

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1285

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

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 § 14-14-1202(d)(3), concerning ethics for county government officers and employees, is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

(3) Punishment.

(A) Judgment upon conviction for violation of the rules of conduct set forth in this section ~~shall be deemed a misdemeanor~~ is a violation.

(B) Punishment shall be by a fine of not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000), and the officer or employee shall be removed from office or employment of the county.

SECTION 2. Arkansas Code § 14-23-106 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:



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14-23-106. Allowance of more than amount due unlawful.

(a)(1) It ~~shall be~~ is unlawful for any county court ~~in this state~~ to allow any greater sums for any account, claim, demand, or fee bill against the county than the amount actually due, estimating one dollar (\$1.00) in county warrants as at par with one dollar (\$1.00) in lawful money of the United States, dollar for dollar, according to the legal or ordinary and customary compensation for services rendered, materials furnished, and salaries or fees of officers, when they are paid in such lawful money.

(2) ~~No~~ A county court shall not direct the issue of any warrants, nor, if directed in violation of this act, shall any clerk issue any such warrant upon such accounts, claims, demands, or fee bills for more than the actual amount so allowed, which is one dollar (\$1.00) in lawful money of the United States for one dollar (\$1.00) in county warrants, and no more.

(b) ~~Any~~ A county court, ~~or any~~ judge of the county court, or clerk of the court who ~~shall willfully violate any of the provisions of~~ willfully violates this act, or ~~neglect or refuse~~ neglects or refuses to perform any duty imposed in this act, ~~shall be deemed~~ is guilty of a ~~misdemeanor violation~~ and, upon conviction ~~in a court of competent jurisdiction~~, shall be subject to a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000) and shall be removed from office.

SECTION 3. Arkansas Code § 14-23-108 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-23-108. Unauthorized or constructive fees prohibited.

(a) The county courts ~~of the counties in this state~~ are prohibited from auditing an officer and from allowing to any officer any fee or allowance not specifically allowed the officer by law, and in no case shall constructive fees be allowed to or paid officers by any county ~~of this state~~.

(b) Any person violating ~~any of the provisions of~~ this section or § 14-23-102, or corruptly charging or receiving from any county a greater sum than that allowed by law, ~~shall be deemed~~ is guilty of a ~~misdemeanor violation~~ and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500), with the conviction working a forfeiture of the office.

SECTION 4. Arkansas Code § 14-23-202 is amended to read as follows to clarify the classification of a criminal offense pursuant to § 5-1-107(c)(1) and to correct word usage:

14-23-202. Penalty.

Any person violating ~~the provisions of~~ this subchapter ~~shall be~~ is guilty of a Class A misdemeanor. In addition, any county official violating this subchapter ~~shall be~~ is guilty of malfeasance in office and, upon conviction, shall be removed from office.

SECTION 5. Arkansas Code § 14-42-108 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-42-108. Prohibited actions by municipal officials or employees – Penalty.

(a)(1) It ~~shall be~~ is unlawful for any official or employee of any municipal corporation of this state to receive or accept any water, gas, electric current, or other article or service from the municipal corporation, or any public utility operating therein, without paying for it at the same rate and in the same manner that the general public in the municipal corporation pays therefor.

(2)(A) This section ~~shall~~ does not affect rights to free or other special services given to certain municipal officials and employees under the terms of franchises in effect with public utilities in this state.

(B) This section ~~shall~~ does not apply to any city official or employee of any municipal corporation of this state as to free streetcar transportation.

(b)(1) It ~~shall be~~ is unlawful for any city official or employee of any municipal corporation in this state to furnish or give to any person, concerns, or corporations any property belonging to the municipal corporation, or service from any public utility owned or operated by the municipal corporation, unless payment is made therefor to the municipal corporation at the usual and regular rates, and in the usual manner, except as provided in subsection (a) of this section.

(2) The waterworks commission of cities of the first class ~~shall be authorized to~~ may make donations of money from the revenue of municipal

waterworks systems to the local United Way campaign or other citywide nonsectarian, incorporated charitable organizations.

(c)(1) Any person violating ~~the provisions of~~ this section ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in any sum not less than ten dollars (\$10.00) nor more than two hundred fifty dollars (\$250).

