

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**

# A Bill

**ACT 1117 OF 1995**  
**HOUSE BILL 1841**

4 **By: Representatives Miller and Dietz**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 15-5-103 TO PERMIT THE  
9 FINANCING OF OPERATIONS INCIDENTAL TO AGRICULTURAL  
10 BUSINESS AND INDUSTRIAL ENTERPRISES; AND FOR OTHER  
11 PURPOSES."

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## **Subtitle**

14 "AN ACT TO AMEND ARKANSAS CODE 15-5-103  
15 TO PERMIT THE FINANCING OF OPERATIONS  
16 INCIDENTAL TO AGRICULTURAL BUSINESS AND  
17 INDUSTRIAL ENTERPRISES."

18

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

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21 SECTION 1. Arkansas Code 15-5-103 is amended to read as follows:

22 "§ 15-5-103. Definitions.

23 As used in subchapters 1, 2, and 3 of this chapter, unless the context  
24 otherwise requires:

25 (1) Authority means the Arkansas Development Finance Authority  
26 created by § 15-5-201;

27 (2) Agricultural business enterprises means and includes facilities  
28 and operations supporting farms, ranches, and other agricultural or  
29 silvicultural commodity producers, such as aquaculture, fish hatchery  
30 operations and fish farms, and related businesses and industries, including,  
31 but not limited to, grain elevators, shipping heads, livestock pens,  
32 warehouses and other storage facilities, related transportation facilities,  
33 drainage facilities, and any related facilities and operations thereto;

34 (3) Board of directors means and includes the board of directors of  
35 the authority created in § 15-5-202;

36 (4) Bonds means any bonds, notes, debentures, interim certificates,

1 grant and revenue anticipation notes, commercial paper or other notes with  
2 maturities of one (1) year or less, interest in a lease, lease certificates of  
3 participation or other evidences of indebtedness, whether or not the interest  
4 on them is subject to federal income taxation, issued by the authority  
5 pursuant to subchapters 1, 2, and 3 of this chapter;

6       (5) Capital improvements means, whether obtained by purchase, lease,  
7 construction, reconstruction, restoration, improvement, alteration, repair, or  
8 other means, any physical public betterment or improvement, or any preliminary  
9 plans, studies, or surveys relative thereto; land or rights in land,  
10 including, without limitations, leases, air rights, easements, rights-of-way,  
11 or licenses, and any furnishings, machinery, vehicles, apparatus, or equipment  
12 for any public betterment or improvement, which shall include, without  
13 limiting the generality of the foregoing definition, the following: any and  
14 all facilities for state agencies, city or town halls, courthouses and other  
15 administrative, executive, or other public offices; court facilities; jails;  
16 fire fighting facilities and apparatus; parking garages or other facilities;  
17 educational and training facilities for public employees; auditoriums,  
18 stadiums, convention halls, and similar public meeting or entertainment  
19 facilities; civil defense facilities; air and water pollution control  
20 facilities; drainage and flood control facilities; storm sewers; arts and  
21 crafts centers; museums; libraries; public parks, playgrounds, or other public  
22 open space; marinas; swimming pools, tennis courts, golf courses, camping  
23 facilities, gymnasiums, and other recreational facilities; tourist information  
24 and assistance centers; historical, cultural, natural, or folklore sites; fair  
25 and exhibition facilities; streets and street lighting, alleys, sidewalks,  
26 roads, bridges, and viaducts; airports, passenger or freight terminals,  
27 hangars, and related facilities; barge terminals, ports, harbors, ferries,  
28 wharves, docks, and similar marine services; slack water harbors, water  
29 resource facilities, waterfront development facilities, and navigation  
30 facilities; public transportation facilities; public water systems and related  
31 transmission and distribution facilities, storage facilities, wells,  
32 impounding reservoirs, treatment plants, lakes, dams, watercourses, and water  
33 rights; sewage collection systems and treatment plants; maintenance and  
34 storage buildings and facilities; police and sheriff stations, apparatus, and  
35 training facilities; incinerators; garbage and solid waste disposal and

1 compacting and recycling facilities of every kind; and social and  
2 rehabilitative facilities;

3       (6) \_Construct\_ means to acquire or build, in whole or in part, in such  
4 manner and by such method, including contracting therefor, and if the latter,  
5 by negotiation or bidding upon such terms and pursuant to such advertising as  
6 the authority shall determine to be in the public interest and necessary,  
7 under the circumstances existing at the time, to accomplish the purposes of  
8 and authority set forth in this subchapter;

9       (7) \_Loans\_ means loans made for the purposes of financing any of the  
10 activities authorized within this subchapter, including working capital, the  
11 acquisition of accounts, as defined in § 4-9-106, to finance working capital,  
12 and loans made to financial institutions for the purpose of funding or as  
13 security for loans made for the purpose of accomplishing any of the purposes  
14 of this subchapter, and reserves and expenses appropriate or incidental  
15 thereto;

16       (8) \_Educational facilities\_ means real, personal, and mixed property  
17 of any and every kind intended by an educational institution in furtherance of  
18 its educational program, including, but not limited to, dormitories,  
19 classrooms, laboratories, athletic fields, administrative buildings,  
20 equipment, and other property for use therein or thereon;

