

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S2/24/21 S3/1/21

A Bill

SENATE BILL 163

By: Senator J. English

By: Representative M. Berry

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS MILITARY AFFAIRS
COUNCIL ACT; TO ESTABLISH THE MILITARY AFFAIRS GRANT
PROGRAM; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO CREATE THE ARKANSAS MILITARY AFFAIRS
COUNCIL ACT; TO ESTABLISH THE MILITARY
AFFAIRS GRANT PROGRAM; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code § 15-4-209(a), concerning the functions, powers, and duties of the Arkansas Economic Development Commission, is amended to add an additional subdivision to read as follows:

(21) Promote and support military installations for state and local economic development.

SECTION 2. Arkansas Code Title 15, Chapter 4, is amended to add an additional subchapter to read as follows:

Subchapter 39 – Arkansas Military Affairs Council Act

15-4-3901. Title.

This subchapter shall be known and may be cited as the "Arkansas Military Affairs Council Act".



15-4-3902. Legislative intent.

The General Assembly finds that:

(1) The State of Arkansas has a long and distinguished history of hosting military installations vital to the defense of the United States;

(2) This state is currently home to the following five (5) military installations:

(A) Little Rock Air Force Base in Jacksonville, Arkansas;

(B) Pine Bluff Arsenal in Pine Bluff, Arkansas;

(C) Camp Joseph T. Robinson in North Little Rock,

Arkansas;

(D) Ebbing Air National Guard Base in Fort Smith,

Arkansas; and

(E) Fort Chaffee Joint Maneuver Training Center in Fort

Chaffee, Arkansas;

(3) Military installations are a major employer and contribute to state and local economic development;

(4) The closure or reduction in operation of any military installation would have a detrimental impact on the economy of our state; and

(5) State and local support for a military installation is a significant consideration of the United States Government in making decisions to realign or close a military installation.

15-4-3903. Definitions.

As used in this subchapter:

(1) "City" means a city of the first class, a city of the second class, or an incorporated town in this state;

(2) "Economic development organization" means a business entity:

(A) In good standing with the Secretary of State; and

(B) Formed to promote community development and economic development in a geographic area within this state;

(3) "Eligible applicant" means:

(A) A city;

(B) A county;

(C) An economic development organization;

(D) A military community council;

(E) A military installation; or

(F) A state agency;

(4) "Military community council" means a business entity:

(A) In good standing with the Secretary of State; and

(B) Formed to promote cooperation between military and civilian components of a designated geographic area within this state through the adoption and implementation of matters of joint interest to a military installation and the surrounding community by establishing and maintaining:

(i) Necessary infrastructure;

(ii) Safe and secure communities; and

(iii) Support services; and

(5)(A) "Military installation" means a facility located in this state that is under the jurisdiction of the United States Department of Defense or the Department of the Military, including without limitation a:

(i) Base;

(ii) Camp;

(iii) Post;

(iv) Station;

(v) Yard;

(vi) Center; or

(vii) Homeport facility for any ship.

(B) "Military installation" does not include a facility used primarily for:

(i) National guard armories;

(ii) Civil works;

(iii) Rivers and harbors projects; or

(iv) Flood control projects.

15-4-3904. Arkansas Military Affairs Council – Creation – Members.

(a) There is established the Arkansas Military Affairs Council.

(b) The purpose of the council is to advise and assist the Director of the Arkansas Economic Development Commission in the performance of his or her duties under this subchapter.

(c)(1) The Arkansas Military Affairs Council shall consist of twelve (12) members appointed at the discretion of the Governor.

(2) Members of the council shall consist of:

(A) Residents of communities near a military installation, including without limitation the following military installations:

(i) Little Rock Air Force Base in Jacksonville, Arkansas;

(ii) Pine Bluff Arsenal in Pine Bluff, Arkansas;

(iii) Camp Joseph T. Robinson in North Little Rock, Arkansas;

(iv) Fort Chaffee Joint Maneuver Training Center in Fort Chaffee, Arkansas; and

(v) Ebbing Air National Guard Base in Fort Smith, Arkansas;

(B) Representatives of aerospace and defense companies located within the State of Arkansas; and

(C) The Secretary of the Department of the Military or his or her designee as an ex officio non-voting member.

(3) Members of the council shall serve for five-year terms.

(d) The council shall select by majority vote:

(1) One (1) member of the council to serve as chair; and

(2) One (1) member of the council to serve as vice chair.

(e)(1) Members of the council shall serve without compensation.

(2) However, if funds are appropriated for expense reimbursement, the members of the council may receive expense reimbursement in accordance with § 25-16-902.

15-4-3905. Military Affairs Division – Military Affairs Director – Creation.

(a) There is created the Military Affairs Division within the Arkansas Economic Development Commission to be the instrumentality of this state to promote and support military installations in the State of Arkansas.

(b)(1) There is created the Military Affairs Director to head the Military Affairs Division.

(2) The Director of the Arkansas Economic Development Commission shall hire a qualified applicant to serve as the Military Affairs Director.

(c) All state agencies may provide the Director of the Arkansas Economic Development Commission with assistance in advancing the purpose of

the division by ensuring that the activities of the division are coordinated with the activities of other state agencies to achieve the purposes of this subchapter.

15-4-3906. Powers, functions, and duties.

