

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 328

5 By: Joint Budget Committee
6

For An Act To Be Entitled

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

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13 AN ACT FOR THE ARKANSAS ECONOMIC
14 DEVELOPMENT COMMISSION REAPPROPRIATION.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUNDS. There
21 is hereby appropriated, to the Arkansas Economic Development Commission, to
22 be payable from the Development and Enhancement Fund, for the Arkansas
23 Economic Development Commission the following:

24 (A) Effective July 1, 2019, the balance of the appropriation provided
25 in Item (A) of Section 1 of Act 220 of 2018, for a transfer to the Economic
26 Development Incentive Quick Action Closing Fund, for incentives to attract
27 new business and economic development to the state, in a sum not to exceed
28\$20,000,000.

29 (B) Effective July 1, 2019, the balance of the appropriation provided
30 in Item (B) of Section 1 of Act 220 of 2018, for funding for an investment in
31 Arkansas' workforce through training incentives for companies located in
32 Arkansas to upgrade skills of their existing workforce, or for a potential
33 new workforce, and to build capacity within Arkansas to supply on-going
34 training needs of Arkansas companies and to increase participation in the
35 State's school-to-work initiatives, in a sum not to exceed\$3,000,000.

36 (C) Effective July 1, 2019, the balance of the appropriation provided



1 in Item (C) of Section 1 of Act 220 of 2018, for payments on bonds issued for
2 economic development projects authorized under Amendment 82 to the
3 Constitution of the State of Arkansas of 1874, in a sum not to exceed
4\$7,000,000.

5 (D) Effective July 1, 2019, the balance of the appropriation provided
6 in Item (D) of Section 1 of Act 220 of 2018, for funding for grants and/or
7 loans to state agencies, cities, counties, community-based non-profit
8 organizations and other eligible entities to undertake public works projects
9 and/or job training efforts which support private sector job creation
10 opportunities, alleviate conditions which constitute a threat to public
11 health and well-being, or partially defray the costs of providing access to
12 publicly owned industrial parks, and/or technology parks; to provide grants
13 and/or loans for the expansion of the aircraft and aerospace industry; grants
14 and/or loans for port and waterway economic development projects; grants
15 and/or loans for technology based economic development projects; grants
16 and/or loans for industrial site development costs (including, but not
17 limited to land acquisition, construction, renovation, and equipment
18 acquisition); development of intermodal facilities (including, but not
19 limited to port and waterway projects, rail spur construction and road and
20 highway improvements); grants and/or loans to pay the costs of environmental
21 mitigation projects; and for construction and/or improvement of water and
22 sewer systems, in a sum not to exceed\$13,437,844.

23 (E) Effective July 1, 2019, the balance of the appropriation provided
24 in Item (E) of Section 1 of Act 220 of 2018, for funding for grants and/or
25 loans to state agencies, cities, counties, community-based non-profit
26 organizations and other eligible entities to support economic stimulus
27 activities throughout the State, in a sum not to exceed\$10,000,000.

28 (F) Effective July 1, 2019, the balance of the appropriation provided
29 in Item (G) of Section 1 of Act 220 of 2018, for allocation by the Executive
30 Director of the Arkansas Economic Development Commission for activities
31 associated with the implementation of the State’s strategic plan for economic
32 development, in a sum not to exceed\$500,000.

33 (G) Effective July 1, 2019, the balance of the appropriation provided
34 in Item (F) of Section 1 of Act 220 of 2018, for a transfer to the Arkansas
35 Acceleration Fund for the Arkansas business technology accelerator program,
36 in a sum not to exceed\$2,000,000.

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

(A) Effective July 1, 2019, the balance of the appropriation provided
in Item (A) of Section 2 of Act 220 of 2018, 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.

