

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.

INTERIM STUDY PROPOSAL 2007-132

1
2 State of Arkansas
3 86th General Assembly
4 Regular Session, 2007

A Bill

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

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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 VIDEO SERVICE COMPANIES.

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

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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

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 (d)(1) A municipality by ordinance or otherwise may grant to a video
20 service company the authority to use a public right-of-way to provide video
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 shall not be granted as part of a grant of authority for use of the public
25 right-of-way for any other purpose.

26 (ii) Any grant of authority shall be consistent with
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 five percent (5%) of the gross revenues actually received by the video
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.

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