(2) Conviction under subdivision (c)(1) of this section shall ipso facto remove the official or employee from the municipal office or position held by him or her and shall render him or her ineligible to thereafter hold any office or position under, or in connection with, the municipal corporation.

SECTION 6. Arkansas Code § 14-47-111 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-47-111. Refusal of director to serve.

(a) ~~Any~~ A person who ~~shall have~~ has been elected or appointed a director and ~~shall neglect or refuse~~ neglects or refuses to qualify and serve as such ~~shall be~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in any sum of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300).

(b) However, the directors, for good cause shown, may permit a director to resign.

SECTION 7. Arkansas Code § 14-47-115 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-47-115. Prohibition against director interest in contracts.

(a)(1) A director of the city shall not be interested, directly or indirectly, in any contracts made with the city unless the board of directors of the city ~~shall have~~ has enacted an ordinance specifically permitting a director to conduct business with the city and prescribing the extent of this authority.

(2) ~~This prohibition shall not~~ The prohibition under subdivision (a)(1) of this section does not apply to contracts for the furnishing of supplies, equipment, or services to be performed for a municipality by a

corporation in which no director holds any executive or managerial office, or by a corporation in which a controlling interest is held by stockholders who are not directors.

(b) ~~Any~~ A director acting on any contract with the city in which he or she is interested or receiving any benefit in violation of this section ~~shall be~~ is guilty of a ~~misdemeanor and violation and upon conviction shall be~~ fined in any sum of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).

SECTION 8. Arkansas Code § 14-47-137 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-47-137. Prohibited actions by officers or employees.

(a)(1) An officer or employee elected or appointed in any city shall not be interested, directly or indirectly, in any contract or job for work or materials, or the profits, or service to be furnished or performed for the city unless the board of directors of the city has enacted an ordinance specifically permitting an officer or employee to conduct business with the city and prescribing the extent of this authority.

(2) ~~This prohibition shall~~ The prohibition under subdivision (a)(1) of this section does not apply to contracts for the furnishing of supplies, equipment, or services to be performed for a municipality by a corporation

(A) Corporation in which an officer does not hold any executive or managerial office or by a corporation in which a controlling interest is held by stockholders who are not officers or employees; or

~~(3) This prohibition shall not apply to contracts for the furnishing of supplies, equipment, or services to be performed for a municipality by a volunteer~~ (B) Volunteer who has been appointed to a municipal board, municipal commission, or municipal task force.

(b)(1) An officer or employee shall not accept or receive, directly or indirectly, any frank, pass, free ticket, or free service from any person, firm, or corporation operating within the territorial limits of the city any public transportation service, gas works, waterworks, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business acting or operating under a public franchise of the city; nor shall ~~any~~ an

officer or employee accept or receive, directly or indirectly, from any person, firm, or corporation, or its agents, any other service upon terms more favorable than those granted to the public generally.

(2) The prohibition of free transportation ~~shall under~~ subdivision (b)(1) of this section does not apply to police officers or firefighters in uniform, nor shall any free service to city officials heretofore provided by franchise or ordinance be affected by this subsection.

(c) ~~Any A~~ person violating ~~the provisions of~~ this section ~~shall be~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in a sum of not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000), and every such contract or agreement ~~shall be~~ is void.

SECTION 9. Arkansas Code § 14-48-128 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-48-128. Prohibited actions by officers or employees.

(a)(1) No member of the board of directors nor any officer or employee appointed in any city shall have an interest in any contract or job for work or materials, or the profits thereof, or service to be furnished or performed for the city.

(2) No officer or employee shall have an interest in any contract or job for work or materials, or the profits thereof, or service to be furnished or performed for any person, firm, or corporation operating any public transportation service, gas works, waterworks, electric light or power plants, telegraph line, telephone exchange, or other public utility within the territorial limits of the city.

(3)(A) No officer or employee shall accept or receive, directly or indirectly, any frank, pass, free ticket, or free service from any person, firm, or corporation operating within the territorial limits of the city any public transportation service, gas works, waterworks, electric light or power plant, heating plant, telephone exchange, telegraph line, or other business acting or operating under a public franchise of the city, nor shall he or she accept or receive, directly or indirectly, from any such person, firm, or corporation, or its agents, any other service upon terms more favorable than those granted to the public generally.

