

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/18/03

A Bill

HOUSE BILL 2476

5 By: Representative Adams
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS ARKANSAS CODE SECTIONS
10 THAT GOVERN THE CREATION OF JAIL BOARDS AND THE
11 ISSUANCE OF REVENUE BONDS AND THE EMINENT DOMAIN
12 POWERS OF PUBLIC FACILITIES BOARDS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 TO AMEND VARIOUS ARKANSAS CODE SECTIONS
16 THAT GOVERN THE CREATION OF JAIL BOARDS
17 AND THE ISSUANCE OF REVENUE BONDS AND
18 THE EMINENT DOMAIN POWERS OF PUBLIC
19 FACILITIES BOARDS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *SECTION 1. Arkansas Code Title 12, Chapter 41, Subchapter 7 is amended*
26 *to read as follows:*

27 *Subchapter 7 - ~~County and City Jails~~ Jail Boards - Revenue Bonds*
28

29 *12-41-701. Definitions.*

30 *As used in this subchapter, unless the context otherwise requires:*

31 *(1) "Bonds" means bonds, ~~and any series of bonds, or other evidences~~*
32 *of indebtedness authorized by and issued by a ~~county or municipality board~~*
33 *pursuant to the provisions of this subchapter;*

34 *(2) "Jail" means ~~the~~ a county jail, or jails, and jail facilities of a*
35 *county, ~~or~~ a municipal jail, or jails, and jail facilities of ~~any a~~*
36 *municipality, or a public instrumentality jail, or jails, and jail facilities*



1 of a public instrumentality in this state. The term "jail" shall also mean a
 2 jail constructed and operated under a cooperative agreement between any two
 3 (2) or more municipalities, ~~two (2) or more~~ counties, or ~~one (1) or more~~
 4 ~~municipalities~~ public instrumentalities in any combination and ~~one (1) or~~
 5 ~~more counties~~, for the ~~incarceration~~ housing of their respective prisoners
 6 ~~misdemeanant~~ incarcerants, and other incarcerants awaiting trial;

7 (3) "Jail facilities" means all property of any nature, whether
 8 personal or real, tangible or intangible, related in any way to a jail and
 9 its functions;

10 ~~(3)(4)~~ "Board" means the county jail board, ~~or the~~ municipal jail
 11 board, ~~or public instrumentality jail board~~ as the case may be, established
 12 by ordinance ~~or resolution~~ of the quorum court ~~of the county~~, or the
 13 governing body of the municipality ~~or public instrumentality~~ under the
 14 provisions of this subchapter;

15 ~~(4)(5)~~ "Construct" ~~or "construction"~~ means to acquire, construct,
 16 reconstruct, remodel, install, and equip any lands, buildings, structures,
 17 improvements, or other real, personal, or mixed property used in connection
 18 with a jail and to make other necessary expenditures in connection therewith,
 19 by such methods and in such manner as may be authorized by law. The term
 20 "construct" ~~or "construction"~~ also includes payment or provision for payment
 21 of expenses incidental thereto;

22 ~~(5)(6)~~ "Expansion" ~~"Expand" or "expansion"~~ means ~~any additions,~~
 23 ~~renovations, extensions, or improvements to a county or municipal jail or~~
 24 ~~jail facility~~ to add, renovate, extend, or improve a jail and may include any
 25 necessary or appropriate remodeling or improvement to a present jail and
 26 shall include appropriate equipment and furnishings as determined by the
 27 board. ~~The term "expand" or "expansion" also includes payment or provision~~
 28 ~~for payment of expenses incidental to expansion;~~

29 ~~(6)(7)~~ "Fines" or "fines and penalties" means the fines, ~~or~~ penalties,
 30 ~~bonds against fines, court costs, filing fees, other court fees, and other~~
 31 ~~sums payable by judicial order, statute, ordinance, or otherwise~~ imposed by
 32 law ~~and~~ collected by a county, ~~or a~~ municipality, ~~or public instrumentality~~
 33 ~~or otherwise~~ for convictions arising from each of the offenses listed below:

34 (A) Operating or being in actual physical control of a motor
 35 vehicle while intoxicated; "intoxicated" meaning, for the purposes of this
 36 subchapter, influenced or affected by the ingestion of alcohol, a controlled

