

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

SENATE BILL 106

4
5 By: Joint Budget Committee
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7

For An Act To Be Entitled

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

14 AN ACT FOR THE ECONOMIC DEVELOPMENT
15 COMMISSION REAPPROPRIATION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. REAPPROPRIATION - GRANTS/ PROJECTS/ FUNDS. There is hereby
22 appropriated, to the Economic Development Commission, to be payable from the
23 General Improvement Fund or its successor fund or fund accounts, for the
24 Economic Development Commission, the following:

25 (A) Effective July 1, 2010, the balance of the appropriation provided in
26 Item (A) of Section 3 of Act 102 of 2009, for providing funding and
27 appropriation for an investment in Arkansas' workforce through training
28 incentives for companies located in Arkansas to upgrade skills of their
29 existing workforce, or for a potential new workforce, and to build capacity
30 within Arkansas to supply on-going training needs to Arkansas companies and
31 to increase participation in the State's school-to-work initiatives, in a sum
32 not to exceed\$1,076,842.

33 (B) Effective July 1, 2010, the balance of the appropriation provided in
34 Item (A) of Section 4 of Act 102 of 2009, for providing funding for grants to
35 cities and counties to provide financial assistance necessary to undertake
36 public works projects and/or job training efforts which support private

1 sector job creation opportunities, alleviate conditions which constitute a
2 threat to public health and well being, or partially defray the costs of
3 providing access to publicly owned industrial parks; and for grants and/or
4 loans for the expansion of the aircraft and aerospace industry; and for
5 grants and/or loans for port and waterway economic development projects; and
6 for grants and/or loans to support technology based economic development
7 projects, in a sum not to exceed\$5,001,828.

8 (C) Effective July 1, 2010, the balance of the appropriation provided in
9 Item (A) of Section 5 of Act 102 of 2009, for the promotion of the movie/film
10 office for the production of full length movies in the State of Arkansas, in
11 a sum not to exceed\$8,683.

12 (D) Effective July 1, 2010, the balance of the appropriation provided in
13 Item (A) of Section 1 of Act 1010 of 2009, for costs associated with
14 construction, improvements and operations for capital expansion of the
15 Arkansas Entertainers Hall of Fame, in a sum not to exceed\$40,000.

16 (E) Effective July 1, 2010, the balance of the appropriation provided in
17 Item (A) of Section 1 of Act 1016 of 2009, for expenses associated with the
18 Arkansas River Connection Project, in a sum not to exceed\$245,000.

19 (F) Effective July 1, 2010, the balance of the appropriation provided in
20 Item (A) of Section 1 of Act 1067 of 2009, for grants to cities, counties,
21 planning and development districts, and other eligible entities for land
22 acquisition, improvements, construction, renovation, major maintenance, and
23 purchase of equipment, industrial site development costs including,
24 construction, renovation, and equipment acquisition, development of
25 intermodal facilities, including port and waterway projects, rail spur
26 construction and road and highway improvements, environmental mitigation
27 projects, and construction and improvement of water and sewer systems, in a
28 sum not to exceed\$200,000.

29 (G) Effective July 1, 2010, the balance of the appropriation provided in
30 Item (A) of Section 1 of Act 1095 of 2009, for grants to cities, counties,
31 planning and development districts, and other eligible entities for land
32 acquisition, improvements, construction, renovation, major maintenance, and
33 purchase of equipment, industrial site development costs including,
34 construction, renovation, and equipment acquisition, development of
35 intermodal facilities, including port and waterway projects, rail spur
36 construction, and road and highway improvements, environmental mitigation

1 projects, and construction and improvement of water and sewer systems, in a
2 sum not to exceed\$10,000,000.

3 (H) Effective July 1, 2010, the balance of the appropriation provided in
4 Item (A) of Section 1 of Act 1104 of 2009, for grants to cities, counties,
5 planning and development districts and other eligible entities for land
6 acquisition, improvements, construction, renovation, major maintenance, and
7 purchase of equipment, industrial site development costs including,
8 construction, renovation, and equipment acquisition, development of
9 intermodal facilities, including port and waterway projects, rail spur
10 construction and road and highway improvements, environmental mitigation
11 projects, and construction and improvement of water and sewer systems, in a
12 sum not to exceed\$2,000,000.