(B) The prohibition of free transportation ~~shall under~~

subdivision (a)(3)(A) of this section does not apply to police officers or firefighters in uniform, nor shall any free service to the city officials heretofore provided by franchise or ordinance be affected by this section.

(b) ~~Any A~~ person violating ~~the provisions of~~ this section ~~shall be~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in a sum not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000), and every such contract or agreement ~~shall be~~ is void.

SECTION 10. Arkansas Code § 14-50-102 is amended to read as follows to clarify the classification of a criminal offense pursuant to § 5-1-107(c)(1) and to correct word usage:

14-50-102. Penalty.

~~Any A~~ person violating ~~any part of~~ this chapter ~~shall be~~ is guilty of a Class A misdemeanor and upon conviction shall be punished accordingly.

SECTION 11. Arkansas Code § 14-54-1101 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-54-1101. Livestock running at large.

(a) Cities of the first class, ~~and cities of the~~ second class, and incorporated towns are empowered to prevent the running at large within their corporate limits of cattle, horses, mules, asses, swine, sheep, goats, and other animals of the kind. ~~These cities and towns are authorized and empowered and~~ empowered and to restrain and impound any such animals so found running at large within their corporate limits, in violation of any ordinance passed by the cities and towns in conformity with this section.

(b)(1)(A) Whenever ~~any a~~ person or officer of any city or incorporated town in this state under the law of this state, or under an ordinance of any city or incorporated town, ~~shall take~~ takes charge of ~~any a~~ horse, cow, ass, sheep, goat, or hog for the purpose of impounding it, the ~~persons~~ person so impounding the stock found to be running at large in the city or incorporated town shall at once notify the owner of the animal, if known to the person or officer, that the animal has been taken possession of.

(B) If the owner of the animal ~~shall~~, within twenty-four (24) hours after being notified, ~~appear and claim his~~ appears and claims his or her stock, ~~it~~ the stock shall be delivered to the owner.

(2)(A)(i) If the owner of the stock is unknown to the person or officer taking up or impounding, then that person or officer shall post written notices in at least three (3) public places in the cities or incorporated towns, and by notice in some newspaper in cities of the first class and cities of the second class.

(ii) ~~This~~ The notice under subdivision (b)(2)(A)(i) of this section shall give a description of the animal, set out ~~therein~~ in the notice the marks, brands, and flesh marks of the ~~animals~~ animal so impounded, and call upon the owner of the animal to prove his or her ownership or interest ~~therein~~ in the animal to ~~such~~ the person or officer having ~~it~~ the animal in his or her possession or custody, within ten (10) days after the publication of the notice.

(B) Upon proof being made to the satisfaction of the person or officer and the payment of actual expenses incurred in the taking care of the animal, the person or officer having ~~it~~ the animal in his or her possession shall at once deliver the animal to the owner.

(c) If the pound master, his or her agent or employee, or any employee of any city ~~shall drive or entice~~ or incorporated town drives or entices any of the stock enumerated in this section from outside the city or incorporated town into the city or incorporated town, he or she ~~shall be deemed~~ is guilty of a ~~misdemeanor~~. Upon violation and upon conviction, ~~he~~ shall be fined in any sum not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

SECTION 12. Arkansas Code § 14-56-204(d)(10), concerning exceptions to the general prohibition on municipal regulation of building design elements, is amended to read as follows to use the correct term as defined for the subchapter:

(10) The application of a municipal policy, regulation, or ordinance affecting residential building design elements if the application:

(A) Is applied on an existing property in which residential building design elements were regulated on or before February 28, 2019, but not as to any other property thereafter;

(B) Results in a less restrictive regulation of residential building design elements on existing property than the municipal policy, regulation, or ordinance as it existed on February 28, 2019; or

(C) Does not affect residential building design elements;

SECTION 13. Arkansas Code § 14-56-422 is amended to read as follows to correct the subdividing in the section:

14-56-422. Adoption of plans, ordinances, and regulations.

All plans, recommended ordinances, and regulations shall be adopted through the following procedure:

(1)(A) The planning commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) days prior to the hearing.

(C) Notice by first class mail to the boards of directors of all school districts affected by a proposed plan, ordinance, or regulation shall be provided sufficiently in advance to allow representatives of all affected school districts a reasonable opportunity to submit comments on any proposed plan, ordinance, or regulation~~;~~

(2) Following the public hearing, proposed plans may be adopted and proposed ordinances and regulations may be recommended as presented or in modified form by a majority vote of the entire commission~~;~~

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the legislative body of the city for its adoption~~;~~

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or recertification or by a majority vote of the entire membership may adopt by ordinance or resolution the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of a majority of the council~~;~~ and

(5)(A) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the city clerk.

