

FEB 8 2024

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101. Overview.

(a)(1) In order to position Arkansas to compete for economic development projects more effectively, the state must have an inventory of high-quality industrial development sites that are prepared for quick development.

(2) Prospective companies are searching for sites that can meet fast development schedules to begin operations and create new jobs.

(3) Arkansas has a need to increase the inventory of shovel ready sites that could be marketed to prospective companies.

(b)(1) The goal of the Arkansas Site Development Program is to provide matching grant funds to eligible applicants for site development improvement activities that will enhance readiness and competitiveness.

(2) Grantees shall receive matching funds for eligible activities that will increase an eligible site's marketability and competitiveness for economic development recruitment projects.

(3) Arkansas Site Development Program grants are intended to leverage, not supplant, other funding sources.

102. Definitions.

(1) "Economic development organization" means a local or regional organization that is recognized by the local governing body to:

(A) Act as the primary point of contact for economic development projects with the Arkansas Economic Development Commission;

(B) Assist businesses to:

(i) Locate a business in their territory to create new jobs and investment;

(ii) Expand and grow a business;

(iii) Retain jobs and investment in a community that they represent; or

(iv) Communicate details about available real estate, taxes, available financing options, planning and zoning regulations, infrastructure, workforce, utilities, and incentives at the local level; or

(C) Market and promote a city, county, or region for economic development recruitment.

(2) "Eligible applicant" means:

(A) A city of the first class, city of the second class, incorporated town, unincorporated community, or county in the state of Arkansas;

(B) An economic development organization; or

(C) A Chamber of Commerce.

(3) "Eligible project" means a project to improve, upgrade, rehabilitate, or conduct necessary due diligence on industrial property that will increase the site's competitiveness for economic development recruitment;

(4) "Eligible site" means a greenfield industrial site that is:

(A) A minimum of thirty (30) contiguous acres of land;

(B) Owned or optioned by an eligible applicant.

(i) Optioned land must be owned by the applicant by the time the grant agreement is executed,

(C) Listed on the Arkansas Site Selection Center database at the time of application.

(5) "Matching funds" means a combination of donated labor, donated materials, donated land, or cash to comprise five percent (5%) of the total project cost estimate provided to the Arkansas Economic Development Commission.

(A) All matching funds must be:

- (i) Pledged at the time the application is submitted;
- (ii) Related to the eligible project;
- (iii) Included in the project cost section of the application;
- (iv) Estimated at current fair market value; and
- (v) Available immediately at the time the grant is awarded.

(6) "Option" means a contract for sale of property made in any manner sufficient to show agreement, including conduct by both parties which recognizes the existence of such a contract.

103. Arkansas Site Development Grant Program Funding.

(a) The Arkansas Economic Development Commission may utilize any funds appropriated and available to provide Arkansas Site Development Program to fund grants to eligible applicants.

(b)(1) Program grants may be awarded, pending availability of funds, at the discretion of the director of the Commission.

(2) Depending on the volume of grant applications and the discretion of the director, applicants may not receive the entire amount of grant funding requested.

(3) An eligible applicant may only request funds for one (1) eligible site per funding cycle.

(4) The amount of the grant award shall be determined by the Commission based upon costs of eligible activities in a proposed project, availability of funding, and overall demand for funds.

104. Eligibility criteria.

(a) All grant applicants must meet the definition of an eligible applicant in section 102(2).

(b) If the eligible applicant has an option on an eligible site, the applicant must own the property by the time the grant agreement is executed.

(c) Eligible activities for funding through the Arkansas Site Development Grant Program include but are not limited to:

- (1) Extension and improvement of public infrastructure to a site;
- (2) Right of way acquisition necessary for the eligible project,
- (3) Easements acquisition;
- (4) Soil borings and analysis;
- (5) Construction costs for site improvements including but not limited to:
 - (A) Drainage improvements;
 - (B) Easements;
 - (C) Dozer or dirt work;
 - (D) Grading;
 - (E) Site mitigation;
 - (F) Site rehabilitation; and
 - (G) Other site upgrades and improvements as determined by the Arkansas

Economic Development Commission;

(6) Costs associated with site due diligence studies the Commission deems appropriate;
and

(7) Other site related activities deemed necessary by the Commission to improve a site's overall competitiveness for economic development recruitment.

