

By: Senator Dees

SENATE RESOLUTION

TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
BILL CONCERNING THE INDUSTRIAL DEVELOPMENT
AUTHORITIES EXPANSION ACT.

Subtitle

TO AUTHORIZE THE INTRODUCTION OF A
NONAPPROPRIATION BILL CONCERNING THE
INDUSTRIAL DEVELOPMENT AUTHORITIES
EXPANSION ACT.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FIFTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS:

THAT Senator Dees is authorized to introduce a bill which as introduced
will read substantially as follows:

"Title

AN ACT TO AMEND THE INDUSTRIAL DEVELOPMENT AUTHORITIES EXPANSION ACT; TO
AMEND THE MEMBERSHIP REQUIREMENTS FOR A BOARD OF AN INDUSTRIAL DEVELOPMENT
AUTHORITY; TO PROVIDE FOR THE REMOVAL OF A MEMBER OF A BOARD OF AN INDUSTRIAL
DEVELOPMENT AUTHORITY FOR GOOD CAUSE; TO REPEAL PROVISIONS CONCERNING THE
EXERCISE OF THE RIGHT OF EMINENT DOMAIN BY AN INDUSTRIAL DEVELOPMENT
AUTHORITY; TO CLARIFY THAT AN INDUSTRIAL DEVELOPMENT AUTHORITY IS SUBJECT TO
LOCAL ZONING AND PLANNING REGULATIONS AND PROCESSES; TO DECLARE AN EMERGENCY;
AND FOR OTHER PURPOSES

Subtitle



TO AMEND THE INDUSTRIAL DEVELOPMENT AUTHORITIES EXPANSION ACT; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 14-189-105(f), concerning the members of the board of directors of an industrial development authority under the Industrial Development Authorities Expansion Act, is amended to read as follows:

(f)(1) To be eligible for membership on the board of directors of the industrial development authority, a person, at the time of his or her appointment and qualification by filing the required oath, must be a qualified elector of the municipality or of the county, as the case may be, that he or she represents on the board of directors of the industrial development authority.

(2) A member of the board of directors of an industrial development authority who moves outside of the municipality or county that he or she represents on the board of directors of the industrial development authority shall resign his or her membership on the board of directors of the industrial development authority.

SECTION 2. Arkansas Code § 14-189-105, concerning the members of the board of directors of an industrial development authority under the Industrial Development Authorities Expansion Act, is amended to add an additional subsection to read as follows:

(h)(1) A member of the board of directors of an industrial development authority may be removed for good cause by a vote of two-thirds (2/3) of the governing body of each petitioning local government.

(2) As used in this subsection, "good cause" means the same as defined in § 25-16-804.

SECTION 3. Arkansas Code § 14-189-108 is amended to read as follows:
14-189-108. Powers and duties of industrial development authority generally.

(a) In order to enable an industrial development authority to carry out the purposes of this chapter, the industrial development authority shall:

(1) Have the powers of a body corporate including the power to sue and be sued, to make contracts, and to adopt and use a seal;

(2) Have the power to rent, acquire, improve, develop, operate, maintain, lease, buy, own, mortgage, otherwise encumber, sell, dispose of, and otherwise deal with such real, personal, or mixed property as an industrial development authority may deem proper, necessary, or desirable to carry out the purposes of this chapter;

(3) Have the power to acquire, purchase, install, lease, rent, own, hold, use, control, develop, sell, improve, construct, maintain, equip and operate, and otherwise deal with and dispose of any:

(A) Commerce and industrial parks;

(B) Research, technology, and development proving grounds and facilities;

(C) Job training facilities, air cargo operations, depots for military use, rail lines, rail transload operations, and short-line railroads; and

(D) All other qualifying economic development projects under § 14-174-105;

(4) Have the power consistent with this chapter to acquire, own, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, lease with or without options to purchase, lease with or without options to extend or renew, contract concerning, or otherwise deal in, with, or dispose of any lands, buildings, improvements, machinery, equipment, or facilities of any and every nature for the securing and developing of industry and commerce and parks for industrial and commercial operations;

(5) Have the power to appoint and employ and dismiss at pleasure such agents and employees as may be selected by an industrial development authority and to fix and pay their compensation;

(6) Have the power to establish an office for the transaction of business at such place as, in the opinion of an industrial development authority, shall be advisable or necessary in carrying out the purposes of this chapter;

(7) Have the power to create and operate such agencies, departments, and instrumentalities as an industrial development authority may deem necessary, desirable, or useful for the accomplishment and furtherance of any of the purposes of this chapter;

(8) Have the power to pay and expend funds for all necessary costs and expenses involved in and incident to the formation and organization of an industrial development authority and the carrying out of the powers and purposes of this chapter;

(9) Have the power to adopt, alter, or repeal from time to time its own bylaws, rules, and regulations consistent with this chapter governing the manner in which the business of an industrial development authority may be transacted and in which the purposes and powers may be transacted and in which the purposes and powers of an industrial development authority may be accomplished and carried out;

(10) Have the power to fix and change, from time to time, rates and charges for the use of the facilities and services of an industrial development authority;

(11) Have the power to promulgate and to alter or repeal, from time to time, rules and regulations consistent with this chapter and to enforce the same governing and pertaining to the use of the facilities and services of an industrial development authority;

(12) Have the power to sell, contract concerning, or lease any of its warehouses, industrial or commercial plants and facilities, and other improvements and facilities of whatever nature and to permit the use of any such facilities by any person engaging in any industrial or commercial activity;

(13) Have the power to do any and all other acts and things of whatever nature consistent with this chapter necessary or incidental to the carrying out of the powers specified in this section and the accomplishment of the purposes of this chapter, whether or not specifically enumerated; and

(14) Be authorized to carry out the powers of an industrial development authority and to accomplish the purposes of this chapter.

(b) An industrial development authority is subject to local planning and zoning regulations and shall participate in local planning and zoning processes of the governing body of each local government in which the industrial development authority operates.

SECTION 4. Arkansas Code § 14-189-110 is amended to read as follows:
14-189-110. Acquisition of property, including rights-of-way.

(a) For the acquiring of property, including rights-of-way, necessary

or desirable for the carrying out of the powers of an industrial development authority and for the accomplishment of the purposes of this chapter, an industrial development authority may acquire property by gift, by purchase, or by negotiation, ~~or by condemnation.~~

~~(b) If an industrial development authority determines to exercise the right of eminent domain, the right of eminent domain may be exercised in the manner provided for taking private property for railroads as provided by §§ 18 15 1202 — 18 15 1207, in the manner provided by §§ 18 15 301 — 18 15 307, or in the manner provided by any other statutes enacted for the exercise of the power of eminent domain by the state, or by any officers, departments, agencies, or political subdivisions of the state.~~

~~(e)~~ An industrial development authority may exchange any property acquired under this chapter for other property necessary or desirable in carrying out of the powers of an industrial development authority.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that local governments are currently in the process of forming industrial development authorities; that the amendments to the law provided in this act are essential to the effective operation of industrial development authorities in the state; and that this act is immediately necessary to ensure that the industrial development authorities currently being formed are operated in the most efficient manner from the time they are established. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."