SECTION 3. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUND AND
CAPITAL PROJECTS - RURAL SERVICES DIVISION. There is hereby appropriated, to
the Arkansas Economic Development Commission, to be payable from the
Development and Enhancement Fund, for the Arkansas Economic Development
Commission - Rural Services Division the following:

(A) Effective July 1, 2019, the balance of the appropriation provided
in Item (A) of Section 3 of Act 220 of 2018, for grants to counties,
municipalities, or subdivisions thereof, or other eligible entities for
operating, construction, improvements, equipment, renovation, and maintenance
expenses for African American cemeteries, in a sum not to exceed\$9,857.

(B) Effective July 1, 2019, the balance of the appropriation provided
in Item (B) of Section 3 of Act 220 of 2018, for grants to 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, libraries and cemeteries, in a sum
not to exceed\$39,588.

(C) Effective July 1, 2019, the balance of the appropriation provided
in Item (C) of Section 3 of Act 220 of 2018, 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.

(D) Effective July 1, 2019, the balance of the appropriation provided

1 in Item (D) of Section 3 of Act 220 of 2018, for grants to fire departments,
2 counties, municipalities, or subdivisions thereof, or other eligible entities
3 for operating, construction, improvements, equipment, renovation, and
4 maintenance expenses associated with public buildings, community centers,
5 memorials, parks, amphitheaters, recreation centers, fire protection and
6 cemeteries, in a sum not to exceed\$51,863.

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8 SECTION 4. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUNDS -
9 DIVISION OF SCIENCE AND TECHNOLOGY. There is hereby appropriated, to the
10 Arkansas Economic Development Commission, to be payable from the Development
11 and Enhancement Fund, for the Arkansas Economic Development Commission -
12 Division of Science and Technology the following:

13 (A) Effective July 1, 2019, the balance of the appropriation provided
14 in Item (A) of Section 4 of Act 220 of 2018, for matching funds for a grant
15 from the National Science Foundation, in a sum not to exceed\$8,453.

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17 SECTION 5. REAPPROPRIATION - ECONOMIC DEVELOPMENT INCENTIVE FUNDS.
18 There is hereby appropriated, to the Arkansas Economic Development
19 Commission, to be payable from the Economic Development Incentive Fund of the
20 Arkansas Economic Development Commission, for the Arkansas Economic
21 Development Commission the following:

22 (A) Effective July 1, 2019, the balance of the appropriation provided
23 in Item (B) of Section 7 of Act 220 of 2018, for financial incentives to
24 companies locating a new facility or expanding an existing facility within
25 the state of Arkansas and for companies that hire and maintain specified
26 levels of employment, as identified in signed financial agreements, in a sum
27 not to exceed\$23,267,244.

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

33 (A) Effective July 1, 2019, the balance of the appropriation provided
34 in Item (A) of Section 9 of Act 220 of 2018, for incentives to attract new
35 business and economic development to the State by the Arkansas Economic
36 Development Commission, in a sum not to exceed\$9,112,793.

(B) Effective July 1, 2019, the balance of the appropriation provided in Item (B) of Section 9 of Act 220 of 2018, for incentives to attract new business and economic development to the State, in a sum not to exceed\$18,727,888.

SECTION 7. REAPPROPRIATION - MINORITY AND WOMEN OWNED BUSINESS LOAN MOBILIZATION. There is hereby appropriated, to the Arkansas Economic Development Commission, to be payable from the Minority and Women-Owned Loan Mobilization Revolving Fund, for the Arkansas Economic Development Commission the following:

(A) Effective July 1, 2019, the balance of the appropriation provided in Item (A) of Section 10 of Act 220 of 2018, 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\$293,269.

SECTION 8. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUNDS. There is hereby appropriated, to the Arkansas Economic Development Commission, to be payable from the Development and Enhancement Fund, for the Arkansas Economic Development Commission the following:

(A) Effective July 1, 2019, the balance of the appropriation provided in Item (B) of Section 11 of Act 220 of 2018, 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\$69,000.