(d) Ineligible program expenditures include but are not limited to:

(1) Purchase of property, except for the purchase of a right-of-way or easement necessary for the eligible project;

(2) Principal and interest on any financed debt;

(3) Lease payments;

(4) Salaries or benefits for applicant's employees;

(5) Marketing or advertising for the site;

(6) Lobbying expenses;

(7) Routine site repair and maintenance;

(8) Purchases of alcohol;

(9) Entertainment expenses, including meals and activity fees;

(10) Eligible activity expenditures incurred prior to a grant award;

(11) Expenditures that are unsupported by documentation;

(12) Other expenses specified as ineligible at the discretion of the Commission; and

(13) Any political activities.

105. Matching funds requirements.

(a) The Arkansas Site Development Grant requires an eligible applicant to invest a minimum funding match of five percent (5%) of the overall project cost estimate, as stated in the application.

(b)(1) An eligible applicant's five percent (5%) match for the grant award may be in the form of cash, in-kind donations, or a combination of both.

(2) Matching funds may be in the following forms:

(A) Cash matches including but are not limited to:

(i) Funds appropriated in full by the local governing body;

(ii) Funds invested by an economic development organization, or

chamber of commerce; or

(iii) Funds invested from a non-profit or for-profit entity;

(B) An in-kind match must be based on fair market appraisal value estimates that are documented and provided by the applicant for verification, including but not limited to:

(i) Professional or skilled labor donated at a rate estimate provided by an entity or individual if the individual is licensed or considered a professional in the field for which the donation is being made and approved by the commission.

(ii) In-kind donations must be a part of the project and included on the cost estimate section of the grant application to be eligible as a match.

(3)(A) All cash matching funds must be available immediately at the time a grant agreement is executed as documented through bank statements.

(B)(i) In-kind donations must be supported by a notarized affidavit executed by the donor attesting to the donor's intent to provide the in-kind donation and describing the form of the in-kind donation.

(ii) The affidavits described in section 105(b)(3)(B)(i) must be submitted with the application.

106. Application process.

(a)(1) An Arkansas Site Development Grant application shall be submitted to the Arkansas Economic Development Commission on forms provided by the Commission.

(2) All applications and supporting documentation must be complete and submitted by the deadline specified by the Commission.

(3) Incomplete application or applications submitted after the deadline will not be reviewed.

(b) Each application should be signed by the chief executive or elected official of the applicant's organization.

(c) Each application packet shall contain pertinent supporting documentation and information, including but not limited to:

(1) Documentation stating that the applicant is the entity recognized by the local governmental authority to be the point of contact for the Commission for economic development projects;

(2) Scope of the project;

(3) Deed of current ownership of the property;

(4) Option to purchase the property, if applicable;

(5) Aerial photographs with property boundaries clearly identified;

(6) Maps of the eligible property that include the following:

(A) Site boundaries,

(B) Identification of all current infrastructure;

(C) Zoning maps;

(D) Flood plain maps; and

(E) Maps showing all existing available utilities.

(8) Copies of all due diligence that has been completed on the property including but not limited to:

(A) Phase 1 environmental evaluation;

(B) Wetlands delineation;

(C) Threatened and endangered species evaluation;

(D) Archaeological and historical investigation; and

(E) Geotechnical assessment.

(9) Project budget;

(10) Project timeline with milestones;

(11) Amount of funding requested;

(12) Total project costs,

(13) Source and amounts of all matching funds;

(14) List of all eligible activities;

(15) Estimate of all eligible project costs;

(16) Current feasibility studies or master plans that have been conducted on the property; and

(17) Any other documents and information the commission deems necessary to determine eligibility.

107. Application review and approval process.

(a) Arkansas Site Development Grant applications will be date stamped and reviewed in order of receipt. A review team shall be designated by the director of the Arkansas Economic Development Commission.

(b) Eligible and complete applications will undergo a four (4) step review process:

(1) Each grant application received will undergo an initial eligibility review to determine that:

- (A) The applicant and scope of project both meet eligibility requirements;
- (B) The application is complete, signed, and includes all supporting documents;
- (C) The sources and use of funds are sufficient to ensure the successful

completion of the project; and

(D) All project costs submitted are eligible for funding.

