

As Engrossed: 3/9/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 946 OF 1993
HOUSE BILL 1716

4 **By: Representatives Schexnayder and Northcutt**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 14-270-103 AND 14-270-104
9 TO PROVIDE THAT THE ARKANSAS RURAL *DEVELOPMENT COMMISSION*
10 SHALL *ADVISE ON THE PLACEMENT OF* RURAL COMMUNITY PROJECT
11 GRANTS; AND FOR OTHER PURPOSES."

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Subtitle

14 "AN ACT TO PROVIDE THAT THE ARKANSAS RURAL *DEVELOPMENT*
15 *COMMISSION SHALL ADVISE ON THE PLACEMENT OF* RURAL
16 COMMUNITY PROJECT GRANTS."

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

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20 SECTION 1. Arkansas Code 14-270-103 is amended to read as follows:

21 "14-270-103. Grant of state funds.

22 (a) From funds provided by the General Assembly therefor, the *Chief*
23 *Fiscal Officer of the State*, with the *advice* of the Arkansas Rural Development
24 Commission is authorized to make grants to unincorporated communities and
25 small cities or towns in this state, whenever:

26 (1) Representatives of unincorporated communities or small cities
27 or towns in this state develop a written plan for a community, city, or town
28 project and submit the plan, in the case of an unincorporated community, to
29 the quorum court of the county or, in the case of a small city or town, to the
30 governing body of the city or town, for its approval and adoption;

31 (2) The members of the community or small city or town presenting
32 the request to the quorum court or the governing body shall have submitted
33 proof that, through donations of citizens of the community, city, or town,
34 one-fourth (1/4) of the cost of the project is available or has been pledged
35 by the citizens' support of the project and that no tax funds are included in
36 the citizens' support; the members of the community, or citizens of the city,

1 or town may also pay the county's or city's or town's one-fourth (1/4) share
2 in lieu of the county's or city's or town's defraying one-fourth (1/4) of the
3 cost of the project;

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

8 (4) The facts enumerated in subdivisions (1) through (3) of this
9 subsection are certified to the *Chief Fiscal Officer of the State* by the
10 county judge of the county or the mayor of the city or town, setting forth the
11 name of the person or persons who will administer the funds if the state grant
12 is approved, outlining the details of the project, and certifying that the
13 project has been determined by the quorum court of the county or governing
14 body of the city or town to be an approved community, city, or town project
15 eligible to receive funds under the provisions of this chapter.

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

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

27 (2) All project expenditures, with the invoices attached, shall
28 be approved by the county judge or mayor and shall remain on file in the
29 office of the county judge or mayor for three (3) years or until audited,
30 whichever is later.

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

33 (2) A final report, on a form provided by the *Chief Fiscal of the*
34 *State*, of all funds expended, along with the state's one-half (1/2) of all
35 unexpended funds, shall be submitted by the county judge or mayor to the *Chief*

1 *Fiscal Officer of the State* no more than sixty (60) days following the
2 project's completion or within the one-year period, whichever comes first."

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4 SECTION 2. Arkansas Code 14-270-104 is amended to read as follows:

5 "14-270-104. Funding upon exhaustion of state funds.

6 (a) In the event sufficient state funds have not been appropriated to
7 provide the state's matching share of all eligible approved community, city,
8 or town projects certified to the *Chief Fiscal Officer of the State* by the
9 respective county judges or mayors of this state, the *Chief Fiscal Officer of*
10 *the State*, with the *advice* of the Arkansas Rural Development Commission shall
11 approve payments for projects in the order in which each project application
12 is filed with his office until all funds available during each fiscal year
13 have been exhausted, shall defer until the next fiscal year the various
14 projects for which adequate funds are not available during the preceding
15 fiscal year, and shall give those projects priority in the order in which
16 filed with the Arkansas Rural Advocacy Office for funding from moneys
17 appropriated by the General Assembly for that fiscal year.

18 (b)(1) However, in the event project applications for the state's
19 matching share of community, city, or town projects in any county are not
20 submitted for the use of the funds available for community, city, or town
21 projects in that county during any fiscal biennium, and application therefor
22 has not been filed with the Arkansas Rural Advocacy Office within thirty (30)
23 days prior to the end of the fiscal biennium, the *Arkansas Rural Development*
24 *Commission* shall make the funds remaining for projects in that county
25 available for approved community, city, or town projects in other counties
26 which have applied for more project matching funds than were available.

27 (2) The *Arkansas Rural Development Commission* shall give priority in
28 the allocation of the unused project funds to approved projects in other
29 counties in the order in which applications were received for the projects."

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31 SECTION 3. All provisions of this act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 4. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 5. All laws and parts of laws in conflict with this act are
7 hereby repealed.

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14 */s/Charlotte Schexnayder, et al*

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16 APPROVED: 4/7/93

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