(B) Effective July 1, 2019, the balance of the appropriation provided in Item (C) of Section 11 of Act 220 of 2018, 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,

1 construction, renovation, and equipment acquisition, development of
2 intermodal facilities, including port and waterway projects, rail spur
3 construction and road and highway improvements, environmental mitigation
4 projects and construction and improvement of water and sewer systems, in a
5 sum not to exceed\$20,000.

6 (C) Effective July 1, 2019, the balance of the appropriation provided
7 in Item (D) of Section 11 of Act 220 of 2018, for funding for grants and/or
8 loans to state agencies, cities, counties, community-based non-profit
9 organizations and other eligible entities to undertake public works projects
10 and/or job training efforts which support private sector job creation
11 opportunities, alleviate conditions which constitute a threat to public
12 health and well-being, or partially defray the costs of providing access to
13 publicly owned industrial parks, and/or technology parks; to provide grants
14 and/or loans for the expansion of the aircraft and aerospace industry; grants
15 and/or loans for port and waterway economic development projects; grants
16 and/or loans for technology based economic development projects; grants
17 and/or loans for industrial site development costs (including, but not
18 limited to land acquisition, construction, renovation, and equipment
19 acquisition); development of intermodal facilities (including, but not
20 limited to port and waterway projects, rail spur construction and road and
21 highway improvements); grants and/or loans to pay the costs of environmental
22 mitigation projects; and for construction and/or improvement of water and
23 sewer systems, in a sum not to exceed\$162,676.

24 (D) Effective July 1, 2019, the balance of the appropriation provided
25 in Item (F) of Section 11 of Act 220 of 2018, for providing funding for
26 grants to cities and counties to provide financial assistance necessary to
27 undertake public works projects and/or job training efforts which support
28 private sector job creation opportunities, alleviate conditions which
29 constitute a threat to public health and well-being, or partially defray the
30 costs of providing access to publicly owned industrial parks; and for grants
31 and/or loans for the expansion of the aircraft and aerospace industry; and
32 for grants and/or loans to support technology based economic development
33 projects, in a sum not to exceed\$73,778.

34 (E) Effective July 1, 2019, the balance of the appropriation provided
35 in Item (Q) of Section 11 of Act 220 of 2018, for allocation by the Executive
36 Director of the Arkansas Economic Development Commission for activities

1 associated with the implementation of the State’s strategic plan for economic
2 development, in a sum not to exceed\$130,100.

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4 SECTION 9. REAPPROPRIATION - INNOVATE ARKANSAS. There is hereby
5 appropriated, to the Arkansas Economic Development Commission, to be payable
6 from the Innovate Arkansas Fund, for the Arkansas Economic Development
7 Commission the following:

8 (A) Effective July 1, 2019, the balance of the appropriation provided
9 in Item (A) of Section 13 of Act 220 of 2018, for personal services and
10 operating expenses, in a sum not to exceed\$323,310.

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

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

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32 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General
33 Assembly that any funds disbursed under the authority of the appropriations
34 contained in this act shall be in compliance with the stated reasons for
35 which this act was adopted, as evidenced by the Agency Requests, Executive
36 Recommendations and Legislative Recommendations contained in the budget

1 manuals prepared by the Department of Finance and Administration, letters, or
2 summarized oral testimony in the official minutes of the Arkansas Legislative
3 Council or Joint Budget Committee which relate to its passage and adoption.
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5 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly, that the Constitution of the State of Arkansas prohibits
7 the appropriation of funds for more than a one (1) year period; that the
8 effectiveness of this Act on July 1, 2019 is essential to the operation of
9 the agency for which the appropriations in this Act are provided, and that in
10 the event of an extension of the legislative session, the delay in the
11 effective date of this Act beyond July 1, 2019 could work irreparable harm
12 upon the proper administration and provision of essential governmental
13 programs. Therefore, an emergency is hereby declared to exist and this Act
14 being necessary for the immediate preservation of the public peace, health
15 and safety shall be in full force and effect from and after July 1, 2019.
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18 **APPROVED: 3/1/19**
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