21       (9) \_Facilities\_ means any real property, personal property, or mixed  
22 property of any and every kind, including, without limiting the generality of  
23 the foregoing, rights-of-way, roads, streets, pipes, pipelines, reservoirs,  
24 utilities, materials, equipment, fixtures, machinery, furniture, furnishings,  
25 instrumentalities, and other real, personal, or mixed property of every kind  
26 or any preliminary studies and surveys relative thereto;

27       (10) \_Health care facilities\_ means facilities for furnishing physical  
28 or mental health care, including, without limitation, hospitals, other  
29 facilities for the diagnosis and treatment of any illness or disease, offices  
30 and clinics of doctors of medicine, dentists, optometrists, podiatrists,  
31 chiropractors, and related facilities, nursing homes and related facilities;  
32 long-term care or life-care facilities for the elderly or disabled, including  
33 facilities used to furnish emergency medical health care and emergency medical  
34 services, including, but not limited to, ambulances or vehicles specifically  
35 designed, equipped, and licensed for transporting the sick or injured;

1 emergency medical equipment and supplies; dispatching or other communication  
2 systems; computers for billing, collections, system design and control; and  
3 training and administrative facilities;

4 (11) (A) Health care project costs also specifically includes the  
5 refinancing of any existing debt of a health care facility necessary in order  
6 to permit the health care facility to borrow from the authority and give  
7 adequate security for the health care facility loan. The determination of the  
8 authority with respect to the necessity of refinancing and adequate security  
9 for a health care facility loan is conclusive.

10 (B) Health care project costs also includes the financing of  
11 working capital; provided, that any health care facility loan to a health care  
12 facility located outside the state to finance working capital shall be made  
13 only if necessary to a program of working capital financing, including a  
14 health care facility loan to a health care facility located within the state.

15 (C) The determination of the authority with respect to the  
16 necessity of such health care facility loans to health care facilities located  
17 outside the state is conclusive;

18 (12) Housing development means any work or undertaking, whether new  
19 construction or rehabilitation, which is designed and financed pursuant to the  
20 provisions of this subchapter for the primary purpose of providing sanitary,  
21 decent, and safe dwelling accommodations for elderly persons and families of  
22 low or moderate income in need of housing; such undertaking may include any  
23 buildings, land, equipment, facilities, or other real or personal properties  
24 which are necessary, convenient, or desirable appurtenances, such as, but not  
25 limited to, site preparation, landscaping, and other nonhousing facilities  
26 such as community and recreational facilities as the authority determines to  
27 be necessary, convenient, or desirable appurtenances, retirement homes,  
28 centers and related facilities, nursing homes and related facilities, and  
29 long-term care or life-care facilities for the elderly or disabled;

30 (13) Industrial enterprise means and includes facilities and  
31 operations for manufacturing, producing, processing, assembling, repairing,  
32 extracting, warehousing, distributing, communications, computer services, the  
33 production of motion pictures and like products, transportation, corporate and  
34 management offices, and services provided in connection with any of the  
35 foregoing, in isolation or in any combination, that involve the creation of

1 new or additional employment or the retention of existing employment, and  
2 industrial parks. However, a shopping center, retail store or shop, or other  
3 similar undertaking which is solely or predominantly of a commercial retail  
4 nature shall not be an industrial enterprise for the purposes of this  
5 subchapter;

6 (14) Operations means and includes any and all matters deemed  
7 necessary or desirable to the promotion of agricultural business and  
8 industrial enterprises, including but not limited to the provision of labor  
9 and services of any nature, and all transactions pertaining to receivables,  
10 accounts, inventory, loans, lines of credit and working capital, designed to  
11 promote, restore, revitalize, or develop existing agricultural business or  
12 industrial enterprises, or the establishment of new agricultural business or  
13 industrial enterprises.

14 (15) Political subdivision means a city of the first class, a city of  
15 the second class, an incorporated town, a county, or an improvement district,  
16 or any agency, board, commission, public corporation, or instrumentality of  
17 the above;

18 (16) Short-term advance funding means the financing of temporary cash  
19 shortfalls of local governments based on the local government's projected  
20 monthly income and expenditures and its surplus at the beginning of each  
21 fiscal year, and such shortfall is the result of the local government's  
22 projected income being insufficient to meet the needs of its estimated  
23 expenditures, even though the aggregate income will exceed the aggregate  
24 expenditures for the fiscal year;

25 (17) State means the State of Arkansas; and

26 (18) State agency means any office, department, board, commission,  
27 bureau, division, public corporation, agency, or instrumentality of this  
28 state."

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

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34 SECTION 3. If any provision of this act or the application thereof to  
35 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without  
2 the invalid provision or application, and to this end the provisions of this  
3 act are declared to be severable.

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

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8 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
9 Assembly that the authority of the Arkansas Development Finance Authority to  
10 finance operations in addition to facilities for the purpose of promoting  
11 agricultural and business enterprises should be made explicit, and that the  
12 provision of labor and services deemed necessary or desirable for programs  
13 which will promote and develop agricultural business or industrial  
14 enterprises, such as a boll weevil eradication program, will be of immediate  
15 benefit to the economic development of this state. Therefore, an emergency is  
16 hereby declared to exist and this act being necessary for the immediate  
17 preservation of the public peace, health and safety shall be in full force and  
18 effect from and after its passage and approval.

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22 APPROVED: 4-10-95

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