

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 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S3/28/01

A Bill

Act 1390 of 2001
HOUSE BILL 2283

5 By: Representatives Cleveland, *Gillespie*
6 By: *Senators Whitaker, Trusty*
7

For An Act To Be Entitled

8
9
10 AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE FOR
11 THE CONSTRUCTION AND FINANCING OF A LODGE AND
12 CABIN COMPLEX AT MT. MAGAZINE STATE PARK; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT TO AMEND THE ARKANSAS CODE TO
17 PROVIDE FOR THE CONSTRUCTION AND
18 FINANCING OF A LODGE AND CABIN COMPLEX
19 AT MT. MAGAZINE STATE PARK.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code 22-4-301 is repealed.

25 ~~22-4-301. Subchapter as complete authority.~~

26 ~~This subchapter shall constitute full and complete authority for the~~
27 ~~carrying out of all things authorized by this subchapter.~~
28

29 SECTION 2. Arkansas Code 22-4-302 is amended to read as follows:

30 22-4-302. Financing authority.

31 ~~The State Parks, Recreation, and Travel Commission, hereinafter~~
32 ~~referred to as the "commission," is authorized to issue revenue bonds for the~~
33 ~~purpose of extending, developing, and improving the state parks system.~~

34 The State Parks, Recreation, and Travel Commission is authorized and
35 empowered to obtain the necessary funds for the purpose of extending,
36 developing, and improving the state parks system from any source or sources

1 necessary and consistent with subchapters 1, 2, and 3 of this title,
 2 including, without limitation, contracting with the Arkansas Development
 3 Finance Authority to provide for the issuance of bonds by the authority in
 4 accordance with the Arkansas Development Finance Authority Act, §§ 15-5-101
 5 through 316.

6
 7 SECTION 3. Arkansas Code 22-4-303 is repealed.

8 ~~22-4-303. Bonds—Issuance and terms.—~~

9 ~~(a) The revenue bonds authorized to be issued by § 22-4-302 shall be~~
 10 ~~authorized by resolution of the commission and shall be executed by the~~
 11 ~~presiding officer and secretary of the commission. If any officer whose~~
 12 ~~signature appears on the bonds or coupons ceases to be an officer before the~~
 13 ~~delivery of the bonds or coupons, his signature shall, nevertheless, be valid~~
 14 ~~and sufficient for all purposes.—~~

15 ~~(b) The bonds may be issued in one (1) or more series, may bear such~~
 16 ~~date or dates, may mature at such time or times not exceeding forty (40)~~
 17 ~~years from their respective dates, may bear interest at such rate or rates,~~
 18 ~~may be in such form, may be executed in such manner, may be payable in such~~
 19 ~~medium of payment and at such place or places, may be subject to such terms~~
 20 ~~of redemption, and may contain such terms, covenants, and conditions as the~~
 21 ~~resolution may provide.—~~

22 ~~(c) Priorities between and among successive issues may be controlled~~
 23 ~~by the resolution.—~~

24
 25 SECTION 4. Arkansas Code 22-4-304 is repealed.

26 ~~22-4-304. Bonds—Sale.—~~

27 ~~(a) The bonds may be sold for less than par at such price as the~~
 28 ~~commission shall determine by resolution.—~~

29 ~~(b) The bonds may be converted into an issue bearing a lower rate or~~
 30 ~~rates of interest, but only on the condition that the commission receive no~~
 31 ~~less and pay no more than it would receive and pay if the bonds were not~~
 32 ~~converted, and the conversion shall be subject to the approval of the~~
 33 ~~commission.—~~

34 ~~(c) The validity of the bonds shall not be dependent upon or affected~~
 35 ~~by the validity or regularity of any proceedings relating to the acquisition,~~
 36 ~~purchase, construction, reconstruction, improvement, betterment, or extension~~

1 ~~of the properties for which the bonds are issued.~~

2 ~~(d) The bonds shall be negotiable instruments.~~

3
4 SECTION 5. Arkansas Code 22-4-305 is amended to read as follows:

5 22-4-305. ~~Bonds~~— Commission's authority to impose fees for services -
6 Pledge of revenues from fees - Restrictions.

