

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 967 of the Regular Session**

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 1867

5 By: Representative L. Smith
6
7

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY
OF ARKANSAS – FAYETTEVILLE FOR U OF A COMMUNITY
DESIGN CENTER ASSISTANCE AND GRANTS; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT FOR THE UNIVERSITY OF ARKANSAS -
FAYETTEVILLE - U OF A COMMUNITY DESIGN
CENTER ASSISTANCE AND GRANTS GENERAL
IMPROVEMENT APPROPRIATION.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATIONS - U OF A COMMUNITY DESIGN CENTER. There is
25 hereby appropriated, to the University of Arkansas - Fayetteville, to be
26 payable from the General Improvement Fund or its successor fund or fund
27 accounts, the following:

28 (A) For operating costs, assistance and grants to communities across the
29 State and other expenses of the Community Design Center; providing
30 communities planning and services for development and attraction of
31 amenities, growth, environmental quality, healthful living, and minimization
32 of barriers, the sum of\$500,000.
33

34 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINDINGS.



1 The General Assembly finds that:

2 (1) Well-planned communities form the basis for sustained economic
 3 development;

4 (2) An economic development program that develops a community's
 5 environmental quality, good downtown and neighborhoods, diversity, art and
 6 cultural amenities, schools, and transportation in a creative and well-
 7 designed manner with the purpose of improving the livability of the area for
 8 the community is more likely to attract desirable economic activity;

9 (3) A community that is designed and planned to facilitate walking and
 10 other active lifestyle activities by utilizing mixed-use structures, higher
 11 density development, and smart growth principals can improve the health of
 12 residents in that community and positively impact the statewide health index
 13 of Arkansas;

14 (4) Of the four hundred eight-eight (488) cities in Arkansas, only
 15 thirty-three (33) have a population greater than ten thousand (10,000) with
 16 the average city housing a population of five thousand four hundred seventy-
 17 eight (5,478);

18 (5) Due to the small size of most cities in Arkansas, the small
 19 communities lack in-house planning staffs and cannot afford to hire outside
 20 planning consultants;

21 (6) Many Arkansas communities consist of exemplary historic downtowns
 22 and neighborhoods, but their inability to steward these assets and to manage
 23 growth through good town planning places them at an economic disadvantage;

24 (7) Arkansas is fortunate to be the home of the University of Arkansas
 25 Community Design Center (UACDC), which is a nationally and internationally
 26 recognized planning and design program that is the only program in Arkansas
 27 that teaches community planning and design to university students;

28 (8) Parallel to its educational function, the UACDC has provided
 29 planning and design services to a limited number of communities based on each
 30 community's ability to afford the cost of its out-reach services, which
 31 limits access to the services of the UACDC only to those communities able to
 32 pay for the costs of the professional planning and design services; and

33 (9) That using general improvement funds for a grant program under
 34 this act shall ensure that Arkansas continues to advance in its efforts to
 35 improve economic development in the state and to provide more opportunities
 36 for the state as a whole by creating communities that attract both industry

1 and people.

2 The provisions of this section shall be in effect only from July 1, 2007
3 through June 30, 2009.

4

5 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
7 ASSISTANCE.

8 (a) The purpose of this act is to:

9 (1) Provide Arkansas communities of less than ten thousand (10,000)
10 people with grant opportunities to afford the services of professional
11 community planners;

12 (2) Provide communities with the assistance needed to properly plan
13 and develop their communities in such a way as to create growth;

14 (3) Provide communities with the resources to attract entrepreneurial
15 populations;

16 (4) Provide communities with assistance in developing their
17 communities in such a way as to promote environmental quality, good
18 neighborhoods, diversity, art and cultural amenities, schools and,
19 transportation;

20 (5) Assist communities in building their communities in such a way as
21 to promote foot and cycle traffic, thus encouraging physical activity within
22 the new communities; and

23 (6) Prevent communities from developing in such a way that they create
24 barriers and prevent future economic growth.