(B) The city clerk shall file the plans, ordinances, and regulations as pertain to the territory beyond the corporate limits with the

county recorder of the counties in which territorial jurisdiction is being exercised.

SECTION 14. Arkansas Code § 14-57-401 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-57-401. Penalty.

(a) It ~~shall be~~ is unlawful for ~~any~~ a person, firm, or corporation to employ another, who is under the age of twenty-one (21) years, to operate or drive a taxicab or bus for hire, or otherwise, in cities of the first class in this state.

(b) ~~Any~~ A person found guilty of a violation of this subchapter ~~shall be~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense.

SECTION 15. Arkansas Code § 14-57-701 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-57-701. Penalty.

(a) ~~Any~~ An owner of ~~any~~ a vehicle, delinquent in the payment of the city or town vehicle tax for more than five (5) months, who thereafter ~~shall use and operate any such~~ uses and operates the vehicle upon the public roads, streets, and other public ways within the city or town levying the vehicle tax, or who ~~shall~~ knowingly ~~permit it~~ permits the vehicle to be so used and operated by another, ~~shall be~~ is guilty of a ~~misdemeanor~~. ~~Upon~~ violation and upon conviction, ~~he~~ shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each violation.

(b) The fine ~~se~~ assessed under this section shall be in addition to the tax and penalty for delinquent payment.

SECTION 16. Arkansas Code § 14-86-502 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-86-502. Penalty.

(a)(1) ~~Any~~ An engineer or commissioner who ~~shall neglect, fail, or~~

~~refuse neglects, fails, or refuses~~ to comply with ~~any of the provisions of~~ this subchapter ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250).

(2) Twenty-five dollars (\$25.00) of the fine under subdivision (a)(1) of this section shall be paid to the informer.

(b) Each corner destroyed ~~where~~ when there is a failure to comply with ~~the provisions of~~ this subchapter as to corners ~~shall constitute~~ constitutes a separate offense.

SECTION 17. Arkansas Code § 14-86-1203 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-86-1203. Penalty – Damages.

(a)(1) Any collector of taxes as designated in § 14-86-1205 who ~~shall fail or refuse~~ fails or refuses to make, certify, and file with the county tax collector the delinquent lists named in this section, within the time provided in this subchapter, ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in the sum of ten dollars (\$10.00).

(2) Each day intervening between the expiration of the time allowed the collector for filing the list and the actual filing of ~~it shall constitute~~ the list constitutes a separate offense and ~~shall be~~ is punishable as provided in this section.

(b)(1)(A) The district may recover of and from the collector or his or her bondsmen, or both, any amount of damages ~~it~~ the district may sustain by reason of the failure or refusal of the collector to comply with ~~the provisions of~~ this subchapter.

(B) However, in no event shall any such district recover an amount exceeding the total amount of the taxes so delinquent, together with its costs expended.

(2) Any court of competent jurisdiction in the county shall have jurisdiction to fix the damages, if any, sustained by any district as set out in this section.

SECTION 18. Arkansas Code § 14-86-1801 is amended to read as follows

to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-86-1801. Penalty.

~~Any~~ An officer or commissioner of ~~any~~ an improvement district of this state ~~failing, refusing, or neglecting~~ who fails, refuses, or neglects to comply with ~~the provisions of~~ this subchapter ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and ~~on~~ upon conviction shall be fined in any sum not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000).

SECTION 19. Arkansas Code § 14-88-405 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-88-405. City improvement collector.

(a) The city councils of the cities of the first class and cities of the second class ~~are authorized and empowered to~~ may designate and appoint someone to collect all of the city improvement taxes, to be known as “city improvement collector-”.

(b) When so appointed by the city council, the city improvement collector shall have exclusive ~~power and~~ authority to collect the taxes in all improvement districts lying wholly or partially within the city, except such taxes as are collected by the regular county tax collector.

(c) The city improvement collector may or may not be a city official.

(d) The city improvement collector shall receive such remuneration as shall be fixed by the city council.

