

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative M. Wilson**

A Bill

ACT 3 OF 1993
HOUSE BILL 1018

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE OF 1987 ANNOTATED §8-5-319
9 IN ORDER TO EXPAND THE OBLIGATIONS WHICH ARE THE SUBJECT
10 THEREOF BY INCLUDING BONDS, NOTES, AND OTHER EVIDENCES OF
11 INDEBTEDNESS FUNDED FROM THE CONSTRUCTION ASSISTANCE
12 REVOLVING LOAN FUND AS OBLIGATIONS; PRESCRIBING OTHER
13 MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY; AND
14 FOR OTHER PURPOSES."

Subtitle

17 **"AN ACT PERTAINING TO WASTEWATER SYSTEM**
18 **PROJECTS."**

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

22 **SECTION 1. Arkansas Code of 1987 Annotated §8-5-319 is hereby amended to read as**
23 **follows:**

24 **"8-5-319. Failure, neglect, or refusal to pay. In the event any municipality shall fail,**
25 **neglect, or refuse to pay any installment of principal or interest found to be ninety (90) or**
26 **more days past legally due in accordance with the written instrument for the repayment of its**
27 **bonds, notes, or other evidences of indebtedness purchased with moneys in the Construction**
28 **Assistance Revolving Loan Fund established by Arkansas Code §15-5-901, §1 (the _Fund_), or**
29 **its successor fund, the Arkansas Department of Pollution Control and Ecology, after first**
30 **notifying the municipality of such facts, is hereby authorized to certify such facts to the State**
31 **Treasurer, the State Auditor, and the Chief Fiscal Officer of the State. Upon certification of**
32 **the name of the municipality and the amount which is ninety (90) or more days past due, the**
33 **State Treasurer, the State Auditor, and the Chief Fiscal Officer of the State are hereby**
34 **directed to withhold from the municipality's share of general revenue turnback, as such share**
35 **is defined in the Revenue Stabilization Law, Arkansas Code of 1987 Annotated § 19-5-101 et**
36 **seq., as the same may be amended from time to time, the amount so certified and to transfer**

1 such amount to the Fund. Such amount so transferred shall be treated as a credit against the
2 amount past due under the bonds, notes, or other evidences of indebtedness for which payment
3 has not been made to the extent of the amount transferred."
4

5 **SECTION 2.** The amendments made by this act shall also apply to bonds, notes, and
6 other evidences of indebtedness of municipalities purchased prior to the effective date of this
7 act with moneys in the Fund or the Construction Grants Revolving Loan Fund established by
8 Arkansas Code of 1987 Annotated §19-5-944.
9

10 **SECTION 3.** All provisions of this act of a general and permanent nature are
11 amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision
12 Commission shall incorporate the same in the Code.
13

14 **SECTION 4.** If any provision of this act or the application thereof to any person or
15 circumstance is held invalid, such invalidity shall not affect other provisions or applications of
16 the act which can be given effect without the invalid provision or application, and to this end
17 the provisions of this act are declared to be severable.
18

19 **SECTION 5.** All laws and parts of laws in conflict with this act are hereby repealed.
20

21 **SECTION 6. EMERGENCY CLAUSE.** It is hereby found and determined by the
22 General Assembly that there is an immediate need for improvements to public wastewater
23 systems in the state that are operated by various municipalities and that the provisions of this
24 act are immediately needed in order to provide an additional method of financing such
25 improvements by such municipalities in connection with federal programs. Therefore, an
26 emergency is hereby declared to exist and this act being necessary for the preservation of the
27 public peace, health and safety shall be in full force and effect from and after its passage and
28 approval.
29

30 **APPROVED: 1/27/93**