

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

406

By: Senator Moore

For An Act To Be Entitled

"AN ACT AMENDING THE REVENUE BOND ACT OF 1987 TO PROVIDE THAT NO PROCLAMATION, ORDER, ORDINANCE OR RESOLUTION SHALL BE REQUIRED FOR THE ISSUANCE OF REFUNDING BONDS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

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

SECTION 1. Arkansas Code 19-9-606 is hereby amended to read as follows:

"19-9-606. Proclamation, order, etc., authorizing issuance of bonds. Whenever a governmental unit shall determine the need to issue revenue bonds for capital improvements of a public nature or industrial enterprise, the governing body shall authorize the issuance of those bonds by proclamation, order, ordinance, or resolution clearly stating the principal amount of and the purpose or purposes for which the bonds are to be issued. Only upon the proclamation, order, ordinance, or resolution of the governing body shall the governmental unit be authorized to issue such bonds, provided that no proclamation, order, ordinance, or resolution shall be required for the issuance of refunding bonds, including refunding bonds where the principal amount of the new bonds to be issued exceeds the outstanding principal amount of the prior bonds or notes to be refunded."

SECTION 2. Conflicts. Any provision of law, whether special or general, in conflict with this Act is expressly superseded by this Act to the extent of such conflict. This Act is supplemental to all other provisions of state law governing the issuance of bonds and, except as otherwise provided in this Act, the provisions of state law governing the issuance of bonds continue to apply.

SECTION 3. Construction of law. The provisions of this Act shall be liberally construed in order to effectively carry out the purposes of this Act.

SECTION 4. Severability. The provisions of this Act are hereby declared to be severable. If any provision of this Act shall be declared to be invalid or to be inapplicable to any person or circumstance, such determination shall not affect the validity or applicability of the other provisions of this Act.

SECTION 5. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. Emergency. It is hereby found and declared that there is an immediate and urgent need to facilitate the refunding of revenue bonds so that governmental units can reduce debt service costs. Therefore, an emergency is declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.