

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Dowd**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §23-2-209 TO TRANSFER FROM
9 THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT
10 OR THE ARKANSAS STATE HIGHWAY COMMISSION ALL AUTHORITY
11 CONCERNING THE REGULATION OF PIPELINE COMPANIES WHICH ARE
12 COMMON CARRIERS TO THE ARKANSAS PUBLIC SERVICE COMMISSION;
13 AND FOR OTHER PURPOSES."

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

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17 SECTION 1. Arkansas Code §23-2-209 is amended to read as follows:

18 "§23-2-209. Jurisdiction of commission.

19 (a) The jurisdiction of the Arkansas State Highway Commission shall
20 extend to and include all matters pertaining to the regulation, certification,
21 and review of assessment for ad valorem taxation and operation of all carriers
22 providing a transportation service for compensation.

23 (b) Nothing in §§23-2-201 and 23-2-207 - 23-2-212 shall vest the
24 commission with jurisdiction as to any rate, charge, rule, regulation, order,
25 hearing, investigation, or other matter pertaining to the operation within the
26 limits of any municipality of any carrier operating wholly within a
27 municipality.

28 (c) All authority conferred and vested on the Arkansas State Highway
29 and Transportation Department or the Arkansas State Highway Commission by any
30 of the laws of this state concerning the regulation of pipeline companies
31 which are common carriers shall be transferred, vested, and conferred upon the
32 Arkansas Public Service Commission."

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34 SECTION 2. With regard to the regulation of pipeline companies which
35 are common carriers, all orders heretofore issued by the Arkansas State

1 Highway and Transportation Department or the Arkansas State Highway Commission
2 shall remain in full force and effect; with regard to the regulation of
3 pipeline companies which are common carriers, all actions, proceedings and
4 hearings of whatsoever nature, then or hereafter pending before the said
5 Arkansas State Highway and Transportation Department or the Arkansas State
6 Highway Commission shall be transferred to the Arkansas Public Service
7 Commission in the same manner and subject to the same incident and with the
8 same results as though they had originated with the Arkansas Public Service
9 Commission; and with regard to the regulation of pipeline companies which are
10 common carriers, all orders, actions, proceedings and hearings of whatsoever
11 nature then or hereafter pending in the name of the Arkansas State Highway and
12 Transportation Department or the Arkansas State Highway Commission shall
13 survive and be continued, heard and determined by and in the name of the
14 Arkansas Public Service Commission.

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16 SECTION 3. All provisions of this act of a general and permanent
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
18 Code Revision Commission shall incorporate the same in the Code.

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20 SECTION 4. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 5. All laws and parts of laws in conflict with this act are
27 hereby repealed.

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