

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1878

By: Representative Willems

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 23-18-504(a); AND FOR OTHER
PURPOSES."

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

SECTION 1. Arkansas Code Annotated Section 23-18-504(a) is hereby amended to read as follows:

(a) This subchapter shall not apply to any major utility facility:

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

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

(3) Over which an agency of the federal government has exclusive jurisdiction; or

(4) Which was constructed and in operation prior to January 1, 1989, but not previously certificated by the Commission."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. Emergency Clause. Whereas there is controversy concerning the application of the present laws to certain existing and operating

facilities constructed by or for industries to provide utility service to those industries, and the application of the present laws to such facilities may have a detrimental effect on employment by eliminating a number of jobs in this state. Therefore, it is hereby found and determined by the General Assembly that an emergency exists and this act, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.