

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Russ**

A Bill

ACT 833 OF 1993
SENATE BILL 812

For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 15, CHAPTER 5, SUBCHAPTER 9 OF THE
9 ARKANSAS CODE FOR THE PURPOSE OF EXPANDING THE TYPES OF
10 PUBLIC INFRASTRUCTURE SYSTEMS FOR WHICH FINANCIAL
11 ASSISTANCE CAN BE PROVIDED THROUGH CONSTRUCTION ASSISTANCE
12 REVOLVING LOANS; PRESCRIBING OTHER MATTERS RELATING
13 THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

16 "PERTAINING TO CONSTRUCTION ASSISTANCE REVOLVING LOANS."

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

20 SECTION 1. Arkansas Code § 15-5-901(b) is amended to read as follows:

21 "(b) Moneys in the fund shall be expended in a manner consistent with
22 the terms and conditions of applicable federal and state capitalization grants
23 and may be used:

24 (1) To provide loans for the construction or rehabilitation of public
25 wastewater systems, water systems, solid and hazardous waste facilities,
26 recycling facilities, and other environmental infrastructure projects;

27 (2) Subject to the provisions of subsection (c) of this section, to
28 secure the payment of the principal of and premium, if any, and interest on,
29 and to pay costs incurred in connection with, bonds issued by the authority,
30 if the net proceeds of such bonds are deposited into the fund;

31 (3) To purchase bonds, notes, or other evidences of indebtedness issued
32 by local governmental entities for wastewater system projects, water systems,
33 solid and hazardous waste facilities, recycling facilities, and other
34 environmental infrastructure projects;

35 (4) To fund other wastewater system, water system, solid and hazardous
36 waste facilities, recycling, and other environmental infrastructure programs

1 which the federal or state government may allow in the future through grants;

2 (5) To fund the administrative expenses of the department relating to
3 the responsibilities and requirements of this subchapter; or

4 (6) To provide for any other expenditures consistent with applicable
5 federal and state law."

6

7 SECTION 2. Arkansas Code 15-5-902(a) is hereby amended to read as
8 follows:

9 "(a) The fund shall be administered by the department, as agent for the
10 authority, and the department is authorized to establish procedures and adopt
11 such regulations as may be required to administer the fund and programs
12 financed in whole or in part with moneys in the fund in accordance with
13 federal or state law providing for public wastewater systems, water systems,
14 solid and hazardous waste facilities, recycling facilities, and other
15 environmental infrastructure projects including without limitation the Federal
16 Water Pollution Control Act (also known as the Clean Water Act), the Federal
17 Safe Drinking Water Act, the Federal Resource Conservation and Recovery Act of
18 1976, and the Federal Clean Air Act, as each may be amended from time to time,
19 and otherwise from the Federal Environmental Protection Agency, and to enter
20 into contracts and other agreements in connection with the operation of the
21 fund, including, but not limited to contracts and agreements with federal
22 agencies, local governmental entities, the authority, and other parties to the
23 extent necessary or convenient for the implementation of the fund program."

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25 SECTION 3. Arkansas Code 15-5-904(a) is hereby amended to read as
26 follows:

27 "(a) The department is hereby authorized to establish fees for its
28 technical and administrative services in connection with construction or
29 rehabilitation of public wastewater systems, water systems, solid and
30 hazardous waste facilities, recycling facilities, and other environmental
31 infrastructure projects financed in whole or in part with moneys in the fund."

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33 SECTION 4. Arkansas Code 15-5-905(b)(3) is hereby amended to read as
34 follows:

35 "(3) Notwithstanding the provisions of § 19-6-108 and § 19-6-601,

1 grants to the state under the Federal Water Pollution Control Act (also known
2 as the Clean Water Act), the Federal Safe Drinking Water Act, the Federal
3 Resource Conservation and Recovery Act of 1976, and the Federal Clean Air Act,
4 as each may be amended from time to time, and otherwise from the Federal
5 Environmental Protection Agency received by the State Treasurer from the
6 federal government are declared to be cash funds restricted in their use and
7 dedicated and are to be used solely as authorized in this subchapter.

8 (A) The cash funds, when received by the State Treasurer, shall
9 not be deposited or deemed to be a part of the State Treasury for the purposes
10 of Arkansas Constitution, Article 5, §29; Arkansas Constitution, Article 16,
11 § 12; Arkansas Constitution, Amendment 20; or any other constitutional or
12 statutory provision.

13 (B) (i) The State Treasurer shall pay the cash funds to the
14 authority for deposit in the fund to be used for the purposes authorized by
15 this subchapter.

16 (ii) Such federal grants transferred directly to the
17 authority are declared to be cash funds restricted in their use and dedicated
18 and to be used solely as authorized in this subchapter."

19

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

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24 SECTION 6. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 7. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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/s/ Senator Russ

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APPROVED: 4/1/93

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