

**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  
4

*As Engrossed: S3/21/01 S3/26/01*

# A Bill

**Act 1546 of 2001**  
HOUSE BILL 1696

5 By: Representatives Lowery, House, Jackson, Jacobs, Lewellen, C. Johnson, Agee, Allison, Bennett,  
6 Biggs, Bevis, Bond, Bookout, Childers, Clemons, Boyd, Carson, Eason, Glover, Green, Ferguson,  
7 Gipson, French, Hickinbotham, King, Milligan, Prater, Nichols, Oglesby, Scrimshire, Seawel, Shoffner,  
8 Thomas, M. Steele, Trammell, W. Walker, T. Steele, Weaver, White, Willis, Wood, Creekmore, Bolin,  
9 Dangeau, Cowling, M. Smith, Dees, Mathis, J. Taylor, Bradford, Ormond, *Jones, Gillespie, Holt,*  
10 *Verkamp, G. Jeffress*  
11 By: Senators Wilkins, Fitch, Simes, *Gullett, J. Jeffress, Horn*

## For An Act To Be Entitled

15 AN ACT TO AMEND ARKANSAS CODE TITLE 15, CHAPTER  
16 23 TO ADD A SUBCHAPTER 9 TO ESTABLISH A PROGRAM  
17 FOR PUBLIC PORT AUTHORITIES IN ARKANSAS TO FUND  
18 PUBLIC PORT INFRASTRUCTURE IMPROVEMENTS; AND FOR  
19 OTHER PURPOSES.

## Subtitle

22 TO ESTABLISH A PROGRAM FOR PUBLIC PORT  
23 AUTHORITIES IN ARKANSAS TO FUND PUBLIC  
24 PORT INFRASTRUCTURE IMPROVEMENTS.

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

29 SECTION 1. Arkansas Code Title 15, Chapter 23, is amended to add an  
30 additional subchapter to read as follows:

31 15-23-901. Title.

32 This subchapter shall be known and cited as the "Arkansas Port Priority  
33 Improvement Program Act".

35 15-23-902. Definitions.

36 As used in this subchapter, unless the context otherwise requires:

1       (1) "City" means any city of the first class, any city of the second  
2 class, or any incorporated town established by the laws of the State of  
3 Arkansas;

4       (2) "County" means any county in the State of Arkansas;

5       (3) "Port Priority Improvement Program" means a governmental program to  
6 award funds to port authorities to encourage the development of port  
7 infrastructure, including the engineering and construction; and

8       (4) "Public Port Authority" or "port authority" means:

9           (A) A port authority created under the Metropolitan Port  
10 Authority Act of 1961, beginning at Arkansas Code 14-185-101;

11           (B) A municipal port authority created under Arkansas Code Title  
12 14, Chapter 186; and

13           (C) An authority created under the Regional Intermodal Facilities  
14 Act, beginning at Arkansas Code 14-143-101.

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16       15-23-903. Fund created.

17       There is created on the books of the Treasurer of State, the Auditor of  
18 State, and the Chief Fiscal Officer of the State a fund to be known as the  
19 "Port Priority Improvement Fund", to consist of the funds or other monies that  
20 may be deposited therein as provided by the General Assembly, to be used by  
21 the Arkansas Waterways Commission for the purpose of providing financial  
22 assistance to public port authorities in the manner provided in this  
23 subchapter and for development of port infrastructure, including engineering  
24 and construction costs.

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26       15-23-904. Authority to establish programs.

27       (a) The Arkansas Waterways Commission, working in partnership with the  
28 Arkansas Department of Economic Development, may establish by rules and  
29 regulations the criteria of eligibility for awarding funds to any public port  
30 authority to aid in the development of port infrastructure, including the  
31 engineering and construction costs.

32       (b) The rules and regulations shall be reviewed by the House Interim  
33 Committee on Public Transportation and the Senate Interim Committee on Public  
34 Transportation, Aging, and Legislative Affairs.

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36       15-23-905. Port Priority Improvement Program.

1       The Arkansas Waterways Commission's rules and regulations for the  
2 program shall, as a minimum:

3       (1) Provide for the Arkansas Waterways Commission to administer the  
4 program authorized under this subchapter;

5       (2) Require the Arkansas Waterways Commission to take the necessary  
6 actions to ensure that the funds are used for the purposes for which they are  
7 to be awarded and that they are expended in accordance with all state laws and  
8 local ordinances and procedures and regulations;

9       (3) Specify the procedure for receiving applications, who is eligible  
10 to apply, the goals and objectives of the program for public port  
11 infrastructure development, and the procedures for awarding funds;

12       (4) Require the port authority to file a performance review report with  
13 the Arkansas Waterways Commission for three (3) consecutive years following  
14 completion of the project comparing actual benefits with the projected  
15 benefits associated with the project as stated in the application for funding.

16       (5) Require that each public port authority provide matching funds  
17 equal to at least ten percent (10%) of the estimated cost of the port  
18 infrastructure project for which an application is made;

19       (6) Provide that eligible port infrastructure development projects  
20 shall be only for capital improvement projects, and shall not be used for any  
21 routine maintenance or operational expenses; and

22       (7) Provide that no individual port shall receive more than twenty  
23 percent (20%) of the total amount available for public port infrastructure  
24 development projects.

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26       15-23-906. Application and award.

27       (a) The Arkansas Waterways Commission shall promulgate the application  
28 format to be used in applying for funding through the public port  
29 infrastructure program.

30       (b) All applications shall be submitted as required by the establishing  
31 rules and regulations.

32       (c) After receipt of the application, the Arkansas Waterways  
33 Commission, working in partnership with the Arkansas Department of Economic  
34 Development, shall review the applications and shall select the applications  
35 by rank order which will best fulfill the goals and objectives of the public  
36 port infrastructure development program as described by the program's rules

1 and regulations. The commission shall then make awards to the applicants  
2 based on their rank order on the list of applications.

3 (d) The projects may be funded until all funds available for this  
4 purpose have been expended.

5 /s/ Lowery

8 APPROVED: 4/12/2001

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