(2) For each application deemed complete and eligible, the review team will conduct a project review and assessment. Each application will be scored, using the following rubric:

<u>Maximum Points</u>	<u>Category</u>	<u>Factors to consider</u>
<u>30</u>	<u>Site Conditions</u>	<u>The applicant’s site has favorable site conditions including but not limited to adequate size, favorable slope, minimal wetlands, outside of the 100-year floodplain, industrial zoning, compatible neighboring land use, and controlled access to the site.</u>
<u>25</u>	<u>Utilities</u>	<u>The applicant’s site has proximity and capacity for: electricity, natural gas, water, sewer, and telecommunications.</u>
<u>20</u>	<u>Transportation Infrastructure</u>	<u>The applicant’s site has proximity to paved roads, rail infrastructure, intermodal facilities, ports, or commercial airports.</u>
<u>10</u>	<u>Site Due Diligence</u>	<u>The applicant’s site has undergone site due diligence studies in the last 5 years including but not limited to: geotechnical survey, environmental studies, endangered species survey, archeological survey, wetlands delineation, and soil borings.</u>
<u>5</u>	<u>Current Marketing Efforts</u>	<u>The applicant’s site is actively being marketed for industrial use, the site has hosted prospects for site visits, the site is currently under consideration for an active economic development project, or both.</u>
<u>5</u>	<u>Local Match</u>	<u>The applicant’s match is above the minimum 5% required for eligibility.</u>
<u>5</u>	<u>Site Certification</u>	<u>The applicant’s site is currently a certified site or Competitive Communities Initiative (CCI) designated site.</u>
<u>100 Total Maximum Points Possible</u>		

(3) The review team will provide a summary of each reviewed application and the application’s score to the director, or his or her designee, along with funding recommendations.

(4) The director, or his or her designee, will review the recommendations and specify which applicants may receive funding.

108. Notice of approval.

(a)(1) Arkansas Site Development Grants amounts shall be awarded at the discretion of the director of the Arkansas Economic Development Commission based on the recommendations of the review team and may be for amounts less than requested and subject to funding availability;

(2)(A) Approved applicants will receive a grant award notification letter outlining the amount, terms, and conditions of the funding;

(B) If an approved applicant is a city or county, within ninety (90) days of receiving the award notification letter the city or county must provide to the Commission:

(i) A copy of a signed resolution passed by the city council or quorum court authorizing the governmental entity to:

(a) Receive the grant funds from the Commission for the purposes stated in the application;

(b) Expend any cash matching funds pledged by the governmental entity in the application; and

(c) Provide eligible in-kind matching funds pledged by the governmental entity in the application.

(ii) The resolution must be provided before any grant funds are disbursed by the Commission.

(3) Unsuccessful applicants will be notified in writing by the director or his or her designee.

109. Grant agreement.

(a) After receiving a grant award notification letter each applicant shall execute a grant agreement with the Arkansas Economic Development Commission.

(b) The grant agreement shall specify:

(1) The eligibility date for incurring project costs;

(2) The date by which the grantee shall complete the Arkansas Site Development Grant funded portion of the project;

(3) The amount of approved costs determined by the Commission;

(4) The eligible activities that may receive funding;

(5) Repayment provisions for non-compliance of conditions set in the grant agreement;
and

(6) The process by which grant funds shall be disbursed to the grantee.

(c)(1) A grantee may begin to incur eligible expenditures for reimbursement after a grant agreement has been completed;

(2) Invoices and documentation of the purchase of eligible expenditures must be submitted to the Commission before reimbursement will occur;

(3) Any expenditures related to the completion of the project that were made before the completion of the grant agreement will be deemed ineligible expenses.

110. Grantee responsibilities and reporting requirements.

(a) Project funds will be expended through a fund established on the books of the grantee;

(b) The grantee retains the following documents on file for three (3) years or until audited, whichever is later:

(1) A copy of the original grant agreement;

- (2) A list of all project expenditures;
- (3) All project expenditure invoices; and
- (4) All documentation of receipt and expenditure of matching funds.

(c) All project expenditures must be completed within twenty-four (24) months after the date of the award.

(d)(1) The grantee shall submit a final report to the Arkansas Economic Development Commission at the completion of the project to close out the grant. This report shall:

(A) Be submitted to the Commission no more than sixty (60) days following the project's completion or within the twenty-four (24) month period of the grant award, whichever comes first;

(B) Include canceled checks and receipts of all funds expended;

(C) Document all received and expended cash matching funds;

(D) Include Invoices for all professional in-kind labor donations; and

(E) Include the state's portion of any unspent or improperly expended grant funds.

(F) All expenditures will be subject to audit by the State of Arkansas.

