

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2068

5 By: Representative Eubanks
6

For An Act To Be Entitled

8 AN ACT TO EXTEND CERTAIN POWERS GRANTED TO CITIES OF
9 THE FIRST CLASS TO ALL MUNICIPALITIES; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13 TO EXTEND CERTAIN POWERS GRANTED TO
14 CITIES OF THE FIRST CLASS TO ALL
15 MUNICIPALITIES.
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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 § 14-43-601 is amended to read as follows:

22 14-43-601. Municipal affairs delineated.

23 (a) ~~(1) For the purposes of~~ As used in this subchapter, ~~the term~~
24 ~~"municipal"~~ : (1) "Municipal affairs" means all matters and affairs of
25 government germane to, affecting, or concerning the municipality or its
26 government, except the following, which are state affairs and subject to the
27 general laws of the State of Arkansas:

28 (A) Public information and open meetings;

29 (B) Uniform requirements for competitive bidding on
30 contracts;

31 (C) Claims against a municipality;

32 (D) Requirements of surety bonds for financial officers;

33 (E) Collective bargaining;

34 (F) Pension and civil service systems;

35 (G) Hours and vacations, holidays, and other fringe
36 benefits of employees;



1 (H) The definition, use, and control of surplus revenues
2 of municipally owned utilities;

3 (I) Vacation of streets and alleys;

4 (J) Matters coming within the police power of the state
5 including minimum public health, pollution, and safety standards;

6 (K) Gambling and alcoholic beverages;

7 (L) Traffic on or the construction and maintenance of
8 state highways;

9 (M) Regulations of intrastate commerce including rates and
10 terms of service of railroad, bus, and truck lines, cooperatives, and non-
11 municipally owned utilities;

12 (N) The incorporation and merger of municipalities and
13 annexation of territory ~~thereto~~ municipalities; and

14 (O) Procedure for the passage of ordinances by the
15 governing body ~~of the municipality~~; and

16 (2)(A) "Municipality" means a city of the first class, a city of
17 the second class, or an incorporated town.

18 ~~(2)(B) The A~~ municipality may ~~exercise any function or~~
19 ~~legislative power~~ legislate upon the ~~foregoing~~ state affairs described in
20 subdivision (a)(1) of this section if not in conflict with state law.

21 (b)(1) Matters of public health, which concern emergency medical
22 services, emergency medical technicians, and ambulances, as defined in §§ 20-
23 13-201 – 20-13-209 and 20-13-211, and ambulance companies, shall be included
24 in the term "municipal affairs" ~~of cities of the first class.~~

25 (2)(A) ~~These cities~~ Municipalities shall have the authority to
26 enact and establish standards, rules, or regulations ~~which that~~ are equal to,
27 or greater than, those established by the state concerning emergency medical
28 services, emergency medical technicians, ambulances, and ambulance companies.

29 (B) The standards, rules, or regulations shall not be less
30 than those established by the state for the rating of the service offered.

31
32 SECTION 2. Arkansas Code § 14-43-602 is amended to read as follows:

33 14-43-602. Authority generally.

34 ~~Any city of the first class~~ (a) A municipality is authorized to
35 perform any function and exercise full legislative power in any and all
36 matters of whatsoever nature pertaining to its municipal affairs including,

1 but not limited to, the power to tax.

2 (b) The rule of decision known as Dillon's Rule is inapplicable to the
 3 municipal affairs of municipalities.

4
 5 SECTION 3. Arkansas Code § 14-43-604 is amended to read as follows:
 6 14-43-604. Gambling.

7 ~~No~~ A municipality may not authorize gambling, except as provided by
 8 state law.

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 10 SECTION 4. Arkansas Code § 14-43-609 is amended to read as follows:
 11 14-43-609. Public utilities and carriers.

12 ~~Nothing in~~ The provisions of this subchapter shall ~~be construed to not~~
 13 repeal, limit, modify, or affect any of the powers conferred upon ~~cities of~~
 14 ~~the first class~~ municipalities to regulate, in the manner prescribed by law,
 15 the rates or charges to be made for services rendered in the ~~city~~
 16 municipality by any regulated public utility or carrier operating under
 17 franchise issued by the ~~city~~ municipality including, ~~but not limited to,~~
 18 without limitation any of the following:

- 19 (1) Electric, gas, or water utilities;
- 20 (2) Telephone or telegraph companies;
- 21 (3) Taxicabs;
- 22 (4) ~~City~~ Municipal bus companies; or
- 23 (5) Other utilities or carriers operating under public service

24 franchise issued by the ~~city~~ municipality.