

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

# A Bill

Act 576 of 1999  
HOUSE BILL 1492

5 By: Representative Vess  
6  
7

## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE 14-200-101 TO CLARIFY  
10 PROCEDURES FOR DETERMINING MUNICIPAL UTILITY FRANCHISE  
11 FEE OBLIGATIONS; AND FOR OTHER PURPOSES. "  
12

## Subtitle

13  
14 "TO CLARIFY PROCEDURES FOR DETERMINING  
15 MUNICIPAL UTILITY FRANCHISE FEE  
16 OBLIGATIONS. "  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code § 14-200-101(b), regarding the jurisdiction of  
22 municipalities over utilities within the city limits, is amended to read as  
23 follows:

24 "(b)(1) Any public utility affected by any such ordinance or  
25 resolution, or any other party authorized to complain to the Arkansas Public  
26 Service Commission under § 23-3-119, may appeal from the action of the council  
27 or commission by filing within twenty (20) days of receipt of notice of the  
28 ordinance or resolution by the utility's registered agent for service of  
29 process of the final action a written complaint with the commission setting  
30 out wherein the ordinance or resolution is unjust, unreasonable, or unlawful,  
31 whereupon the commission shall proceed with an investigation, hearing, or  
32 determination of the matters complained of, with the same procedure that it  
33 would dispose of any other complaint made to it, and with like effect.

34 (2) Such appeal shall not suspend the enforcement of any  
35 provisions of the ordinance or resolution unless the commission, after a  
36 hearing, upon notice and for good cause shown, orders the suspension

1 conditioned upon the filing of a bond with the commission as provided for the  
2 bond in § 23-4-408.

3 (3) Nothing in this section shall be construed to in anywise  
4 limit or restrict the jurisdiction or the powers of the commission as in other  
5 sections granted.

6 (4) In the event the municipal boundaries of a city or town are  
7 altered or amended by annexation or otherwise, the city or town shall notify  
8 the utility's registered agent for service of process of the alteration or  
9 amendment, and the utility shall not be liable for any additional franchise  
10 fees for the right to furnish utility service or occupy the streets, highways,  
11 or public places in newly added or annexed areas unless the notice shall have  
12 been given."

13  
14 SECTION 2. All provisions of this act of a general and permanent nature  
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
16 Revision Commission shall incorporate the same in the Code.

17  
18 SECTION 3. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

23  
24 SECTION 4. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

26  
27  
28 APPROVED: 3/15/1999  
29  
30  
31  
32  
33  
34  
35  
36