1 substance, or a combination thereof, to such a degree that the driver's
 2 reactions, motor skills, and judgment are substantially altered and the
 3 driver, therefore, constitutes a clear and substantial danger of physical
 4 injury or death to himself or other motorists or pedestrians;

5 (B) Operating or being in actual physical control of a motor
 6 vehicle while impaired by alcohol or drugs; the word "impaired" meaning, for
 7 the purposes of this subchapter, influenced or affected by the ingestion of
 8 alcohol, a controlled substance, or a combination thereof, to such a degree
 9 that the driver's reaction, motor skills, and judgment are reduced or
 10 lessened and the driver constitutes a threat of physical injury or death to
 11 himself or other motorists or pedestrians;

12 (C) Operating or being in actual physical control of a motor
 13 vehicle if, at that time, there was an alcohol concentration of eight-
 14 hundredths (0.08) or more in the person's breath or blood, as determined by a
 15 chemical test of the person's blood, urine, breath, or other bodily
 16 substance;

17 ~~(7)~~(8) "Pledged revenues" means all revenues allocated by this
 18 subchapter to be pledged for the security and payment of the bonds; ~~and~~

19 ~~(8)~~(9) "Municipality" means any city of the first class or city of the
 20 second class and any incorporated town in this state; ~~and~~

21 (10) "Public instrumentality" means any public facilities board,
 22 regardless of whether formed by county or municipal ordinance, and any other
 23 governmental or political subdivision of this state.

24

25 12-41-702. Method supplemental.

26 The method set forth in this subchapter shall be supplemental to any
 27 other method authorized by law for construction, renovation, or expansion of
 28 ~~county or municipal~~ jails.

29

30 12-41-703. Adoption of ordinance.

31 Any county quorum court or governing body of a municipality or public
 32 instrumentality desiring to construct, renovate, or expand a ~~county jail and~~
 33 ~~jail facilities~~ in the manner authorized in this subchapter, ~~and the~~
 34 ~~governing body of any municipality desiring to construct or expand a~~
 35 ~~municipal jail and jail facilities in the manner authorized in this~~
 36 ~~subchapter,~~ may adopt an ordinance or resolution to establish a ~~county jail~~

1 ~~board or a municipal jail~~ board, as the case may be, and to authorize the
2 board to issue revenue bonds to construct, renovate, or expand the ~~county~~
3 ~~jail or jail facilities or the municipal jail or jail facilities~~ in the
4 manner authorized in this subchapter.

5
6 12-41-704. Jail boards.

7 (a)(1) Any county, municipality, or public instrumentality electing to
8 ~~issue county jail revenue~~ form a board for the purpose of issuing bonds under
9 the provisions of this subchapter, ~~and any municipality electing to issue~~
10 ~~municipal jail revenue bonds under the provisions of this subchapter~~, shall,
11 by ordinance or resolution adopted by the county quorum court or by the
12 governing body of the municipality or public instrumentality, establish a
13 ~~jail~~ board consisting of such members, not less than three (3) nor more than
14 seven (7) in number, as provided in the ordinance or resolution.

15 (2) After reasonable notice and an opportunity for a hearing
16 concerning the alleged grounds for removal, any member of the board may be
17 removed for misfeasance, malfeasance, or willful neglect of duty by the
18 county quorum court or governing body of the municipality or public
19 instrumentality that created the board.

20 (b) The county judge of the county shall serve as a member of ~~the~~
21 ~~county jail~~ a board created by the county, and the ~~mayor of the city~~
22 principal executive officer of the municipality or public instrumentality
23 shall serve as a member of ~~the municipal jail~~ a board created by a
24 municipality or public instrumentality, unless the county judge or principal
25 executive officer is removed as provided in this subchapter.

26 (c) The ~~jail~~ board is authorized and empowered to:

27 (1) Construct a ~~county or municipal jail or jail facilities~~ or
28 provide for the renovation or expansion of an existing county or municipal
29 ~~jail facilities~~ on a site or sites selected by the board;

30 (2) Enter into contracts with the government of the United
31 States, any state agency, state or governmental body or political
32 subdivision, public or private corporation or other legal entity, or any
33 individual, or a combination of any of these entities and individuals, to
34 provide for the design, financing, construction, expansion, operation and
35 maintenance of all or any portion of a jail, or for any combination of such
36 services and functions.

