

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/11/97 S3/12/97

A Bill

SENATE BILL 598

5 By: Senators Scott, Bearden, Boozman, Bradford, Canada, Edwards, Everett, Gordon, Gwatney, Harriman, Hill, Hoofman, Hopkins,
6 Hunter, Jeffries, Kennedy, Lewellen, Roebuck, Ross, Smith, Todd, Walker, Walters, Webb, Argue, Bell, Mahony, Wyrick
7 By: Representatives Dietz, Allison, Ammons, Angel, Bennett, Bond, Broadway, Bush, Capps, Cook, Courtway, Critcher, Cunningham,
8 Curran, Davis, Dawson, Faris, Ferguson, Ferrell, Flanagan, Fletcher, French, George, Goodwin, Hale, Hall, Harris, Hausam, Horn, D.
9 Hudson, J. Hudson, Hunton, Jeffress, Johnson, Jones, Keltner, Kidd, Lancaster, Laverty, Luker, Maddox, Malone, B. McGee,
10 McGinnis, McJunkin, McKissack, Miller, Milum, Molinaro, Mullenix, Newman, Pappas, Pollan, Purdom, Rorie, Schexnayder,
11 Sheppard, Simmons, Simon, J. Smith, Stewart, Stalnaker, Teague, Thicksten, Thomas, Trammel, Vess, Wagner, Wallis, Whorton,
12 Wilkins, Wilkinson, Willems, Wood, Wooldridge, Wren, Young
13

For An Act To Be Entitled

14
15 "AN ACT TO PROVIDE FOR THE DISPOSITION OF CERTAIN DRIVERS
16 LICENSE FEES WHICH WERE PLEDGED TO OBLIGATIONS WHICH WILL
17 BE RETIRED IN 1997; TO AUTHORIZE THE FURTHER PLEDGING OF
18 THE DRIVERS LICENSE FEES FOR THE BENEFIT OF THE ARKANSAS
19 STATE POLICE; AND FOR OTHER PURPOSES."
20

Subtitle

21
22 "TO PROVIDE FOR DISPOSITION OF CERTAIN
23 DRIVERS LICENSE FEES WHICH WERE PLEDGED
24 TO OBLIGATIONS TO BE RETIRED IN 1997;
25 AUTHORIZE THE FURTHER PLEDGING OF THE
26 DRIVERS LICENSE FEES FOR THE ARKANSAS
27 STATE POLICE."
28

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
30

31 SECTION 1. This Act shall be known and may be cited as the Department
32 of Arkansas State Police Headquarters Facility and Wireless Data Equipment
33 Financing Act.
34

35 SECTION 2. (a) The General Assembly finds:

36 (1) that the Arkansas State Police are daily faced

1 with:

2 (A) problems related to out-of-date methods of
3 transmitting and processing information between officers in the field and
4 headquarters,

5 (B) the need for a more efficient means of
6 allocating Department personnel and other resources, particularly in emergency
7 circumstances,

8 (C) radio frequency congestion and information
9 bottleneck,

10 (D) greater personal risk for officers using
11 out-of-date information support,

12 (E) inadequate access to information databases,
13 and

14 (F) inadequate security for transmission of law
15 enforcement information;

16 (2) that there is a need to improve the
17 Department's information system by providing Wireless Data Equipment to
18 support the Arkansas State Police;

19 (3) that Wireless Data Equipment will be supported
20 by the Department's Land-Mobile Communications System and that the costs of
21 implementing the use of Wireless Data Equipment is greatly reduced by the
22 availability of the Land-Mobile Communications System to provide wireless
23 transmission capability;

24 (4) that a method of financing is necessary to
25 enable the Department to obtain Wireless Data Equipment;

26 (5) that the use of tax exempt revenue bonds to
27 finance the new Headquarters Facility will lower the cost of the facility by
28 substantially reducing the interest expense that otherwise would be paid; and

29 (6) that certain drivers license fees which were
30 pledged to obligations issued to finance the Land-Mobile Communications System
31 are now available to be pledged to the acquisition of the new Headquarters
32 Facility and Wireless Data Equipment.

33 (b) The General Assembly hereby determines that Wireless Data Equipment
34 is needed to maintain modern law enforcement and is therefore essential to
35 the safety and welfare of the people of the State.

36 (c) It is hereby legislatively determined that the most feasible and

1 least expensive way of financing the acquisition of Wireless Data Equipment is
2 by authorizing the use of revenue bonds.

3 (d) It is hereby legislatively determined that the acquisition and
4 financing of the new Headquarters Facility with revenue bonds will result in a
5 substantial savings when compared to the method currently in place.

