

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

A Bill

SENATE BILL 432

5 By: Senator B. Ballinger
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 15 OF
10 THE ARKANSAS CODE CONCERNING NATURAL RESOURCES AND
11 ECONOMIC DEVELOPMENT; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 15
16 OF THE ARKANSAS CODE CONCERNING NATURAL
17 RESOURCES AND ECONOMIC DEVELOPMENT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 15-4-2003(13), concerning definitions used
23 under the Digital Product and Motion Picture Industry Development Act of
24 2009, is amended to read as follows to clarify a phrase:

25 (13) "State-certified production" means a qualified production
26 produced by an eligible production company that is:

27 (A) In compliance with ~~established~~ rules ~~to~~ promulgated
28 under this subchapter;

29 (B) Authorized by the Film Office to conduct business in
30 this state; and

31 (C) Approved by the Director of the Arkansas Economic
32 Development Commission as qualifying for a discretionary production rebate
33 under this subchapter.
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35 SECTION 2. Arkansas Code § 15-4-2007(a) and (b), concerning
36 applications for rebates under the Digital Product and Motion Picture



1 Industry Development Act of 2009, are amended to read as follows to correct
2 the use of terms that are defined in the Digital Product and Motion Picture
3 Industry Development Act of 2009:

4 (a)(1) To apply for the rebates provided under this subchapter, a
5 production company shall submit an application for rebate and provide an
6 estimate of total expenditures to be made in Arkansas in connection with the
7 production.

8 (2) The application for rebate and estimate of expenditures
9 required under subdivision (a)(1) of this section shall be filed with the
10 Arkansas Economic Development Commission and approved by the Director of the
11 Arkansas Economic Development Commission as eligible for the rebate provided
12 by this subchapter before the commencement of production in Arkansas.

13 (b)(1) If an application for a rebate is approved under subsection (a)
14 of this section, the production company and the director shall sign a
15 financial incentive agreement.

16 (2)(A) The financial incentive agreement shall define the
17 incentives to be received and the start and end date of the project.

18 (B) The financial incentive agreement shall include the:

19 (i) Effective date of the financial incentive
20 agreement;

21 (ii) Term of the financial incentive agreement,
22 which shall be calculated from the date the financial incentive agreement is
23 signed by the production company and the director;

24 (iii) Incentive for which the production company may
25 qualify;

26 (iv) Investment threshold requirements necessary to
27 qualify for eligibility;

28 (v) Production company's responsibilities for
29 certifying eligibility requirements; and

30 (vi) Production company's responsibilities for
31 failure to meet or maintain eligibility requirements.

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33 SECTION 3. Arkansas Code § 15-4-2008(a), concerning the disbursement
34 of rebate incentives under the Digital Product and Motion Picture Industry
35 Development Act of 2009, is amended to read as follows to correct the usage
36 of a term that is defined in the Digital Product and Motion Picture Industry

1 Development Act of 2009:

2 (a) The Revenue Division of the Department of Finance and
3 Administration shall upon receipt of an application for a rebate, including a
4 proof of performance expenditure report from the Film Office:

5 (1) Calculate the total expenditures of the relevant production
6 company for which there are documented receipts for funds expended in the
7 state;

8 (2) Calculate the incentive benefit to which the applicant is
9 entitled, subject to any conditions of the approved financial incentive
10 agreement; and

11 (3) Provide certification to the Secretary of the Department of
12 Finance and Administration specifying the amount to be remitted to the
13 production company within one hundred twenty (120) days after the final
14 expenditure report has been submitted.

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16 SECTION 4. Arkansas Code § 15-58-305 is amended to read as follows to
17 clarify the culpable mental state of a criminal offense pursuant to § 5-2-202
18 and to make stylistic changes:

19 15-58-305. Interfering with the director or his or her agents -
20 Criminal penalties.

21 ~~Any person who shall, except as permitted by law, willfully resist,~~
22 ~~prevent, impede, or interfere~~ Except as permitted by law, a person who
23 knowingly resists, prevents, impedes, or interferes with the Director of the
24 Division of Environmental Quality or any of his or her authorized
25 representatives in the performance of duties pursuant to this chapter ~~shall~~
26 be upon conviction is guilty of a an unclassified misdemeanor and may be
27 punished ~~upon conviction by a criminal penalty~~ by a fine of not more than
28 five thousand dollars (\$5,000) or by imprisonment for not more than one (1)
29 year, or by both.

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31 SECTION 5. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

32 It is the intent of the General Assembly that:

33 (1) The enactment and adoption of this act shall not expressly
34 or impliedly repeal an act passed during the regular session of the Ninety-
35 Third General Assembly;

36 (2) To the extent that a conflict exists between an act of the

1 regular session of the Ninety-Third General Assembly and this act:

2 (A) The act of the regular session of the Ninety-Third
3 General Assembly shall be treated as a subsequent act passed by the General
4 Assembly for the purposes of:

5 (i) Giving the act of the regular session of the
6 Ninety-Third General Assembly its full force and effect; and

7 (ii) Amending or repealing the appropriate parts of
8 the Arkansas Code of 1987; and

9 (B) Section 1-2-107 shall not apply; and

10 (3) This act shall make only technical, not substantive, changes
11 to the Arkansas Code of 1987.

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14 **APPROVED: 3/25/21**
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