

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 138

4
5 By: Senators P. Malone, Trusty, Horn
6 By: Representatives Gillespie, R. Smith, J. Elliott, Green, Cowling, Bennett, Dees

For An Act To Be Entitled

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8
9
10 AN ACT TO REPEAL ARKANSAS CODE 8-7-504(c) AND TO AMEND
11 ARKANSAS CODE 8-7-509(c) AND 15-5-901 TO CLARIFY THE
12 SOURCE OF FUNDING FOR THE REMEDIAL ACTION ACCOUNT IN
13 THE CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND; AND
14 FOR OTHER PURPOSES.

Subtitle

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16
17 TO REPEAL ARKANSAS CODE 8-7-504(c) AND
18 TO AMEND ARKANSAS CODE 8-7-509(c) AND
19 15-5-901 TO CLARIFY THE SOURCE OF
20 FUNDING FOR THE REMEDIAL ACTION ACCOUNT
21 IN THE CONSTRUCTION ASSISTANCE REVOLVING
22 LOAN FUND.

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24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

26
27 SECTION 1. Arkansas Code 8-7-504 (c) is repealed.
28 ~~(c) One half (1/2) of the civil penalties provided for in subdivision~~
29 ~~(b)(1) of this section, but not to exceed five hundred thousand dollars~~
30 ~~(\$500,000) in any one (1) calendar year and not to exceed four million dollars~~
31 ~~(\$4,000,000) in the aggregate, may be deposited in the Remedial Action Account~~
32 ~~in the Construction Assistance Revolving Loan Fund established pursuant to~~
33 ~~15-5-901, if so authorized by the Director of the Arkansas Department of~~
34 ~~Environmental Quality, and such moneys shall not be deposited or deemed to be~~
35 ~~a part of the State Treasury for the purposes of Arkansas Constitution,~~
36 ~~Article 5, § 29, Arkansas Constitution, Article 16, § 12, Arkansas~~

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1 ~~Constitution, Amendment 20, or any other constitutional or statutory~~
2 ~~provisions.~~

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4 SECTION 2. Arkansas Code 8-7-509(c)(2) is amended to read as follows:

5 (2) In addition, there is authorized to be deposited in the Hazardous
6 Substance Remedial Action Trust Fund all moneys recovered pursuant to § 8-7-
7 514 and all moneys received as penalties pursuant to § 8-7-504 ~~except for that~~
8 ~~portion of the civil penalties specified in § 8-7-504(c) to be deposited in~~
9 ~~the Remedial Action Account of the Construction Assistance Revolving Loan Fund~~
10 ~~established pursuant to § 15-5-901.~~

11
12 SECTION 3. Arkansas Code 8-7-509(c) is amended to add an additional
13 subdivision as follows:

14 (3) Within twelve (12) months after the effective date of this act, up
15 to one million dollars (\$1,000,000) from the Hazardous Substance Remedial
16 Action Trust Fund may be deposited into the Remedial Action Account in the
17 Construction Assistance Revolving Loan Fund established pursuant to §15-5-901,
18 if so authorized by the Director of the Arkansas Department of Environmental
19 Quality. Thereafter, one half (1/2) of the moneys to be deposited into the
20 Hazardous Substance Remedial Action Trust Fund, but not to exceed five hundred
21 thousand dollars (\$500,000) in any one (1) fiscal year and not to exceed four
22 million dollars (\$4,000,000) in the aggregate, may be deposited in the
23 Remedial Action Account in the Construction Assistance Revolving Loan Fund, if
24 so authorized by the Director of the Arkansas Department of Environmental
25 Quality. Such moneys deposited in the Remedial Action Account in the
26 Construction Assistance Revolving Loan Fund shall not be deemed to be a part
27 of the State Treasury for the purposes of Arkansas Constitution, Article 5, §
28 29, Arkansas Constitution, Article 16, § 12, Arkansas Constitution, Amendment
29 20, or any other constitutional or statutory provisions.

30
31 SECTION 4. Arkansas Code 15-5-901(d)(1) is amended to read as follows:

32 (d)(1) There is hereby established a separate account within the fund
33 designated the "Remedial Action Account", into which moneys identified in § ~~8-~~
34 ~~7-504(c)~~ 8-7-509(c)(3) and any other moneys as designated by the Director of
35 the Arkansas Department of Environmental Quality shall be deposited.