine dollars (\$1,721,949) in the fiscal year 2003;~~

20 ~~(D) One million seven hundred forty six thousand four~~
 21 ~~hundred twenty five dollars (\$1,746,425) in the fiscal year 2004;~~

22 ~~(E) One million seven hundred sixty nine thousand seven~~
 23 ~~hundred seven dollars (\$1,769,707) in the fiscal year 2005;~~

24 ~~(F) One million seven hundred ninety five thousand three~~
 25 ~~hundred ninety seven dollars (\$1,795,397) in the fiscal year 2006;~~

26 ~~(G) One million seven hundred ninety five thousand six~~
 27 ~~hundred ninety four dollars (\$1,795,694) in the fiscal year 2007;~~

28 ~~(H) One million seven hundred ninety six thousand two~~
 29 ~~hundred seventy three dollars (\$1,796,273) in the fiscal year 2008;~~

30 ~~(I)(A)~~ One million seven hundred ninety-five thousand
 31 eight hundred twenty-seven dollars (\$1,795,827) in the fiscal year 2009; and

32 ~~(J)(B)~~ One million seven hundred seventy-seven thousand
 33 four hundred forty-six dollars (\$1,777,446) in the fiscal year 2010;

34 ~~(4)(2)~~ The Texarkana Four States Fair, Inc., or its bond trustee
 35 shall receive:

36 ~~(A) Three hundred thirty seven thousand four hundred~~

1 ~~thirty-eight dollars (\$337,438) in the fiscal year 2001;~~

2 ~~(B) Three hundred seventeen thousand three hundred forty-~~
 3 ~~four dollars (\$317,344) in the fiscal year 2002;~~

4 ~~(C) Two hundred thirty-seven thousand nine hundred twenty-~~
 5 ~~six dollars (\$237,926) in the fiscal year 2003;~~

6 ~~(D) Two hundred twenty-eight thousand three hundred~~
 7 ~~ninety-three dollars (\$228,393) in the fiscal year 2004;~~

8 ~~(E) Two hundred thirty-one thousand five hundred ninety-~~
 9 ~~two dollars (\$231,592) in the fiscal year 2005;~~

10 ~~(F) Two hundred thirty-five thousand eight hundred thirty-~~
 11 ~~eight dollars (\$235,838) in the fiscal year 2006;~~

12 ~~(G) Two hundred thirty-five thousand eight hundred thirty-~~
 13 ~~eight dollars (\$235,838) in the fiscal year 2007;~~

14 ~~(H) Two hundred thirty-five thousand eight hundred thirty-~~
 15 ~~eight dollars (\$235,838) in the fiscal year 2008;~~

16 ~~(I)(A) Two hundred thirty-five thousand eight hundred~~
 17 ~~thirty-eight dollars (\$235,838) in the fiscal year 2009; and~~

18 ~~(J)(B) Two hundred ten thousand six hundred thirty-eight~~
 19 ~~dollars (\$210,638) in the fiscal year 2010;~~

20 ~~(5)(3) The Hot Springs Advertising and Promotion Commission~~
 21 ~~Convention Center or its bond trustee shall receive:~~

22 ~~(A) Two million three hundred seventy-seven thousand~~
 23 ~~twenty-two dollars (\$2,377,022) in the fiscal year 2001;~~

24 ~~(B) Two million two hundred thirty-nine thousand one~~
 25 ~~hundred eighty-seven dollars (\$2,239,187) in the fiscal year 2002;~~

26 ~~(C) Two million two hundred seventy thousand seven hundred~~
 27 ~~eighty-two dollars (\$2,270,782) in the fiscal year 2003;~~

28 ~~(D) Two million three hundred four thousand nine hundred~~
 29 ~~ninety-nine dollars (\$2,304,999) in the fiscal year 2004;~~

30 ~~(E) Two million three hundred thirty-six thousand nine~~
 31 ~~dollars (\$2,336,009) in the fiscal year 2005;~~

32 ~~(F) Two million three hundred seventy-seven thousand two~~
 33 ~~hundred sixty dollars (\$2,377,260) in the fiscal year 2006;~~

34 ~~(G) Two million three hundred seventy-nine thousand seven~~
 35 ~~hundred twenty-four dollars (\$2,379,724) in the fiscal year 2007;~~

36 ~~(H) Two million four hundred sixty-nine thousand eight~~

~~hundred thirty two dollars (\$2,469,832) in the fiscal year 2008;~~

~~(I)(A) Two million four hundred fifty-four thousand two hundred thirty dollars (\$2,454,230) in the fiscal year 2009;~~

~~(J)(B) Two million four hundred fifty-three thousand two hundred thirty dollars (\$2,453,230) in the fiscal year 2010;~~

