

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.

State of Arkansas  
86th General Assembly  
Regular Session, 2007

# A Bill

SENATE BILL 260

By: Senator Altes  
By: Representative Glidewell

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS CODE § 18-15-401; AND  
FOR OTHER PURPOSES.

## Subtitle

TO AMEND ARKANSAS CODE § 18-15-401.

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

SECTION 1. Arkansas Code § 18-15-401 is amended to read as follows:  
18-15-401. Right to acquire property.

(a) A municipality operating a waterworks system under the provisions of this subchapter shall have the right to acquire any property useful for municipal waterworks purposes by following the eminent domain proceedings set forth in this subchapter.

(b) A municipality's right of eminent domain shall be exercised by the operating authority of the municipal waterworks system.

~~(c) This subchapter shall be cumulative to any other laws of eminent domain in favor of municipalities operating municipal waterworks systems.~~

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that municipalities exercising certain powers should be subject to only the procedures set forth in the subchapter under which the municipality is operating; that if the law is not amended, municipalities will be subject to other laws, specifically the duty to pay attorney's fees found in other sections of the Arkansas code; and that this act is necessary because effective municipalities are critical to the



1 public health, welfare, and safety of the state and its citizens and the duty  
2 to pay attorney's fees would adversely affect the exercise of their power.  
3 Therefore, an emergency is declared to exist and this act being immediately  
4 necessary for the preservation of the public peace, health, and safety shall  
5 become effective on:

6 (1) The date of its approval by the Governor;

7 (2) If the bill is neither approved nor vetoed by the Governor,  
8 the expiration of the period of time during which the Governor may veto the  
9 bill; or

10 (3) If the bill is vetoed by the Governor and the veto is  
11 overridden, the date the last house overrides the veto.