

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative George**

A Bill

ACT 819 OF 1995
HOUSE BILL 1938

For An Act To Be Entitled

8 "AN ACT TO AMEND CHAPTER 3 OF TITLE 23 OF THE ARKANSAS
9 CODE PERTAINING TO THE BONDING AUTHORITY OF THE WAR
10 MEMORIAL STADIUM COMMISSION; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO AMEND CHAPTER 3 OF TITLE 23
14 OF THE ARKANSAS CODE PERTAINING TO THE
15 BONDING AUTHORITY OF THE WAR MEMORIAL
16 STADIUM COMMISSION."

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

20 SECTION 1. Ark. Code §§ 22-3-1005 through 1007 are amended to read as
21 follows:

22 "§ 22-3-1005. Bonds - Issuance and terms.

23 (a) In evidence of any loan of funds, the commission is authorized and
24 empowered to issue its negotiable registered bonds.

25 (b)(1) The bonds shall be payable at such time or times and at such
26 place or places, shall be in such form and denominations, may be subject to
27 such terms of redemption, with or without a premium, shall bear interest
28 payable at such rate or rates, and shall be sold for such price and in such
29 manner, as the commission by resolution shall determine.

30 (2) The bonds shall not bear interest at a rate in excess of the
31 maximum authorized by Amendment 60 to the Arkansas Constitution or any similar
32 provision hereafter adopted and shall not be sold at a price which would
33 represent a cost to the commission over the life of the bonds in excess of
34 the maximum interest rate authorized by Amendment 60 to the Arkansas
35 Constitution or any similar provision hereafter adopted.

36 (3) The bonds shall contain a statement on their face that the

1 commission will not be obligated to pay the bonds with interest thereon except
2 from the net revenues derived from the operation of the stadium. All of the
3 moneys received by the commission from the state pursuant to § 14-171-201 et
4 seq. shall be deemed to be revenues derived from the operation of the stadium.

5 (4) The bonds shall have all the qualities and incidents of
6 negotiable instruments under the negotiable instruments laws of the state.

7 § 22-3-1006. Bonds - Execution.

8 (a) The bonds shall be executed by manual or facsimile signature of the
9 chairman and secretary of the commission, and in the event that any of the
10 officers whose signatures appear on the bonds shall have ceased to be officers
11 before delivery, their signatures shall, nevertheless, be valid and sufficient
12 for all purposes the same as if they had remained in office until delivery.

13 § 22-3-1007. Bonds - Pledge of revenues - Restrictions.

14 (a) The bonds and interest thereon shall be payable solely from and
15 secured by a pledge only of the net revenues, or any part of such revenues,
16 derived from the operation of the stadium and which remain after there has
17 been set aside each month a sufficient amount for the reasonable expenses of
18 operation and maintenance of the stadium and its depreciation and after a
19 proper percentage of the admissions to athletic games and other events is
20 given to the participants therein or the organizers thereof. All of the
21 moneys received by the commission from the state pursuant to § 14-171-201 et
22 seq. shall be deemed to be revenues derived from the operation of the stadium.

23 (b) The pledge may be contained in the resolution authorizing the
24 issuance of the bonds or in a trust indenture.

25 (c) The bonds shall be considered as obligations only of the
26 commission, and in no event shall they ever be considered a debt for which the
27 faith and credit of the State of Arkansas or any of its revenues are pledged;
28 however, this shall not be construed as preventing the commission from
29 applying toward the payment of the bonds any funds received from sources other
30 than the revenues derived from the operation of the stadium.

31 (d) No member of the commission shall be personally liable on the bonds
32 or for any damages sustained by anyone in connection with the contracts for
33 loans or the construction of the stadium unless it shall be made to appear
34 that he has acted with a corrupt intent."

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1 SECTION 2. Ark. Code 22-3-1009 is amended to read as follows:

2 "§ 22-3-1009. Limitation of liability of state.

3 (a) The commission shall not incur any obligation, nor shall any
4 obligation arise against this state, under or by reason of any law or any
5 contract made in pursuance thereof.

6 (b) Except for moneys transferred to the commission pursuant to Section
7 14-171-201 et seq., no funds of this state may be used for the maintenance or
8 operation of the stadium or for payment of any expenses in connection
9 therewith or for payment of any bonds payable from the revenues of the stadium
10 that may be issued by the commission for its construction or pledged for
11 payment of the bonds."
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13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.
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17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.
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23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.
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27 APPROVED: 3-28-95
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