

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of Senate Bill No. 857**

"AN ACT TO AMEND ARKANSAS CODE 18-15-301 CONCERNING MUNICIPAL RIGHT-  
OF-WAY EMINENT DOMAIN."

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**Amendment No. 2 to Senate Bill No. 857.**

Amend Senate Bill No. 857 as engrossed, S3/7/01:

Page 1, line 28, delete "electric system" and substitute "electric transmission system"

AND

Page 1, line 30, delete "electric system" and substitute "electric transmission system"

AND

Page 1, line 32, delete "It" and substitute "~~It~~ For water works systems it"

AND

Page 1, line 34, delete "electric systems" and substitute "electric transmission systems"

AND

Page 1, line 36, delete "corporation ." and substitute "corporation or in a county other than the one wherein the municipal corporation is located."

AND

Page 2, lines 11 and 12, delete "and distribution"

AND

Page 2, line 14, delete "and distribution"

AND

Page 2, lines 17 and 18, delete "and distribution"

AND

Page 2, lines 21 and 22, delete "and distribution"

AND

Page 2, line 26, delete "electric facilities" and substitute "electric transmission facilities"

AND

Page 2, line 27. Delete "electric lines" and substitute "electric transmission lines"

AND

Page 2, delete lines 30 through 32 and substitute the following:

"(e)(1) As used in this section, the terms "electric transmission system or systems", "electric transmission facilities", and "electric transmission lines" mean electric utility properties and facilities necessary for transmitting electricity at 69KV phase-to-phase or higher and not for service to a directly tapped, retail, end-use customer or customers or any wholesale customer or customers, except municipal corporations. Any electric utility properties and facilities necessary for transmitting electricity at 69KV phase-to-phase or higher constructed on lands acquired in whole or in part by the municipal corporation utilizing the power of eminent domain granted in this section may be connected only with the following defined entities for the life of the properties and facilities and no others:

(A) The municipal corporation's electric generation or transmission or distribution system;

(B) Any electric utility as defined by § 23-19-102(9), or an independent transmission system operator, independent transmission company, independent regional transmission group, other independent transmission entity operating transmission facilities in this state under § 23-19-103(g); and

(C) The electric generation or transmission or distribution system owned by other municipal corporations owning an electric system.

(2) As used in this subsection, "electric distribution system" means electric utility properties and facilities necessary for distributing electricity below 69KV phase-to-phase to a municipal corporation's retail customers within its corporate limits, or within any other area served by the municipal corporation pursuant to any grant of authority by the Arkansas Public Service Commission or any other municipality.

(f) Prior to availing itself of the power of eminent domain as provided in this section for the purpose of acquiring properties or constructing facilities necessary for transmitting electricity outside the corporate limits of the municipal corporation, a municipal corporation shall obtain from the Arkansas Public Service Commission a certificate of convenience and necessity pursuant to §§ 23-3-201 through 23-3-206.

(g) For purposes of this section, "municipal corporations" shall include consolidated municipal utility improvement districts owning an electric system."

**The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_**

**By: Senator Hoofman  
LH/RRS - 032620011129  
RRS772**

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**Secretary**