6
7 SECTION 3. Any fees generated by Arkansas Code 27-16-801(a) and
8 Arkansas Code 27-23-118(a)(3) which are pledged to meet obligations under
9 Arkansas Code 12-8-301, et seq., for the Department's Land-Mobile
10 Communications System are no longer required to meet those obligations, and
11 therefore may be utilized by the Department as provided in this act.

12
13 SECTION 4. DEFINITIONS. Whenever used in this act, unless a different
14 meaning clearly appears from the context:

15 (a) Acquire when applied to Wireless Data Equipment, means to acquire
16 (by purchase or otherwise), construct, repair, alter, install, restore or
17 place on any land, or in any building or motor vehicle, any Wireless Data
18 Equipment, by negotiation or bidding upon such terms and conditions as are
19 determined by the Commission to be in the best interests of the Department
20 and that will most effectively serve the purposes of this act.

21 (b) Act 231 means Act 231 of 1945, as now in effect or as hereafter
22 amended.

23 (c) Authority means the Arkansas Development Finance Authority.

24 (d) Authority Act means the Arkansas Development Finance Authority Act
25 of 1985, as amended.

26 (e) Commission means the Arkansas State Police Commission, being the
27 Commission created by Act 231, or any successor agency.

28 (f) Cost as applied to Wireless Data Equipment, means and includes any
29 and all costs of such equipment and, without limiting the generality of the
30 foregoing, shall include the following:

31 (1) all costs of the acquisition of any such equipment and all
32 costs incident or related thereto including, but not limited to, engineering,
33 architectural, consulting and related services;

34 (2) the cost of the preparation of plans, specifications,
35 studies, surveys and estimates of cost and revenues;

36 (3) all other expenses necessary or incident to planning,

1 providing or determining the need for or the feasibility of the equipment;

2 (4) the costs of related software for the operation and support
3 of the equipment;

4 (5) the costs of database development and other information
5 sources and all training required for the efficient use of the equipment; and

6 (6) any and all costs paid or incurred in connection with the
7 issuance of bonds by the Authority to finance the acquisition of Wireless Data
8 Equipment.

9 (g) 'Cost' as applied to the Headquarters Facility means:

10 (1) the cost of acquiring the Headquarters Facility by
11 satisfaction of the purchase price under the terms of the existing lease
12 purchase agreement between the Department and the Arkansas Teacher Retirement
13 System, or such other terms as may be negotiated between the parties; and

14 (2) any and all costs paid or incurred in connection with the
15 issuance of bonds by the Authority to finance the acquisition of the
16 Headquarters Facility.

17 (h) Debt Service Payments means payments to be made by the Department
18 from Pledged Revenues or other legally available sources to secure and provide
19 for payments due on any bonds or other obligations issued by the Authority to
20 accomplish the purposes of this Act.

21 (i) Department means the Department of Arkansas State Police, created
22 by Act 231, and any successor agency.

23 (j) Director means the Director of the Department of Arkansas State
24 Police.

25 (k) Financing Documents means any note and mortgage, loan agreement,
26 lease purchase agreement, trust indenture and related documents executed in
27 connection with the issuance of bonds by the Authority to finance the
28 Headquarters Facility or Wireless Data Equipment.

29 (l) Financing Fund means the Arkansas Department of State Police
30 Financing Fund created by Section 6 of this act.

31 (m) Headquarters Facility means the land, buildings and improvements
32 including equipment and personal property located at the intersection of Geyer
33 Springs Road and Interstate 30 which is currently owned by the Arkansas
34 Teacher Retirement System and leased to the Department.

35 (n) Purchase Agreement means any agreement entered into by the
36 Commission with a vendor or vendors to acquire Wireless Data Equipment.

1 (o) Pledged Revenues means all fees generated by Arkansas Code 27-16-
2 801(a) and 27-23-118(a)(3) as authorized by Section 6 of this act to be
3 pledged for the security and payment of Debt Service Payments.

4 (p) Wireless Data Equipment means the public safety wireless data and
5 related technologies equipment, including workstations, modems and other
6 vehicle based equipment, network controllers, computer aided dispatch
7 equipment, central information services sites with related server computers
8 and controllers, software and information support, and furnishings and
9 fixtures used directly for public safety purposes in connection with the
10 operation thereof, and such other equipment, property, and other items
11 determined by the Commission as necessary to accomplish the purpose of this
12 act.

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14 SECTION 5. In addition to the powers, purposes, and authorities set
15 forth elsewhere in this Act or in other laws, the Commission is hereby
16 authorized and empowered to:

17 (a) Acquire, construct, repair, renovate, alter, maintain and equip
18 Wireless Data Equipment and the Headquarters Facility.

