

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 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1446

4
5 By: Representatives Cook, Everett
6 By: Senator Miller

For An Act To Be Entitled

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9
10 AN ACT TO AMEND THE PUBLIC FACILITIES BOARD LAW
11 TO AUTHORIZE THE FINANCING OF PUBLIC NATURAL GAS
12 TRANSMISSION AND DISTRIBUTION FACILITIES; AND FOR
13 OTHER PURPOSES.

Subtitle

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16 AN ACT TO AMEND THE PUBLIC FACILITIES
17 BOARD LAW TO AUTHORIZE THE FINANCING OF
18 PUBLIC NATURAL GAS TRANSMISSION AND
19 DISTRIBUTION FACILITIES.

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

23
24 SECTION 1. Arkansas Code § 14-137-102(a), concerning the legislative
25 purpose of this chapter, is amended to read as follows:

26 (a) It is determined by the General Assembly that adequate:

- 27 (1) Facilities for health care;
28 (2) Decent, safe, and sanitary residential housing;
29 (3) Off-street parking facilities;
30 (4) Facilities for recreation and to develop tourism;
31 (5) Waterworks facilities;
32 (6) Sewer facilities;
33 (7) Facilities for securing or developing industry;
34 (8) Energy facilities;
35 (9) Educational facilities; ~~and~~
36 (10) Hydroelectric power projects; and



1 (11) Capital improvement facilities

2 are essential to the physical and mental health, safety, and physical
 3 and economic welfare of the people of this state. In order to meet these
 4 public needs, it is essential that public financing be provided for the
 5 facilities. It is the purpose of this chapter to provide an alternative
 6 method of financing for the facilities.

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 8 SECTION 2. Arkansas Code § 14-137-106(d), concerning the definition of
 9 "other capital improvement facilities", is amended to read as follows:

10 (d) As used in this section, the term "other capital improvement
 11 facilities" means, whether obtained by purchase, lease, construction,
 12 reconstruction, restoration, improvement, alteration, repair, or other means,
 13 any physical public betterment or improvement or any preliminary plans,
 14 studies, or surveys relative thereto; lands or rights in land, including,
 15 without limitations, leases, air rights, easements, rights-of-way, or
 16 licenses; furnishings, machinery, vehicles, apparatus, equipment, or other
 17 personal property for use by the city or county; and any furnishings,
 18 machinery, vehicles, apparatus, or equipment for any public betterment or
 19 improvement, which shall include, without limiting the generality of the
 20 foregoing, the following:

- 21 (1) ~~Any and all facilities~~ Facilities for city or town halls,
 22 courthouses, and administrative, executive, or other public offices;
- 23 (2) Court facilities, jails, and police and sheriff stations,
 24 apparatus, and facilities;
- 25 (3) ~~Fire fighting~~ Firefighting facilities and apparatus;
- 26 (4) Public health facilities and apparatus;
- 27 (5) Hospitals, nursing homes, and similar extended-care
 28 facilities;
- 29 (6) Residential housing for low and moderate income, elderly, or
 30 individuals with disabilities and families;
- 31 (7) Parking facilities and garages;
- 32 (8) Educational and training facilities for public employees;
- 33 (9) Auditoriums, stadiums, and convention, meeting, or
 34 entertainment facilities;
- 35 (10) Ambulance and other emergency medical service facilities;
- 36 (11) Civil defense facilities;