(e) The city improvement collector shall ~~be required to~~ give a bond for the faithful discharge of his or her duties as approved by the city council.

(f) The city improvement collector’s term of office shall be fixed by the city council.

(g) The city improvement collector shall maintain an office or place of business open at all reasonable hours.

(h)(1) When ~~any~~ a city improvement collector has been appointed under ~~the provisions of~~ this section and has qualified by giving bond, it shall be the duty of all persons at that time who are collecting such taxes to at once turn over to the city improvement collector all books and records in their

possession pertaining to the collections.

(2) Anyone failing to comply with ~~the provisions of~~ this subsection ~~shall be deemed~~ is guilty of a ~~misdemeanor violation~~ and upon conviction shall be fined in any sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

SECTION 20. Arkansas Code § 14-89-1401 is amended to read as follows to clarify the classification of a criminal offense pursuant to § 5-1-107(c)(1) and to correct word usage:

14-89-1401. Penalty.

~~Any~~ A person ~~violating the provisions of~~ who violates this subchapter or ~~any a~~ person ~~filing any~~ who files a false financial report ~~shall be is~~ guilty of a Class A misdemeanor.

SECTION 21. Arkansas Code § 14-90-901 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-90-901. Penalty – Damages.

(a)(1) ~~Any~~ A county tax collector who fails to make payment to the county treasurer within the time prescribed by §§ 14-90-904 and 14-90-907, or who fails to certify the delinquent list to the clerk of the ~~chancery circuit~~ court within the time prescribed by §§ 14-90-905 and 14-90-908, ~~shall be is~~ guilty of a ~~misdemeanor violation~~ and upon conviction shall be fined in the sum of ten dollars (\$10.00) for each offense.

(2) Each day intervening between the time fixed for making the payment or filing the delinquent list and the time the payment is made or the delinquent list is filed shall be considered a separate offense.

(b) The municipal improvement district may recover from the collector and his or her bondsmen all damages sustained by reason of his or her noncompliance with ~~the provisions of~~ this act.

SECTION 22. Arkansas Code § 14-120-241 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-120-241. Bonds – Sale prohibitions – Penalty.

(a)(1) It ~~shall be is~~ unlawful for the board of directors of any such

district, or any officer or member thereof, to sell or dispose of any bonds authorized to be sold under ~~the provisions of~~ this subchapter at any place other than the domicile of the board; to pledge or deposit any bond or coupon issued under ~~the provisions of~~ this subchapter as security for the payment of any borrowed money or any debt or obligation of the board or of any other person, firm, or corporation whatever; to appropriate or to use any money arising from the sale of bonds to any use or purpose whatever other than herein expressly provided for; or to sell or negotiate the bonds at less than par, on the basis of bonds bearing interest at three and one-half percent (3½%) per annum.

(2) The bonds shall be sold at public auction to the highest bidder at the office of the levee district, drainage district, or levee and drainage district after notice of the sale has been published for three (3) consecutive insertions in two (2) or more newspapers having general circulation in the area affected.

(3) It is unlawful for the board of directors to pay directly or indirectly any brokerage fee or fiscal agent's fee or enter into any private contract with any person, firm, or corporation agreeing to sell bonds to the person, firm, or corporation or agreeing to pay a fee to the person, firm, or corporation in the event that the person, firm, or corporation is not the successful bidder.

(4) ~~Any A~~ person violating ~~the provisions of~~ subsection (a) of this section ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be subject to a fine of not more than five thousand dollars (\$5,000).

(b) No compensation shall be allowed the treasurer of the district, or any other officer or member of the board of directors ~~thereof~~ of the district, either directly or indirectly, for negotiating the sale of the bonds or paying out the proceeds arising from the sale of those bonds.

SECTION 23. Arkansas Code § 14-121-803 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-121-803. Right to pass over land – Commissioners, engineers, and contractors.

(a) The commissioners, engineers, and contractors engaged in drainage

work ~~shall~~ have the right to pass, with their equipment, over all the lands of the district, being liable to the owner for any damage done thereto.

(b) Any owner who ~~shall prevent~~ prevents the passage over his or her land ~~shall be~~ is guilty of a misdemeanor violation and upon conviction shall be fined one hundred dollars (\$100) for each day that he or she prevents the passage.

