

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

A Bill

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

1 (3) The bonds shall contain a statement on their face that the
2 commission will not be obligated to pay the bonds with interest thereon
3 except from the net revenues derived from the operation of the stadium. All
4 of the moneys received by the commission from the state pursuant to § 14-171-
5 201 et seq. shall be deemed to be revenues derived from the operation of the
6 stadium.

7 (4) The bonds shall have all the qualities and
8 incidents of negotiable instruments under the negotiable instruments laws of
9 the state.

10 § 22-3-1006. Bonds - Execution.

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

17 § 22-3-1007. Bonds - Pledge of revenues - Restrictions.

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

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

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

36 (d) No member of the commission shall be personally liable on the
37 bonds or for any damages sustained by anyone in connection with the contracts

1 for loans or the construction of the stadium unless it shall be made to
2 appear that he has acted with a corrupt intent."

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

5 "§ 22-3-1009. Limitation of liability of state.

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

9 (b) Except for moneys transferred to the commission pursuant to
10 Section 14-171-201 et seq., no funds of this state may be used for the
11 maintenance or operation of the stadium or for payment of any expenses in
12 connection therewith or for payment of any bonds payable from the revenues of
13 the stadium that may be issued by the commission for its construction or
14 pledged for payment of the bonds."

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16 SECTION 3. All provisions of this act of a general and permanent
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
18 Code Revision Commission shall incorporate the same in the Code.

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20 SECTION 4. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 other provisions or applications of the act which can be given effect without
23 the invalid provision or application, and to this end the provisions of this
24 act are declared to be severable.

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26 SECTION 5. All laws and parts of laws in conflict with this act are
27 hereby repealed.

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