

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1157

4 By: Representatives Schexnayder and Northcutt

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE §§ 14-270-102 AND 14-270-103 TO  
9 AUTHORIZE THE USE OF PROPERTY IN KIND IN QUALIFYING FOR A  
10 RURAL COMMUNITY PROJECT GRANT; AND FOR OTHER PURPOSES."

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## Subtitle

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13 "TO AUTHORIZE THE USE OF PROPERTY IN  
14 KIND IN QUALIFYING FOR A RURAL COMMUNITY  
15 PROJECT GRANT."

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

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19 SECTION 1. Arkansas Code Annotated § 14-270-102 is hereby amended to  
20 read as follows:

21 "14-270-102. Definitions. As used in this chapter, unless the context  
22 otherwise requires:

23 (1) Community, city, or town projects means, but shall not be  
24 limited to, parks, playgrounds, community meeting halls, community cultural  
25 facilities, picnic grounds, community recreation facilities, firefighting  
26 equipment and facilities, and similar projects to be available to the members  
27 of the unincorporated community or citizens of the small city or town in the  
28 rural areas of the state for their use, benefit, and enjoyment;

29 (2) Rural area or rural community means all the territory of the  
30 State of Arkansas that is not within the outer boundary of any city or town  
31 having a population of twenty thousand (20,000) or more according to the  
32 latest federal decennial census or within such a city's or town's neighboring  
33 urbanized areas;

34 (3) Small city or town means a city or a town incorporated under the  
35 laws of the State of Arkansas with a population of less than three thousand

1 (3,000) persons according to the latest federal decennial census;

2 (4) State shall mean the State of Arkansas;

3 (5) Unincorporated community means an unincorporated community in a  
4 rural area of the state;

5 (6) Urbanized area means the areas of dense settlement and  
6 suburbanization contiguous to the central city of a metropolitan area;

7 (7) Property in kind means real or personal property."  
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9 SECTION 2. Arkansas Code Annotated § 14-270-103 is hereby amended to  
10 read as follows:

11 "14-270-103. Grant of state funds.

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

16 (1) Representatives of unincorporated communities or small  
17 cities or towns in this state develop a written plan for a community, city,  
18 or town project and submit the plan, in the case of an unincorporated  
19 community, to the quorum court of the county or, in the case of a small city  
20 or town, to the governing body of the city or town, for its approval and  
21 adoption;

22 (2) The members of the community or small city or town  
23 presenting the request to the quorum court or the governing body shall have  
24 submitted proof that, through donations of either money or property in kind,  
25 the citizens of the community, city, or town, have pledged or will make  
26 available one-fourth (1/4) of the cost of the project and that no tax funds  
27 are included in the citizens' support. The members of the community, or  
28 citizens of the city or town, may also provide the county's or city's or  
29 town's one-fourth (1/4) share in lieu of the county's or city's or town's  
30 defraying one-fourth (1/4) of the cost of the project;

31 (3) The quorum court of the county or governing body of the city  
32 or town approves and, if the citizens of the community, city, or town do not  
33 provide the county's or the city's or town's share, appropriates the funds or  
34 provides property in kind to defray one-fourth (1/4) of the cost of the  
35 project; and

1           (4) The facts enumerated in subdivisions (a)(1) - (3) of this  
2 section are certified to the Chief Fiscal Officer of the State by the county  
3 judge of the county or the mayor of the city or town, setting forth the name  
4 of the person or persons who will administer the funds if the state grant is  
5 approved, outlining the details of the project, and certifying that the  
6 project has been determined by the quorum court of the county or governing  
7 body of the city or town to be an approved community, city, or town project  
8 eligible to receive funds under the provisions of this chapter.

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

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

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

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

26           (2) A final report, on a form provided by the Chief Fiscal  
27 Officer of the State, of all funds expended, along with the state's one-half  
28 (1/2) of all unexpended funds, shall be submitted by the county judge or  
29 mayor to the Chief Fiscal Officer of the State no more than sixty (60) days  
30 following the project's completion or within the one-year period, whichever  
31 comes first."

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

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

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

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