

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 1009 OF 1991
HOUSE BILL 1739

4 **By: Representatives Schexnayder and Northcutt**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE §§ 14-270-101 to 14-270-
9 105, THE RURAL COMMUNITIES PROJECTS PROGRAM, TO EXPAND THE
10 ELIGIBILITY FOR PROGRAM GRANTS TO INCLUDE SMALL CITIES AND
11 TOWNS IN RURAL AREAS UP TO THREE THOUSAND (3,000)
12 POPULATION, TO INCREASE THE VALUE OF THE GRANTS FROM TWO
13 THOUSAND DOLLARS (\$2,000) TO FIFTEEN THOUSAND DOLLARS
14 (\$15,000), AND TO ALLOW THE GOVERNING BODIES OF SMALL
15 CITIES AND TOWNS TO APPROVE AND APPROPRIATE FUNDS TO MATCH
16 STATE GRANTS; AND FOR OTHER PURPOSES."

17

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

19

20 SECTION 1. Arkansas Code § 14-270-101 is hereby amended to read as
21 follows:

22 "14-270-101. Purpose.

23 (a) The General Assembly recognizes that there are numerous
24 unincorporated rural communities and small incorporated rural cities and towns
25 in this state which do not have adequate fire protection or social,
26 recreational, cultural, or other facilities available for the benefit of their
27 citizens or comparable to the facilities available in larger cities of this
28 state. Many of these rural communities and rural small cities and towns lack
29 the resources to develop and implement programs to enhance their viability.

30 (b) The General Assembly further recognizes the need to establish a
31 program whereby, through the participation of local citizens and by the use of
32 state incentive funds, unincorporated rural communities and small incorporated
33 rural cities and towns in this state will be provided opportunities for the
34 construction, development, and improvement of fire protection and construction
35 projects benefiting the citizens. The program will provide matching grants to
36 rural communities to alleviate this problem and encourage rural communities to

1 develop programs designed to meet their uniquely rural needs."

2

3 SECTION 2. Arkansas Code § 14-270-102 is hereby amended to read as
4 follows:

5 "14-270-102. Definition. As used in this chapter, unless the context
6 otherwise requires:

7 (1) 'Community, city, or town projects' means, but shall not be
8 limited to, parks, playgrounds, community meeting halls, community cultural
9 facilities, picnic grounds, community recreation facilities, firefighting
10 equipment and facilities, and similar projects to be available to the members
11 of the unincorporated community or citizens of the small city or town in the
12 rural areas of the state for their use, benefit, and enjoyment.

13 (2) 'Rural area' or 'rural community' means all the territory of the
14 State of Arkansas that is not within the outer boundary of any city or town
15 having a population of twenty thousand (20,000) or more according to the
16 latest federal decennial census or within such a city's or town's neighboring
17 urbanized areas.

18 (3) 'Small city or town' means a city or a town incorporated under the
19 laws of the State of Arkansas with a population of less than three thousand
20 (3,000) persons according to the latest federal decennial census.

21 (4) 'State' shall mean the State of Arkansas.

22 (5) 'Unincorporated community' means an unincorporated community in a
23 rural area of the state.

24 (6) 'Urbanized area' means the areas of dense settlement and
25 suburbanization contiguous to the central city of a metropolitan area."

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27 SECTION 3. Arkansas Code § 14-270-103 is hereby amended to read as
28 follows:

29 "14-270-103. Grant of state funds.

30 (a) From funds provided by the General Assembly therefor, the Chief
31 Fiscal Officer is authorized to make grants to unincorporated communities and
32 small cities or towns in this state, whenever:

33 (1) Representatives of unincorporated communities or small cities
34 or towns in this state develop a written plan for a community, city, or town
35 project and submit the plan, in the case of an unincorporated community, to

1 the quorum court of the county or, in the case of a small city or town, to the
2 governing body of the city or town, for its approval and adoption;

3 (2) The members of the community or small city or town presenting
4 the request to the quorum court or the governing body shall have submitted
5 proof that, through donations of citizens of the community, city, or town,
6 one-fourth (1/4) of the cost of the project is available or has been pledged
7 by the citizens' support of the project and that no tax funds are included in
8 the citizens' support; the members of the community, or citizens of the city,
9 or town may also pay the county's or city's or town's one-fourth (1/4) share
10 in lieu of the county's or city's or town's defraying one-fourth (1/4) of the
11 cost of the project;