(2) A grantee may be subject to an on-site review of the final project by the Commission to close out the grant.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

SENATE BILL 578

4
5 By: Senator J. Dismang
6 By: Representative Jean

For An Act To Be Entitled

7
8
9 AN ACT TO TRANSFER FUNDS, DEFINE THE MONIES TO BE
10 AVAILABLE IN THE RESTRICTED RESERVE FUND; AND TO
11 ALLOW THAT ADDITIONAL FUNDS MAY BE MADE AVAILABLE FOR
12 STATE DEPARTMENTS, AGENCIES, AND INSTITUTIONS
13 APPROPRIATIONS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16
17 AN ACT TO TRANSFER FUNDS, DEFINE MONIES
18 AVAILABLE IN THE RESTRICTED RESERVE FUND,
19 AND TO ALLOW ADDITIONAL FUNDS FOR STATE
20 DEPARTMENTS, AGENCIES AND INSTITUTIONS;
21 AND FOR OTHER PURPOSES.
22

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

25
26 SECTION 1. DO NOT CODIFY. Legislative findings – Nonseverability.

27 (a) The General Assembly finds that:

28 (1) Determining the maximum amount of appropriation and funding
29 for a state agency or institution each fiscal year is the prerogative of the
30 General Assembly;

31 (2) Determining the maximum amount of appropriation and funding
32 for a state agency or institution is usually accomplished by delineating the
33 maximum amounts in the appropriation acts for the state agency or institution
34 and in the general revenue allocations authorized for each relevant fund and
35 fund account by amendment to the Revenue Stabilization Law, § 19-5-101 et
36 seq.;



1 (3) The Restricted Reserve Fund has established procedures for
2 the transfer of funds to various funds and fund accounts for the efficient
3 and effective operation of state government; and

4 (4) It is necessary and appropriate that the General Assembly
5 maintain oversight by requiring prior approval of the Legislative Council or,
6 if the General Assembly is in session, the Joint Budget Committee, as
7 provided in § 19-5-1263(c).

8 (b) The requirement of approval by the Legislative Council or if the
9 General Assembly is in session the Joint Budget Committee, is not a severable
10 part of § 19-5-1263. If the requirement of approval by the Legislative
11 Council or if the General Assembly is in session the Joint Budget Committee,
12 is ruled unconstitutional by a court of competent jurisdiction, § 19-5-1263
13 (c)(d) and (e) are void in their entirety.

14
15 SECTION 2. DO NOT CODIFY. TRANSFERS TO THE RESTRICTED RESERVE FUND.
16 Immediately upon the effective date of this Act, as soon thereafter as is
17 practical or as authorized in this Section the State Treasurer shall transfer
18 and credit to the "Restricted Reserve Fund", upon certification of the
19 amounts thereof by the Chief Fiscal Officer of the State, the following:

20 (a)(1) Notwithstanding other provisions of law as set out in Sections 2
21 (c) and 3 (d) of Act 225 of 2022, any unobligated funds which are set aside
22 as authorized in Section 2 (a) of Act 225 of 2022 and in Section 3 (a) of Act
23 225 of 2022;

24 (2) Notwithstanding other provisions of law as set out subsections
25 (c) and (d) of Section 3 of Act 1058 of the 2021 Regular Session, any
26 unobligated funds which are set aside as authorized in Section 3 subsections
27 (a)(1)(A) and (B), (a)(2)(A), (a)(3)(A),(B),(C), and (b) of Act 1058 of the
28 2021 Regular Session;

29 (b) All unobligated and unallocated monies remaining in the
30 "Development and Enhancement Fund" on June 30, 2023 which are not required to
31 finance projects to be financed therefrom pursuant to appropriations enacted
32 by the General Assembly, or which have not been reappropriated or reallocated
33 for financing from the "Development and Enhancement Fund" by the 94th General
34 Assembly;

35 (c)(1) All General Revenue Funds recovered from remaining fund balances
36 in the "General Revenue Allotment Reserve Fund" from monies accruing thereto

1 during the 2021-2022 fiscal year which are not required to finance enactments
2 of the 94th General Assembly that do not expire on June 30, 2022, including
3 all General Revenue Funds recovered from remaining fund balances;

4 (2) Any unobligated or unallocated funds remaining on July 2, 2023 in
5 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
6 which are not required to finance enactments of the 94th General Assembly
7 that do not expire on June 30, 2023, including all General Revenue Funds
8 recovered from remaining fund balances;

9 (3) All General Revenue Funds recovered from remaining fund balances
10 in the "General Revenue Allotment Reserve Fund" from monies accruing thereto
11 during the 2023-2024 fiscal year which are not required to finance enactments
12 of the 94th General Assembly that do not expire on June 30, 2024, including
13 all General Revenue Funds recovered from remaining fund balances;

14 (d) Those special revenues credited to the Development and Enhancement
15 Fund from estate taxes as set out in Arkansas Code § 19-6-301(171);

16 (e) Other revenues as may be transferred or authorized by law.

