

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1487

By: Representative Mitchum

"AN ACT TO AMEND SECTION 2 OF ACT 17 OF THE FIRST
EXTRAORDINARY SESSION OF 1981, AS AMENDED [ARK. STAT.
19-5802], TO PROVIDE FOR THE SALE OF ELECTRIC POWER BY
MUNICIPALITIES AND COUNTIES; DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES."

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

SECTION 1. Section 2 of Act No. 17 of the First Extraordinary Session of 1981, as amended, the same being Arkansas Statutes 19-5802, is hereby amended to read as follows:

"Section 2. Any municipality and any county is hereby authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, contract concerning, or otherwise deal in or dispose of, or make loans to finance the acquisition, construction, reconstruction, extension, equipment or improvement of, facilities to constitute all or any part of a hydroelectric power project or projects (as defined in this Act). Without limiting the generality of the foregoing, any municipality or county is authorized to contract with any Person for supplying of electrical energy produced by any such project, upon terms acceptable to such municipality or county."

SECTION 2. Section 11 of Act No. 17 of the First Extraordinary Session of 1981, as amended, the same being Arkansas Statutes 19-5811, is hereby amended by adding a new subsection at the end thereof to read as follows:

"(1) 'Person' means any natural person, firm, corporation, electric cooperative corporation, nonprofit corporation, association, improvement district, municipality, county or state."

SECTION 3. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. The provisions of this Act are hereby declared to be separable. If any provision of this Act should be declared to be invalid or to be inapplicable to any person or circumstance, such determination shall not affect the validity or applicability of the other provisions of this Act.

SECTION 5. It has been found and it is hereby declared that a number of Arkansas municipalities and counties are located near prospective sites for hydroelectric projects, that the realization of the full potential of these sites is in many cases dependent upon the ability of the project to secure a market for the sale of electric power, and that a number of Arkansas municipalities and counties are in need of an efficient and reliable source of electric power. Therefore, an emergency is declared to exist and this Act, being necessary for the preservation of the public peace, health and safety, shall be in force upon its passage and approval.

