

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1285

5 By: Representatives Gazaway, M. Shepherd
6 By: Senators C. Tucker, J. Bryant
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 14 OF
10 THE ARKANSAS CODE CONCERNING LOCAL GOVERNMENT; AND
11 FOR OTHER PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 14
16 OF THE ARKANSAS CODE CONCERNING LOCAL
17 GOVERNMENT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

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

26 (3) Punishment.

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

30 (B) Punishment shall be by a fine of not less than three
31 hundred dollars (\$300) nor more than one thousand dollars (\$1,000), and the
32 officer or employee shall be removed from office or employment of the county.
33

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



1 14-23-106. Allowance of more than amount due unlawful.

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

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

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

22
23 SECTION 3. Arkansas Code § 14-23-108 is amended to read as follows to
24 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
25 and § 5-1-108(b) and to correct word usage:

26 14-23-108. Unauthorized or constructive fees prohibited.

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

31 (b) Any person violating ~~any of the provisions of~~ this section or §
32 14-23-102, or corruptly charging or receiving from any county a greater sum
33 than that allowed by law, ~~shall be deemed~~ is guilty of a ~~misdemeanor~~
34 violation and, upon conviction, shall be punished by a fine not to exceed
35 five hundred dollars (\$500), with the conviction working a forfeiture of the
36 office.

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

5 14-23-202. Penalty.

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

10
11 SECTION 5. Arkansas Code § 14-42-108 is amended to read as follows to
12 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
13 and § 5-1-108(b) and to correct word usage:

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

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

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

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

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

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

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

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

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

12
13 SECTION 6. Arkansas Code § 14-47-111 is amended to read as follows to
14 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
15 and § 5-1-108(b) and to correct word usage:

16 14-47-111. Refusal of director to serve.

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

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

24
25 SECTION 7. Arkansas Code § 14-47-115 is amended to read as follows to
26 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
27 and § 5-1-108(b) and to correct word usage:

28 14-47-115. Prohibition against director interest in contracts.

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

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

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

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

9
 10 SECTION 8. Arkansas Code § 14-47-137 is amended to read as follows to
 11 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
 12 and § 5-1-108(b) and to correct word usage:

13 14-47-137. Prohibited actions by officers or employees.

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

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

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

27 ~~(3) This prohibition shall not apply to contracts for the~~
 28 ~~furnishing of supplies, equipment, or services to be performed for a~~
 29 ~~municipality by a volunteer~~ (B) Volunteer who has been appointed to a

30 municipal board, municipal commission, or municipal task force.

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

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

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

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

12
 13 SECTION 9. Arkansas Code § 14-48-128 is amended to read as follows to
 14 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
 15 and § 5-1-108(b) and to correct word usage:

16 14-48-128. Prohibited actions by officers or employees.

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

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

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

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

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

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

8
 9 SECTION 10. Arkansas Code § 14-50-102 is amended to read as follows to
 10 clarify the classification of a criminal offense pursuant to § 5-1-107(c)(1)
 11 and to correct word usage:

12 14-50-102. Penalty.

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

15
 16 SECTION 11. Arkansas Code § 14-54-1101 is amended to read as follows
 17 to correct the classification of a criminal offense pursuant to § 5-1-
 18 107(a)(2) and § 5-1-108(b) and to correct word usage:

19 14-54-1101. Livestock running at large.

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

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

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

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

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

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

17 (c) If the pound master, his or her agent or employee, or any employee
 18 of any city ~~shall drive or entice~~ or incorporated town drives or entices any
 19 of the stock enumerated in this section from outside the city or incorporated
 20 town into the city or incorporated town, he or she ~~shall be deemed~~ is guilty
 21 of a ~~misdemeanor~~. Upon violation and upon conviction, ~~he~~ shall be fined in
 22 any sum not less than five dollars (\$5.00) nor more than twenty-five dollars
 23 (\$25.00).

24
 25 SECTION 12. Arkansas Code § 14-56-204(d)(10), concerning exceptions to
 26 the general prohibition on municipal regulation of building design elements,
 27 is amended to read as follows to use the correct term as defined for the
 28 subchapter:

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

31 (A) Is applied on an existing property in which
 32 residential building design elements were regulated on or before February 28,
 33 2019, but not as to any other property thereafter;

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

1 (C) Does not affect residential building design elements;

2
3 SECTION 13. Arkansas Code § 14-56-422 is amended to read as follows to
4 correct the subdividing in the section:

5 14-56-422. Adoption of plans, ordinances, and regulations.