17
18 SECTION 3. DO NOT CODIFY. TRANSFERS, RESTRICTED RESERVE FUND
19 DISTRIBUTION AND SET-ASIDES. After having made transfers as authorized in
20 this Act, and after having transferred or set-aside the obligations as set
21 out in §19-5-202(b)(2)(B)(iii) as determined by the Chief Fiscal Officer of
22 the State, for those funds transferred and credited to the Restricted Reserve
23 Fund as authorized in Section 2 of this Act that are unobligated for other
24 Set-Asides established in the 2023 Regular Session, the State Treasurer shall
25 transfer funds or establish sub-funds in the Restricted Reserve Fund,
26 referred to and established as Set-Asides in the Restrict Reserve fund
27 herein, which shall be funded as funds are available in the following order:

28 (a) Set-Aside one billion one hundred fifty-two million two hundred twenty-
29 seven thousand two hundred fifty-seven dollars (\$1,152,227,257) or so much as
30 is available for the "Restricted Reserve Fund Set-Asides" as enumerated in
31 subsections (a)(1) through (a)(27) of this section, less those Set-Asides
32 that are effective upon passage and approval of this Act with fund transfer
33 language, for purpose as set out in each Set-Aside, to be in the following
34 order:

35 (1) Educational Facilities Set-Aside, Department of Education - Division
36 of Public School Academic Facilities and Transportation, Educational

1 Facilities Partnership Fund Account, Academic Facilities Partnership for
 2 transfers from time to time, as authorized in 19-5-1263 (c), in a sum not to
 3 exceed \$250,000,000;

4 (2) Correctional Facilities Set-Aside, Department of Corrections, for
 5 transfers from time to time as determined by the Chief Fiscal Officer of the
 6 State, as authorized in 19-5-1263 (c), in a sum not to exceed \$330,000,000;

7 (3) State Crime Laboratory Building Set-Aside, Department of Public Safety
 8 - State Crime Laboratory, Development and Enhancement Fund, Arkansas State
 9 Crime Laboratory Facility Project for transfers from time to time, as
 10 authorized in 19-5-1263 (c), in a sum not to exceed \$200,000,000;

11 (4)(A) Infrastructure Investment and Jobs Act Grants Matching Set-Aside,
 12 for transfers from time to time as determined by the Chief Fiscal Officer of
 13 the State, as authorized in 19-5-1263 (c), to provide matching funds for the
 14 Infrastructure Investment and Jobs Act, in a sum not to exceed \$200,000,000;

15 (B) Notwithstanding other provisions as set out by law, immediately
 16 upon the effective date of this subsection, the Chief Fiscal Officer of the
 17 State shall transfer on his or her books and those of the State Treasurer and
 18 the Auditor of the State the sum of two hundred million dollars
 19 (\$200,000,000) from the General Revenue Allotment Reserve Fund to the
 20 Infrastructure Investment and Jobs Act Grants Matching Set-Aside as
 21 established in Section 3 (4)(A) herein;

22 (5) UAMS NCI Set-Aside, University of Arkansas for Medical Sciences for
 23 the University of Arkansas for Medical Sciences National Cancer Institute
 24 Designation Trust Fund or appropriated fund as determined by the Chief Fiscal
 25 Officer of the State, as requested by the University of Arkansas for Medical
 26 Sciences, for transfers from time to time, as authorized in 19-5-1263 (c), in
 27 a sum not to exceed \$50,000,000;

28 (6) School Safety Set-Aside, Department of Education for School Safety
 29 Grants for transfers from time to time as determined by the Chief Fiscal
 30 Officer of the State, as authorized in 19-5-1263 (c), in a sum not to exceed
 31 \$37,576,412;

32 (7) Transfer to the Arkansas Major Historic Rehabilitation Trust Fund,
 33 notwithstanding other provisions as set out by law and immediately upon the
 34 effective date of this subsection, the Chief Fiscal Officer of the State
 35 shall transfer on his or her books and those of the State Treasurer and the
 36 Auditor of the State the sum of forty million dollars (\$40,000,000) from the