1 ~~(2)~~(3) Arrange for the housing of ~~prisoners~~ incarcerants during
2 the period in which any such ~~facilities are~~ jail is undergoing construction,
3 renovation, or expansion;

4 ~~(3)~~(4) Construct or cause to be constructed parking facilities
5 to serve the jail and the public having business therein;

6 ~~(4)~~(5) Obtain the necessary funds for accomplishing its powers,
7 purposes, and authority;

8 ~~(5)~~(6) Purchase, lease, or rent and receive bequests or
9 donations of or otherwise acquire, sell, trade, or barter any real, personal,
10 or mixed property and convert into money or any property not needed or which
11 cannot be used in its then current form;

12 ~~(6)~~(7) Contract and be contracted with, apply for, receive,
13 accept, and use any moneys and property from the Government of the United
14 States, any state agency, any state or governmental body or political
15 subdivision, any public or private corporation of any nature, or any
16 individual;

17 (8) Enter into long or short term contracts with counties,
18 municipalities, public instrumentalities, the State of Arkansas, agencies of
19 the federal government, and other public or private entities under which the
20 board shall provide nightly or other periodic housing of these entities'
21 misdemeanant or other incarcerants for fee compensation or other
22 consideration;

23 (9) Offer incarcerants the option in lieu of incarceration to
24 participate in community service programs and all other forms of voluntary
25 labor;

26 (10) To the extent allowed under applicable law, enter into
27 contracts with third party governmental or private entities under which the
28 board may receive compensation for supplying to those entities with the
29 voluntary services and labor of incarcerants;

30 (11) Exercise the power of eminent domain to the same extent and
31 in the same manner as counties, municipalities, municipal corporations, and
32 public instrumentalities exercise the power under Arkansas Code Title 18,
33 Chapter 15, and Title 14, Chapter 137;

34 (12) Enter into jail management contracts with third party
35 governmental or private organizations upon terms and conditions that the
36 board determines appropriate;

1 (13) Pledge to the repayment of debt any and all contract
 2 receivables and revenues of any kind that are payable to the board;

3 (14) Mortgage real property and grant a security interest in all
 4 personal, intangible, or other property, including all contract receivables
 5 and revenues of any kind that are payable to the board;

6 (15) Borrow funds that shall be available for board use with an
 7 obligation to repay;

8 ~~(7)~~(16) Invest and reinvest any of its moneys and securities as
 9 authorized by law; and

10 ~~(8)~~(17) Take such other action not inconsistent with law as may
 11 be necessary and desirable to carry out the power, purposes, and authority
 12 set forth in this subchapter and to carry out the intent of this subchapter.

13
 14 12-41-705. Bonds - Authority to issue.

15 The ~~county jail board or the municipal jail board, as the case may be,~~
 16 is authorized and empowered to issue bonds, at one (1) time or in series from
 17 time to time, and to use the proceeds thereof, together with any other funds,
 18 for financing the cost of construction, renovation, or expansion of the
 19 ~~county or municipal jail or jail facilities,~~ together with all expenses
 20 incidental to and reasonably necessary in connection therewith, the expenses
 21 of the issuance of the bonds, the creating and maintenance of reserves to
 22 secure the payment of the bonds, if the board deems it necessary or
 23 desirable, and for providing for the payment of the interest on the bonds, if
 24 necessary or desirable, until sufficient funds are available therefor out of
 25 pledged revenues.

26
 27 12-41-706. Bonds - Authorizing resolution.

28 (a) The bonds shall be authorized by resolution of the ~~county jail~~
 29 ~~board or the municipal jail board.~~

30 (b) The authorizing resolution may contain any terms, covenants, and
 31 conditions that are deemed necessary or desirable by the board, including
 32 without limitation, those pertaining to the creation and maintenance of
 33 various funds and reserves, the nature and extent of the security, the
 34 issuance of additional series of bonds and the priority of lien and pledge in
 35 that event, and the rights, duties, and obligations of the board and of the
 36 holders and registered owners of the bonds, all as the board shall determine.

1 (c) The authorizing resolution may provide for the execution of a
2 trust indenture with a bank or trust company located within or outside the
3 State of Arkansas containing appropriate ~~the~~ terms, covenants, and conditions
4 ~~authorized in this subchapter.~~

5
6 12-41-707. Bonds - Contract between parties - Enforcement.

7 (a) Together with this subchapter and the ordinance or resolution of
8 the quorum court or the governing body of the municipality or public
9 instrumentality acting pursuant to this subchapter, each authorizing
10 resolution or trust indenture shall constitute a contract by and between the
11 ~~county jail board or the municipal jail board~~ and the holders and registered
12 owners of the bonds issued pursuant to this subchapter.