7 (a) The commission is authorized and directed to prescribe and collect
8 reasonable fees, rates, tolls, and charges for the services, facilities, and
9 commodities rendered by the properties and equipment of the state parks
10 system.

11 (b) The authority and power of the commission includes the right to
12 erect and operate cabins, lodges, restaurants, and other facilities and
13 improvements for the convenience of the public and the right to erect and
14 lease to third parties for operation such facilities and improvements upon
15 such terms as the commission may determine ~~including, without limitation, the~~
16 ~~right to enter into long term leases running for the life of any bond issue.~~

17 (c)(1) The commission shall revise the rates, fees, tolls, charges,
18 and rentals whenever necessary to ensure that the revenues therefrom,
19 together with other available funds, shall be fully sufficient to discharge
20 all obligations of the commission pertaining to the principal of and interest
21 on any bonds as the principal and interest become due.

22 (2) The gross revenue derived by the commission from all or any
23 part of the properties and equipment of the state parks system may be pledged
24 to the payment of revenue bonds authorized to be issued by this subchapter
25 even though the proceeds from a particular bond issue may be used for the
26 development or improvement of one (1) or more, but less than all, state
27 parks.

28 ~~(d)(1)~~ (2) The bonds shall not constitute an indebtedness of the
29 commission or of the State of Arkansas within the meaning of any
30 constitutional or statutory limitation, and this shall be so stated on the
31 face of each bond.

32 ~~(2) It shall also be stated on the face of each bond that it is~~
33 ~~issued under the provisions of this subchapter.~~

34
35 SECTION 6. Arkansas Code 22-4-306 is repealed.

36 ~~22-4-306. Bonds— Remedies of bondholders.~~

1 ~~It may be provided in the resolution authorizing the issuance of the~~
 2 ~~bonds, in the event of a default in the payment of the principal of and~~
 3 ~~interest on the bonds or in the performance of any agreement or covenant~~
 4 ~~contained in the resolution, that the holders of a specified percentage of~~
 5 ~~the outstanding bonds, or a trustee acting in their behalf, may:-~~

6 ~~(1) Declare the principal of all bonds due and payable; and~~

7 ~~(2) Institute and maintain a mandamus or other suit, action, or~~
 8 ~~proceeding at law or in equity to enforce all rights of the holders of the~~
 9 ~~bonds.-~~

10
 11 SECTION 7. Arkansas Code 22-4-307 is amended to read as follows:

12 22-4-307. Bonds and property - Exemptions.

13 ~~(a) All of the property controlled and operated by the State Parks,~~
 14 ~~Recreation, and Travel Commission and the interest on all bonds issued under~~
 15 ~~this subchapter shall be exempt from taxation by the State of Arkansas or by~~
 16 ~~any municipal corporation, county, or other political subdivision or taxing~~
 17 ~~district of the state.~~

18 ~~(b) All property controlled and operated by the commission shall be~~
 19 ~~exempt from forced sale, and nothing in this subchapter shall be construed to~~
 20 ~~authorize the commission to mortgage or otherwise encumber any of such~~
 21 ~~property, except that the revenues thereof may be pledged as provided in this~~
 22 ~~subchapter.-~~

23
 24 SECTION 8. Arkansas Code 22-4-308 is repealed.

