

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H3/7/19 S3/25/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1443

4

5 By: Representative Vaught

6 *By: Senator Hickey*

7

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING RURAL DEVELOPMENT
10 AUTHORITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER
11 PURPOSES.

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14

Subtitle

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TO AMEND THE LAW CONCERNING RURAL

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DEVELOPMENT AUTHORITIES AND TO DECLARE AN

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EMERGENCY.

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

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22 *SECTION 1. Arkansas Code § 14-188-102 is amended to read as follows:*

23 *14-188-102. Legislative declarations.*

24 *It is declared that:*

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(1) Many rural areas of Arkansas suffer from chronic

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unemployment and underemployment, lack of economic development, and patterns

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of land use which contribute to soil erosion, undue depletion of soil

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fertility resulting in inadequate income to support the farm family, and

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inadequate control of surface waters for flood prevention or drainage and for

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the maximum conservation and multiple utilization of water resources;

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(2) Adequate healthcare facilities are essential to the economic

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development of rural areas of the state;

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~~(2)(3)~~ Economic development of rural areas of Arkansas is a

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public use and purpose for which public money may be spent and private

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property acquired and is a governmental function of state concern;

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~~(3)(4)~~ It is a proper public purpose for any state public body



1 to aid, as provided in this chapter, any rural development authority
 2 operating within its boundaries or jurisdiction, or any rural development
 3 project located in it, as the state public body derives immediate benefits
 4 and advantages from such an authority or project;

5 ~~(4)~~(5) It is in the public interest that such rural development
 6 projects be commenced as soon as possible in order to alleviate these
 7 conditions of chronic unemployment, underemployment, and economic
 8 underdevelopment of rural areas which constitute an emergency; and

9 ~~(5)~~(6) The necessity in the public interest for the provisions
 10 enacted in this chapter is declared as a matter of legislative determination.
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12 SECTION 2. Arkansas Code § 14-188-103(5), concerning the definition of
 13 "area of operation" under the Rural Development Authority Act, is amended to
 14 read as follows:

15 (5) "Area of operation" means all areas within the county,
 16 except those areas lying within the corporate limits of cities and towns
 17 which have a population of more than ~~five thousand five hundred (5,500)~~ nine
 18 thousand (9,000) or such part of the area as may be designated as an area of
 19 operation ~~pursuant to the provisions of~~ under this chapter;
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21 SECTION 3. Arkansas Code § 14-188-103(7), concerning the definition of
 22 "rural development project", "development project", or "project" under the
 23 Rural Development Authority Act, is amended to read as follows:

24 (7) "Rural development project", "development project", or
 25 "project" means, ~~but is not limited to~~ without limitation, any work or
 26 undertaking:

27 (A) To develop recreational facilities;

28 (B) To acquire the types of land enumerated for any of the
 29 following purposes:

30 (i) Submarginal or low-yielding land to convert it
 31 to conservation, grazing, forestry, fish and wildlife propagation, or
 32 recreation or desirable long-range economic uses;

33 (ii) Land suitable for cultivation that, because of
 34 diverse ownership or location, may be made available by the owners of it and
 35 consolidated with other similar tracts in the establishment of adequate
 36 farming units or consolidated with land devoted to uses other than crop

1 production;

2 (iii) Land suitable for cultivation which becomes
3 available in large blocks upon the death or retirement of the operator or
4 which, because of technological changes or economic conditions, may be made
5 available by the owners of it for diverse ownership and operations as
6 adequate farming units;

7 (iv) Land necessary or desirable for soil and water
8 conservation, flood prevention, watershed protection, drainage, water storage
9 and use, anti-pollution or sanitation uses and other public services or
10 facilities, or necessary rights-of-way and access roads; ~~or~~

11 (C) For installation, construction, and improvements to
12 utility facilities, roads, parks, conservation practices and measures, flood
13 control and drainage structures and facilities, dams, wells, and reservoirs,
14 pipelines, waterworks, and other devices for the development, storage, and
15 utilization of water for agricultural, domestic, industrial, and community
16 purposes, the development or improvement of sanitation measures, including
17 sewage and sewage disposal facilities and anti-pollution measures, and the
18 construction, operation, maintenance, and repair of any housing project, or
19 part of it; or

20 (D) For the acquisition, construction, operation,
21 maintenance, and improvement of healthcare facilities;

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23 SECTION 4. Arkansas Code § 14-188-103, concerning definitions under
24 the Rural Development Authority Act, is amended to add an additional
25 subdivision to read as follows:

26 (9) "Healthcare facilities" means facilities for furnishing
27 physical or mental healthcare services, including without limitation:

28 (A) Hospitals, emergency medical care facilities, and
29 related facilities; and

30 (B) Real property, personal property, or mixed property of
31 any kind, including:

32 (i) Rights-of-way;

33 (ii) Utilities;

34 (iii) Materials;

35 (iv) Equipment;

36 (v) Fixtures;

- 1 (vi) Machinery;
2 (vii) Furniture;
3 (viii) Furnishings;
4 (ix) Buildings; and
5 (x) Other related improvements.

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7 *SECTION 5. Arkansas Code § 14-188-118 is amended to read as follows:*
8 *14-188-118. Security for deposits.*

9 *(a) A rural development authority ~~may~~ shall, by resolution, provide*
10 *that all moneys deposited by it shall be secured by:*

11 *(1) Obligations of the United States or of the state of a market*
12 *value equal at all times to the amount of the deposits; ~~or~~*

13 *(2) Any securities in which savings banks may legally invest*
14 *funds within their control; ~~or~~*

15 *(3) An undertaking with such sureties as shall be approved by*
16 *the authority faithfully to keep and pay over upon the order of the authority*
17 *any such deposits and agreed interest on them; or*

18 *(4) Other obligations allowed by law.*

19 *(b) All banks and trust companies are authorized to give any such*
20 *security for such deposits.*

21
22 *SECTION 6. EMERGENCY CLAUSE. It is found and determined by the*
23 *General Assembly of the State of Arkansas that rural development authorities*
24 *exist throughout the state to help address conditions of chronic*
25 *unemployment, underemployment, and economic underdevelopment; that the Rural*
26 *Development Authority Act was enacted decades ago and did not take into*
27 *account population growth and the need for healthcare facilities in rural*
28 *areas; and that this act is immediately necessary to update the Rural*
29 *Development Authority Act to more effectively serve residents of rural areas.*
30 *Therefore, an emergency is declared to exist, and this act being immediately*
31 *necessary for the preservation of the public peace, health, and safety shall*
32 *become effective on:*

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

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

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

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/s/Vaught