25 (b)(1) The University of Arkansas Community Design Center shall develop,
26 implement, and administer a statewide grant program as provided under this
27 subsection (b) that provides the Arkansas communities that are selected as
28 grant recipients with professional planning and design services.

29 (2) To be eligible for a grant under this subsection (b), the
30 community must have a population of ten thousand (10,000) or less based on
31 the most recent decennial census.

32 (3)(A)(i) For fiscal year 2008 and based on funding and costs, at
33 least three (3) and not more than eight (8) communities shall receive grants
34 under this section, depending on the extent of work necessary for each grant
35 project.

36 (ii) For fiscal year 2009 and based on funding and costs, at

1 least three (3) and not more than eight (8) communities shall receive grants
2 under this section, depending on the extent of work necessary for each grant
3 project.

4 (B) Selection criteria may vary from year to year based on the
5 perceived statewide needs and the availability of specialized expertise at
6 the center during a given time period.

7 (4) The University of Arkansas Community Design Center shall create a
8 grant application process under this act that includes:

9 (A) The determination and designation of the planning and design
10 issue or issues that will be addressed with the planning and design services
11 awarded under this act;

12 (B) An application for a grant under this act that shall include at
13 a minimum:

14 (i) Evidence sufficient to support that the community meets the
15 requirements of subdivision (b)(2) of this section;

16 (ii) A narrative description of the planning and development
17 issue that the community would like to see addressed;

18 (iii) The expected impact that the grant will have on the
19 community's economic, environmental, and social development; and

20 (iv) An explanation as to how other similarly populated or
21 situated communities in the state would be able to use the planning and
22 design advice and report what is given to the community if the community
23 receives a grant under this act.

24 (C) Instructions about the grant process;

25 (D) Scoring procedures to determine the award of the grants; and

26 (E) Other factors that are determined to be necessary to administer
27 the grant program.

28 (c) Beginning in the calendar year 2008, the University of Arkansas
29 Community Design Center shall submit an annual report to the Legislative
30 Council by September 15 that sets forth the grants that have been provided
31 and the planning and development issue that was addressed for each grant.

32 The provisions of this section shall be in effect only from July 1, 2007
33 through June 30, 2009.

34

35 SECTION 4. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
36 obligations otherwise incurred in relation to the project or projects

1 described herein in excess of the State Treasury funds actually available
 2 therefor as provided by law. Provided, however, that institutions and
 3 agencies listed herein shall have the authority to accept and use grants and
 4 donations including Federal funds, and to use its unobligated cash income or
 5 funds, or both available to it, for the purpose of supplementing the State
 6 Treasury funds for financing the entire costs of the project or projects
 7 enumerated herein. Provided further, that the appropriations and funds
 8 otherwise provided by the General Assembly for Maintenance and General
 9 Operations of the agency or institutions receiving appropriation herein shall
 10 not be used for any of the purposes as appropriated in this act.

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

17
 18 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General Assembly
 19 that any funds disbursed under the authority of the appropriations contained
 20 in this act shall be in compliance with the stated reasons for which this act
 21 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 22 and Legislative Recommendations contained in the budget manuals prepared by
 23 the Department of Finance and Administration, letters, or summarized oral
 24 testimony in the official minutes of the Arkansas Legislative Council or
 25 Joint Budget Committee which relate to its passage and adoption.

26
 27 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
 28 Assembly, that the Constitution of the State of Arkansas prohibits the
 29 appropriation of funds for more than a two (2) year period; that the
 30 effectiveness of this Act on July 1, 2007 is essential to the operation of
 31 the agency for which the appropriations in this Act are provided, and that in
 32 the event of an extension of the Regular Session, the delay in the effective
 33 date of this Act beyond July 1, 2007 could work irreparable harm upon the
 34 proper administration and provision of essential governmental programs.
 35 Therefore, an emergency is hereby declared to exist and this Act being
 36 necessary for the immediate preservation of the public peace, health and

1 safety shall be in full force and effect from and after July 1, 2007

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APPROVED: 4/3/2007