

Stricken language would be deleted from present law. Underlined language would be added to present law.

As Engrossed: S2/3/97

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1104

4  
5 By: Representative Jones

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED SECTION 14-200-  
10 101 TO CLARIFY THE JURISDICTION OF MUNICIPALITIES TO  
11 ASSESS UTILITY FRANCHISE FEES; AND FOR OTHER PURPOSES."

## Subtitle

15 "TO CLARIFY THE JURISDICTION OF  
16 MUNICIPALITIES TO ASSESS UTILITY  
17 FRANCHISE FEES."

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

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21 SECTION 1. Arkansas Code Annotated 14-200-101(a)(1)(A) is amended to  
22 read as follows:

23 "(A) Except as provided in §23-4-201, determine the quality and  
24 character of each kind of, and rates for, product or service to be furnished  
25 or rendered by any public utility within the city or town and all other terms  
26 and conditions, including a reasonable franchise fee, upon which the public  
27 utility may be permitted to occupy the streets, highways, or other public  
28 places within the municipality, and the ordinance or resolution shall be  
29 deemed prima facie reasonable, provided that no ~~increase in any franchise fee~~  
30 ~~that is fixed in amount or in the rate used for calculating any franchise fee~~  
31 ~~that is variable in amount and no assessment of a new franchise fee, in either~~  
32 ~~case, made after January 1, 1994, shall be enforceable by any municipality~~  
33 ~~against any public utility until such increase or assessment shall have been~~  
34 ~~accepted in writing by the public utility affected by such action;~~ franchise  
35 fee shall exceed the higher of the amount in effect as to that entity on  
36 January 1, 1997 or four and one quarter percent (4 ¼%) unless agreed to by the

1 affected utility or approved by the voters of the municipality."

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3 SECTION 2. All provisions of this act of a general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 3. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 4. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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*/s/Jones*

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