

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: H3/11/99 S3/29/99

A Bill

HOUSE BILL 1949

5 By: Representative Simon
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 23-18-513 TO REQUIRE
10 APPLICATIONS FOR A CERTIFICATE OF ENVIRONMENTAL
11 COMPATIBILITY AND PUBLIC NEED BE MADE AVAILABLE FOR
12 PUBLIC INSPECTION AT PUBLIC LIBRARIES; AND FOR OTHER
13 PURPOSES. "
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Subtitle

15 "TO REQUIRE APPLICATIONS FOR CERTIFICATE
16 OF ENVIRONMENTAL COMPATIBILITY AND
17 PUBLIC NEED BE MADE AVAILABLE FOR PUBLIC
18 INSPECTION AT PUBLIC LIBRARIES. "
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 23-18-513 is amended to read as follows:

25 "23-18-513. Application for certificate - Service or notice of
26 application.

27 (a) Each application for a certificate of environmental compatibility
28 and public need shall be accompanied by proof of service of a copy of the
29 application on:

- 30 (1) The mayor of each municipality;
- 31 (2) The county judge;
- 32 (3) The chairman of the county planning board, if any;
- 33 (4) Any head of a governmental agency charged with the duty of
34 protecting the environment or of planning land use upon which the commission
35 has by regulation or order directed service be made, in the area in which any
36 portion of such facility is to be located, both as primarily and as

1 alternatively proposed;

2 (5) Each member of the General Assembly in whose district the
3 facility or any alternative location listed in the application is to be
4 located;

5 (6) The Office of the Governor; and

6 (7) The director or other administrative head of the following
7 state agencies or departments:

- 8 (A) Department of Pollution Control and Ecology;
- 9 (B) Department of Health;
- 10 (C) Department of Economic Development;
- 11 (D) Arkansas State Highway and Transportation Department;
- 12 (E) Arkansas Game and Fish Commission;
- 13 (F) Arkansas Natural Heritage Commission;
- 14 (G) Any state agency which may have authority to assist in
15 financing the applicant's facility;
- 16 (H) Any other state agency or department which manages or
17 has jurisdiction over state-owned lands on which all or part of the proposed
18 utility facility is to be, or may be, located;
- 19 (I) Department of Finance and Administration;
- 20 (J) State Energy Conservation and Policy Office;
- 21 (K) Attorney General;
- 22 (L) Any other state agency or department designated by
23 commission regulation or order; and

24 (8) Proof that a copy of the application has been made available
25 for public inspection at all public libraries in each county in which the
26 proposed utility facility is to be, or may be located.

27 (b) The copy of the application shall be accompanied by a notice
28 specifying the date on or about which the application is to be filed and a
29 notice that interventions or limited appearances must be filed with the
30 commission within thirty (30) days after the date set forth as the date of
31 filing, unless good cause is shown pursuant to § 23-18-517.

32 (c)(1) Each application shall also be accompanied by proof that written
33 notice, specifying the date on or about which the application is to be filed
34 and the date that interventions or limited appearances must be filed with the
35 commission, unless good cause is shown pursuant to § 23-18-517, has been sent
36 by certified mail to each owner of real property on the proposed route

1 selected by the utility on which a major utility facility is to be located or
2 constructed.

3 (2) The written notice required by this subsection shall be
4 directed to the address of the owner of the real property as it appears on the
5 records in the office of the county sheriff or county tax assessor for the
6 mailing of statements for taxes as provided in § 26-35-705.

7 ~~(e)~~(d)(1) Each application shall also be accompanied by proof that
8 public notice thereof notice thereof was given to persons residing in
9 municipalities and counties entitled to receive notice under subsection (a),
10 by the publication of a summary of the application, and a statement of the
11 date on or about which it is to be filed and a statement that intervention or
12 limited appearances must be filed with the commission within thirty (30) days
13 after the date set forth in the notice, unless good cause is shown pursuant to
14 § 23-18-517, in a newspaper having substantial circulation in the
15 municipalities or counties.

16 (2)(A) For purposes of this subsection, any environmental impact
17 statement submitted as an exhibit to the application need not be summarized,
18 but the published notice shall include a statement that the impact statements
19 are on file at the office of the commission and available for public
20 inspection.

21 (B) The applicant shall also cause copies of the
22 environmental impact statement to be furnished to at least one (1) of its
23 local offices, if any, in the counties in which any portion of the facilities
24 are to be located, both as primarily or as alternatively proposed, to be there
25 available for public inspection.

26 (C) The published notice shall contain a statement of the
27 location of these local offices and the times the impact statements will be
28 available for public inspection.

29 (d) Inadvertent failure of service on, or notice to, any of the
30 municipalities, counties, governmental agencies, or persons identified in
31 subsections (a) and (c) of this section may be cured pursuant to orders of the
32 commission designed to afford such persons adequate notice to enable their
33 effective participation in the proceedings.

34 (e) In addition, the commission may, after filing, require the
35 applicant to serve notice of the application or copies thereof, or both, upon
36 such other persons, and file proof thereof, as the commission may deem

1 appropriate.

2 (f) Where any personal service or notice is required herein, such
3 service may be made by any officer authorized by law to serve process, by
4 personal delivery or by certified mail."

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

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10 SECTION 3. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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

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/s/ Simon

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