

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Senator Bearden**

Call Item 38

A Bill

SENATE BILL 15

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH A UNIVERSITY CENTER AT THE
9 MISSISSIPPI COUNTY COMMUNITY COLLEGE; TO CLARIFY THAT THE
10 LOCAL BOARD OF A COMMUNITY COLLEGE MAY PLEDGE THE PROCEEDS
11 OF A CONTINUING ANNUAL TAX FOR THE PAYMENT OF BONDS ISSUED
12 BY RESOLUTION OF THE LOCAL BOARD, PROVIDED THAT SUCH
13 CONTINUING ANNUAL TAX SHALL HAVE BEEN APPROVED BY THE
14 ELECTORS OF THE COMMUNITY COLLEGE DISTRICT PRIOR TO THE
15 ISSUANCE OF THE BONDS; AND FOR OTHER PURPOSES."

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. For the purposes of this act:

20 (1) "Upper-level course" means a university course which is
21 considered junior or senior level at the institution offering the course and
22 is not offered at the freshman or sophomore level at the Mississippi County
23 Community College;

24 (2) "Upper-level program" means a prescribed series of university
25 courses offered at the junior and senior level, which, when combined with a
26 prescribed series of freshman and sophomore courses, qualify successful
27 students for the baccalaureate degree;

28 (3) "Graduate course" means a university course intended for
29 students who have completed a baccalaureate degree;

30 (4) "Graduate program" means a prescribed series of graduate
31 courses which lead to a post baccalaureate degree.

32
33 SECTION 2. University Center of the Mississippi County Community
34 College.

35 (a) In order to provide the residents of northeastern Arkansas with

1 greater access to higher education opportunities beyond those which can be
2 provided by the Mississippi County Community College, there is hereby created
3 the university center at the Mississippi County Community College. The primary
4 purpose of the General Assembly in creating this center is to meet the needs
5 of persons who cannot, because of family or work responsibilities, leave the
6 area to become students at universities in other communities. It is the intent
7 of the General Assembly, in creating this center, to avoid the establishment
8 of an additional institution of higher education or branch of such
9 institution, and to avoid the duplication of administrative personnel and
10 services.

11 (b) The university center at the Mississippi County Community College
12 shall be managed and administered by the Board of Trustees of the Mississippi
13 County Community College, utilizing the administrative staff and support
14 services of the college.

15 (c) The Mississippi County Community College shall determine, in
16 cooperation with the public universities and with the approval of the State
17 Board of Higher Education, the need for various upper-level and graduate
18 programs and courses and shall encourage such institutions to offer the needed
19 programs and courses.

20 (d) It is the responsibility of the Mississippi County Community
21 College District to provide facilities for approved courses and programs at
22 the university center at the Mississippi County Community College.

23 (e) This act does not authorize the Mississippi County Community
24 College to assume the status of a four-year institution.

25

26 *SECTION 3. Arkansas Code 6-61-611 is hereby amended to read as follows:*
27 *"6-61-611. Capital outlays - Bonds - Pledge of various funds.*

28 (a) *The payment of the principal of and interest on bonds issued*
29 *hereunder may be secured by a pledge of, and the district may use for that*
30 *purpose, all or any part of the following, as the district shall determine:*

31 (1) *A continuing annual tax, when voted by the electors, which*
32 *shall not be reduced until the principal of, interest on, and paying agent's*
33 *fees in connection with the bonds, to the payment of which the continuing*
34 *annual tax is pledged by resolution of the local board, have been paid or*
35 *provided for. However, the district may use any surplus proceeds of the*
36 *continuing annual tax each fiscal year, which proceeds may include the*

1 proceeds from collections of the continuing annual tax in excess of the
2 amounts necessary to insure the payment when due of the principal of, interest
3 on, and paying agent's fees in connection with the bonds to which the
4 continuing annual tax is pledged and the creation and maintenance of any
5 reserve funds the district may determine to establish for the redemption of
6 bonds prior to maturity or for the payment of principal of, interest on, and
7 paying agent's fees in connection with other bonds of the district, or may
8 transfer the surplus to other funds to be utilized for general operating
9 expenses or capital outlay expenses of the district, all as the local board of
10 the district shall determine and specify in the resolution authorizing the
11 issuance of bonds and which resolution may also pledge the continuing annual
12 tax as security for the payment of the bonds; or

13 (2) All or any part of revenues derived from any auxiliary
14 enterprise such as dining facilities, athletic events, or other
15 revenue-producing activities authorized by law, and all or any part of
16 revenues derived from activity fees, to the extent and with the priorities
17 determined by the local board of the district and specified in the resolution
18 authorizing the issuance of the bonds. However, the district may use any
19 surplus of the revenues each fiscal year, i.e., the revenues in excess of the
20 amounts necessary to insure the payment when due of the principal of, interest
21 on, and paying agent's fees in connection with the bonds to which such
22 revenues are pledged and the creation and maintenance of any reserve funds the
23 district may determine to establish, for redemption of bonds prior to maturity
24 or for the payment of the principal of, interest on, and paying agent's fees
25 in connection with other bonds of the district or may transfer the surplus to
26 the operating fund of the district, all as the local board of the district
27 shall determine and specify in the resolution authorizing the issuance of the
28 bonds to which the revenues are pledged; or

29 (3) (A) Any funds received from the United States of America, or
30 any department or agency thereof, pursuant to any act of Congress providing
31 for grants or payments to educational institutions in connection with, or in
32 any way pertaining to, the financing of acquiring lands and constructing and
33 equipping buildings and improvements thereon.