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

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

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

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

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

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

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

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

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

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

3
4 SECTION 14. Arkansas Code § 14-57-401 is amended to read as follows to
5 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
6 and § 5-1-108(b) and to correct word usage:

7 14-57-401. Penalty.

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

12 (b) ~~Any~~ A person found guilty of a violation of this subchapter ~~shall~~
13 ~~be~~ is guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined
14 not less than twenty-five dollars (\$25.00) nor more than fifty dollars
15 (\$50.00) for each offense.

16
17 SECTION 15. Arkansas Code § 14-57-701 is amended to read as follows to
18 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
19 and § 5-1-108(b) and to correct word usage:

20 14-57-701. Penalty.

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

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

31
32 SECTION 16. Arkansas Code § 14-86-502 is amended to read as follows to
33 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
34 and § 5-1-108(b) and to correct word usage:

35 14-86-502. Penalty.

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

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

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

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

10
 11 SECTION 17. Arkansas Code § 14-86-1203 is amended to read as follows
 12 to correct the classification of a criminal offense pursuant to § 5-1-
 13 107(a)(2) and § 5-1-108(b) and to correct word usage:

14 14-86-1203. Penalty – Damages.

15 (a)(1) Any collector of taxes as designated in § 14-86-1205 who ~~shall~~
 16 ~~fail or refuse~~ fails or refuses to make, certify, and file with the county
 17 tax collector the delinquent lists named in this section, within the time
 18 provided in this subchapter, ~~shall be deemed~~ is guilty of a ~~misdemeanor~~
 19 violation and upon conviction shall be fined in the sum of ten dollars
 20 (\$10.00).

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

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

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

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

35
 36 SECTION 18. Arkansas Code § 14-86-1801 is amended to read as follows

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

3 14-86-1801. Penalty.

4 ~~Any~~ An officer or commissioner of ~~any~~ an improvement district of this
5 state ~~failing, refusing, or neglecting~~ who fails, refuses, or neglects to
6 comply with ~~the provisions of~~ this subchapter ~~shall be deemed~~ is guilty of a
7 ~~misdemeanor~~ violation and ~~on~~ upon conviction shall be fined in any sum not
8 less than one thousand dollars (\$1,000) nor more than ten thousand dollars
9 (\$10,000).

10
11 SECTION 19. Arkansas Code § 14-88-405 is amended to read as follows to
12 correct the classification of a criminal offense pursuant to § 5-1-107(a)(2)
13 and § 5-1-108(b) and to correct word usage:

14 14-88-405. City improvement collector.

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

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

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

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

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

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

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

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

1 possession pertaining to the collections.

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

6
7 SECTION 20. Arkansas Code § 14-89-1401 is amended to read as follows
8 to clarify the classification of a criminal offense pursuant to § 5-1-
9 107(c)(1) and to correct word usage:

10 14-89-1401. Penalty.

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

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

18 14-90-901. Penalty – Damages.

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

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

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

31
32 SECTION 22. Arkansas Code § 14-120-241 is amended to read as follows
33 to correct the classification of a criminal offense pursuant to § 5-1-
34 107(a)(2) and § 5-1-108(b) and to correct word usage:

35 14-120-241. Bonds – Sale prohibitions – Penalty.

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

1 district, or any officer or member thereof, to sell or dispose of any bonds
 2 authorized to be sold under ~~the provisions of~~ this subchapter at any place
 3 other than the domicile of the board; to pledge or deposit any bond or coupon
 4 issued under ~~the provisions of~~ this subchapter as security for the payment of
 5 any borrowed money or any debt or obligation of the board or of any other
 6 person, firm, or corporation whatever; to appropriate or to use any money
 7 arising from the sale of bonds to any use or purpose whatever other than
 8 herein expressly provided for; or to sell or negotiate the bonds at less than
 9 par, on the basis of bonds bearing interest at three and one-half percent
 10 (3½%) per annum.

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

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

22 (4) ~~Any A~~ person violating ~~the provisions of~~ subsection (a) of
 23 this section ~~shall be deemed~~ is guilty of a ~~misdemeanor~~ violation and upon
 24 conviction shall be subject to a fine of not more than five thousand dollars
 25 (\$5,000).