13 (b) The contract and all covenants, agreements, and obligations
14 therein shall be properly performed in strict accordance with the terms and
15 provisions thereof.

16 (c) The covenants, agreements, and obligations of the bonds may be
17 enforced by mandamus or other appropriate proceedings at law or in equity.

18
19 12-41-708. Bonds - Terms and conditions.

20 (a) ~~The bonds may be coupon bonds, payable to the bearer, or may be~~
21 ~~registrable as to principal only, or may~~ shall be registrable as to both
22 principal and interest; may contain such exchange provisions; may be in such
23 form and denomination; may be payable on such date or dates; may be stated to
24 mature at such time or times; may bear interest payable at such times and at
25 such rate or rates; may be made payable at such places within and outside the
26 State of Arkansas; may be made subject to such terms of redemption in advance
27 of maturity at such times and at such prices; and may contain such other
28 terms and conditions, all as the ~~county jail board or the municipal jail~~
29 ~~board~~ shall determine.

30 (b) The bonds shall have all the qualities of negotiable instruments
31 under the laws of the State of Arkansas, subject to provisions as to
32 registration or ownerships as set forth above.

33 (c) It shall be plainly stated on the face of each bond that it has
34 been issued under the provisions of this subchapter and under the provisions
35 of the ~~ordinance~~ resolution of the ~~quorum court or of the governing body of~~
36 ~~the municipality~~ board authorizing the issuance thereof.

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12-41-709. Bonds - Sale - Disposition of proceeds.

(a) The bonds may be sold in such manner and at such prices, including sale at discount, as the ~~county jail board or the municipal jail board~~ may accept.

(b) The proceeds derived from the sale of revenue bonds by ~~a county or a municipality~~ the board under the provisions of this subchapter shall be deposited in a ~~county board jail fund or a municipal jail fund, as the case may be,~~ and shall be used ~~solely~~ for the purposes of constructing or expanding jails, and for all other expenses incidental to the issuance of the bonds of such city or county or municipality, as authorized in this subchapter.

12-41-710. Bonds - Coupons - Execution - Seal.

(a) Bonds issued pursuant to this subchapter shall ~~be executed by the chairman and secretary of the county jail board or the municipal jail board by manual or facsimile signature with at least one (1) manual signature~~ bear the manual or facsimile signature of the presiding officer of the board and the manual authenticating signature or the trustee or paying agent of the bonds, if the trustee or paying agent exists.

~~(b) The coupons attached to the bonds shall be executed by the facsimile signature of the chairman of the board.~~

~~(c)~~ (b) In case any of the officers whose signatures appear on the bonds ~~or coupons~~ shall cease to be officers before delivery of the bonds ~~or coupons~~, their signature shall, nevertheless, be valid and sufficient for all purposes.

~~(d)~~ (c) Each bond shall be sealed with the seal of the board.

12-41-711. Bonds - Liability on.

(a) Bonds issued pursuant to this subchapter shall be obligations only of the issuing ~~county jail board or the municipal jail board~~. In no event shall they constitute any indebtedness for which the faith and credit of the county or the municipality or the public instrumentality that created the board issuing the bonds, or any of their respective revenues, or of the State of Arkansas or any of its revenues, as used in Arkansas Constitution, Amendment 20, are pledged, except that the fines and penalties described

1 under this subchapter may be pledged.

2 (b) The bonds shall not be secured by a mortgage or lien on any land,
3 buildings, or property belonging to the county, municipality, or public
4 instrumentality that created the board, but may be secured by the real and
5 personal property owned by the board, and all other revenues of whatever
6 nature that are received by the board or otherwise generated as a result of
7 the board's activities ~~or city issuing such bonds.~~

8 (c) No member of the board shall be personally liable on the bonds or
9 for any damages sustained by anyone in connection with any contracts entered
10 into or action taken in carrying out the powers, purposes, or authority of
11 this subchapter, or of the ordinance or resolution adopted by the quorum
12 court or governing body of the municipality or public instrumentality, unless
13 he shall have acted with a corrupt intent.

14
15 12-41-712. Bonds - Pledge of revenues - Funds.

