

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 289

5 By: Senator J. English
6 By: Representatives Wing, Lowery
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING LOCAL JURISDICTION
10 OVER UTILITIES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING LOCAL
14 JURISDICTION OVER UTILITIES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 14-200-101(a), concerning municipal
21 jurisdiction over utilities, is amended to read as follows:

22 (a) As used in this section, "public utility" means any electric, gas,
23 sewer, water, or telephone company or utility, and any company or utility
24 providing similar services, except a company excluded from the definition of
25 "public utility" under § 23-1-101(9)(B)(ii), a consolidated utility district
26 under the General Consolidated Public Utility System Improvement District
27 Law, § 14-217-101 et seq., and a water or light commission under § 14-201-101
28 et seq.
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30 SECTION 2. Arkansas Code § 14-200-101(b)(1)(A)(iii), concerning
31 municipal jurisdiction over utilities, is amended to read as follows:

32 (iii) A franchise fee for a public utility, including
33 a telephone company providing services other than basic local exchange
34 service, shall not exceed the higher of the amount in effect on January 1,
35 1997, or four and ~~one-quarter~~ twenty-five-hundredths percent (4.25%) of
36 revenue collected by the public utility from its customers in the city or



1 town for rates and fees charged by the public utility, unless agreed to by
2 the affected utility or approved by the voters of the municipality;

3
4 Section 3. Arkansas Code § 25-20-319(b), concerning franchise fees, is
5 amended to read as follows:

6 (b) ~~No public body created under this subchapter shall be a “public~~
7 ~~utility” within the meaning of § 14-200-101 et seq. or a “person, company, or~~
8 ~~corporation which has secured a franchise from any municipality” within the~~
9 ~~meaning of § 14-200-102~~ A participating public agency shall not require a
10 public body created under this subchapter to pay a franchise fee under
11 authority of other law.