34 (B) In regard to the funds referred to in subdivision
35 (a) (3) (A), the district is authorized to take such action, comply with such

1 terms and conditions, and execute such agreements as may be necessary to apply
2 for, receive, pledge, or use such funds for the above specified or any other
3 lawful purpose.

4 (b) (1) If bonds are secured by a pledge of the proceeds of a continuing
5 annual tax, as specified in subdivision (a) (1), the continuing annual tax must
6 have been approved by the electors of the district prior to the issuance of
7 the bonds, but if approval of the continuing annual tax has been obtained, the
8 pledge of the tax and the issuance of the bonds shall be authorized by
9 resolution of the local board of the district.

10 (2) If bonds are secured solely by revenues as set forth in
11 subdivision (a) (2) or by funds as set forth in subdivision (a) (3), the
12 issuance of the bonds and the pledge of such revenues shall be authorized by
13 resolution of the local board of the district."
14

15 SECTION 4. Arkansas Code 6-61-612 is hereby amended to read as follows:
16 "6-61-612. Capital outlays - Refunding bonds.

17 (a) Bonds may be issued for the purpose of refunding any bonds issued
18 under the provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211
19 - 6-61-216, 6-61-301 - 6-61-306, 6-61-401, 6-61-402, 6-61-501 - 6-61-524,
20 6-61-601 - 6-61-612.

21 (b) Any refunding bonds may enjoy the same security for their payment
22 as was enjoyed by the bonds being refunded, including particularly, and
23 without limitation, any continuing annual tax voted and pledged to the payment
24 of bonds being refunded and any additional security enjoyed by the bonds being
25 refunded pursuant to the authority set forth in §§ 6-61-101 - 6-61-103,
26 6-61-201 - 6-61-209, 6-61-211 - 6-61-216, 6-61-301 - 6-61-306, 6-61-401,
27 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-612.

28 (c) Refunding bonds shall be sold at public sale on sealed bids in
29 accordance with the provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209,
30 6-61-211 - 6-61-216, 6-61-301 - 6-61-306, 6-61-401, 6-61-402, 6-61-501 -
31 6-61-524, 6-61-601 - 6-61-612 pertaining to the sale of bonds authorized
32 hereunder.

33 (d) Refunding bonds may be issued upon the authority of a resolution of
34 the local board, with the approval of the State Community College Board,
35 without the necessity of submitting the question of issuing the refunding

1 bonds to the electors of the district regardless of whether the refunding
2 bonds are secured solely by a pledge of revenues other than proceeds of a
3 continuing annual tax or by the proceeds of a continuing annual tax."
4

5 SECTION 5. The purpose of section 3 and section 4 of this act is to
6 clarify that it shall not be necessary for the local board of a community
7 college district to submit to the electors of the district the question of
8 issuing bonds for purposes authorized pursuant to Act 560 of 1977 regardless
9 of whether the repayment of the bonds is secured by a pledge of a continuing
10 annual tax or by revenues described under the act. More particularly,
11 whenever bonds of a community college district are secured by the pledge of a
12 continuing annual tax which has previously been approved by the electors of
13 the District, the local board may authorize the issuance of bonds from time to
14 time and the pledge of the continuing annual tax as security for the repayment
15 of such bonds by approval of an appropriate resolution of the board, but it
16 shall not be necessary for the local board to submit the question of the
17 issuance of such bonds to the electors of the district for their approval.
18

19 SECTION 6. All provisions of this act of a general and permanent nature
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
21 Revision Commission shall incorporate the same in the Code.
22

23 SECTION 7. If any provision of this act or the application thereof to
24 any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the act which can be given effect without
26 the invalid provision or application, and to this end the provisions of this
27 act are declared to be severable.
28

29 SECTION 8. All laws and parts of laws in conflict with this act are
30 hereby repealed.
31

32 SECTION 9. EMERGENCY. It is hereby found and declared by the General
33 Assembly that community college districts in this state have an immediate need
34 to finance capital improvements and that existing laws must be clarified in
35 order to insure the use of those laws to accomplish the same. Therefore, an

1 emergency is hereby declared to exist and this act being immediately necessary
2 for the preservation of the public peace, health and safety shall be in full
3 force and effect from and after its passage and approval.

4 /s/Sen. Bearden