

Stricken language will be deleted and underlined language will be added.

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

HOUSE BILL 1019

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO REAPPROPRIATE THE BALANCES OF CAPITAL
IMPROVEMENT APPROPRIATIONS FOR THE ECONOMIC
DEVELOPMENT COMMISSION; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ECONOMIC DEVELOPMENT
COMMISSION REAPPROPRIATION.

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

SECTION 1. REAPPROPRIATION - BOND PROCEEDS. There is hereby appropriated, to the Economic Development Commission, to be payable from Bond Proceeds, for the Economic Development Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 9 of Act 544 of 2011, for economic development projects authorized under Amendment 82 to the Constitution of the State of Arkansas of 1874, in a sum not to exceed.....\$225,000,000.

SECTION 2. REAPPROPRIATION - CASH FUNDS. There is hereby appropriated, to the Economic Development Commission, to be payable from the cash funds as defined by Arkansas Code 19-4-801, for the Economic Development Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 2 of Act 436 of 2011, for grants for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment for compressed natural gas demonstration stations, in a sum not to exceed.....\$1,000,000.



SECTION 3. REAPPROPRIATION - FEDERAL FUNDS. There is hereby appropriated, to the Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for the Economic Development Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 4 of Act 52 of 2011, for grants for construction, operating expenses, personal services and equipment for railroad reclamation, in a sum not to exceed.....\$1,000,000.

SECTION 4. REAPPROPRIATION - GENERAL IMPROVEMENT FUNDS. There is hereby appropriated, to the Economic Development Commission, to be payable from the General Improvement Fund or its successor fund or fund accounts, for the Economic Development Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (C) Section 1 of Act 52 of 2011, for the promotion of the movie/film office for the production of full length movies in the State of Arkansas, in a sum not to exceed.....\$8,683.

(B) Effective July 1, 2012, the balance of the appropriation provided in Item (B) Section 1 of Act 52 of 2011, for providing funding for grants to cities and counties to provide financial assistance necessary to undertake public works projects and/or job training efforts which support private sector job creation opportunities, alleviate conditions which constitute a threat to public health and well being, or partially defray the costs of providing access to publicly owned industrial parks; and for grants and/or loans for the expansion of the aircraft and aerospace industry; and for grants and/or loans for port and waterway economic development projects; and for grants and/or loans to support technology based economic development projects, in a sum not to exceed.....\$2,025,490.

(C) Effective July 1, 2012, the balance of the appropriation provided in Item (N) Section 1 of Act 52 of 2011, for providing funding for grants to cities and counties to provide financial assistance necessary to undertake public works projects and/or job training efforts which support private sector job creation opportunities, alleviate conditions which constitute a threat to public health and well-being, or partially defray the costs of providing access to publicly owned industrial parks; and for grants and/or

loans for the expansion of the aircraft and aerospace industry; and for grants and/or loans to support technology based economic development projects, in a sum not to exceed.....\$2,727,840.

(D) Effective July 1, 2012, the balance of the appropriation provided in Item (P) Section 1 of Act 52 of 2011, for providing funding and appropriation for an investment in Arkansas' workforce through training incentives for companies located in Arkansas to upgrade skills of their existing workforce, or for a potential new workforce, and to build capacity within Arkansas to supply on-going training needs of Arkansas companies and to increase participation in the State's school-to-work initiatives, in a sum not to exceed.....\$1,459,104.

(E) Effective July 1, 2012, the balance of the appropriation provided in Item (T) Section 1 of Act 52 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$88,750.

(F) Effective July 1, 2012, the balance of the appropriation provided in Item (H) Section 1 of Act 52 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$3,000.

(G) Effective July 1, 2012, the balance of the appropriation provided in Item (D) Section 1 of Act 52 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including,

construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$24,000.

(H) Effective July 1, 2012, the balance of the appropriation provided in Item (E) Section 1 of Act 52 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction, and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$45,000.

(I) Effective July 1, 2012, the balance of the appropriation provided in Item (F) Section 1 of Act 52 of 2011, for grants to cities, counties, planning and development districts and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$16,250.

(J) Effective July 1, 2012, the balance of the appropriation provided in Item (G) Section 1 of Act 52 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects and construction and improvement of water and sewer systems, in a sum not to exceed.....\$5,000.

(K) Effective July 1, 2012, the balance of the appropriation provided

in Item (I) Section 1 of Act 52 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$20,000.

(L) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 684 of 2011, for a grant to support the development and implementation of regional intermodal freight facilities and operations, in a sum not to exceed.....\$900,000.

(M) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 476 of 2011, for a grant for a statewide membership-based nonprofit association for continued development to promote and support statewide capacity building and nonprofit workforce development through technical assistance for organizational development, products and services to improve efficiency, and a network for professional and organizational engagement, in a sum not to exceed.....\$125,000.

(N) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 483 of 2011, for grants to Arkansas Planning and Development Districts for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$100,000.

(O) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 411 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur

construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$300,000.

(P) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 667 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$200,000.

(Q) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 395 of 2011, for grants to non-profit organizations and other eligible entities for personal services, operating expenses, maintenance, equipment and improvements for after school and youth programs, in a sum not to exceed.....\$100,000.

