

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

SENATE BILL 252

5 By: Senators Madison, D. Johnson  
6 By: Representatives Williams, J. Edwards  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 18 OF THE  
10 ARKANSAS CODE OF 1987 CONCERNING PROPERTY; AND FOR  
11 OTHER PURPOSES.  
12  
13

## Subtitle

15 TO MAKE VARIOUS CORRECTIONS TO TITLE 18  
16 OF THE ARKANSAS CODE OF 1987 CONCERNING  
17 PROPERTY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 18-11-406(a)(1), concerning posting of real  
23 property, is amended as follows to correct a reference:

24 (a)(1) The color of paint prescribed by the ~~State~~ Arkansas Forestry  
25 Commission for posting purposes shall not be used on trees or posts for any  
26 other purpose.  
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28 SECTION 2. Arkansas Code § 18-15-301(a), concerning municipal  
29 corporations and the power to condemn, is amended as follows to make  
30 stylistic changes:

31 (a)~~(1)~~ The right and power of eminent domain is conferred upon  
32 municipal corporations to enter upon, take, and condemn private property for  
33 the construction of wharves, levees, parks, squares, market places, or other  
34 lawful purposes.

35 ~~(2) The term "or other lawful purposes", as used in this~~  
36 ~~section, includes a waterworks system, an electric transmission system, or an~~



1 ~~electric distribution system in its entirety or any integral part thereof or~~  
2 ~~any extension, addition, betterment, or improvement to an existing waterworks~~  
3 ~~system, an electric transmission system, or an electric distribution system~~  
4 ~~owned or operated by a municipal corporation.~~

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6 SECTION 3. Arkansas Code § 18-15-301(e) and (f), concerning municipal  
7 corporations and the power to condemn, is amended as follows to make  
8 stylistic changes:

9 (e)~~(1)~~ As used in this section:

10 (1) ~~the terms “electric transmission system or systems”,~~  
11 ~~“electric transmission facilities”, and “electric transmission lines”~~  
12 ~~mean electric utility properties and facilities necessary for~~  
13 ~~transmitting electricity at sixty nine kilovolts (69 kV) phase to phase~~  
14 ~~or higher and not for service to a directly tapped, retail, end use~~  
15 ~~customer or customers or any wholesale customer or customers except~~  
16 ~~municipal corporations. Any electric utility properties and facilities~~  
17 ~~necessary for transmitting electricity at sixty nine kilovolts (69 kV)~~  
18 ~~phase to phase or higher constructed on lands acquired in whole or in~~  
19 ~~part by the municipal corporation utilizing the power of eminent domain~~  
20 ~~granted in this section may be connected only with the following~~  
21 ~~defined entities for the life of the properties and facilities and no~~  
22 ~~others:~~

23 (A) ~~The municipal corporation’s electric generation or~~  
24 ~~transmission or distribution system;~~

25 (B) ~~Any electric utility or an independent transmission~~  
26 ~~system operator, independent transmission company, independent regional~~  
27 ~~transmission group, or other independent transmission entity operating~~  
28 ~~transmission facilities in this state; and~~

29 (C) ~~The electric generation or transmission or~~  
30 ~~distribution system owned by other municipal corporations owning an~~  
31 ~~electric system.~~

32 (2) ~~As used in this subsection, “electric “Electric distribution~~  
33 ~~system”, “electric distribution facilities”, and “electric distribution~~  
34 ~~lines” means electric utility properties and facilities necessary for~~  
35 ~~distributing electricity below sixty-nine kilovolts (69 kV) phase-to-~~  
36 ~~phase to a municipal corporation’s retail customers within its~~

1 corporate limits or within any other area served by the municipal  
 2 corporation pursuant to any grant of authority by the Arkansas Public  
 3 Service Commission or any other contiguous municipal corporation  
 4 pursuant to a franchise agreement or other grant of authority for  
 5 retail electric service;

6 (2) “Electric transmission system or systems”, “electric  
 7 transmission facilities”, and “electric transmission lines” mean  
 8 electric utility properties and facilities necessary for transmitting  
 9 electricity at sixty-nine kilovolts (69 kV) phase-to-phase or higher  
 10 and not for service to a directly tapped, retail, end-use customer or  
 11 customers or any wholesale customer or customers except municipal  
 12 corporations. Any electric utility properties and facilities necessary  
 13 for transmitting electricity at sixty-nine kilovolts (69 kV) phase-to-  
 14 phase or higher constructed on lands acquired in whole or in part by  
 15 the municipal corporation utilizing the power of eminent domain granted  
 16 in this section may be connected only with the following defined  
 17 entities for the life of the properties and facilities and no others:

18 (A) The municipal corporation’s electric generation or  
 19 transmission or distribution system;

20 (B) Any electric utility or an independent transmission  
 21 system operator, independent transmission company, independent regional  
 22 transmission group, or other independent transmission entity operating  
 23 transmission facilities in this state; and

24 (C) The electric generation or transmission or  
 25 distribution system owned by other municipal corporations owning an  
 26 electric system;

27 ~~(f)~~(3) For purposes of this section, “municipal “Municipal  
 28 corporations” include includes consolidated municipal utility  
 29 improvement districts owning an electric system; and

30 (4) “Or other lawful purposes” includes a waterworks system, an  
 31 electric transmission system, or an electric distribution system in its  
 32 entirety or any integral part thereof or any extension, addition,  
 33 betterment, or improvement to an existing waterworks system, an  
 34 electric transmission system, or an electric distribution system owned  
 35 or operated by a municipal corporation.

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1 SECTION 4. Arkansas Code § 18-17-103(a), concerning remedies for  
2 landlords and tenants, is amended as follows to clarify the language:

3 (a) The remedies provided by this chapter shall be administered so  
4 that an aggrieved party may recover appropriate damages.

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6 SECTION 5. Arkansas Code § 18-44-115(a)(5)(B)(i), concerning lien  
7 notices, is amended as follow to correct a grammatical error:

8 (B)(i) If before commencing work or supplying goods a  
9 subcontractor, material supplier, laborer, or other lien claimant gives  
10 notice under this section, the notice shall be effective for all  
11 subcontractors, material ~~supplies~~ suppliers, laborers, and other lien  
12 claimants notwithstanding that the notice was given after the project  
13 commences as defined under § 18-44-110(a)(2).

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15 SECTION 6. DO NOT CODIFY. The enactment and adoption of this act  
16 shall not repeal, expressly or impliedly, the acts passed at the regular  
17 session of the Eighty-Eighth General Assembly. All such acts shall have the  
18 full force and effect and, so far as those acts intentionally vary from or  
19 conflict with any provision contained in this act, those acts shall have the  
20 effect of subsequent acts and as amending or repealing the appropriate parts  
21 of the Arkansas Code of 1987.

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