

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

A Bill

SENATE BILL 451

4
5 By: Senator Laverty
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For An Act To Be Entitled

8
9 AN ACT TO AUTHORIZE MUNICIPAL CORPORATIONS TO
10 GRANT USE OF PUBLIC RIGHTS-OF-WAY VIDEO SERVICE
11 COMPANIES; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AUTHORIZE MUNICIPAL CORPORATIONS TO
15 GRANT USE OF PUBLIC RIGHTS-OF-WAY TO
16 VIDEO SERVICE COMPANIES.
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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 § 14-54-302 is amended to read as follows:
22 14-54-302. Purchase, lease, grant, and sale authorized.

23 (a)(1) Municipal corporations are empowered and authorized to sell,
24 convey, lease, rent, or let any real estate or personal property owned or
25 controlled by the municipal corporations. This power and authorization shall
26 extend and apply to all such real estate and personal property, including
27 that which is held by the municipal corporation for public or governmental
28 uses and purposes.

29 (2) Municipal corporations are empowered and authorized to buy
30 any real estate or personal property.

31 (b)(1) Municipal corporations are also empowered and authorized to
32 donate property, or any part thereof, to the federal government or any agency
33 thereof, for any one (1) or more of the following purposes, that is, having
34 the real estate, personal property, or both, activated, reactivated,
35 improved, or enlarged by the donee.

36 (2)(A) The municipal corporation may donate the fee simple title



1 and absolute interest, without any reservations or restrictions, in and to
2 all real estate, personal property, or both, or any part of the property, to
3 the federal government, if this property was previously conveyed or otherwise
4 transferred by the federal government to the municipal corporation without
5 cost to the municipal corporation.

6 (B) All other donation instruments shall contain
7 provisions by which the title to the property donated shall revert to the
8 municipal corporation when the donated property is no longer used by the
9 donee for the purposes for which it was donated.

10 (c) The execution of all contracts and conveyances and lease contracts
11 shall be performed by the mayor and city clerk or recorder, when authorized
12 by a resolution in writing and approved by a majority vote of the city
13 council present and participating.

14 (d)(1) A municipality by ordinance or otherwise may grant to a video
15 service company the authority to use a public right-of-way to provide video
16 service to customers within the municipality.

17 (2)(A)(i) The authority may be designated by franchise, permit,
18 license, resolution, contract, certificate, agreement, or otherwise, but
19 shall not be granted as part of a grant of authority for use of the public
20 right-of-way for any other purpose.

21 (ii) Any grant of authority shall be consistent with
22 applicable federal and state law and may include a requirement that the video
23 company one (1) time is to pay a reasonable and nondiscriminatory fee for the
24 use of the public right-of-way.

25 (B) Any fee imposed by a municipality shall not exceed
26 five percent (5%) of the gross revenues actually received by the video
27 service company from customers.

28 (3)(A) This subsection shall not limit the authority of the
29 video service company to collect from its customers residing in the
30 municipality an amount that equals the fee assessed by the municipality on
31 the video service company.

32 (B) This subsection shall not limit the authority of a
33 municipality to impose a tax or fee of general applicability on a video
34 service company.

35 (4) In determining whether to grant authority to use the public
36 right-of-way to a video service company, a municipality may take into

1 consideration whether the terms or conditions are more favorable or less
2 burdensome than the terms or conditions contained in a grant of authority
3 issued to another video service company.

4 (5) As used in this subsection, "video service company" means a
5 company that provides video programming services through wireline facilities
6 located at least in part in the public rights-of-way without regard to
7 delivery technology, including Internet protocol technology, but does not
8 include video programming provided by a commercial mobile service provider as
9 defined in 47 U.S.C. § 332(d), as in effect on January 1, 2007.

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