

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 85th General Assembly  
3 Regular Session, 2005

# A Bill

HOUSE BILL 1386

4  
5 By: Representatives Overbey, Medley  
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## For An Act To Be Entitled

8  
9 AN ACT TO ALLOW PUBLIC FACILITIES BOARDS THE  
10 ABILITY TO INCREASE RESIDENTIAL HOUSING OPTIONS;  
11 AND FOR OTHER PURPOSES.  
12

## Subtitle

13  
14 AN ACT TO ALLOW PUBLIC FACILITIES BOARDS  
15 THE ABILITY TO INCREASE RESIDENTIAL  
16 HOUSING OPTIONS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 14-137-106 is amended to read as follows:  
22 14-137-106. Creation - Purposes.

23 (a)(1) Any municipality or any county is authorized to create one (1)  
24 or more public facilities boards and to empower each board to own, acquire,  
25 construct, reconstruct, extend, equip, improve, operate, maintain, sell,  
26 lease, contract concerning, or otherwise deal in or dispose of health care  
27 facilities, emergency medical health care facilities, residential housing  
28 facilities, off-street parking facilities, recreational and tourist  
29 facilities, waterworks facilities, sewer facilities, facilities for securing  
30 or developing industry, energy facilities, hydroelectric power projects,  
31 education facilities, other capital improvement facilities, or any  
32 combination of such facilities, or any interest in such facilities including,  
33 without limitation, leasehold interests in and mortgages on such facilities.

34 (2) Public facilities boards created under this chapter are not  
35 administrative boards under the County Government Code § 14-14-101 et seq.

36 (b) The boards may be further empowered to make loans to mortgage



1 lenders, defined as all banks or trust companies, industrial loan  
 2 institutions, credit unions, mortgage banking firms, national banking  
 3 associations, savings and loan associations and investment banking firms that  
 4 maintain a principal office or place of business in the state, and all  
 5 insurance companies authorized to do business in the state, on condition that  
 6 the mortgage lenders use the proceeds of each loan to provide financing for  
 7 either health care facilities, emergency medical health care facilities,  
 8 residential housing facilities, off-street parking facilities, recreational  
 9 and tourist facilities, waterworks facilities, sewer facilities, facilities  
 10 for securing or developing industry, energy facilities, educational  
 11 facilities, hydroelectric power projects, other capital improvement  
 12 facilities, or any combination of such facilities.

13 (c) Any such undertaking by a board will be sometimes referred to in  
 14 this chapter as a "public facilities project" or "project".

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

26 (1) Any and all facilities for city or town halls, courthouses,  
 27 and administrative, executive, or other public offices;

28 (2) Court facilities, jails, and police and sheriff stations,  
 29 apparatus, and facilities;

30 (3) Fire fighting facilities and apparatus;

31 (4) Public health facilities and apparatus;

32 (5) Hospitals, nursing homes, and similar extended-care  
 33 facilities;

34 (6) Residential housing for low and moderate income, elderly, or  
 35 individuals with disabilities and families;

36 (7) Parking facilities and garages;

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

36 SECTION 2. Arkansas Code § 14-137-112 is amended to read as follows:

1 14-137-112. Acquiring and transferring facilities.

2 (a)(1) Any municipality or county may acquire facilities for a public  
3 facilities project, or any portion thereof, including a project site or  
4 residential housing development site or sites acquired over time and  
5 maintained in a housing land bank, by gift, purchase, lease, or condemnation,  
6 and may transfer any such facilities to a public facilities board created by  
7 the municipality or county by sale, lease, or gift.

8 (2) A public facilities board may contract with a private  
9 developer to convey facilities acquired for a residential housing development  
10 to the developer if the developer agrees in writing to actively use the land  
11 for residential housing in accordance with applicable city or county codes  
12 for a period of twenty (20) years.

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

16 (c) Public facilities boards which operate water works facilities may  
17 exercise the power of eminent domain in accordance with the procedures  
18 prescribed by § 18-15-201 et seq.

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

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