

State of Arkansas  
87th General Assembly  
Regular Session, 2009

# A Bill

SENATE BILL 846

By: Senator Broadway

## For An Act To Be Entitled

AN ACT TO INCREASE THE SIZE OF THE BOARD OF DIRECTORS OF A PUBLIC CORPORATION FOR ECONOMIC DEVELOPMENT; TO CLARIFY THE POWERS OF A PUBLIC CORPORATION FOR ECONOMIC DEVELOPMENT; TO CHANGE THE CONDITIONS UNDER WHICH A JOB TRAINING EXPENDITURE MAY BE MADE BY A PUBLIC CORPORATION FOR ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.

## Subtitle

TO INCREASE THE SIZE OF THE BOARD OF DIRECTORS, TO CLARIFY THE POWERS OF THE BOARD OF DIRECTORS, AND TO CHANGE THE CONDITIONS FOR MAKING A JOB TRAINING EXPENDITURE BY A PUBLIC CORPORATION FOR ECONOMIC DEVELOPMENT.

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

SECTION 1. Arkansas Code § 14-175-109(a), concerning the board of directors of a corporation organized under the Public Corporations for Economic Development Act, is amended to read as follows:

(a) The corporation shall have a board of directors composed of five (5) to fifteen (15) members, as specified in the corporation's articles of incorporation.

SECTION 2. Arkansas Code § 14-175-111(b), concerning the powers of a corporation organized under the Public Corporations for Economic Development



1 Act, is amended to read as follows:

2 (b) In addition to the rights, powers, privileges, authority, and  
3 functions authorized under subsection (a) of this section, the corporation  
4 shall have the following powers with respect to projects, together with all  
5 powers incidental to those powers or necessary for the performance of those  
6 powers set forth in this subsection:

7 (1)~~(A)~~ To receive sales and use taxes levied pursuant to the  
8 Economic Development Tax Act, § 14-174-101 et seq., from the local government  
9 or governments under whose authority the corporation was created;

10 ~~(B)~~(2) To acquire, whether by construction, devise,  
11 purchase, gift, lease, or otherwise or any one (1) or more of those methods  
12 and to construct, improve, maintain, equip, and furnish one (1) or more  
13 projects located within the state and within or near the corporate limits of  
14 the local government or governments under whose authority the corporation was  
15 created;

16 ~~(C)~~(3) To lease to a user all or any part of any project  
17 for the rentals and upon such terms and conditions as the corporation's board  
18 may deem advisable and not in conflict with the provisions of this chapter;

19 ~~(D)~~(4) To sell by installment payments or otherwise and  
20 convey all or any part of any project to a user for a purchase price and upon  
21 such terms and conditions as the corporation's board may deem advisable and  
22 not in conflict with the provisions of this chapter;

23 ~~(E)~~(5) To donate, exchange, convey, sell, or lease land,  
24 improvements, or any other interest in real property or furnishings,  
25 fixtures, or equipment or personal property to an institution of higher  
26 education for a legal purpose of the institution upon such terms and  
27 conditions as the board may deem advisable and that are not in conflict with  
28 the provisions of this chapter;

29 ~~(F)~~(6) To make loans to a user for the purpose of  
30 providing temporary or permanent financing or refinancing of all or part of  
31 the cost of any project, including the refunding of any outstanding  
32 obligations, mortgages, or advances issued, made, or given by any person for  
33 the cost of a project, and charge and collect interest on the loans for the  
34 loan payments and upon such terms and conditions as its board may deem  
35 advisable and not in conflict with the provisions of this chapter;

36 ~~(G)~~(7) To contract with private enterprises to carry out

1 industrial development programs or objectives or to assist with the  
 2 development or operation of an economic development program or objectives  
 3 consistent with the purposes and duties of the corporation, upon such terms  
 4 and conditions as its board may deem advisable and not in conflict with the  
 5 provisions of this chapter;

6 ~~(H)~~(8) To appoint, employ, and compensate such employees,  
 7 agents, architects, planners, engineers, accountants, attorneys, and other  
 8 persons as the activities of the corporation may require;

9 ~~(I)~~~~(i)~~(9)(A) To invest any of the corporation's funds that  
 10 the board may determine are not presently needed for its corporate purposes  
 11 in obligations that are direct or guaranteed obligations of the United  
 12 States, other securities in which public funds may be invested under the laws  
 13 of this state, or securities of, or other interests in, open-end investment  
 14 companies or investment trusts registered under the Investment Company Act of  
 15 1940, 15 U.S.C. § 80a-1 et seq.

16 ~~(ii)~~(B) However, the portfolio of any investment  
 17 company or investment trust is limited solely to securities in which public  
 18 funds may be invested under the laws of this state;

19 ~~(J)~~(10) Contract with enterprises to impose such terms and  
 20 conditions on the receipt of benefits provided by a corporation as the  
 21 corporation's board may deem advisable and not in conflict with the  
 22 provisions of this chapter; ~~and~~

23 ~~(2)(A) Whether included in the subdivisions (b)(1)(A) (J) of~~  
 24 ~~this section or not, to have and exercise all powers necessary or appropriate~~  
 25 ~~to effect any or all of the purposes for which the corporation is organized.~~

26 ~~(B) However, the powers shall be subject at all times to~~  
 27 ~~the control of the local government under whose auspices the corporation was~~  
 28 ~~created.~~

29  
 30 SECTION 3. Arkansas Code § 14-175-113(2), concerning the expenditure  
 31 of tax revenue on job training by a corporation organized under the Public  
 32 Corporations for Economic Development Act, is amended to read as follows:

33 (2) ~~Increase its payroll to~~ Retain jobs that pay wages that are at  
 34 least equal to the prevailing wage for the applicable occupation in the local  
 35 labor market area.