1 General Revenue Allotment Reserve Fund to Arkansas Major Historic
2 Rehabilitation Trust Fund for the Department of Parks, Heritage, and Tourism
3 - Division of Heritage, for expenses to offset the cost of the income tax
4 credits allowed under the Arkansas Major Historic Rehabilitation Income Tax
5 Credit Act;

6 (8) Teacher Academy Scholarship Set-Aside, Department of Education -
7 Division of Higher Education, Arkansas Teacher Academy Scholarship Program
8 Fund for transfers from time to time, as authorized in 19-5-1263 (c), in a
9 sum not to exceed \$12,000,000;

10 (9) Motor Vehicle Set-Aside, for transfers from time to time as determined
11 by the Chief Fiscal Officer of the State, as authorized in 19-5-1263 (c), in
12 a sum not to exceed \$20,000,000;

13 (10) Educational Freedom Account Set-Aside, Department of Education -
14 Division of Elementary and Secondary Education, Arkansas Children's
15 Educational Freedom Account Fund for transfers from time to time, as
16 authorized in 19-5-1263 (c), in a sum not to exceed \$15,000,000;

17 (11) Transfer to the University of Arkansas for Medical Sciences - South
18 Arkansas Hospital Expansion, notwithstanding other provisions as set out by
19 law and immediately upon the effective date of this subsection, the Chief
20 Fiscal Officer of the State shall transfer on his or her books and those of
21 the State Treasurer and the Auditor of the State the sum of twelve million
22 dollars (\$12,000,000) from the General Revenue Allotment Reserve Fund to the
23 cash fund deposited in the State Treasury as determined by the Chief Fiscal
24 Officer of the State to provide funds for the University of Arkansas for
25 Medical Sciences to be used exclusively for grants for various expenses and
26 working capital for hospital expansion in South Arkansas;

27 (12) Performance Fund Set-Aside, Performance Fund for transfers from time
28 to time as determined by the Chief Fiscal Officer of the State, as authorized
29 in 19-5-1263 (c), in a sum not to exceed \$10,000,000;

30 (13) Charter School Facilities Set-Aside, Department of Education,
31 Division of Elementary and Secondary Education, Education Revolving Loan
32 Certificates Fund or appropriated fund or fund account as determined by the
33 Chief Fiscal Officer of the State for transfers from time to time, as
34 authorized in 19-5-1263 (c), in a sum not to exceed \$12,000,000;

35 (14) State Police Troop School and Recruitment Set-Aside, Department of
36 Public Safety - Division of Arkansas State Police, for Certified Troop School

1 and Training for transfers from time to time, as authorized in 19-5-1263 (c),
2 in a sum not to exceed \$6,445,000;

3 (15) UAPB Land Grant Set-Aside, University of Arkansas at Pine Bluff,
4 University of Arkansas at Pine Bluff Fund for transfers from time to time, as
5 authorized in 19-5-1263 (c), in a sum not to exceed \$2,000,000;

6 (16) Teacher Education Program Set-Aside, Department of Education -
7 Division of Higher Education, Higher Education Grants Fund Account or
8 appropriated fund as determined by the Chief Fiscal Officer of the State,
9 State Teacher Education Program for transfers from time to time, as
10 authorized in 19-5-1263 (c), in a sum not to exceed \$1,100,000;

11 (17) Pregnancy Help Organization Grants Set-Aside, Department of Finance
12 and Administration - Disbursing Officer, Pregnancy Help Organization Sub-Fund
13 in the Miscellaneous Agencies Fund Account, Pregnancy Help Organization
14 Grants for transfers from time to time, as authorized in 19-5-1263 (c), in a
15 sum not to exceed \$1,000,000;

16 (18)(A) Various General Discretionary Majority Vote Set-Aside, for
17 transfers from time to time as determined by the Chief Fiscal Officer of the
18 State, in a sum not to exceed \$100,000,000;

19 (B) Notwithstanding other provisions of law as set out in 19-5-1263(c)
20 the Various General Discretionary Majority Vote Set-Aside authorized in
21 subsections (a)(18)(A) herein shall only require a majority affirmative vote
22 as set out in the rules of the Legislative Council or the Joint Budget
23 Committee during a legislative session of the General Assembly for prior
24 approval of all disbursements;

25 (19) EBD or Contingency Set-Aside, for transfers from time to time as
26 determined by the Chief Fiscal Officer of the State, as authorized in 19-5-
27 1263 (c), in a sum not to exceed \$47,115,845;

28 (20) Game and Fish Grants Set-Aside, for transfers from time to time as
29 requested by the Arkansas State Game and Fish Commission, as authorized in
30 19-5-1263 (c), in a sum not to exceed \$10,000,000;