~~(K)(C) Two million four hundred fifty-four thousand seven hundred seventy dollars (\$2,454,770) in the fiscal year 2011; and~~

~~(L)(D) Two million four hundred fifty-four thousand four hundred thirty dollars (\$2,454,430) in the fiscal year 2012;~~

~~(6)(4) The City of Little Rock Convention and Visitors Bureau or its bond trustee shall receive:~~

~~(A) One million nine hundred sixty thousand six hundred twenty four dollars (\$1,960,624) in the fiscal year 2001;~~

~~(B) One million eight hundred forty four thousand nine hundred twenty nine dollars (\$1,844,929) in the fiscal year 2002;~~

~~(C) One million eight hundred sixty seven thousand four hundredsixty two dollars (\$1,867,462) in the fiscal year 2003;~~

~~(D) One million eight hundred ninety three thousand seventy six dollars (\$1,893,076) in the fiscal year 2004;~~

~~(E) One million nine hundred twenty one thousand two hundred twenty three dollars (\$1,921,223) in the fiscal year 2005;~~

~~(F) One million nine hundred fifty one thousand seven hundredsixty seven dollars (\$1,951,767) in the fiscal year 2006;~~

~~(G) One million nine hundred forty seven thousand one hundred thirty one dollars (\$1,947,131) in the fiscal year 2007;~~

~~(H) One million nine hundred forty four thousand eight hundred twenty five dollars (\$1,944,825) in the fiscal year 2008;~~

~~(I)(A) One million nine hundred thirty-eight thousand twenty-two dollars (\$1,938,022) in the fiscal year 2009;~~

~~(J)(B) One million nine hundred thirty-seven thousand ninety dollars (\$1,937,090) in the fiscal year 2010;~~

~~(K)(C) One million nine hundred thirty-two thousand five dollars (\$1,932,005) in the fiscal year 2011;~~

~~(L)(D) One million nine hundred twenty-seven thousand eight hundred seventy-four dollars (\$1,927,874) in the fiscal year 2012;~~

~~(M)(E) One million nine hundred twenty-one thousand forty-~~

1 six dollars (\$1,921,046) in the fiscal year 2013;

2 ~~(N)~~(F) One million nine hundred eighteen thousand two

3 hundred dollars (\$1,918,200) in the fiscal year 2014;

4 ~~(O)~~(G) One million nine hundred eleven thousand eight

5 hundred thirty-five dollars (\$1,911,835) in the fiscal year 2015; and

6 ~~(P)~~(H) One hundred fifty-nine thousand two hundred

7 seventy-three dollars (\$159,273) in the fiscal year 2016; and

8 ~~(7)~~(5) The Arkansas State Fair and Livestock Show Association or

9 its bond trustee shall receive the moneys listed in this subdivision

10 ~~(a)~~~~(7)~~(a)(5), less any general revenues appropriated to the State Fair:

11 ~~(A)~~—~~Eight hundred eighty-seven thousand nine hundred eight~~

12 ~~dollars (\$887,908) in the fiscal year 2001;~~

13 ~~(B)~~—~~No moneys under this subdivision (a)(7) in the fiscal~~

14 ~~year 2002;~~

15 ~~(C)~~—~~No moneys under this subdivision (a)(7) in the fiscal~~

16 ~~year 2003;~~

17 ~~(D)~~—~~Eight hundred eighty-seven thousand nine hundred eight~~

18 ~~dollars (\$887,908) in the fiscal year 2004;~~

19 ~~(E)~~—~~Eight hundred eighty-seven thousand nine hundred eight~~

20 ~~dollars (\$887,908) in the fiscal year 2005;~~

21 ~~(F)~~—~~Eight hundred eighty-seven thousand nine hundred eight~~

22 ~~dollars (\$887,908) in the fiscal year 2006;~~

23 ~~(G)~~—~~Eight hundred eighty-seven thousand nine hundred eight~~

24 ~~dollars (\$887,908) in the fiscal year 2007;~~

25 ~~(H)~~—~~Seven hundred ninety-nine thousand one hundred~~

26 ~~eighteen dollars (\$799,118) in the fiscal year 2008;~~

27 ~~(I)~~(A) Seven hundred ten thousand three hundred twenty-

28 eight dollars (\$710,328) in the fiscal year 2009;

29 ~~(J)~~(B) Six hundred twenty-one thousand five hundred

30 thirty-eight dollars (\$621,538) in the fiscal year 2010;

31 ~~(K)~~(C) Five hundred thirty-two thousand seven hundred

32 forty-eight dollars (\$532,748) in the fiscal year 2011;

33 ~~(L)~~(D) Four hundred forty-three thousand nine hundred

34 fifty-eight dollars (\$443,958) in the fiscal year 2012;

35 ~~(M)~~(E) Three hundred fifty-five thousand one hundred

36 sixty-eight dollars (\$355,168) in the fiscal year 2013;

1 ~~(N)~~(F) Two hundred sixty-six thousand three hundred
2 seventy-eight dollars (\$266,378) in the fiscal year 2014;

3 ~~(O)~~(G) One hundred seventy-seven thousand five hundred
4 eighty-eight dollars (\$177,588) in the fiscal year 2015; and

5 ~~(P)~~(H) Eighty-eight thousand seven hundred ninety-eight
6 dollars (\$88,798) in the fiscal year 2016+.