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

30
 31 SECTION 23. Arkansas Code § 14-121-803 is amended to read as follows
 32 to correct the classification of a criminal offense pursuant to § 5-1-
 33 107(a)(2) and § 5-1-108(b) and to correct word usage:

34 14-121-803. Right to pass over land – Commissioners, engineers, and
 35 contractors.

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

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

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

7
8 SECTION 24. Arkansas Code § 14-138-123(a)(1), concerning the
9 dissolution of a public corporation, is amended to read as follows to correct
10 the subdividing in the section:

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

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

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

18
19 SECTION 25. Arkansas Code § 14-172-204 is amended to read as follows
20 to correct the classification of a criminal offense pursuant to § 5-1-
21 107(a)(2) and § 5-1-108(b) and to correct word usage:

22 14-172-204. Penalty.

23 (a) ~~Any A~~ person who violates ~~any of the provisions of~~ this subchapter
24 ~~shall be~~ is guilty of a misdemeanor violation and, upon conviction, shall be
25 fined not less than ten dollars (\$10.00) nor more than five hundred dollars
26 (\$500).

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

29
30 SECTION 26. Arkansas Code § 14-188-109 is amended to read as follows
31 to correct the subdividing in the section and to conform word usage to Code
32 style:

33 14-188-109. Powers of authority generally.

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

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

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

5 (A) ~~To sue~~ Sue and be sued;

6 (B) ~~To have~~ Have a seal and alter it at pleasure;

7 (C) ~~To have~~ Have perpetual succession;

8 (D) ~~To make~~ Make and execute contracts and other
 9 instruments necessary or convenient to the exercise of the powers of the
 10 authority; and

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

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

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

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

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

22 (3) Within its area of operation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (i) Contract for, or provide, promote, and support
27 broadband internet service through, a public-private partnership under § 14-
28 96-201 et seq.; and

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

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

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

1
2 SECTION 27. Arkansas Code § 14-335-104 is amended to read as follows
3 to correct the classification of a criminal offense pursuant to § 5-1-
4 107(a)(2) and § 5-1-108(b) and to correct word usage:

5 14-335-104. Duty to heat streetcars in ~~first-class~~ cities of the first
6 class.

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

13 (b)(1) All persons, companies, or corporations failing to keep every
14 streetcar operated by them heated as provided in this section ~~shall be is~~
15 guilty of a ~~misdemeanor~~ violation and upon conviction shall be fined in any
16 sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars
17 (\$50.00).

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

21
22 SECTION 28. Arkansas Code § 14-386-102 is amended to read as follows
23 to correct the classification of a criminal offense pursuant to § 5-1-
24 107(a)(2) and § 5-1-108(b) and to correct word usage:

25 14-386-102. Penalty for leaving gates open, etc. – Damages.

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

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

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

1 amount of damages done to the fence; and

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

4
5 SECTION 29. Arkansas Code § 14-386-103 is amended to read as follows
6 to correct the classification of a criminal offense pursuant to § 5-1-
7 107(a)(2) and § 5-1-108(b) and to correct word usage:

8 14-386-103. Penalty for stock running at large – Damages.

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

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

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

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

23
24 SECTION 30. Arkansas Code § 14-386-201 is amended to read as follows
25 to correct the classification of a criminal offense pursuant to § 5-1-
26 107(a)(2) and § 5-1-108(b) and to correct word usage:

27 14-386-201. Penalty.

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

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

1
2 SECTION 31. Arkansas Code § 14-386-401 is amended to read as follows
3 to correct the classification of a criminal offense pursuant to § 5-1-
4 107(a)(2) and § 5-1-108(b) and to correct word usage:

5 14-386-401. Penalty for animals running at large – Damages.

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

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

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

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

23
24 SECTION 32. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

25 It is the intent of the General Assembly that:

26 (1) The enactment and adoption of this act shall not expressly
27 or impliedly repeal an act passed during the regular session of the Ninety-
28 Fourth General Assembly;

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

31 (A) The act of the regular session of the Ninety-Fourth
32 General Assembly shall be treated as a subsequent act passed by the General
33 Assembly for the purposes of:

34 (i) Giving the act of the regular session of the
35 Ninety-Fourth General Assembly its full force and effect; and

36 (ii) Amending or repealing the appropriate parts of

1 the Arkansas Code of 1987; and

2 (B) Section 1-2-107 shall not apply; and

3 (3) This act shall make only technical, not substantive, changes
4 to the Arkansas Code of 1987.

5
6
7 **APPROVED: 3/6/23**
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