31 (21) Rapid ID DNA Set Aside, Department of Public Safety – State Crime
32 Laboratory, for the cash fund deposited in the State Treasury as determined
33 by the Chief Fiscal Officer of the State for Rapid ID Jump Start Package, for
34 transfers from time to time as determined by the Chief Fiscal Officer of the
35 State, as authorized in 19-5-1263 (c), in a sum not to exceed \$370,000;

36 (22) Transfer to the Economic Development Incentive Quick Action Closing

1 Fund, Department of Commerce – Arkansas Economic Development Commission, for
2 incentives to attract new business and economic development to the state, in
3 a sum not to exceed \$35,000,000;

4 (23) Economic Stimulus Programs Set-Aside, For transfers from time to
5 time to the Department of Commerce - Arkansas Economic Development Commission
6 to fund or fund accounts as determined by the Chief Fiscal Officer of the
7 State for funding for economic stimulus activities throughout the state, as
8 authorized in 19-5-1263 (c), in a sum not to exceed \$10,000,000;

9 (24) Food Insecurity and Health Needs Set-Aside, to be funded with those
10 funds deposited in the Restricted Reserve Fund as set out in SB479 of the
11 2023 Regular Session to be used to address food insecurity and health needs,
12 for transfers from time to time, as determined by the Chief Fiscal Officer of
13 the State as authorized in 19-5-1263 (c), in a sum not to exceed \$40,000,000;

14 (25) Drug Task Force Set-Aside, Department of Finance and Administration
15 – Disbursing Officer, Miscellaneous Agencies Fund, State Drug Crime
16 Enforcement and Prosecution Grant Awards, for transfers from time to time, as
17 authorized in 19-5-1263 (c), in a sum not to exceed \$2,500,000;

18 (26) Economic Development Districts Set-Aside, for transfers from time to
19 time by the Chief Fiscal Officer of the State in equal amounts to each of the
20 eight Economic Development Districts, as authorized in 19-5-1263 (c), in a
21 sum not to exceed \$120,000;

22 (27)(A) Law Enforcement Stipends Set-Aside. (i) The Arkansas Legislative
23 Council may approve, modify, deny, pass-over or re-refer the report set out
24 in subsection (ii), and may notify the Chief Fiscal Officer of the State how
25 to distribute the Law Enforcement Stipends grants authorized in this Section.
26 (ii) The Personnel Subcommittee of the Legislative Council shall report to
27 the Legislative Council no later than September 15, 2023 a recommendation on
28 how to distribute the Law Enforcement Stipends as grants.

29 (iii) The Personnel Subcommittee shall implement a procedure to report to the
30 Legislative Council as required in subsection (ii) herein.

31 (B) Notwithstanding other provisions of law as set out in Section 3
32 (ii) of Act 224 of 2022 on June 29, 2023, the Chief Fiscal Officer of the
33 State shall transfer on his or her books and those of the State Treasurer and
34 the Auditor of the State any remaining balances in the Law Enforcement
35 Stipend Grant Sub-Fund in the Miscellaneous Agencies Fund Account as
36 established in Act 224 of 2022 to the Law Enforcement Stipends Set-Aside as

1 established in subsection (27)(A) herein for distribution these funds from
2 time to time as set out in subsection 27(A) herein.

3 (b) Next, set-aside three hundred eighty million six hundred forty-three
4 thousand five hundred eighty-eight dollars (\$380,643,588) or so much as is
5 available for the "Restricted Reserve Fund Set-Asides" as enumerated in
6 subsections (b)(1) through (b)(9) of this section, for purpose as set out in
7 each Set-Aside and funded in the following order:

8 (1) Educational Facilities Set-Aside, Department of Education - Division
9 of Public School Academic Facilities and Transportation, Educational
10 Facilities Partnership Fund Account, Academic Facilities Partnership for
11 transfers from time to time, as authorized in 19-5-1263 (c), in a sum not to
12 exceed \$250,000,000;

13 (2) UAMS NCI Set-Aside, University of Arkansas for Medical Sciences for
14 the University of Arkansas for Medical Sciences National Cancer Institute
15 Designation Trust Fund or appropriated fund for the designation as requested
16 by the University of Arkansas for Medical Sciences for transfers from time to
17 time, as authorized in 19-5-1263 (c), in a sum not to exceed \$50,000,000;

