

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 278

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 DEPARTMENT OF
10 COMMERCE - ARKANSAS ECONOMIC DEVELOPMENT COMMISSION;
11 AND FOR OTHER PURPOSES.
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Subtitle

14 AN ACT FOR THE DEPARTMENT OF COMMERCE -
15 ARKANSAS ECONOMIC DEVELOPMENT COMMISSION
16 REAPPROPRIATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REAPPROPRIATION - DEVELOPMENT AND ENHANCEMENT FUND AND
23 CAPITAL PROJECTS - RURAL SERVICES DIVISION. There is hereby appropriated, to
24 the Department of Commerce, to be payable from the Development and
25 Enhancement Fund, for the Department of Commerce - Arkansas Economic
26 Development Commission - Rural Services Division the following:

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

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



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

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

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

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

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

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

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

33 (B) Effective July 1, 2021, the balance of the appropriation provided
34 in Item (B) of Section 5 of Act 117 of 2020, for incentives to attract new
35 business and economic development to the State, in a sum not to exceed
36\$18,727,888.

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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

1 economic development projects authorized under Amendment 82 to the
2 Constitution of the State of Arkansas of 1874, in a sum not to exceed
3\$7,000,000.

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

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

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

22 (H) Effective July 1, 2021, the balance of the appropriation provided
23 in Item (H) of Section 9 of Act 117 of 2020, for community improvement grants
24 for equipment, repair, maintenance, construction, renovation, improvement and
25 upgrade of public buildings and facilities, in a sum not to exceed
26\$5,000,000.

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

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

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

17 (K) Effective July 1, 2021, the balance of the appropriation provided
 18 in Item (K) of Section 9 of Act 117 of 2020, for funding for an investment in
 19 Arkansas’s workforce through training incentives for companies located in
 20 Arkansas to upgrade skills of their existing workforce, or for a potential
 21 new workforce, and to build capacity within Arkansas to supply on-going
 22 training needs of Arkansas companies and to increase participation in the
 23 State’s school-to-work initiatives, in a sum not to exceed\$3,000,000.

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

29 (M) Effective July 1, 2021, the balance of the appropriation provided
 30 in Item (A) of Section 7 of Act 117 of 2020, for funding for grants and/or
 31 loans to state agencies, cities, counties, community-based non-profit
 32 organizations and other eligible entities to undertake public works projects
 33 and/or job training efforts which support private sector job creation
 34 opportunities, alleviate conditions which constitute a threat to public
 35 health and well-being, or partially defray the costs of providing access to
 36 publicly owned industrial parks, and/or technology parks; to provide grants

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

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

15 (O) Effective July 1, 2021, the balance of the appropriation provided
16 in Item (C) of Section 7 of Act 117 of 2020, for funding for grants and/or
17 loans to state agencies, cities, counties, community-based non-profit
18 organizations and other eligible entities to undertake public works projects
19 and/or job training efforts which support private sector job creation
20 opportunities, alleviate conditions which constitute a threat to public
21 health and well-being, or partially defray the costs of providing access to
22 publicly owned industrial parks, and/or technology parks; to provide grants
23 and/or loans for the expansion of the aircraft and aerospace industry; grants
24 and/or loans for port and waterway economic development projects; grants
25 and/or loans for technology based economic development projects; grants
26 and/or loans for industrial site development costs (including, but not
27 limited to land acquisition, construction, renovation, and equipment
28 acquisition); development of intermodal facilities (including, but not
29 limited to port and waterway projects, rail spur construction and road and
30 highway improvements); grants and/or loans to pay the costs of environmental
31 mitigation projects; and for construction and/or improvement of water and
32 sewer systems, in a sum not to exceed\$12,676.

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

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

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3 SECTION 7. 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 therefor 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
16 Purchasing Law, the General Accounting and Budgetary Procedures Law, the
17 Revenue Stabilization Law and any other applicable fiscal control laws of
18 this State and regulations promulgated by the Department of Finance and
19 Administration, as authorized by law, shall be strictly complied with in
20 disbursement of any funds provided by this act unless specifically provided
21 otherwise by law.

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23 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
24 Assembly that any funds disbursed under the authority of the appropriations
25 contained in this act shall be in compliance with the stated reasons for
26 which this act was adopted, as evidenced by the Agency Requests, Executive
27 Recommendations and Legislative Recommendations contained in the budget
28 manuals prepared by the Department of Finance and Administration, letters, or
29 summarized oral testimony in the official minutes of the Arkansas Legislative
30 Council or Joint Budget Committee which relate to its passage and adoption.

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32 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly, that the Constitution of the State of Arkansas prohibits the
34 appropriation of funds for more than a one (1) year period; that the
35 effectiveness of this Act on July 1, 2021 is essential to the operation of
36 the agency for which the appropriations in this Act are provided, and that in

1 the event of an extension of the legislative session, the delay in the
2 effective date of this Act beyond July 1, 2021 could work irreparable harm
3 upon the proper administration and provision of essential governmental
4 programs. Therefore, an emergency is hereby declared to exist and this Act
5 being necessary for the immediate preservation of the public peace, health
6 and safety shall be in full force and effect from and after July 1, 2021.

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9 **APPROVED: 3/15/21**
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