7 ~~(8) The Pine Bluff Civic Auditorium Commission or its bond~~
8 ~~trustee shall receive:~~

9 ~~(A) Seven hundred thousand dollars (\$700,000) in the~~
10 ~~fiscal year 2001;~~

11 ~~(B) Six hundred eight thousand three hundred thirteen~~
12 ~~dollars (\$608,313) in the fiscal year 2002;~~

13 ~~(C) Five hundred fifty thousand seven hundred fifty four~~
14 ~~dollars (\$550,754) in the fiscal year 2003;~~

15 ~~(D) Three hundred thirty eight thousand nine hundred~~
16 ~~fifty four dollars (\$338,954) in the fiscal year 2004; and~~

17 ~~(E) One hundred seventy one thousand eight hundred forty-~~
18 ~~nine dollars (\$171,849) in the fiscal year 2005; and~~

19 ~~(9) Alltel Arena or its bond trustee shall receive:~~

20 ~~(A) Four hundred ninety two thousand eight hundred sixty-~~
21 ~~four dollars (\$492,864) in the fiscal year 2002;~~

22 ~~(B) Three hundred sixty nine thousand six hundred fifty-~~
23 ~~one dollars (\$369,651) in the fiscal year 2003;~~

24 ~~(C) Two hundred forty six thousand four hundred forty one~~
25 ~~dollars (\$246,441) in the fiscal year 2004; and~~

26 ~~(D) One hundred twenty three thousand two hundred nineteen~~
27 ~~dollars (\$123,219) in the fiscal year 2005.~~

28
29 SECTION 4. Arkansas Code § 14-200-101(b)(1)(A)(iii) and (B) are
30 amended to read as follows:

31 (iii) A franchise fee for a utility, including a
32 telephone company providing services other than basic local exchange service,
33 shall not exceed the higher of the amount in effect on January 1, 1997, or
34 four and one-quarter percent ~~(4 1/4%)~~ (4.25%), unless agreed to by the affected
35 utility or approved by the voters of the municipality;

36 (B) Require a telephone company providing basic local

1 exchange service to pay a reasonable franchise fee not to exceed the higher
 2 of the amount of the telephone company's franchise fee on January 1, 1997, or
 3 a fee equal to four and one-quarter percent (~~4 1/4%~~) (4.25%) of the revenues
 4 received by the telephone company from providing basic local exchange
 5 services, unless:

6 (i) A higher rate or franchise fee is approved by
 7 the voters of the municipality; or

8 (ii) The telephone company agrees to pay a higher
 9 percentage on services offered in addition to basic local exchange services;

10
 11 SECTION 5. Arkansas Code § 14-202-102(5) is amended to read as
 12 follows:

13 (5) "Energy service provider" means ~~an energy service provider~~
 14 ~~as defined by § 23-19-102(10) [repealed]~~ a qualifying facility, a power
 15 broker, a power marketer, any entity other than an electric utility or a
 16 municipal electric utility, or an aggregator other than a municipality or
 17 county or group of municipalities or counties that sells or otherwise
 18 provides electricity to or for itself or a retail electric customer,
 19 regardless of whether the entity sells other electric services and regardless
 20 of whether the entity takes title to the electricity;

21
 22 SECTION 6. Arkansas Code § 14-217-103(14) and (15) are amended to read
 23 as follows:

24 (14) "Assessment secured bonds" means bonds described in and
 25 issued under the authority of § ~~14-217-109(e)~~ § 14-217-109(b);

26 (15) "Revenue bonds" means bonds described in and under the
 27 authority of § ~~14-217-109(b)~~ § 14-217-109(c);

28
 29 SECTION 7. The enactment and adoption of this act shall not repeal,
 30 expressly or impliedly, the acts passed at the regular session of the 87th
 31 General Assembly. All such acts shall have full effect and, so far as those
 32 acts intentionally vary from or conflict with any provision contained in this
 33 act, those acts shall have the effect of subsequent acts and as amending or
 34 repealing the appropriate parts of the Arkansas Code of 1987.

35
 36 **APPROVED: 2/16/2009**