

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 432

By: Senator B. Ballinger
By: Representative Gazaway

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 15 OF
THE ARKANSAS CODE CONCERNING NATURAL RESOURCES AND
ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 15
OF THE ARKANSAS CODE CONCERNING NATURAL
RESOURCES AND ECONOMIC DEVELOPMENT.

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

SECTION 1. Arkansas Code § 15-4-2003(13), concerning definitions used under the Digital Product and Motion Picture Industry Development Act of 2009, is amended to read as follows to clarify a phrase:

(13) "State-certified production" means a qualified production produced by an eligible production company that is:

(A) In compliance with ~~established~~ rules ~~to~~ promulgated under this subchapter;

(B) Authorized by the Film Office to conduct business in this state; and

(C) Approved by the Director of the Arkansas Economic Development Commission as qualifying for a discretionary production rebate under this subchapter.

SECTION 2. Arkansas Code § 15-4-2007(a) and (b), concerning applications for rebates under the Digital Product and Motion Picture



Industry Development Act of 2009, are amended to read as follows to correct the use of terms that are defined in the Digital Product and Motion Picture Industry Development Act of 2009:

(a)(1) To apply for the rebates provided under this subchapter, a production company shall submit an application for rebate and provide an estimate of total expenditures to be made in Arkansas in connection with the production.

(2) The application for rebate and estimate of expenditures required under subdivision (a)(1) of this section shall be filed with the Arkansas Economic Development Commission and approved by the Director of the Arkansas Economic Development Commission as eligible for the rebate provided by this subchapter before the commencement of production in Arkansas.

(b)(1) If an application for a rebate is approved under subsection (a) of this section, the production company and the director shall sign a financial incentive agreement.

(2)(A) The financial incentive agreement shall define the incentives to be received and the start and end date of the project.

(B) The financial incentive agreement shall include the:

- (i) Effective date of the financial incentive agreement;
- (ii) Term of the financial incentive agreement, which shall be calculated from the date the financial incentive agreement is signed by the production company and the director;
- (iii) Incentive for which the production company may qualify;
- (iv) Investment threshold requirements necessary to qualify for eligibility;
- (v) Production company's responsibilities for certifying eligibility requirements; and
- (vi) Production company's responsibilities for failure to meet or maintain eligibility requirements.

SECTION 3. Arkansas Code § 15-4-2008(a), concerning the disbursement of rebate incentives under the Digital Product and Motion Picture Industry Development Act of 2009, is amended to read as follows to correct the usage of a term that is defined in the Digital Product and Motion Picture Industry

Development Act of 2009:

(a) The Revenue Division of the Department of Finance and Administration shall upon receipt of an application for a rebate, including a proof of performance expenditure report from the Film Office:

(1) Calculate the total expenditures of the relevant production company for which there are documented receipts for funds expended in the state;

(2) Calculate the incentive benefit to which the applicant is entitled, subject to any conditions of the approved financial incentive agreement; and

(3) Provide certification to the Secretary of the Department of Finance and Administration specifying the amount to be remitted to the production company within one hundred twenty (120) days after the final expenditure report has been submitted.

SECTION 4. Arkansas Code § 15-58-305 is amended to read as follows to clarify the culpable mental state of a criminal offense pursuant to § 5-2-202 and to make stylistic changes:

15-58-305. Interfering with the director or his or her agents – Criminal penalties.

~~Any person who shall, except as permitted by law, willfully resist, prevent, impede, or interfere~~ Except as permitted by law, a person who knowingly resists, prevents, impedes, or interferes with the Director of the Division of Environmental Quality or any of his or her authorized representatives in the performance of duties pursuant to this chapter ~~shall be upon conviction is~~ guilty of a an unclassified misdemeanor and may be punished ~~upon conviction by a criminal penalty~~ by a fine of not more than five thousand dollars (\$5,000) or by imprisonment for not more than one (1) year, or by both.

SECTION 5. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Third General Assembly;

(2) To the extent that a conflict exists between an act of the

regular session of the Ninety-Third General Assembly and this act:

(A) The act of the regular session of the Ninety-Third General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Third General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 3/25/21