Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1	INTERIM STUDY PROPOSAL 2007-132
2	State of Arkansas
3	86th General Assembly A Bill
4	Regular Session, 2007 SENATE BILL 451
5	
6	By: Senator Laverty
7	Referred to
8	Insurance & Commerce - Senate
9	by the Arkansas Senate
10	on 03/30/2007
11	
12	
13	For An Act To Be Entitled
14	AN ACT TO AUTHORIZE MUNICIPAL CORPORATIONS TO
15	GRANT USE OF PUBLIC RIGHTS-OF-WAY VIDEO SERVICE
16	COMPANIES; AND FOR OTHER PURPOSES.
17	
18	Subtitle
19	TO AUTHORIZE MUNICIPAL CORPORATIONS TO
20	GRANT USE OF PUBLIC RIGHTS-OF-WAY TO
21	VI DEO SERVI CE COMPANI ES.
22	
23	
24	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25	
26	SECTION 1. Arkansas Code § 14-54-302 is amended to read as follows:
27	14-54-302. Purchase, lease, grant, and sale authorized.
28	(a)(1) Municipal corporations are empowered and authorized to sell,
29	convey, lease, rent, or let any real estate or personal property owned or
30	controlled by the municipal corporations. This power and authorization shall
31	extend and apply to all such real estate and personal property, including
32	that which is held by the municipal corporation for public or governmental
33	uses and purposes.
34	(2) Municipal corporations are empowered and authorized to buy
35	any real estate or personal property.
36	(b)(1) Municipal corporations are also empowered and authorized to

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- 1 donate property, or any part thereof, to the federal government or any agency
- 2 thereof, for any one (1) or more of the following purposes, that is, having
- 3 the real estate, personal property, or both, activated, reactivated,
- 4 improved, or enlarged by the donee.
- 5 (2)(A) The municipal corporation may donate the fee simple title
- 6 and absolute interest, without any reservations or restrictions, in and to
- 7 all real estate, personal property, or both, or any part of the property, to
- 8 the federal government, if this property was previously conveyed or otherwise
- 9 transferred by the federal government to the municipal corporation without
- 10 cost to the municipal corporation.
- 11 (B) All other donation instruments shall contain
- 12 provisions by which the title to the property donated shall revert to the
- 13 municipal corporation when the donated property is no longer used by the
- 14 donee for the purposes for which it was donated.
- 15 (c) The execution of all contracts and conveyances and lease contracts
- 16 shall be performed by the mayor and city clerk or recorder, when authorized
- 17 by a resolution in writing and approved by a majority vote of the city
- 18 council present and participating.
- 19 <u>(d)(1) A municipality by ordinance or otherwise may grant to a video</u>
- 20 <u>service company the authority to use a public right-of-way to provide video</u>
- 21 service to customers within the municipality.
- 22 (2)(A)(i) The authority may be designated by franchise, permit,
- 23 license, resolution, contract, certificate, agreement, or otherwise, but
- 24 <u>shall not be granted as part of a grant of authority for use of the public</u>
- 25 right-of-way for any other purpose.
- 26 <u>(ii) Any grant of authority shall be consistent with</u>
- 27 applicable federal and state law and may include a requirement that the video
- 28 company one (1) time is to pay a reasonable and nondiscriminatory fee for the
- 29 use of the public right-of-way.
- 30 (B) Any fee imposed by a municipality shall not exceed
- 31 <u>five percent (5%) of the gross revenues actually received by the video</u>
- 32 service company from customers.
- 33 (3)(A) This subsection shall not limit the authority of the
- 34 video service company to collect from its customers residing in the
- 35 municipality an amount that equals the fee assessed by the municipality on
- 36 the video service company.

1	(B) This subsection shall not limit the authority of a
2	municipality to impose a tax or fee of general applicability on a video
3	service company.
4	(4) In determining whether to grant authority to use the public
5	right-of-way to a video service company, a municipality may take into
6	consideration whether the terms or conditions are more favorable or less
7	burdensome than the terms or conditions contained in a grant of authority
8	issued to another video service company.
9	(5) As used in this subsection, "video service company" means a
10	company that provides video programming services through wireline facilities
11	located at least in part in the public rights-of-way without regard to
12	delivery technology, including Internet protocol technology, but does not
13	include video programming provided by a commercial mobile service provider as
14	defined in 47 U.S.C. § 332(d), as in effect on January 1, 2007.
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