

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.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1042

5 By: Representatives Thyer, Kidd, Cash
6 By: Senator Bookout
7

For An Act To Be Entitled

10 AN ACT TO CONFIRM THE POWER OF CONSOLIDATED
11 UTILITY DISTRICTS TO PARTICIPATE IN THE
12 DEVELOPMENT, OWNERSHIP, AND OPERATION OF
13 GENERATION FACILITIES WITH OUT-OF-STATE PUBLIC
14 AGENCIES; AND FOR OTHER PURPOSES.

Subtitle

16 TO CONFIRM THE POWER OF CONSOLIDATED
17 UTILITY DISTRICTS TO PARTICIPATE WITH
18 OUT-OF-STATE AGENCIES.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 14-217-103 is amended to read as follows:

25 Whenever used in this chapter, unless the context otherwise requires:

26 (1) "Consolidated utility district" or "district" means any
27 municipal improvement district created before March 19, 1975, pursuant to
28 special act or general act, or created after March 19, 1975, pursuant to this
29 chapter, for the purpose of constructing, or operating and maintaining, a
30 consolidated utility system;

31 (2) "Consolidated utility system," or "consolidated system," or
32 "system" means any system of public utilities together with any facilities
33 related to or necessary or appropriate to the construction, operation, or
34 maintenance consisting of:

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

36 (B) An electric system consolidated or combined with a



1 water system or with a sewer system;

2 (3) "Electric system" means any system for the production,
3 generation, transmission, or delivery of electricity;

4 (4) "Water system" means any system for the acquisition,
5 treatment, storage, transmission, or delivery of water;

6 (5) "Sewer system" means any system for the collection,
7 transmission, treatment, or disposal of liquid or solid industrial or
8 domestic waste;

9 (6) "Major utility facility" or "major facility" means any
10 electric generating plant or bulk water supply facility and related necessary
11 appurtenant land and land rights, substation, fuel, fuel handling and storage
12 equipment, and similar necessary equipment;

13 (7) "Construct" or "construction" means to acquire, construct,
14 reconstruct, extend, improve, install, or equip any system or portion
15 thereof;

16 (8) "Municipality" means any city of the first class, city of
17 the second class, or incorporated town;

18 (9) "Governing body" means the council, board of directors,
19 commission, or other governing body of a municipality;

20 (10) "City clerk" means city clerk, city recorder, town
21 recorder, or other similar office hereafter created or established;

22 (11) "Public utility corporation" means any public utility as
23 defined in § 23-1-101;

24 (12) "Person" means any natural person, firm, corporation, ~~or~~
25 association, public agency located within or outside the State of Arkansas,
26 or other legally recognized entity;

27 (13) "Bonds" means bonds issued under the authority of this
28 chapter, whether assessment secured bonds or revenue bonds;

29 (14) "Assessment secured bonds" means bonds described in and
30 issued under the authority of § 14-217-109(c);

31 (15) "Revenue bonds" means bonds described in and under the
32 authority of § 14-217-109(b);

33 (16) "Board of commissioners" or "board" means the board of
34 commissioners, board of directors, board of improvement, or other governing
35 board of a district; and

36 (17) "Commissioner" means any member of a board of

1 commissioners.

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SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that consolidated utility districts are empowered to participate in the development, ownership, and operation of electric generation facilities, that current Arkansas law is unclear regarding the authority of districts to participate in projects located outside the state of Arkansas, and that the authority should be confirmed and clarified to allow districts to immediately proceed with out-of-state projects. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.