13 (I) Effective July 1, 2010, the balance of the appropriation provided in
14 Item (A) of Section 1 of Act 1140 of 2009, for grants to cities, counties,
15 planning and development districts, and other eligible entities for land
16 acquisition, improvements, construction, renovation, major maintenance, and
17 purchase of equipment, industrial site development costs including,
18 construction, renovation, and equipment acquisition, development of
19 intermodal facilities, including port and waterway projects, rail spur
20 construction and road and highway improvements, environmental mitigation
21 projects and construction and improvement of water and sewer systems, in a
22 sum not to exceed\$500,000.

23 (J) Effective July 1, 2010, the balance of the appropriation provided in
24 Item (A) of Section 1 of Act 1249 of 2009, for a grant to the Northwest
25 Arkansas Regional Planning Commission for a feasibility study of a Western
26 Beltway, in a sum not to exceed\$150,000.

27 (K) Effective July 1, 2010, the balance of the appropriation provided in
28 Item (A) of Section 1 of Act 1253 of 2009, for grants to cities, counties,
29 planning and development districts, and other eligible entities for land
30 acquisition, improvements, construction, renovation, major maintenance, and
31 purchase of equipment, industrial site development costs including,
32 construction, renovation, and equipment acquisition, development of
33 intermodal facilities, including port and waterway projects, rail spur
34 construction and road and highway improvements, environmental mitigation
35 projects, and construction and improvement of water and sewer systems, in a
36 sum not to exceed\$200,000.

1 (L) Effective July 1, 2010, the balance of the appropriation provided in
2 Item (A) of Section 1 of Act 1254 of 2009, for grants to cities for personal
3 services and operating expenses for job training, in a sum not to exceed
4\$175,000.

5 (M) Effective July 1, 2010, the balance of the appropriation provided in
6 Item (A) of Section 1 of Act 1270 of 2009, for grants to cities, counties,
7 planning and development districts, and other eligible entities for land
8 acquisition, improvements, construction, renovation, major maintenance, and
9 purchase of equipment, industrial site development costs including,
10 construction, renovation, and equipment acquisition, development of
11 intermodal facilities, including port and waterway projects, rail spur
12 construction and road and highway improvements, environmental mitigation
13 projects, and construction and improvement of water and sewer systems, in a
14 sum not to exceed\$1,000,000.

15 (N) Effective July 1, 2010, the balance of the appropriation provided in
16 Item (A) of Section 2 of Act 1290 of 2009, for grants to eligible entities in
17 efforts to promote economic and social development including the purchase,
18 distribution, and associated costs for providing emergency food, food
19 banks/food suppliers, government surplus food distribution sites, home
20 assistance/supplies, in a sum not to exceed\$350,000.

21 (O) Effective July 1, 2010, the balance of the appropriation provided in
22 Section 1 of Act 1391 of 2009, for a feasibility study and engineering report
23 to expand the South Central High Speed Rail Corridor from Texarkana, Arkansas
24 to Memphis, Tennessee, in a sum not to exceed\$5,000,000.

25 (P) Effective July 1, 2010, the balance of the appropriation provided in
26 Item (A) of Section 1 of Act 1428 of 2009, for grants to state agencies,
27 cities and counties, and other eligible entities, for industrial site
28 development costs including land acquisition, construction, renovation, and
29 equipment acquisition, development of intermodal facilities, including port
30 and waterway projects, rail spur construction and road and highway
31 improvements, environmental mitigation projects, and construction and
32 improvement of water and sewer systems, in a sum not to exceed
33\$10,000,000.

34 (Q) Effective July 1, 2010, the balance of the appropriation provided in
35 Item (A) of Section 10 of Act 1428 of 2009, for transfer into the Minority
36 Business Loan Mobilization Revolving Fund to promote the development of

1 minority business enterprises in the State, increase the ability of minority
2 business enterprises to compete for state contracts, and sustain the economic
3 growth of minority business enterprises in the State, in a sum not to exceed
4\$400,000.

5 (R) Effective July 1, 2010, the balance of the appropriation provided in
6 Item (A) of Section 12 of Act 1428 of 2009, for the allocation by the
7 Executive Director of the Arkansas Economic Development Commission, for
8 activities associated with the implementation of Governor Mike Beebe's
9 Strategic Plan for Economic Development, in a sum not to exceed ...\$500,000.

