

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 289

By: Senator J. English  
By: Representatives Wing, Lowery

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING LOCAL JURISDICTION  
OVER UTILITIES; AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LAW CONCERNING LOCAL  
JURISDICTION OVER UTILITIES.

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

SECTION 1. Arkansas Code § 14-200-101(a), concerning municipal jurisdiction over utilities, is amended to read as follows:

(a) As used in this section, “public utility” means any electric, gas, sewer, water, or telephone company or utility, and any company or utility providing similar services, except a company excluded from the definition of “public utility” under § 23-1-101(9)(B)(ii), a consolidated utility district under the General Consolidated Public Utility System Improvement District Law, § 14-217-101 et seq., and a water or light commission under § 14-201-101 et seq.

SECTION 2. Arkansas Code § 14-200-101(b)(1)(A)(iii), concerning municipal jurisdiction over utilities, is amended to read as follows:

(iii) A franchise fee for a public utility, including a telephone company providing services other than basic local exchange service, shall not exceed the higher of the amount in effect on January 1, 1997, or four and ~~one-quarter~~ twenty-five-hundredths percent (4.25%) of revenue collected by the public utility from its customers in the city or



town for rates and fees charged by the public utility, unless agreed to by the affected utility or approved by the voters of the municipality;

Section 3. Arkansas Code § 25-20-319(b), concerning franchise fees, is amended to read as follows:

(b) ~~No public body created under this subchapter shall be a “public utility” within the meaning of § 14-200-101 et seq. or a “person, company, or corporation which has secured a franchise from any municipality” within the meaning of § 14-200-102~~ A participating public agency shall not require a public body created under this subchapter to pay a franchise fee under authority of other law.

**APPROVED: 2/28/19**