

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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