The Director of the Arkansas Economic Development Commission, the Military Affairs Director, and the Military Affairs Division, with the advice and assistance of the Arkansas Military Affairs Council and in coordination with the Secretary of the Department of the Military, have the following powers, functions, and duties:

(1) To collect and distribute comprehensive information relating to the mission capability and economic impact of a military installation to:

- (A) A federal or state agency;
- (B) A city;
- (C) A county;
- (D) A military community council;
- (E) An economic development organization;
- (F) An individual; or
- (G) A corporation;

(2) To advise and assist, in coordination with the secretary, a local government, a military community council, or an economic development organization in:

- (A) Advocating for the needs of:
 - (i) A military installation;
 - (ii) Military personnel; and
 - (iii) Military families; and
- (B) Providing timely and effective responses to an inquiry from a federal agency concerning a military installation, in coordination with the secretary when an Arkansas National Guard military installation is impacted, and its host community;

(3) To safeguard state and local economic development interests relating to:

- (A) A military installation;
 - (B) Military personnel; and
 - (C) Military families;
- (4) To advise the Governor:

(A) Of the steps to take to:

(i) Help safeguard and strengthen the mission capability of a military installation; and

(ii) Position this state as a priority state in the national defense plan; and

(B) On the problems and needs of military families in the State of Arkansas and to develop appropriate policies at a state level to mitigate those needs; and

(5) To develop programs and resources to assist military personnel and their families upon exiting military service so that they may continue to work and live in this state.

15-4-3907. Military Affairs Grant Program.

The Military Affairs Grant Program is established to provide grants for projects or programs that:

(1) Support and sustain military installations and military families in Arkansas; or

(2) Result in economic growth to:

(A) The community hosting a military installation;

(B) The region surrounding a military installation; and

(C) This state.

15-4-3908. Grant application process, review, and approval.

(a)(1) An eligible applicant may submit an application to receive a grant provided under the Military Affairs Grant Program to the Arkansas Economic Development Commission.

(2) The commission shall:

(A) Solicit grant applications as funding becomes available; and

(B) Assign the Governor's Military Affairs Steering Committee to assist the Military Affairs Director in evaluating grant applications.

(3) The Director of the Arkansas Economic Development Commission shall award a grant for a project or program submitted based on the:

(A) Criteria established in the Military Affairs Grant Program Funding Recommendation Worksheet created by the Military Affairs

Division; and

(B) Grant recommendations of the Military Affairs Director and the committee.

(b) An eligible applicant applying for a grant under this section shall submit an application on a form prescribed by the commission that includes without limitation:

- (1) The title of the project or program;
- (2) The eligible applicant's contact information;
- (3) The organizational information of the eligible applicant;
- (4) The sources of all funds that will be used for the project or program, including prior Military Affairs Grant Program awards;
- (5) All prior Military Affairs Grant Program awards received by the eligible applicant;
- (6) The project or program proposal information;
- (7) The amount of funding requested; and
- (8) The start and completion dates of the project or program.

(c) The Military Affairs Director shall:

(1) Conduct a preliminary review of each grant application to confirm that the grant application:

(A) Was received on or before the due date specified in the grant application solicitation;

(B) Was submitted by an eligible applicant;

(C) Meets the objectives of the Military Affairs Grant Program;

(D) Identifies clearly defined and measurable outcomes relating to the objectives of the Military Affairs Grant Program;

(E) Includes a letter of support from the military installation commander if the project or program is located within the legal boundaries of a military installation; and

(F) Is complete, including without limitation all required appendices and attachments; and

(2) Forward the grant application to the committee at least fifteen (15) days before to the next scheduled committee meeting if the Military Affairs Director determines the grant application meets the preliminary review requirements under subdivision (c)(1) of this section.

(d) The committee shall:

(1) Review each grant application in accordance with the Military Affairs Grant Program Funding Recommendation Worksheet; and

(2) Return to the Military Affairs Director:

(A) A completed Military Affairs Grant Program Funding Recommendation Worksheet; and

(B) Funding recommendations for each grant application.

(e) The Military Affairs Director shall conduct a final review of each grant application and forward each grant application to the Director of the Arkansas Economic Development Commission for approval.

15-4-3909. Grant agreement.

An eligible applicant that receives approval from the Director of the Arkansas Economic Development Commission provided under the Military Affairs Grant Program shall execute a grant agreement with the Arkansas Economic Development Commission that includes without limitation the:

(1) Eligibility date for incurring costs for the project or program;

(2) Projected completion date of the portion of the project or program funded by the grant provided under the Military Affairs Grant Program;

(3) Amount of approved costs; and

(4) The process by which grant funds shall be disbursed to the eligible applicant.

15-4-3910. Rules.

The Military Affairs Division shall adopt rules to implement and administer this subchapter, including without limitation rules regarding the:

(1) Application process for grants provided under the Military Affairs Grant Program;

(2) Disbursement of grant funds; and

(3) Reporting required by an eligible applicant that receives grant funds.

SECTION 3. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly of the State of Arkansas that the optimal time to implement this act is at the beginning of the state's fiscal year; and that in order to

carry out the requirements of this act for the next fiscal year it is necessary that this act become effective on July 1, 2021 for budgeting purposes. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2021.

/s/J. English