

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL

4 **By: Senators Gordon and Gibson**

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For An Act To Be Entitled

8 "AN ACT TO EXTEND THE PROVISIONS OF ARK. CODE ANN. § 23-
9 18-101 TO MUNICIPALLY OWNED OR OPERATED ELECTRIC PUBLIC
10 UTILITIES; AND FOR OTHER PURPOSES."

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

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14 Section 1. Ark. Code Ann. § 23-18-101 is hereby amended as follows:

15 "(a) Notwithstanding any provisions of law or the terms of any
16 certificate of convenience and necessity, franchise, permit, license, or other
17 authority granted to a public utility or electric cooperative corporation by
18 the state or a municipality, no public utility or electric cooperative
19 corporation shall furnish, or offer to furnish, electric service at retail and
20 not for resale in any area allocated by the Arkansas Public Service Commission
21 to another electric cooperative corporation or public utility.

22 (b) It is the specific purpose of this section that notwithstanding any
23 other provision of law or regulation, the prohibitions and limitations
24 respecting the furnishing, or offering to furnish, electric service in areas
25 allocated by the Arkansas Public Service Commission shall apply to municipally
26 owned or operated electric public utilities where the municipality extends, by
27 incorporation, annexation or otherwise, its boundaries to include an area
28 served, or allocated by the APSC to, another public utility or electric
29 cooperative corporation. The term 'municipally owned or operated electric
30 public utilities' includes electric public utilities that are owned or
31 operated by a city, town, improvement district, or any other public or quasi-
32 public corporation which is created or organized under the Constitution or
33 laws of the State of Arkansas."

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35 SECTION 2. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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

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

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