

Stricken language would be deleted from and underlined language would be added to present law.
Act 703 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/7/19
A Bill

SENATE BILL 471

By: Senators K. Ingram, B. Sample
By: Representatives Nicks, D. Ferguson, Warren

For An Act To Be Entitled

AN ACT TO AMEND THE LAWS CONCERNING LOCAL GOVERNMENT BONDS; TO AMEND THE LOCAL GOVERNMENT BOND ACT OF 1985; TO AMEND THE LOCAL GOVERNMENT CAPITAL IMPROVEMENT REVENUE BOND ACT OF 1985; TO ALLOW A MUNICIPALITY'S OR COUNTY'S PORTION OF THE NET CASINO GAMING RECEIPTS TAX REVENUES TO BE PLEDGED FOR THE REPAYMENT OF CERTAIN LOCAL GOVERNMENT BONDS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAWS CONCERNING LOCAL GOVERNMENT BONDS; AND TO ALLOW A MUNICIPALITY'S OR COUNTY'S PORTION OF THE NET CASINO GAMING RECEIPTS TAX REVENUES TO BE PLEDGED FOR THE REPAYMENT OF CERTAIN LOCAL GOVERNMENT BONDS.

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

SECTION 1. Arkansas Code § 14-164-303(2)(C), concerning the definition of "capital improvements of a public nature" and "capital improvement" under the Local Government Bond Act of 1985, is amended to add additional subdivisions to read as follows:

(xlv) Facilities and apparatus for voice, data, broadband, video, or wireless telecommunications services; and

(xlvi) Energy efficiency facilities and apparatus.



SECTION 2. Arkansas Code Title 14, Chapter 164, Subchapter 3, is amended to add an additional section to read as follows:

14-164-342. Net casino gaming receipts tax bonds.

(a) The governing body of a municipality or county may pledge by ordinance all or a specified portion of the municipality's or county's share of collections of the net casino gaming receipts tax levied under The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100, to retire bonds issued for capital improvements or economic development projects.

(b)(1) An ordinance pledging revenues under subsection (a) of this section is not effective unless the issuance of the bonds is approved by a majority of the electors of the municipality or county voting on the question at an election that is held substantially in the manner provided under § 14-164-309.

(2) The ballot form in an election to issue bonds secured by the pledge of revenues under subsection (a) of this section shall contain a statement describing the extent to which the municipality's or county's share of collections of the net casino gaming receipts tax levied under The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100, may be pledged to the retirement of the bonds, if the bonds are approved by the voters of the municipality or county.

(c) A certified copy of the ordinance authorizing the issuance of bonds under this section shall be filed with the Director of the Department of Finance and Administration and the Treasurer of State as soon as practicable after the approval of the adoption of the ordinance under this section.

(d)(1) If a municipality or county has filed an ordinance with the Treasurer of State under subsection (c) of this section, the municipality or county may elect to have its share of collections of the net casino gaming receipts tax levied under The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100, distributed to a bank or other depository designated in the ordinance adopted under this section.

(2)(A) If a municipality or county elects to have funds distributed to a bank or other depository under subdivision (d)(1) of this section, the net casino gaming receipts tax levied under The Arkansas Casino

Gaming Amendment of 2018, Arkansas Constitution, Amendment 100, shall be distributed to the bank or other depository designated in the ordinance rather than to the municipality or county.

(B) The distribution under subdivision (d)(2)(A) of this section shall continue until the municipality or county files a signed statement with the Treasurer of State to the effect that the bonds to which the net casino gaming receipts tax levied under The Arkansas Casino Gaming Amendment of 2018, Arkansas Constitution, Amendment 100, are pledged have been fully paid or are no longer outstanding.

SECTION 3. Arkansas Code § 14-164-402(2), concerning the definition of "capital improvements" under the Local Government Capital Improvement Revenue Bond Act of 1985, is amended to add an additional subdivision to read as follows:

(QQ) Facilities and apparatus for voice, data, broadband, video, or wireless telecommunications services.

/s/K. Ingram

APPROVED: 4/4/19