19 (b) Contract to acquire Wireless Data Equipment on such terms and
20 conditions as are specified by this act and approved by the Director with the
21 consent of the Commission and to provide for the payment of the cost of
22 acquisition of Wireless Data Equipment and the Headquarters Facility from any
23 legally available source or sources, including, without limitation, the
24 revenues authorized by Section 4 of this act, and funds appropriated and made
25 available under Act 231.

26 (c) Enter into such Financing Documents and agreements with the
27 Authority that are necessary and appropriate to secure obligations issued by
28 the Authority that will facilitate the acquisition of the Headquarters
29 Building and Wireless Data Equipment.

30 (d) Take such other action, not inconsistent with law, as may be
31 necessary, convenient or desirable to carry out the powers, purposes and
32 authority set forth in this act and to carry out the intent of this act.

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34 SECTION 6. (a) The Debt Service Payments and other costs relating to
35 Wireless Data Equipment and the Headquarters Facility shall be secured by a
36 lien on and pledge of the Pledged Revenues. To the extent that Pledged

1 Revenues are not required to make Debt Service Payments, they shall be
2 released to the Department to provide operating funds as described below.

3 (b) On July 1, 1997, all Pledged Revenues are hereby specifically
4 declared to be cash funds restricted in their use and dedicated and to be used
5 solely as provided and authorized in this act. The Pledged Revenues shall
6 not be deposited into the State Treasury but, as and when received (by the
7 Commissioner of Motor Vehicles, the Department of Motor Vehicles, the
8 Department, the Commission, the Commissioner of Revenues, the Department of
9 Finance and Administration or by any other state agency) shall be deposited in
10 a bank or banks selected by the Department, to the credit of a fund hereby
11 created and designated as the Department of Arkansas State Police Financing
12 Fund.

13 (c) Commencing on the date that bonds are issued by the Authority
14 pursuant to this act and the Authority Act, the Financing Fund shall
15 constitute Pledged Revenues as defined in this act. Debt Service Payments
16 shall be paid from the Financing Fund as set forth in the Financing Documents.
17 If and so long as all Debt Service Payments have been properly made on the
18 last day of each fiscal quarter, the Pledged Revenues remaining in the
19 Financing Fund shall be withdrawn from the Financing Fund and deposited in the
20 State Treasury as special revenues to the credit of the Department. So long
21 as any Debt Service Payments remain to be paid, all moneys in the Financing
22 Fund shall continue to be pledged to Debt Service Payments, and other costs
23 in connection with the bonds and the maintenance of reserves, not
24 withstanding the Department's right to withdraw funds on the last day of
25 each fiscal quarter if Debt Service Payments are current. The provisions of
26 this Section shall expire upon payment or provision for all Debt Service
27 Payments as authorized in the Financing Documents, and any balances remaining
28 in the Financing Fund shall be deposited in the State Treasury to the credit
29 of the Department as a non-revenue receipt.

30 (d) So long as there are remaining any Debt Service Payments to be
31 made, the General Assembly may modify or change the fees referred to as
32 Pledged Revenues above but only on condition that there is always maintained
33 in effect and made available for the payment of Debt Service Payments, sources
34 of revenue, comparable in amount and time of receipt, which produce revenues
35 sufficient to provide for and secure Debt Service Payments when due.

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1 SECTION 7. The Commission shall submit any Purchase Agreement for the
2 acquisition of Wireless Data Equipment, as authorized by this act, to the
3 Arkansas Legislative Council for its advice and counsel prior to any
4 obligation being incurred by the Commission.

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6 SECTION 8. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 9. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 10. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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19 SECTION 11. EMERGENCY. It is found and determined by the General
20 Assembly of the State of Arkansas that certain drivers license fees are
21 pledged to secure bonds which mature on July 1, 1997; that upon the maturity
22 of those bonds the fees will no longer be obligated; that those fees are
23 needed to provide vital services to the Arkansas State Police; that this act
24 will allow such use of those fees; and this act should go into effect as soon
25 as possible to provide the additional revenues to the State Police. Therefore
26 an emergency is declared to exist and this act being immediately necessary for
27 the preservation of the public peace, health and safety shall become effective
28 on the date of its approval by the Governor. If the bill is neither approved
29 nor vetoed by the Governor, it shall become effective on the expiration of the
30 period of time during which the Governor may veto the bill. If the bill is
31 vetoed by the Governor and the veto is overridden, it shall become effective
32 on the date the last house overrides the veto.

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/s/Scott et al

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