10 (S) Effective July 1, 2010, the balance of the appropriation provided in
11 Item (A) of Section 2 of Act 1428 of 2009, for providing funding for grants
12 to cities and counties to provide financial assistance necessary to undertake
13 public works projects and/or job training efforts which support private
14 sector job creation opportunities, alleviate conditions which constitute a
15 threat to public health and well-being, or partially defray the costs of
16 providing access to publicly owned industrial parks; and for grants and/or
17 loans for the expansion of the aircraft and aerospace industry; and for
18 grants and/or loans for the expansion of the aircraft and aerospace industry;
19 and for grants and/or loans to support technology based economic development
20 projects, in a sum not to exceed\$20,000,000.

21 (T) Effective July 1, 2010, the balance of the appropriation provided in
22 Item (A) of Section 3 of Act 1428 of 2009, for transfer to the Quick Action
23 Closing Fund to provide incentives to attract new business and economic
24 development to the State, in a sum not to exceed\$50,000,000.

25 (U) Effective July 1, 2010, the balance of the appropriation provided in
26 Item (A) of Section 5 of Act 1428 of 2009, for providing funding and
27 appropriation for an investment in Arkansas' workforce through training
28 incentives for companies located in Arkansas to upgrade skills of their
29 existing workforce, or for a potential new workforce, and to build capacity
30 within Arkansas to supply on-going training needs of Arkansas companies and
31 to increase participation in the State's school-to-work initiatives, in a sum
32 not to exceed\$5,000,000.

33 (V) Effective July 1, 2010, the balance of the appropriation provided in
34 Item (A) of Section 6 of Act 1428 of 2009, for transfer to the Innovate
35 Arkansas Fund to provide assistance to start-up technology oriented
36 businesses, in a sum not to exceed\$3,000,000.

1 (W) Effective July 1, 2010, the balance of the appropriation provided in
2 Item (A) of Section 8 of Act 1428 of 2009, for economic development projects
3 authorized under Amendment 82 to the Constitution of the State of Arkansas of
4 1874, in a sum not to exceed\$225,000,000.

5 (X) Effective July 1, 2010, the balance of the appropriation provided in
6 Item (A) of Section 1 of Act 1434 of 2009, for grants to cities, counties,
7 planning and development districts, multipurpose civic centers that operate
8 under the authority of a Multi-Purpose Civic Center Facilities Board and
9 other eligible entities for land acquisition, improvements, construction,
10 renovation, major maintenance, and purchase of equipment, industrial site
11 development costs including, construction, renovation, and equipment
12 acquisition, development of intermodal facilities including port and waterway
13 projects, rail spur construction and road and highway improvements,
14 environmental mitigation projects, and construction and improvement of water
15 and sewer systems, in a sum not to exceed\$500,000.

16 (Y) Effective July 1, 2010, the balance of the appropriation provided in
17 Item (A) of Section 1 of Act 868 of 2009, for expenses of regional mobility
18 authorities to study and develop projects of regional significance, in a sum
19 not to exceed\$200,000.

20 (Z) Effective July 1, 2010, the balance of the appropriation provided in
21 Item (A) of Section 1 of Act 871 of 2009, for the cost associated with
22 providing production rebates, in a sum not to exceed\$5,000,000.

23 (AA) Effective July 1, 2010, the balance of the appropriation provided in
24 Item (A) of Section 1 of Act 885 of 2009, for defraying the cost of
25 constructing and operating Senior Citizen Centers, in a sum not to exceed
26\$5,000,000.

27 (BB) Effective July 1, 2010, the balance of the appropriation provided in
28 Item (A) of Section 1 of Act 904 of 2009, for a grant to the Bi-State
29 Metropolitan Planning Organization to support the development and
30 implementation of regional intermodal freight facilities and operations in
31 the west and northwest regions of Arkansas, in a sum not to exceed
32\$326,000.

33 (CC) Effective July 1, 2010, the balance of the appropriation provided in
34 Item (A) of Section 1 of Act 915 of 2009, for grants to cities, counties,
35 planning and development districts, and other eligible entities for land
36 acquisition, improvements, construction, renovation, major maintenance, and

1 purchase of equipment, industrial site development costs including,
2 construction, renovation, and equipment acquisition, development of
3 intermodal facilities, including port and waterway projects, rail spur
4 construction and road and highway improvements, environmental mitigation
5 projects, and construction and improvement of water and sewer systems, in a
6 sum not to exceed\$2,000,000.

