

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 278

By: Joint Budget Committee

For An Act To Be Entitled

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

Subtitle

AN ACT FOR THE DEPARTMENT OF COMMERCE -
ARKANSAS ECONOMIC DEVELOPMENT COMMISSION
REAPPROPRIATION.

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

SECTION 1. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUND AND
CAPITAL PROJECTS - RURAL SERVICES DIVISION. There is hereby appropriated, to
the Department of Commerce, to be payable from the Development and
Enhancement Fund, for the Department of Commerce - Arkansas Economic
Development Commission - Rural Services Division the following:

(A) Effective July 1, 2021, the balance of the appropriation provided
in Item (C) of Section 2 of Act 117 of 2020, for community improvement grants
to counties, for operating, construction, improvements, equipment,
renovation, and maintenance expenses associated with county fairs and rodeos,
in a sum not to exceed\$5,625.

(B) Effective July 1, 2021, the balance of the appropriation provided
in Item (D) of Section 2 of Act 117 of 2020, for grants to fire departments,
counties, municipalities, or subdivisions thereof, or other eligible entities
for operating, construction, improvements, equipment, renovation, and
maintenance expenses associated with public buildings, community centers,



memorials, parks, amphitheaters, recreation centers, fire protection and cemeteries, in a sum not to exceed\$180.

SECTION 2. REAPPROPRIATION - ECONOMIC DEVELOPMENT INCENTIVE PROGRAM - CREATE REBATE. There is hereby appropriated, to the Department of Commerce, to be payable from the Economic Development Incentive Fund of the Arkansas Economic Development Commission, for the Department of Commerce - Arkansas Economic Development Commission the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (B) of Section 3 of Act 117 of 2020, for financial incentives to companies locating a new facility or expanding an existing facility with the State of Arkansas and for companies that hire and maintain specified levels of employment, as identified in signed financial agreements with the Arkansas Economic Development Commission, in a sum not to exceed\$37,500,000.

SECTION 3. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUNDS - DIVISION OF SCIENCE AND TECHNOLOGY. There is hereby appropriated, to the Department of Commerce, to be payable from the Development and Enhancement Fund, for the Department of Commerce - Arkansas Economic Development Commission - Division of Science and Technology the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 4 of Act 117 of 2020, for matching funds for a grant from the National Science Foundation, in a sum not to exceed\$8,453.

SECTION 4. REAPPROPRIATION - QUICK ACTION CLOSING FUND. There is hereby appropriated, to the Department of Commerce, to be payable from the Economic Development Incentive Quick Action Closing Fund, for the Department of Commerce - Arkansas Economic Development Commission the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 5 of Act 117 of 2020, for incentives to attract new business and economic development to the State by the Arkansas Economic Development Commission, in a sum not to exceed\$1,838,069.

(B) Effective July 1, 2021, the balance of the appropriation provided in Item (B) of Section 5 of Act 117 of 2020, for incentives to attract new business and economic development to the State, in a sum not to exceed\$18,727,888.

SECTION 5. REAPPROPRIATION - MINORITY AND WOMEN-OWNED BUSINESS LOAN MOBILIZATION. There is hereby appropriated, to the Department of Commerce, to be payable from the Minority and Women-Owned Business Loan Mobilization Revolving Fund, for the Department of Commerce - Arkansas Economic Development Commission the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 6 of Act 117 of 2020, 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\$202,578.

SECTION 6. REAPPROPRIATION - CAPITAL IMPROVEMENT PROJECTS, GRANTS AND PROGRAMS. There is hereby appropriated, to the Department of Commerce, to be payable from the Development and Enhancement Fund, for the Department of Commerce - Arkansas Economic Development Commission the following:

(A) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 9 of Act 117 of 2020, for statewide grants to organizations that provide spay and neuter services, in a sum not to exceed\$120,000.

(B) Effective July 1, 2021, the balance of the appropriation provided in Item (B) of Section 9 of Act 117 of 2020, for grants to eligible entities for improvements, construction, renovation, major maintenance, operating expenses and repairs for airports, in a sum not to exceed\$100,000.

(C) Effective July 1, 2021, the balance of the appropriation provided in Item (C) of Section 9 of Act 117 of 2020, for grants and/or loans to state agencies, community-based non-profit organizations, fire departments, counties, municipalities or subdivisions thereof, or other eligible entities for operating, construction, improvements, equipment, renovation, and/or maintenance expenses associated with public buildings, public lands, community centers, memorials, parks, amphitheaters, museums, recreation centers, fire protection, law enforcement, libraries, senior centers, and cemeteries, in a sum not to exceed\$27,917,430.

(D) Effective July 1, 2021, the balance of the appropriation provided in Item (D) of Section 9 of Act 117 of 2020, for payments on bonds issued for

economic development projects authorized under Amendment 82 to the Constitution of the State of Arkansas of 1874, in a sum not to exceed\$7,000,000.

