

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Jim Shaver**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND THE PUBLIC FACILITIES BOARD ACT TO
9 PROVIDE THAT SUCH BOARDS ARE NOT ADMINISTRATIVE BOARDS
10 UNDER THE COUNTY GOVERNMENT CODE; TO GRANT SUCH BOARDS
11 EMINENT DOMAIN AUTHORITY; TO ELIMINATE THE PROHIBITION
12 AGAINST THE EXECUTIVE DIRECTOR SERVING AS A MEMBER OF A
13 PUBLIC FACILITIES BOARD; AND FOR OTHER PURPOSES."

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

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17 SECTION 1. Arkansas Code 14-137-106(a) is hereby amended to read as
18 follows:

19 "(a) Any municipality or any county is authorized to create one (1) or
20 more public facilities boards and to empower each board to own, acquire,
21 construct, reconstruct, extend, equip, improve, operate, maintain, sell,
22 lease, contract concerning, or otherwise deal in or dispose of health care
23 facilities, emergency medical health care facilities, residential housing
24 facilities, off-street parking facilities, recreational and tourist
25 facilities, waterworks facilities, sewer facilities, facilities for securing
26 or developing industry, energy facilities, hydroelectric power projects,
27 education facilities, other capital improvement facilities, or any combination
28 of such facilities, or any interest in such facilities including, without
29 limitation, leasehold interests in and mortgages on such facilities. Public
30 facilities boards created under this chapter are not administrative boards
31 under the County Government Code (Chapter 14 of Title 14 of the Arkansas
32 Code)."

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34 SECTION 2. Arkansas Code 14-137-109 is hereby amended to read as
35 follows:

1 "14-137-109. Officers - Executive Director.

2 (a) (1) The members of each public facilities board shall meet and
3 organize by electing one of their number as chairman, one as vice-chairman,
4 one as secretary, and one as treasurer, and such officers shall be elected
5 annually thereafter in like manner.

6 (2) The duties of secretary and treasurer may be performed by the same
7 member.

8 (b) The board may also appoint an executive director who shall serve at
9 the pleasure of the board and receive such compensation as shall be fixed by
10 the board."

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12 SECTION 3. Arkansas Code 14-137-112 is hereby amended by inserting an
13 additional subsection at the end thereof to read as follows:

14 "(c) Public facilities boards which operate water works facilities may
15 exercise the power of eminent domain in accordance with the procedures
16 prescribed by Arkansas Code 18-15-1201 et seq."

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18 SECTION 4. All provisions of this Act of a general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 5. If any provision of this Act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the Act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 Act are declared to be severable.

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28 SECTION 6. All laws and parts of laws in conflict with this Act are
29 hereby repealed.

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31 SECTION 7. Emergency. It is hereby found and determined by the General
32 Assembly that the changes this Act makes in the public facilities board law
33 will result in the more efficient and effective operation of those boards;
34 that the services provided by public facilities boards are in any many
35 instances vital to the public health and welfare; that the effect of this Act

1 will be to provide better services to the people served by public facilities
2 boards; and that this Act should go into effect immediately in order to
3 enhance the services of the public facilities boards as soon as possible.
4 Therefore, an emergency is hereby declared to exist and this Act being
5 immediately necessary for the preservation of the public peace, health and
6 safety shall be in full force and effect from and after its passage and
7 approval.

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