SECTION 24. Arkansas Code § 14-138-123(a)(1), concerning the dissolution of a public corporation, is amended to read as follows to correct the subdividing in the section:

(a)(1)~~(A)~~ If the public corporation does not have any bonds outstanding, ~~the~~

(A) The board may adopt a resolution, which shall be entered in its minutes, declaring that the public corporation shall be dissolved; or

(B) If directed by its governing body, the board shall adopt a resolution to dissolve the public corporation.

SECTION 25. Arkansas Code § 14-172-204 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-172-204. Penalty.

(a) ~~Any~~ A person who violates ~~any of the provisions of~~ this subchapter ~~shall be~~ is guilty of a misdemeanor violation and, upon conviction, shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500).

(b) Each day that a violation under this section continues to exist ~~shall constitute~~ constitutes a separate offense.

SECTION 26. Arkansas Code § 14-188-109 is amended to read as follows to correct the subdividing in the section and to conform word usage to Code style:

14-188-109. Powers of authority generally.

A rural development authority shall constitute a public body corporate and politic, exercising public and essential government functions and having all the powers necessary or convenient to carry out and effectuate the

purposes and provisions of this chapter, including, ~~but not limited to,~~
without limitation the following powers in addition to others granted in this
 chapter:

(1)~~(A)~~ To do all of the following:

- (A) ~~To sue~~ Sue and be sued;
- (B) ~~To have~~ Have a seal and alter it at pleasure;
- (C) ~~To have~~ Have perpetual succession;
- (D) ~~To make~~ Make and execute contracts and other

instruments necessary or convenient to the exercise of the powers of the
 authority; and

(E) ~~To amend~~ Amend and repeal rules and regulations, from
 time to time, not inconsistent with this chapter to carry into effect the
 powers and purposes of the authority;

(2)~~(A)~~ To do all of the following:

(A) ~~To borrow~~ Borrow money and otherwise contract
 indebtedness;

(B) ~~To issue~~ Issue its bonds or other evidence of
 indebtedness; and

(C) ~~To secure~~ Secure the payment of it by mortgage or
 pledge of any or all of its property, assets, rights, privileges, licenses,
 rights-of-way, easements, revenues, or income;

(3) Within its area of operation:

(A) To prepare, acquire, lease, and operate development
 projects; and

(B) To engage in all related activities which have as
 their objective the long-range economic development of the county;

(4)~~(A)~~ To arrange or contract for the furnishing by any person
 or agency, public or private, of services, privileges, works, or facilities
 for, or in connection with, a development project; and,

~~(B) Notwithstanding~~ notwithstanding anything to the
 contrary contained in this chapter or in any other provision of law, to
 include in any contract let in connection with a project, stipulations
 requiring that the contractor and any subcontractors comply with any
 conditions which the federal government may have attached to its financial
 aid of the project;

(5)~~(A)~~ To do all of the following:

~~(A) To own~~ Own, hold, and improve real or personal property;

(B) ~~To purchase~~ Purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, or any interest in it;

(C) ~~To sell~~ Sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest in it;

(D) ~~To insure~~ Insure or provide for the insurance of any real or personal property, or operations of the authority, against any risk or hazards; and

(E) ~~To procure~~ Procure insurance or guarantees from the federal government of the payment of any debts, or parts of them, secured by mortgages on any property included in any of its projects;

~~(6)(A)~~ To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; and

~~(B)~~ To purchase its bonds at a price not more than their principal amount, with accrued interest;

(7) Within its area of operation, to investigate into unemployment, underemployment, and economic underdevelopment, and into the means of improving these conditions;

~~(8) To exercise all, or any part or combination of, the powers granted in this section; and~~

~~(9)(A)~~ (8)(A) To enter into a partnership with a private actor as provided by § 14-96-201 et seq. to do the following:

(i) Contract for, or provide, promote, and support broadband internet service through, a public-private partnership under § 14-96-201 et seq.; and

(ii) Finance public capital facilities or projects that include broadband internet service.

(B) A rural development authority in existence on and after January 1, 2021, may conduct any of the activities under subdivision ~~(9)(A)~~ (8)(A) of this section using the notice and voting procedures for the creation of a rural development authority under this chapter; and

(9) To exercise all, or any part or combination of, the powers granted in this section.

SECTION 27. Arkansas Code § 14-335-104 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-335-104. Duty to heat streetcars in ~~first-class~~ cities of the first class.