(E) Effective July 1, 2021, the balance of the appropriation provided in Item (E) of Section 9 of Act 117 of 2020, for funding for grants and/or loans to state agencies, cities, counties, community-based non-profit organizations and other eligible entities to support economic stimulus activities throughout the state, in a sum not to exceed\$9,150,000.

(F) Effective July 1, 2021, the balance of the appropriation provided in Item (F) of Section 9 of Act 117 of 2020, for vital infrastructure needs, programs, grants, and/or loans for public buildings, water treatment systems, environmental concerns, energy needs, telecommunications, sewer systems, and cost-effective energy efficient improvements and technologies, in a sum not to exceed\$22,000,000.

(G) Effective July 1, 2021, the balance of the appropriation provided in Item (G) of Section 9 of Act 117 of 2020, for Public Safety Grants to eligible entities for personal services, operating expenses, equipment, maintenance, repair and upgrade associated with the provision of fire protection, search and rescue, security enhancement, telecommunications, emergency medical service, and disaster relief and recovery, in a sum not to exceed\$9,900,000.

(H) Effective July 1, 2021, the balance of the appropriation provided in Item (H) of Section 9 of Act 117 of 2020, for community improvement grants for equipment, repair, maintenance, construction, renovation, improvement and upgrade of public buildings and facilities, in a sum not to exceed\$5,000,000.

(I) Effective July 1, 2021, the balance of the appropriation provided in Item (I) of Section 9 of Act 117 of 2020, for grant matching funds and/or loans to state agencies, cities, counties, community-based non-profit organizations and other eligible entities applying for consideration with a granting organization that requires matching funds for projects, to maximize contributions, provide cash assistance, or match contributions to ensure grant funding or contract, in a sum not to exceed\$9,225,000.

(J) Effective July 1, 2021, the balance of the appropriation provided in Item (J) of Section 9 of Act 117 of 2020, for the purpose of providing grants and/or loans to state agencies, cities, counties, community-based non-

profit organizations and other entities determined by the Arkansas Economic Development Commission to be eligible to: (1) undertake public works projects and/or job training efforts which support private sector job creation opportunities; (2) alleviate conditions which constitute a threat to public health and wellbeing; (3) partially defray the cost of providing access to publicly owned industrial parks, and/or technology parks; (4) provide for the expansion of the aircraft and aerospace industry; (5) provide for port, rail and waterway economic development projects; (6) provide for technology based economic development projects; (7) provide for industrial site development costs (including, but not limited to land acquisition, construction, renovation, and equipment acquisition); (8) provide for development of intermodal facilities (including, but not limited to port and/or waterway projects, rail spur construction and/or road and highway improvement); (9) pay the costs of environmental mitigation projects; (10) provide for construction and/or improvement of water and sewer systems, in a sum not to exceed\$28,200,000.

(K) Effective July 1, 2021, the balance of the appropriation provided in Item (K) of Section 9 of Act 117 of 2020, for funding for an investment in Arkansas’s 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.

(L) Effective July 1, 2021, the balance of the appropriation provided in Item (L) of Section 9 of Act 117 of 2020, 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\$75,000,000.

(M) Effective July 1, 2021, the balance of the appropriation provided in Item (A) of Section 7 of Act 117 of 2020, 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; to provide grants

and/or loans for the expansion of the aircraft and aerospace industry; grants and/or loans for port and waterway economic development projects; grants and/or loans for industrial site development costs (including, but not limited to land acquisition, construction, renovation, and equipment acquisition); development of intermodal facilities (including, but not limited to port and waterway projects, rail spur construction and road and highway improvements); grants and/or loans to pay the costs of environmental mitigation projects; and for construction and/or improvement of water sewer systems, in a sum not to exceed\$6,365.

(N) Effective July 1, 2021, the balance of the appropriation provided in Item (B) of Section 7 of Act 117 of 2020, for funding for grants and/or loans to state agencies, cities, counties, community-based non-profit organizations and other eligible entities to support economic stimulus activities throughout the State, in a sum not to exceed\$325,001.

(O) Effective July 1, 2021, the balance of the appropriation provided in Item (C) of Section 7 of Act 117 of 2020, 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; to provide grants and/or loans for the expansion of the aircraft and aerospace industry; grants and/or loans for port and waterway economic development projects; grants and/or loans for technology based economic development projects; grants and/or loans for industrial site development costs (including, but not limited to land acquisition, construction, renovation, and equipment acquisition); development of intermodal facilities (including, but not limited to port and waterway projects, rail spur construction and road and highway improvements); 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\$12,676.

(P) Effective July 1, 2021, the balance of the appropriation provided in Item (D) of Section 7 of Act 117 of 2020, for allocation by the Executive Director of the Economic Development Commission for activities associated with the implementation of the State’s strategic plan for economic

development, in a sum not to exceed\$130,100.

SECTION 7. 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 8. 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 9. 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, 2021 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, 2021 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, 2021.