

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 2079

4
5 By: Representative Webb
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For An Act To Be Entitled

9 AN ACT TO AMEND THE UTILITY FACILITY
10 ENVIRONMENTAL AND ECONOMIC PROTECTION ACT
11 REGARDING WAIVERS FOR FACILITIES GENERATING
12 ELECTRIC ENERGY; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO AMEND THE UTILITY FACILITY
15 ENVIRONMENTAL AND ECONOMIC PROTECTION
16 ACT REGARDING WAIVERS FOR FACILITIES
17 GENERATING ELECTRIC ENERGY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 23-18-504(a), concerning exemptions and
24 waivers to the Utility Facility Environmental and Economic Protection Act, is
25 amended to read as follows:

26 (a) This subchapter ~~shall~~ does not apply to ~~any~~ a major utility
27 facility if before July 24, 1973:

28 (1) ~~For which, prior to July 24, 1973, an~~ An application for the
29 approval of the major utility facility has been made to any federal, state,
30 regional, or local governmental agency, ~~which agency possesses the~~ that has
31 jurisdiction ~~to consider the matters prescribed for finding and determination~~
32 ~~in~~ under § 23-18-519(a) and (b); or

33 (2) ~~For which, prior to July 24, 1973, the~~ The Arkansas Public
34 Service Commission has issued a certificate of convenience and necessity or
35 ~~otherwise~~ approved the construction of the major utility facility;

36 (3) ~~Over which an agency of the federal government has exclusive~~



1 jurisdiction;

2 ~~(4) That is owned by one (1) or more exempt wholesale generators~~
3 ~~as defined in § 23-1-101(5); or~~

4 ~~(5) That is a facility for generating electric energy owned by~~
5 ~~any person, including a public utility, if the costs of the facility will not~~
6 ~~be recovered in rates subject to regulation by the commission.~~

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