(a) All persons, companies, or corporations operating ~~any~~ a streetcar line for the transportation of passengers in ~~any~~ a city of the first class in this state shall be required to keep every streetcar run by them for the transportation of passengers heated during the fall, winter, and spring seasons of each year so as to make ~~them~~ the streetcars comfortable for all passengers on the cars.

(b)(1) All persons, companies, or corporations failing to keep every streetcar operated by them heated as provided in this section ~~shall be is~~ guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

(2) Each day each car is not heated as provided in this section shall be counted as a separate offense ~~within the provisions of~~ under this section.

SECTION 28. Arkansas Code § 14-386-102 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-386-102. Penalty for leaving gates open, etc. – Damages.

(a) ~~Any~~ A person who ~~shall~~ willfully ~~leave~~ leaves open or unfastened any gate, bars, or other passway leading into a fencing district, or ~~any~~ a person passing through a gate, bars, or other passway and finding the ~~gates~~ gate, bars, or other passway opened or unfastened and ~~shall fail~~ who fails to close or fasten them, or who ~~shall tear~~ tears down the fence, or any part of it, or in any manner ~~injure or destroy~~ injures or destroys it, ~~shall be is~~ guilty of a ~~misdemeanor~~ violation.

(b) Upon conviction under this section, an offender shall be punished by a fine in any sum not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) and, in addition thereto, shall be liable to:

(1) The fencing board of the district so injured for double the

amount of damages done to the fence; and

(2) ~~Any A~~ A person in double the amount of any damages caused ~~him~~ the person by ~~such action~~ the violation.

SECTION 29. Arkansas Code § 14-386-103 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-386-103. Penalty for stock running at large – Damages.

(a) After ~~any a~~ a fencing district has been enclosed by a good and lawful fence, it shall be unlawful for ~~any a~~ a person who is the owner, or who has control of any kind of stock, to let ~~them~~ the stock run at large in the fencing district.

(b)(1) ~~Any A~~ A person violating ~~the provisions of~~ this section ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation.

(2) Upon conviction under this section, an offender shall be fined in any sum not less than one dollar (\$1.00) ~~or~~ nor more than fifty dollars (\$50.00) and, in addition to the fine, shall be liable for double the amount of any damages that ~~any a~~ a person may sustain by reason of the stock running at large in the district, to be recovered by action before any court having competent jurisdiction.

(c) This section ~~shall~~ does not prohibit ~~any a~~ a person from fencing his or her lands, or any part of them, separately and pasturing them.

SECTION 30. Arkansas Code § 14-386-201 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-386-201. Penalty.

(a) ~~Whenever~~ When a fencing district is established under ~~the provisions of~~ this subchapter, it ~~shall be~~ is unlawful for any person owning or having control of stock that have been restrained from running at large to knowingly permit such stock to run at large within the territory comprising the fencing district.

(b) Any person ~~violating the provisions of~~ who violates subsection (a) of this section ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) ~~dollars~~.

SECTION 31. Arkansas Code § 14-386-401 is amended to read as follows to correct the classification of a criminal offense pursuant to § 5-1-107(a)(2) and § 5-1-108(b) and to correct word usage:

14-386-401. Penalty for animals running at large – Damages.

(a) If a majority of the qualified electors voting in an election held under ~~the provisions of~~ this subchapter ~~shall approve~~ approves the creation of the proposed fencing district, the fencing district shall be held and deemed to be enclosed by a good and lawful fence, and it shall be unlawful for ~~any a~~ a person who is the owner, or who has control, of any kind of stock to let ~~them~~ the stock run at large in the fencing district.

(b)(1) ~~Any A~~ A person ~~violating the provisions of~~ who violates this section ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in any sum not less than one dollar (\$1.00) ~~or~~ nor more than fifty dollars (\$50.00).

(2) In addition to the fine under this section, an offender ~~shall be~~ is liable for double the amount of any damages that ~~any a~~ a person may sustain by reason of his ~~stock~~ or her stock's running at large in the fencing district, to be recovered by action before any court of competent jurisdiction.

(c) This section ~~shall~~ does not prohibit ~~any a~~ a person from fencing his or her lands, or any part of them separately, and pasturing them.

SECTION 32. 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-Fourth General Assembly;

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

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