- 1 (12) Air and water pollution control facilities;
- 2 (13) Drainage and flood control facilities and storm sewers;
- 3 (14) Arts and crafts centers;
- 4 (15) Museums and libraries;
- 5 (16) Public parks, playgrounds, or other public open spaces;
- 6 (17) Marinas;
- 7 (18) Swimming pools, tennis courts, golf courses, camping
- 8 facilities, gymnasiums, and other recreational facilities;
- 9 (19) Tourist information and assistance centers;
- 10 (20) Historical, cultural, natural, or folklore sites;
- 11 (21) Fair and exhibition facilities;
- 12 (22) Streets and street lighting, alleys, sidewalks, roads,
- 13 bridges, and viaducts;
- 14 (23) Airports, passenger or freight terminals, and hangars and
- 15 related facilities;
- 16 (24) Barge terminals, ports, harbors, ferries, wharves, docks,
- 17 and similar marine services; and slack water harbors, water resource
- 18 facilities, waterfront development facilities, and navigational facilities;
- 19 (25) Public transportation facilities;
- 20 (26) Public water systems and related transmission and
- 21 distribution facilities; storage facilities, wells, and impounding
- 22 reservoirs, treatment plants, lakes, dams, watercourses, and water rights;
- 23 (27) Sewer collection systems and treatment plants;
- 24 (28) Maintenance and storage buildings and facilities;
- 25 (29) Incinerators, and garbage and solid waste collection
- 26 disposal, compacting, and recycling facilities of every kind; ~~and~~
- 27 (30) Social and rehabilitative services facilities; and
- 28 (31) Gas transmission and distribution facilities.

29
 30 SECTION 3. Arkansas Code § 14-137-111(a), concerning the powers of a
 31 public facilities board, is amended to read as follows:

- 32 (a) Each public facilities board is authorized and empowered:
- 33 (1) To have perpetual succession as a body politic and corporate
- 34 and to adopt bylaws for the regulation of its affairs and the conduct of its
- 35 business;
- 36 (2) To adopt an official seal and alter it at pleasure;

1 (3) To maintain an office at such place in the municipality or
 2 county creating the board as it may designate;

3 (4) To sue and be sued in its own name;

4 (5) To fix, charge, and collect rents, fees, and charges for the
 5 use of any public facilities project;

6 (6) To employ and pay compensation to such employees and agents,
 7 including attorneys, consulting engineers, architects, surveyors,
 8 accountants, financial experts, and such other employees and agents as may be
 9 necessary in its judgment, and to fix their compensation;

10 (7) To accomplish public facilities projects as authorized by
 11 this chapter and the ordinance creating the board;

12 (8) To do ~~any and~~ all other acts and things in this chapter
 13 authorized or required to be done, whether or not included in the powers
 14 mentioned in this section;

15 (9) To lend money, directly or indirectly, for the financing of
 16 the construction, acquisition, and equipment of all or a portion of a public
 17 facilities project;

18 (10) To invest money, including a major portion of the proceeds
 19 of any issue of bonds for the term of the bonds or a shorter period, in
 20 consideration of a contract to make payment or payments to provide for the
 21 payment of the principal, premium, if any, and interest on the bonds when
 22 due;

23 (11) In the acquisition, construction, and equipment of, and in
 24 the operation of, hydroelectric power projects:

25 (A) To contract with ~~any~~ a regulated public utility for
 26 the supplying of electrical energy produced by any such project, upon terms
 27 acceptable to the board; and

28 (B) To apply to the appropriate agencies of the state, the
 29 United States, or any state thereof, and to any other proper agency for such
 30 licenses, permits, certificates, or approvals as may be necessary, and to
 31 obtain, hold, and use the licenses, permits, certificates, and approvals.
 32 However, nothing contained in this subdivision shall be construed to require
 33 a board to obtain any license, certificate, permit, or approval from the
 34 Arkansas Public Service Commission; ~~and~~

35 (12) In the acquisition, construction, and equipment of, and in
 36 the operation of, capital improvement facilities consisting of gas

1 transmission and distribution facilities:

2 (A) To contract for the sale and supplying of natural gas,
3 on terms acceptable to the board; and

4 (B) To apply to the appropriate agencies of the state, the
5 United States, or any state thereof, and to any other proper agency for such
6 licenses, permits, certificates, or approvals as may be necessary, and to
7 obtain, hold, and use the licenses, permits, certificates and approvals; and

8 ~~(12)~~ (13) To do any and all other things necessary or convenient
9 to accomplish the purposes of this chapter.

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