18 (3) Adequacy Set-Aside, Department of Education, Educational Adequacy
19 Fund for transfers from time to time, as authorized in 19-5-1263 (c), in a
20 sum not to exceed \$45,000,000;

21 (4) Teacher Academy Scholarship Set-Aside, Department of Education -
22 Division of Higher Education, Arkansas Teacher Academy Scholarship Program
23 Fund for transfers from time to time, as authorized in 19-5-1263 (c), in a
24 sum not to exceed \$12,000,000;

25 (5) UAPB Land Grant Set-Aside, University of Arkansas at Pine Bluff,
26 University of Arkansas at Pine Bluff Fund for transfers from time to time, as
27 authorized in 19-5-1263 (c), in a sum not to exceed \$2,000,000;

28 (6) Teacher Education Program Set-Aside, Department of Education -
29 Division of Higher Education, Higher Education Grants Fund Account or
30 appropriated fund as determined by the Chief Fiscal Officer of the State,
31 State Teacher Education Program for transfers from time to time, as
32 authorized in 19-5-1263 (c), in a sum not to exceed \$1,100,000;

33 (7) School Safety Set-Aside, Department of Education for School Safety
34 Grants for transfers from time to time as determined by the Chief Fiscal
35 Officer of the State, as authorized in 19-5-1263 (c), in a sum not to exceed
36 \$12,423,588;

1 (8) Human Development Center Master Plan Upgrades Set-Aside, Arkansas
2 Department of Human Services – Division of Developmental Disabilities
3 Services, for transfers from time to time as determined by the Chief Fiscal
4 Officer of the State, as authorized in 19-5-1263 (c), in a sum not to exceed
5 \$8,000,000;

6 (9) Economic Development Districts Set-Aside, for transfers from time to
7 time by the Chief Fiscal Officer of the State as authorized in 19-5-1263 (c),
8 in equal amounts to each of the eight Economic Development Districts, in a
9 sum not to exceed, in a sum not to exceed \$120,000;

10 (c) Then all remaining unobligated funds not set-aside or transferred to the
11 Restricted Reserve Fund as set out in SB479 of the 2023 Regular Session, that
12 are transferred or credited to the Restricted Reserve Fund and any future
13 collections, deposits and transfers authorized in Section 2 of this Act shall
14 be transferred and credited to the General Revenue Allotment Reserve Fund.

15
16 SECTION 4. DO NOT CODIFY. Conditions and Audit. (a) Transfer of funds
17 from the "Restricted Reserve Fund" shall be made only after the Chief Fiscal
18 Officer of the State has determined that all criteria or pre-conditions
19 established in the appropriation act to receive the transfer have been met
20 and that a Method of Finance has been filed with the Office of Accounting in
21 the Department of Finance and Administration, if required.

22 (b) Any matching funds as may be provided in law shall be certified to
23 the Chief Fiscal Officer of the State prior to the commencement of the
24 project.

25 (c) Any recipient of the funds appropriated herein are also subject to
26 an audit by the Arkansas Legislative Audit of the Legislative Joint Auditing
27 Committee in order to determine that the use of the funds was in compliance
28 with the intent and appropriated purposes of the General Assembly.

29
30 SECTION 5. DO NOT CODIFY. Funding Authority. (a) Any enactment of the
31 94th General Assembly in either regular, fiscal or extraordinary session
32 appropriating, transferring or allocating funds to the "Restricted Reserve
33 Fund" may be deemed to be payable from the "Restricted Reserve Fund".

34 (b) Appropriations which are not enumerated in this Act may be
35 financed from monies accruing to the "Restricted Reserve Fund" to fund
36 appropriations authorized by the General Assembly and as set out in law.

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SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2023 is essential to allow transfers which can provide an additional funding mechanism for the operation of state departments, agencies and institutions of higher education, as well as to address unforeseen needs of the state through the disbursement of state funds with the Restricted Reserve Fund as authorized in this Act; with the exception that Section 3 Subsections (a)(4), (a)(7), (a)(11), and (a)(27) in this Act shall be in full force and effect from and after the date of its passage and approval, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2023, with the exception that Section 3 Subsections (a)(4), (a)(7), (a)(11), and (a)(27) in this Act shall be in full force and effect from and after the date of its passage and approval, could work irreparable harm upon the proper the proper transfer of funds, administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2023; with the exception that Section 3 Subsections (a)(4), (a)(7), (a)(11), and (a)(27) in this Act shall be in full force and effect from and after the date of its passage and approval.

APPROVED: 4/11/23