12 (3) The quorum court of the county or governing body of the city
13 or town approves and, if the citizens of the community, city, or town do not
14 pay the county's or the city's or town's share, appropriates the funds to
15 defray one-fourth (1/4) of the cost of the project; and

16 (4) The facts enumerated in subdivisions (1) through (3) of this
17 subsection are certified to the Chief Fiscal Officer by the county judge of
18 the county or the mayor of the city or town, setting forth the name of the
19 person or persons who will administer the funds if the state grant is
20 approved, outlining the details of the project, and certifying that the
21 project has been determined by the quorum court of the county or governing
22 body of the city or town to be an approved community, city, or town project
23 eligible to receive funds under the provisions of this chapter.

24 (b) Upon receipt of the certification of the quorum court or governing
25 body of the city or town and upon determination that all matters required by
26 subsection (a) of this section have been complied with, the Chief Fiscal
27 Officer may approve a state grant to be used in connection with the community,
28 city, or town project in an amount of one-half (1/2) of the estimated project
29 cost; however, in no event shall the total cost of any one (1) project under
30 the provisions of this chapter exceed thirty thousand dollars (\$30,000), and
31 the state's share thereof shall not exceed one-half (1/2), or fifteen thousand
32 dollars (\$15,000), of the amount.

33 (c) (1) Project funds from all sources shall be expended through a fund
34 established on the books of the county, city, or recorder treasurer.

35 (2) All project expenditures, with the invoices attached, shall

1 be approved by the county judge or mayor and shall remain on file in the
2 office of the county judge or mayor for three (3) years or until audited,
3 whichever is later.

4 (d)(1) All projects must be completed within twelve (12) months after
5 the date of the grant award.

6 (2) A final report, on a form provided by the Chief Fiscal
7 Officer, of all funds expended, along with the state's one-half (1/2) of all
8 unexpended funds, shall be submitted by the county judge or mayor to the Chief
9 Fiscal Officer no more than sixty (60) days following the project's completion
10 or within the one-year period, whichever comes first."

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12 SECTION 4. Arkansas Code §14-270-104 is hereby amended to read as
13 follows:

14 "14-270-104. Funding upon exhaustion of state funds.

15 (a) In the event sufficient state funds have not been appropriated to
16 provide the state's matching share of all eligible approved community, city,
17 or town projects certified to the Chief Fiscal Officer by the respective
18 county judges or mayors of this state, the Chief Fiscal Officer shall approve
19 payments for projects in the order in which each project application is filed
20 with his office until all funds available during each fiscal year have been
21 exhausted, shall defer until the next fiscal year the various projects for
22 which adequate funds are not available during the preceding fiscal year, and
23 shall give those projects priority in the order in which filed with the Chief
24 Fiscal Officer for funding from moneys appropriated by the General Assembly
25 for that fiscal year.

26 (b)(1) However, in the event project applications for the state's
27 matching share of community, city or town projects in any county are not
28 submitted for the use of the funds available for community, city or town
29 projects in that county during any fiscal biennium, and application therefor
30 has not been filed with the Chief Fiscal Officer within thirty (30) days prior
31 to the end of the fiscal biennium, the Chief Fiscal Officer shall make the
32 funds remaining for projects in that county available for approved community,
33 city, or town projects in other counties which have applied for more project
34 matching funds than were available.

35 (2) The Chief Fiscal Officer shall give priority in the

1 allocation of the unused project funds to approved projects in other counties
2 in the order in which applications were received for the projects."

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4 SECTION 5. Arkansas Code § 14-270-105 is hereby amended to read as
5 follows:

6 "14-270-105. Audit of funds. All state and county funds made available
7 for community, city, or town projects under the provisions of this chapter
8 shall be audited by the Legislative Auditor in connection with the annual
9 audit of each county or city or town to assure that the funds have been used
10 for the purposes for which they were made available under the provisions of
11 this chapter."

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

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17 SECTION 7. If any provisions of this act or the application thereof to
18 any person or circumstance is held invalid, the invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provisions or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 8. All laws and parts of laws in conflict with this act are
24 hereby repealed.

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APPROVED: 4/8/91