

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 431

By: Senator B. Ballinger
By: Representative Gazaway

For An Act To Be Entitled

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

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 14
OF THE ARKANSAS CODE CONCERNING LOCAL
GOVERNMENT.

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

SECTION 1. Arkansas Code § 14-55-704(a), concerning authorization to amend a municipal code, is amended to read as follows to conform the wording of the subsection so that it is consistent with its 2019 amendment, which deleted references to "revisions":

(a) A municipal code may be amended from time to time by ordinances duly enacted and published as required by law and passed in such form as to indicate the intention of the legislative body of the city to make them a part of the municipal code ~~or revision~~.

SECTION 2. Arkansas Code § 14-143-109(a)(18), concerning powers of an authority under the Regional Intermodal Facilities Act, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(18) To apply to the proper authorities of the United States pursuant to appropriate law for the right to establish, operate, and maintain foreign trade zones within the area of jurisdiction of the member



municipalities ~~and/or~~ or member counties, or both, and to establish, operate, and maintain such foreign trade zones;

SECTION 3. Arkansas Code § 14-238-106(c), concerning the petitioning of the quorum court by a public facility board for a grant of powers, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(c) Any public facility board created under the Public Facilities Boards Act, § 14-137-101 et seq., or its predecessor, for the purpose of operating a waterworks facility ~~and/or~~ or a wastewater facility, or both, and which is in existence on July 28, 1995, may petition the quorum court which created the board to grant the board all the powers conveyed by this chapter, and if the quorum court adopts an ordinance to that effect, the powers and authority granted under this chapter shall be applicable to that public facilities board, and it shall thereafter be governed exclusively by the provisions of this chapter and none other.

SECTION 4. Arkansas Code § 14-238-111(a)(6), concerning the powers of a board under the Rural Waterworks Facilities Boards Act, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(6) To lend money, directly or indirectly, for the financing of the construction, acquisition, and equipment of all or a portion of a waterworks facility project ~~and/or~~ or a wastewater facility project, or both;

SECTION 5. Arkansas Code § 14-238-112(a), concerning the power of a county to acquire facilities under the Rural Waterworks Facilities Boards Act, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(a) Any county may acquire facilities for a waterworks facility project ~~and/or~~ or a wastewater facility project, or both, or any portion thereof, including a project site, by gift, purchase, lease, or condemnation, and may transfer any such facilities to a board created by the county by sale, lease, or gift.

SECTION 6. Arkansas Code § 14-238-113(a), concerning the purposes for which a board may use funds and issue bonds under the Rural Waterworks

Facilities Boards Act, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(a) Boards are authorized to use any available funds and revenues for the accomplishment of all or a portion of waterworks facilities projects ~~and/or~~ or wastewater facilities projects, or both, and may issue bonds, as authorized by this subchapter, for the accomplishment of all or a portion of waterworks facilities projects ~~and/or~~ or wastewater facilities projects, or both, either alone or together with other available funds and revenues.

SECTION 7. Arkansas Code § 14-238-114(a)(3), concerning the authority of a board to make successive bond issues under the Rural Waterworks Facilities Boards Act, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(3)(A) There may be successive bond issues for the purpose of financing the same waterworks facilities project ~~and/or~~ or wastewater facilities project, or both, and there may be successive bond issues for financing the cost of reconstructing, replacing, constructing additions to, extending, improving, and equipping waterworks facilities projects ~~and/or~~ or wastewater facilities projects, or both, already in existence, whether or not originally financed by bonds issued under this subchapter, with each successive issue to be authorized as provided by this subchapter.

(B) Priority between and among issues and successive issues as to security of the pledge of revenues and lien on the waterworks facilities project ~~and/or~~ or the wastewater facilities project, or both, involved may be controlled by the resolution authorizing the issuance of the bonds.

SECTION 8. Arkansas Code § 14-238-116(a), concerning the source of revenue from which the principal and interest on bonds issued under the Rural Waterworks Facilities Boards Act may be paid, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(a) The principal of and interest on the bonds shall be payable from:

(1) Revenues derived from the waterworks facilities projects ~~and/or~~ or the wastewater facilities projects, or both, acquired, constructed, reconstructed, equipped, extended, or improved, in whole or in part, with the proceeds of the bonds;

(2) Obligations of:

(A) The owners of waterworks facilities projects and/or or wastewater facilities projects, or both; or

(B) Any person with whom the proceeds of the bonds, or a portion thereof, are invested by contract or otherwise;

(3) Any other funds or sources of funds of the board specifically pledged and which are set aside as a special fund or source, other than taxes or assessments for local improvements, for the purpose of paying the principal of and interest on the bonds; or

(4) Any combination of subdivisions (a)(1)-(3) of this section.

SECTION 9. Arkansas Code § 14-238-118(a)(1), concerning the appointment of a receiver in case of default on the payment of principal and interest on bonds issued under the Rural Waterworks Facilities Boards Act, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(a)(1) In the event of a default in the payment of the principal of or interest on any bonds issued under the provisions of this chapter, any court having jurisdiction may appoint a receiver to take charge of the waterworks facilities projects and/or or the wastewater facilities projects, or both, upon or in which there is a mortgage lien or security interest securing the bonds in default.

SECTION 10. Arkansas Code § 14-286-105(e), concerning ex officio members of a board of commissioners for a red imported fire ant abatement district, is amended to read as follows to eliminate an ambiguity in the wording of the section:

(e)(1) A ~~Cooperative Extension Services~~ University of Arkansas Cooperative Extension Service specialist involved in fire ant education ~~and/or or~~ or the county agent chairman chair, or both, shall serve as ex officio members of the board and shall serve without compensation.

(2) The ~~Cooperative Extension Services~~ University of Arkansas Cooperative Extension Service specialist, and the county agent, or their representatives, shall cooperate with and assist the board by furnishing the board with such surveys, maps, information, and advice as may be helpful to the board in carrying out its responsibilities and to assist in such other

manner as may be reasonably requested by the board.

SECTION 11. 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-Third General Assembly;

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

(A) The act of the regular session of the Ninety-Third 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-Third 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.