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8 SECTION 2. REAPPROPRIATION - ECONOMIC DEVELOPMENT INCENTIVE PROGRAM. There
9 is hereby appropriated, to the Economic Development Commission, to be payable
10 from the Economic Development Incentive Fund of the Arkansas Economic
11 Development Commission, for the Economic Development Commission, the
12 following:

13 (A) Effective July 1, 2010, the balance of the appropriation provided in
14 Item (A) of Section 1 of Act 102 of 2009, for providing financial incentives
15 to companies locating a new facility or expanding an existing facility within
16 the State of Arkansas and for reimbursement to companies that hire and
17 maintain specified levels of employment, in a sum not to exceed
18\$20,654,107.

19 (B) Effective July 1, 2010, the balance of the appropriation provided in
20 Section 9 of Act 1428 of 2009, for providing financial incentives to
21 companies locating a new facility or expanding an existing facility within
22 the State of Arkansas and for companies that hire and maintain specified
23 levels of employment, as identified in signed financial incentive agreements,
24 in a sum not to exceed\$39,500,000.

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26 SECTION 3. REAPPROPRIATION - QUICK ACTION CLOSING FUND. There is hereby
27 appropriated, to the Economic Development Commission, to be payable from the
28 Economic Development Incentive Quick Action Closing Fund, for the Economic
29 Development Commission, the following:

30 (A) Effective July 1, 2010, the balance of the appropriation provided in
31 Item (A) of Section 2 of Act 102 of 2009, for investment incentives to
32 attract new business and economic development to the state, in a sum not to
33 exceed\$32,644,725.

34 (B) Effective July 1, 2010, the balance of the appropriation provided in
35 Section 4 of Act 1428 of 2009, for incentives to attract new business and
36 economic development to the state, in a sum not to exceed\$50,000,000.

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SECTION 4. REAPPROPRIATION - RAILROAD RECLAMATION. 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, 2010, the balance of the appropriation provided in Section 2 of Act 1143 of 2009, for grants for construction, operating expenses, personal services and equipment for railroad reclamation, in a sum not to exceed\$1,000,000.

SECTION 5. REAPPROPRIATION - SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM FUND). There is hereby appropriated, to the Economic Development Commission, to be payable from the Science, Technology, Engineering, and Math Fund, for the Economic Development Commission, the following:

(A) Effective July 1, 2010, the balance of the appropriation provided in Section 2 of Act 1235 of 2009, for investments in a competitive pay supplement and related expenses by the Economic Development Commission, in a sum not to exceed\$1,000,000.

SECTION 6. 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, 2010, the balance of the appropriation provided in Section 11 of Act 1428 of 2009, 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\$400,000.

SECTION 7. 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, 2010, the balance of the appropriation provided in Section 7 of Act 1428 of 2009, for providing assistance to start-up

1 technology oriented businesses, in a sum not to exceed\$3,000,000.

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3 SECTION 8. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
4 obligations otherwise incurred in relation to the project or projects
5 described herein in excess of the State Treasury funds actually available
6 therefore as provided by law. Provided, however, that institutions and
7 agencies listed herein shall have the authority to accept and use grants and
8 donations including Federal funds, and to use its unobligated cash income or
9 funds, or both available to it, for the purpose of supplementing the State
10 Treasury funds for financing the entire costs of the project or projects
11 enumerated herein. Provided further, that the appropriations and funds
12 otherwise provided by the General Assembly for Maintenance and General
13 Operations of the agency or institutions receiving appropriation herein shall
14 not be used for any of the purposes as appropriated in this act.

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

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22 SECTION 9. LEGISLATIVE INTENT. It is the intent of the General Assembly
23 that any funds disbursed under the authority of the appropriations contained
24 in this act shall be in compliance with the stated reasons for which this act
25 was adopted, as evidenced by the Agency Requests, Executive Recommendations
26 and Legislative Recommendations contained in the budget manuals prepared by
27 the Department of Finance and Administration, letters, or summarized oral
28 testimony in the official minutes of the Arkansas Legislative Council or
29 Joint Budget Committee which relate to its passage and adoption.

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31 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the General
32 Assembly, that the Constitution of the State of Arkansas prohibits the
33 appropriation of funds for more than a one (1) year period; that the
34 effectiveness of this Act on July 1, 2010 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the legislative session, the delay in the

1 effective date of this Act beyond July 1, 2010 could work irreparable harm
2 upon the proper administration and provision of essential governmental
3 programs. Therefore, an emergency is hereby declared to exist and this Act
4 being necessary for the immediate preservation of the public peace, health
5 and safety shall be in full force and effect from and after July 1, 2010.

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7 **APPROVED: 2/26/2010**
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