25 ~~22-4-308. Refunding bonds.-~~

26 ~~(a) The commission may issue bonds under this subchapter for the~~
 27 ~~purposes of refunding, at a rate of interest not exceeding that of the~~
 28 ~~original issue, any obligations of the commission theretofore issued under~~
 29 ~~this subchapter. The commission may authorize and deliver a single issue of~~
 30 ~~bonds under this subchapter, in part for the purpose of refunding those~~
 31 ~~obligations, and in part for the acquisition of additional properties or~~
 32 ~~improvements.-~~

33 ~~(b)(1) Where bonds are issued under this section solely for refunding~~
 34 ~~purposes, the bonds may either be sold as provided in subsection (a) of this~~
 35 ~~section or delivered in exchange for the outstanding obligations.-~~

36 ~~(2) If sold, the proceeds may be either applied to the payment~~

1 of the obligations refunded or deposited in escrow for the retirement
2 thereof.

3 (c) ~~Nothing contained in this section shall be construed to authorize~~
4 ~~the refunding of any outstanding obligations which are not either maturing,~~
5 ~~callable for redemption under their terms, or voluntarily surrendered by~~
6 ~~their holders for cancellation.~~

7 (d) ~~All bonds issued under this section shall in all respects be~~
8 ~~authorized, issued, and secured in the manner provided for other bonds issued~~
9 ~~under this subchapter and shall have all of the attributes of those bonds.~~

10 (e) ~~The commission may provide that any refunding bonds shall have the~~
11 ~~same priority of lien on the revenues pledged for their payment as was~~
12 ~~enjoyed by the obligations refunded thereby.~~

13
14 SECTION 9. Arkansas Code 22-4-309 is repealed.

15 ~~22-4-309. Bonds as authorized investments.~~

16 ~~Any bank, trust, or insurance company organized or authorized to do~~
17 ~~business under the laws of the State of Arkansas may invest its capital,~~
18 ~~surplus, and reserves in bonds issued under the provisions of this~~
19 ~~subchapter.~~

20
21 SECTION 10. Arkansas Code 22-4-310(b) is amended to read as follows:

22 (b) All such revenues and moneys shall be subject to payment out of
23 the funds for state park purposes including the payment of the principal and
24 interest on revenue bonds issued by the Arkansas Development Finance
25 Authority in the manner and at such times as the commission may direct.

26
27 SECTION 11. Arkansas Code 22-4-311 is repealed.

28 ~~22-4-311. Use of appropriated funds.~~

29 (a) ~~In addition to being available for the operation of the~~
30 ~~commission, the funds of the commission appropriated for State Parks Division~~
31 ~~maintenance, for the operation, maintenance, and improvements of the state~~
32 ~~parks system, and for other purposes provided by law, may be used, in the~~
33 ~~discretion of the commission, for meeting the debt service requirements of~~
34 ~~outstanding bonds issued under this subchapter, including the retirement~~
35 ~~thereof in advance of maturity by call or purchase on tender.~~

36 (b) ~~No tax moneys appropriated for State Parks Division maintenance~~

1 ~~for the use of the commission may be pledged, as distinguished from used, to~~
2 ~~meet the debt service requirements of any bonds issued under the authority of~~
3 ~~this subchapter.~~

4
5 SECTION 12. Arkansas Code Title 22, Chapter 4, Subchapter 3, is
6 amended to add an additional section to read as follows:

7 22-4-313. Bonds for construction of lodge and cabins.

8 The State Parks, Recreation, and Travel Commission may, in accordance
9 with the provisions of this subchapter, contract with the Arkansas
10 Development Finance Authority to provide for the issuance of bonds by the
11 authority for the purpose of providing funds for the design, construction,
12 and equipping of a lodge and cabins and related facilities and improvements
13 to be located in the Mt. Magazine State Park, and to provide funds for
14 reasonable financing costs including costs of issuance, capitalized interest
15 and a debt service reserve fund. In order to secure the bonds, the
16 commission is authorized to pledge to pay debt service on the bonds, the
17 fees, rates, tolls, and charges for the services, facilities and commodities
18 rendered by the properties and equipment of the state park system pursuant to
19 § 22-4-305.

20 */s/ Cleveland*

21
22
23 APPROVED: 4/5/2001
24
25
26
27
28
29
30
31
32
33
34
35
36