

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of House Bill No. 1895

TO AMEND THE UTILITY FACILITY ENVIRONMENTAL AND ECONOMIC PROTECTION ACT; TO
CLARIFY REQUIREMENTS FOR MAJOR UTILITY FACILITIES; TO DECLARE AN EMERGENCY; AND
TO MAKE TECHNICAL CORRECTIONS.

Amendment No. 1 to House Bill No. 1895

Amend House Bill No. 1895 as originally introduced:

Page 6, line 6, delete "~~any person,~~" and substitute "any person,"

AND

Page 6, line 7, delete "~~including~~" and substitute "including without
limitation"

AND

Page 6, delete lines 10 through 14 and substitute the following:

"(b)(1)(A) Any A person intending to construct ~~any~~ a major utility
facility excluded or exempted from this subchapter may elect to waive the
exclusion or exemption by delivering notice of the waiver to the commission."

AND

Page 6, line 25, delete "owing" and substitute "owning"

AND

Page 13, delete lines 34 through 36 and substitute the following:

"maintenance of a major utility facility except to enforce compliance with
this subchapter or the provisions of a certificate issued ~~pursuant to~~ under
this subchapter after the exhaustion of administrative remedies before the
commission."

AND

Page 14, line 24, delete "The" and substitute "Except as provided in § 23-18-
504(c), the"



AND

Delete SECTION 13 in its entirety and substitute the following:

"SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that recent decisions by the Arkansas Court of Appeals and the Arkansas Supreme Court have pointed out the need for the General Assembly to clarify its intentions regarding the certification and authorization of the location, financing, construction, and operation of major utility facilities; and that this act is immediately necessary to provide for the continued economic development of the state and the orderly and efficient development of essential energy resources. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read _____

By: Representative Powers

JLL/JLL - 03/08/11 03:35

JLL167

Chief Clerk