

Act 370 of the 1989 Regular Session.

Act 370

SB283

By: Senator Bookout

"AN ACT TO AMEND THE ARKANSAS UNDERGROUND FACILITIES DAMAGE PREVENTION ACT; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 14-271-102(10) is hereby amended to read as follows:

"(10) 'underground facility' means any line, system, and appurtenance or facility used for producing, storing, conveying, transmitting, or distributing communications, electricity, gas, heat, water, steam, or sewage, but shall not include cable television facilities;"

SECTION 2. Arkansas Code 14-271-103 is hereby amended to read as follows:

"14-271-103. (a) The Arkansas Public Service Commission shall, after public comment and hearing as provided below, promulgate regulations providing for an Arkansas One Call Center to be established and maintained by all operators subject to the jurisdiction of the Commission. The regulations shall at a minimum be consistent with the requirements of any federal law relating to One Call Centers, and otherwise shall provide standards and guidelines for the organization and administration by operators of the Arkansas One Call Center consistent with the terms, purposes, and requirements of Arkansas Code 14-271-101 et seq.; provided, however, that nothing herein, nor in the rules to be promulgated by the Commission shall be construed to restrict, diminish, or otherwise affect the ratemaking authority and responsibility of the Commission with respect to One Call System expenditures by utilities or with respect to any other matter.

(b) Within sixty (60) days of the enactment of this Act, a proposed form or forms of organization, and policies and procedures of the Arkansas One Call Center shall be submitted by the operators to the Arkansas Public Service Commission for review in such detail as the Commission may require. The Commission shall promptly cause such proposal to be published for public comment and shall hold a public hearing thereon. The Commission shall promulgate final regulations, as required by subsection (a) above, within one hundred eighty (180) days of the enactment of this act."

SECTION 3. Arkansas Code 14-271-107 is hereby amended to read as follows:

"14-271-107. Membership in One Call Center. All operators of underground facilities shall become members of the One Call Center, however, the Commission may provide, by rule or by orders, for such exemptions or waivers concerning some or all of the requirements of membership as may appear reasonable and proper.

Additionally, other persons who own or control underground facilities or similar facilities may upon application become members of the One Call Center. Membership shall be evidenced by participation in and payment for the services furnished by the One Call Center."

SECTION 4. Arkansas Code 14-271-109(a) is hereby amended to read as follows:

"(a) Compliance with notice requirements of 14-271-108 is not required for:

(1) The moving of earth by tools manipulated only by human or animal power, nor

(2) Any form of cultivation for agricultural purposes, digging for postholes on private property, farm ponds, land clearing, or other normal agricultural purposes which are not on a private easement or right-of-way of an operator, nor

(3) Work by a public agency or its contractors on a preengineered project, nor

(4) The opening of a grave in a cemetery, nor

(5) A solid waste disposal site which is a preengineered project, nor

(6) Any individual excavating on his own property and who is not in the excavating business for hire, nor

(7) Routine road work and general maintenance as performed in the right-of-way by state or county maintenance departments."

SECTION 5. Paragraph (5) of Arkansas Code 14-271-102 is hereby repealed.

SECTION 6. All laws and parts of laws in conflict with this Act are hereby repealed; provided, no provision of this Act shall be construed to amend or repeal Arkansas Code 27-67-218 nor Arkansas Code 27-67-304.

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

APPROVED: March 7, 1989

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