(R) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 544 of 2011, for a transfer to the Economic Development Incentive Quick Action Closing Fund, for incentives to attract new business and economic development to the State, in a sum not to exceed.....\$50,000,000.

(S) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 3 of Act 544 of 2011, for funding for grants and/or loans to state agencies, cities, counties, community-based non-profit organizations and other eligible entities to undertake public works projects and/or job training efforts which support private sector job creation opportunities, alleviate conditions which constitute a threat to public health and well being, or partially defray the costs of providing access to publicly owned industrial parks, and/or technology parks; and to provide grants and/or loans for the expansion of the aircraft and aerospace industry; and for grants and/or loans for port and waterway economic development projects; and for grants and/or loans for technology based economic development projects; and for grants and/or loans for industrial site development costs (including, but not limited to land acquisition, construction, renovation, and equipment

acquisition); and for development of intermodal facilities (including, but not limited to port and waterway projects, rail spur construction and road and highway improvements); and for grants and/or loans to pay the costs of environmental mitigation projects; and for construction and/or improvement of water and sewer systems, in a sum not to exceed.....\$20,000,000.

(T) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 5 of Act 544 of 2011, for funding for an investment in Arkansas' workforce through training incentives for companies located in Arkansas to upgrade skills of their existing workforce, or for a potential new workforce, and to build capacity within Arkansas to supply on-going training needs of Arkansas companies and to increase participation in the State's school-to-work initiatives, in a sum not to exceed.....\$3,000,000.

(U) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 6 of Act 544 of 2011, for a transfer to the Innovate Arkansas Fund to provide assistance to start-up technology oriented businesses, in a sum not to exceed.....\$3,000,000.

(V) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 8 of Act 544 of 2011, for allocation by the Executive Director of the Arkansas Economic Development Commission for activities associated with the implementation of the State's strategic plan for economic development, in a sum not to exceed.....\$500,000.

(W) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 1 of Act 436 of 2011, for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$200,000.

SECTION 5. REAPPROPRIATION - INNOVATE ARKANSAS. There is hereby appropriated, to the Economic Development Commission, to be payable from the Innovate Arkansas Fund, for the Economic Development Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 7 of Act 544 of 2011, for providing assistance to start-up technology oriented businesses, in a sum not to exceed.....\$3,000,000.

SECTION 6. REAPPROPRIATION - QUICK ACTION CLOSING FUND. There is hereby appropriated, to the Economic Development Commission, to be payable from the Economic Development Incentive Quick Action Closing Fund, for the Economic Development Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Section 2 of Act 544 of 2011, for incentives to attract new business and economic development to the State for the fiscal year ending June 30, 2013, in a sum not to exceed.....\$50,000,000.

(B) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 3 of Act 52 of 2011, for investment incentives to attract new business and economic development to the state, in a sum not to exceed\$1,386,531.

(C) Effective July 1, 2012, the balance of the appropriation provided in Item (B) Section 3 of Act 52 of 2011, for incentives to attract new business and economic development to the state, in a sum not to exceed\$49,961,527.

SECTION 7. REAPPROPRIATION - MINORITY BUSINESS LOAN MOBILIZATION PROGRAM. There is hereby appropriated, to the Economic Development Commission, to be payable from the Minority Loan Mobilization Revolving Fund, for the Economic Development Commission the following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 5 of Act 52 of 2011, for promoting the development of minority business enterprises in the State, increasing the ability of minority business enterprises to compete for state contracts, and sustaining the economic growth of minority business enterprises in the State, in a sum not to exceed.....\$296,573.

SECTION 8. REAPPROPRIATION - ECONOMIC DEVELOPMENT INCENTIVE PROGRAM. There is hereby appropriated, to the Economic Development Commission, to be payable from the Economic Development Incentive Fund of the Arkansas Economic Development Commission, for the Economic Development Commission the

following:

(A) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 4 of Act 544 of 2011, for financial incentives to companies locating a new facility or expanding an existing facility within the state of Arkansas and for companies that hire and maintain specified levels of employment, as identified in signed financial agreements, in a sum not to exceed.....\$37,500,000.

(B) Effective July 1, 2012, the balance of the appropriation provided in Item (A) Section 2 of Act 52 of 2011, for providing financial incentives to companies locating a new facility or expanding an existing facility within the State of Arkansas and for companies that hire and maintain specified levels of employment, as identified in signed financial incentive agreements, in a sum not to exceed.....\$32,134,653.

SECTION 9. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor obligations otherwise incurred in relation to the project or projects described herein in excess of the State Treasury funds actually available therefor as provided by law. Provided, however, that institutions and agencies listed herein shall have the authority to accept and use grants and donations including Federal funds, and to use its unobligated cash income or funds, or both available to it, for the purpose of supplementing the State Treasury funds for financing the entire costs of the project or projects enumerated herein. Provided further, that the appropriations and funds otherwise provided by the General Assembly for Maintenance and General Operations of the agency or institutions receiving appropriation herein shall not be used for any of the purposes as appropriated in this act.

(B) The restrictions of any applicable provisions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law and any other applicable fiscal control laws of this State and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of any funds provided by this act unless specifically provided otherwise by law.

SECTION 10. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations

contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2012 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2012 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2012.