16 (a)(1) The principal, premiums, if any, interest on, and trustees' and
17 paying agents' fees in connection with all bonds issued under this subchapter
18 shall be secured by a lien on and pledge of the fee revenues and the gross
19 revenues derived from revenues collected from fines or penalties for
20 convictions of the offenses as defined in this subchapter, all real property
21 and personal property owned by the board and all other collateral identified
22 in that trust indenture pursuant to which the bond are issued.

23 (2) The pledged revenues and such principal and interest are
24 specifically declared to be cash funds, restricted in their use and
25 dedication and to be used solely as provided in this subchapter.

26 (3) Bonds may additionally be secured and collateralized by:

27 (A) The board's pledge of contract revenue receivables
28 realized through the execution of contracts with third parties for
29 incarcerant housing;

30 (B) Income received from supplying third parties with
31 incarcerant services and labor; and

32 (C) All other revenues and income that the board may
33 realize through its operations that are otherwise expressly pledged and
34 identified in the bonds' trust indenture or authorizing resolution.

35 (b) There is created a fund designated ~~county~~ jail revenue bond fund,
36 with respect to ~~county~~ bonds issued under this subchapter ~~and a fund~~

1 ~~designated municipal jail revenue bond fund, with respect to municipal bonds~~
2 ~~issued under this subchapter, to be maintained at such depository and as~~
3 ~~shall be specified by the appropriate county jail or municipal jail board.~~

4 (c) The fund shall be a trust fund, and after the issuance of any
5 bonds pursuant to this subchapter, the moneys therein shall be applied ~~solely~~
6 for the payment of the principal of, premiums, if any, and interest on the
7 bonds, trustees', and paying agents', and any other fees in connection with
8 the bonds at maturity and at redemption prior to maturity, except moneys that
9 are withdrawn therefrom pursuant to § 12-41-709(b), all as shall be specified
10 and subject to the terms and conditions set forth in the authorizing
11 resolution or trust indenture.

12 (d) The pledged revenues shall not be deposited into the county
13 treasury, ~~or the city municipal~~ treasury, or public instrumentality treasury
14 but, as and when received, shall be deposited into the appropriate jail
15 revenue bond fund.

16 (e) The principal, premiums, if any, and interest on the bonds, and
17 trustees', ~~and~~ paying agents', and any other fees in connection with the
18 bonds ~~shall be payable solely~~ may be paid from the moneys in the jail revenue
19 bond fund and the moneys required by this subchapter to be deposited in the
20 jail revenue bond fund.

21 (f) The board is directed to insert appropriate provisions in the
22 authorizing resolution or trust indenture for the investment and reinvestment
23 of moneys in the jail revenue bond fund in securities selected by the board,
24 and all income derived from such investment shall be and become part of the
25 jail revenue bond fund.

26
27 12-41-713. Bonds - Tax exemption.

28 Bonds and other evidences of indebtedness issued under the provisions
29 of this subchapter and the interest thereon shall be exempt from all state,
30 county, and municipal taxes, and this exemption shall include income,
31 inheritance, and state taxes.

32
33 12-41-714. Bonds - Investments by public entities.

34 Any municipality or any board, commission, or the governing authority
35 established by ordinance of any municipality, or the governing authorities,
36 respectively, of the firemen's relief and pension fund and the policemen's

1 pension and relief fund of any such municipality or the governing authority
 2 of any retirement system created by the General Assembly of the State of
 3 Arkansas or any agency may, in its discretion, invest any of its funds not
 4 immediately needed for its purposes in bonds and other evidences of
 5 indebtedness issued under the provisions of this subchapter. Any bonds issued
 6 under the provisions of this subchapter shall be eligible to secure the
 7 deposit of public funds.

8
 9 12-41-715. Fees, costs, etc. - Disposition.

10 (a) Any county, municipality, or public instrumentality adopting an
 11 ordinance or resolution providing for the establishment of a ~~county jail~~
 12 board, ~~and any municipality adopting an ordinance providing for the~~
 13 ~~establishment of a municipal jail board,~~ and authorizing the board to issue
 14 ~~county jail revenue bonds or municipal jail revenue bonds, as the case may~~
 15 ~~be,~~ as authorized in this subchapter, may provide that all revenues derived
 16 by the county, ~~or city~~ municipality, or public instrumentality from all fines
 17 or penalties as defined in this subchapter shall be remitted to and deposited
 18 by the county treasurer, ~~or by the city~~ municipal treasurer, or public
 19 instrumentality treasurer in one (1) or more banks doing business in the
 20 county, ~~or the city~~ municipality, or county or municipality in which the
 21 public instrumentality is primarily located, to the credit of a ~~county jail~~
 22 revenue bond fund ~~with respect to county jail revenue bonds, or to a~~
 23 ~~municipal jail revenue bond fund with respect to municipal jail revenue~~
 24 ~~bonds,~~ to be used solely for the purposes as provided in this subchapter.

