

**Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.**

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Senator C. Tucker

SJR 5

**SENATE JOINT RESOLUTION**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO  
AUTHORIZE A COUNTY, CITY, TOWN, OR OTHER MUNICIPAL  
CORPORATION TO FUND AND ADMINISTER A WATER SYSTEM  
CUSTOMER ASSISTANCE PROGRAM.

**Subtitle**

AN AMENDMENT TO THE ARKANSAS CONSTITUTION  
TO AUTHORIZE A COUNTY, CITY, TOWN, OR  
OTHER MUNICIPAL CORPORATION TO FUND AND  
ADMINISTER A WATER SYSTEM CUSTOMER  
ASSISTANCE PROGRAM.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE  
STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL  
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of  
the State of Arkansas, and upon being submitted to the electors of the state  
for approval or rejection at the next general election for Representatives  
and Senators, if a majority of the electors voting thereon at the election  
adopt the amendment, the amendment shall become a part of the Constitution of  
the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Article 12, § 5, is amended to read  
as follows:

§ 5. Political subdivisions not to become stockholders in or lend  
credit to private corporations – Exceptions.



1 (a) ~~No~~ Except as otherwise provided in this Constitution, no county,  
 2 city, town, or other municipal corporation, shall become a stockholder in any  
 3 company, association, or corporation; or obtain or appropriate money for, or  
 4 loan its credit to, any corporation, association, institution or individual.

5 (b) ~~However, a~~ A county, city, town, or other municipal corporation  
 6 may obtain or appropriate money for a corporation, association, institution,  
 7 or individual to:

- 8 (1) Finance economic development projects; or
- 9 (2) Provide economic development services.

10 (c) A county, city, town, or other municipal corporation may fund and  
 11 administer a water system customer assistance program.

12 ~~(e)~~(d) As used in this section:

13 (1) "Economic development projects" means the land, buildings,  
 14 furnishings, equipment, facilities, infrastructure, and improvements that are  
 15 required or suitable for the development, retention, or expansion of:

- 16 (A) Manufacturing, production, and industrial facilities;
- 17 (B) Research, technology, and development facilities;
- 18 (C) Recycling facilities;
- 19 (D) Distribution centers;
- 20 (E) Call centers;
- 21 (F) Warehouse facilities;
- 22 (G) Job training facilities;
- 23 (H) Regional or national corporate headquarters

24 facilities; and

25 (I) Sports complexes designed to host local, state,  
 26 regional, and national competitions, including without limitation baseball,  
 27 softball, and other sports tournaments;

28 (2) "Economic development services" means:

- 29 (A) Planning, marketing, and strategic advice and counsel  
 30 regarding job recruitment, job development, job retention, and job expansion;
- 31 (B) Supervision and operation of industrial parks or other  
 32 such properties; and
- 33 (C) Negotiation of contracts for the sale or lease of  
 34 industrial parks or other such properties; ~~and~~

35 (3) "Infrastructure" means:

- 36 (A) Land acquisition;

- 1 (B) Site preparation;
- 2 (C) Road and highway improvements;
- 3 (D) Rail spur, railroad, and railport construction;
- 4 (E) Water service;
- 5 (F) Wastewater treatment;
- 6 (G) Employee training which may include equipment for such
- 7 purpose; and
- 8 (H) Environmental mitigation or reclamation; and

9 (4) "Water system customer assistance program" means the program  
 10 of a water utility that provides financial assistance to a customer of the  
 11 water utility for payment of charges and fees of:

12 (A) The water utility related to the water utility's  
 13 provision of water to the customer; and

14 (B) Other utilities collected by the water utility from  
 15 the customer under criteria approved by the governing body of the water  
 16 utility.

17 ~~(d)(e)~~ The General Assembly, by a three-fourths vote of each house,  
 18 may amend the following provisions of ~~subsections (b) and (c)~~ of this section  
 19 so long as the amendments are germane to this section and consistent with its  
 20 policy and purposes;

- 21 (1) Subsection (b); and
- 22 (2) Subdivisions (d)(1)-(3).

23  
 24 SECTION 2. EFFECTIVE DATE. This amendment is effective on and after  
 25 January 1, 2025.

26  
 27 SECTION 3. BALLOT TITLE AND POPULAR NAME. When this proposed  
 28 amendment is submitted to the electors of this state on the general election  
 29 ballot:

30 (1) The title of this Joint Resolution shall be the ballot  
 31 title; and

32 (2) The popular name shall be "A Constitutional Amendment to  
 33 Authorize a County, City, Town, or Other Municipal Corporation to Fund and  
 34 Administer a Water System Customer Assistance Program."