25 (b) Any person charged with a felony or misdemeanor for which a fine
 26 or penalty, as defined in this subchapter, is imposed, who shall post bond
 27 and forfeit it upon failure to appear on the date set for trial, the entire
 28 amount, or any identified portion of the ~~of~~ bond forfeiture shall be
 29 deposited in the ~~county jail revenue bond fund or the municipal jail revenue~~
 30 ~~bond fund, as the case may be,~~ as provided in this subchapter.

31 (c) All revenues derived from the fines collected under the provisions
 32 of this subchapter are determined to be "fee revenues" and are declared to be
 33 cash funds. The revenues shall not be deposited in the county treasury, ~~or~~
 34 ~~the~~ municipal treasury, or public instrumentality treasury, but shall be
 35 deposited in the bank or banks selected by the respective boards.

36 (d) The fee revenues as provided in this section shall be collected

1 and applied as provided in this subchapter until the principal, premiums, if
2 any, and interest on bonds issued under this subchapter, with trustees' and
3 paying agents' fees, shall be paid or adequate provision made for their
4 payment.

5
6 12-41-716. Use of county jail fund for supervision and transportation
7 of inmates.

8 In addition to any other purposes for which funds in the ~~county~~ board
9 jail fund may be used, such funds may be used for the transportation and
10 supervision of inmates assigned to outside work projects or for transporting
11 inmates to a Department of Correction facility, as determined by the ~~quorum~~
12 ~~court~~ board.

13
14 SECTION 2. Arkansas Code Title 12, Chapter 41, Subchapter 7 is amended
15 to add additional sections to read as follows:

16 12-41-717. Contract with governmental entities - Authority to create
17 boards.

18 (a) All counties, municipalities, public instrumentalities, and other
19 governmental entities of this state are authorized and empowered, upon
20 ordinance or resolution of the governing body, to enter into long or short
21 term contracts with the boards under which the board provides nightly or
22 other periodic housing of these entities' misdemeanant or other incarcerants
23 for fee compensation or other consideration.

24 (b)(1) All counties, municipalities, and public instrumentalities are
25 authorized and empowered to adopt ordinances or resolutions that provide for
26 the creation of boards under this subchapter.

27 (2) The boards shall constitute and comprise a political
28 subdivision of the county or municipality that creates the board, or in the
29 case of a public instrumentality board, a political subdivision of the county
30 or municipality that created the public instrumentality that creates the
31 board.

32
33 12-41-718. Sole and exclusive law.

34 Except as provided under § 12-41-702, the provisions of this subchapter
35 are intended to solely and exclusively govern the manner in which boards are
36 organized, operated, managed, and administered and no other laws of this

1 state are applicable to the boards.

2 SECTION 3. Arkansas Code §14-137-112 is amended to read as follows:
3 14-137-112. Acquiring and transferring facilities.

4 (a) Any municipality or county may acquire facilities for a public
5 facilities project, or any portion thereof, including a project site, by
6 gift, purchase, lease, or condemnation, and may transfer any such facilities
7 to a public facilities board created by the municipality or county by sale,
8 lease, or gift.

9 (b) Transfer may be authorized by ordinance of the governing body
10 without regard to the requirements, restrictions, limitations, or other
11 provisions contained in any other law.

12 (c) ~~Public facilities boards which operate water works facilities may~~
13 ~~exercise the power of eminent domain in accordance with the procedures~~
14 ~~prescribed by § 18-15-201 et seq~~ may exercise the power of eminent domain to
15 the same extent and in the same manner as counties, municipalities, and
16 municipal corporations exercise that power under Title 18, Chapter 15.

17 (d) A county public facilities board may transfer land to the Arkansas
18 State Game and Fish Commission with or without compensation, provided that
19 the Arkansas State Game and Fish Commission agrees to develop a wildlife
20 management area or to construct, stock, and maintain a public fishing lake
21 thereon.

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23 /s/ Adams
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