

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.

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

*As Engrossed: H2/14/07*

# A Bill

HOUSE BILL 1427

5 By: Representatives Thyer, Petrus  
6 By: Senators Womack, Critcher  
7

## For An Act To Be Entitled

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9  
10 AN ACT TO ESTABLISH THE "ARKANSAS COMMUNITY  
11 ASSISTANCE ACT OF 2007"; TO CREATE THE ARKANSAS  
12 COMMUNITY ASSISTANCE COMMISSION; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

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16 AN ACT TO ESTABLISH THE "ARKANSAS  
17 COMMUNITY ASSISTANCE ACT OF 2007" AND TO  
18 CREATE THE ARKANSAS COMMUNITY ASSISTANCE  
19 COMMISSION.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 15 is amended to add an additional  
25 chapter to read as follows:

26 15-13-101. Title.

27 This chapter shall be known and may be cited as the "Arkansas Community  
28 Assistance Act of 2007".  
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30 15-13-102. Purpose.

31 The purpose of this chapter is to improve services to the citizens of  
32 this state and to assist the development of local communities through a  
33 program of state grants to cities, counties, state institutions, state  
34 agencies, and other entities that provide services to the citizens of this  
35 state.  
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1           15-13-103. Definitions.

2           As used in this subchapter, "eligible entity" means a state or local  
3 governmental entity, an elected official, an improvement district, or a  
4 nonprofit corporation.

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6           15-13-104. Arkansas Community Assistance Commission.

7           (a) There is established the Arkansas Community Assistance Commission,  
8 which shall consist of eight (8) members.

9           (b)(1) The members of the commission shall each be appointed for a  
10 term of two (2) years as follows:

11                   (A)(i) Four (4) members shall be appointed by the  
12 President Pro Tempore of the Senate.

13                           (ii) In making the appointments, the President Pro  
14 Tempore shall appoint one (1) member from each of the four (4) congressional  
15 districts of the state; and

16                           (B)(i) Four (4) members shall be appointed by the Speaker  
17 of the House of Representatives.

18                           (ii) In making the appointments, the Speaker of the  
19 House of Representatives shall appoint one (1) member from each of the four  
20 (4) congressional districts of the state.

21                   (2) If there is a vacancy on the commission due to death,  
22 resignation, or other reason, the vacancy shall be filled for the unexpired  
23 portion of the term by appointment by the officer who made the initial  
24 appointment, and the appointee shall meet the same qualifications required  
25 for initial appointment.

26                   (3) Members of the commission are eligible for reappointment.

27           (c) The commission members shall select by majority vote one (1) of  
28 its members to serve as chair and one (1) of its members to serve as vice  
29 chair.

30           (d) Members of the commission shall serve without compensation.  
31 However, if funds are appropriated for such purposes, the members may receive  
32 expense reimbursement in accordance with § 25-16-902 and a stipend if  
33 authorized by law.

34           (e) The terms of commission members shall begin on January 1 of odd  
35 numbered years and shall expire on December 31 of even numbered years.

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1           15-13-105. Arkansas Community Assistance Commission - Functions,  
2 powers, and duties.

3           (a) The Arkansas Community Assistance Commission shall receive and  
4 evaluate applications for grants, and the commission shall make grant awards  
5 pursuant to this chapter.

6           (b) The commission may prescribe and issue, pursuant to the Arkansas  
7 Administrative Procedure Act, § 25-15-201 et seq., such reasonable rules and  
8 regulations as may be necessary to carry out the provisions of this chapter.

9           (c)(1) The commission shall meet quarterly to monitor grants and the  
10 disbursement of funds, to review complaints, and, if necessary, to request an  
11 audit of a grant recipient by the Division of Legislative Audit.

12           (2) The commission shall prepare and submit biennially to the  
13 Legislative Council by October 15 in even numbered years a comprehensive  
14 report concerning the grants awarded by the commission, any recommendations  
15 for legislative proposals, and other pertinent information that, in the  
16 opinion of the commission, will indicate the activities conducted by the  
17 commission in the previous biennium.

18           (d) The commission shall employ a director who shall:

19           (1) Coordinate the meetings of the commission;

20           (2) Assist the commission in making studies and investigations;

21           (3) Supervise staff services of the commission; and

22           (4) Perform such duties as may be prescribed by the commission.

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24           15-13-106. Grant applications.

25           (a)(1) A grant application may be filed by the governing body of an  
26 eligible entity seeking the grant or, with the consent of the eligible  
27 entity, may be filed on the eligible entity's behalf by an elected city  
28 official, county official, district official, or state official.

29           (2) A state agency or state institution cannot file a grant  
30 application but a grant application to benefit a state agency or state  
31 institution may be filed by an elected state official or by a member of the  
32 General Assembly.

33           (b) A grant application must be filed in odd numbered years by March  
34 23. If the deadline occurs on a Saturday, Sunday, or legal holiday, the  
35 deadline shall be the next day that is not a Saturday, Sunday, or legal  
36 holiday.

1 (c) A grant application shall:

2 (1) State the purpose of the project;

3 (2) Provide a written plan outlining the details of the project;

4 (3) Demonstrate the *eligible entity's* need for assistance;

5 (4) Express the state purpose being furthered by the project;

6 (5) Provide evidence of local support for the project; and

7 (6) State the name of the person or persons who will administer  
8 the funds if the grant is approved.

9 (d) A grant application must be for:

10 (1) One (1) of the following types of projects which are  
11 recognized by the General Assembly as having state purposes:

12 (A) City Improvements;

13 (B) Assistance to colleges or other educational  
14 institutions;

15 (C) County Improvements;

16 (D) Assistance to fair associations;

17 (E) Assistance to fire departments;

18 (F) Assistance to health centers or hospitals;

19 (G) Assistance to libraries;

20 (H) Assistance to museums; or

21 (I) Assistance to state agencies; or

22 (2) A project that is not listed in subdivision (d)(1) but the  
23 Arkansas Community Assistance Commission determines that the grant  
24 application serves a state purpose.

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26 15-13-107. Award of grants.

27 (a) The Arkansas Community Assistance Commission is authorized to make  
28 grants to eligible entities from funds provided by the General Assembly for  
29 grants under this chapter.

30 (b) The commission shall meet and shall begin review of grant  
31 applications by April 1 of each odd-numbered year. The commission must  
32 complete the awarding of grants no later than April 10 of each odd-numbered  
33 year.

34 (c) In selecting recipients of grants the commission shall:

35 (1) Consider:

36 (A) The purpose of the project;

1 (B) The benefit to the community;

2 (C) The need for assistance;

3 (D) The ability of the eligible entity to address the need  
4 with other funds and with volunteers;

5 (E) The population of the city or county where the grant  
6 is to be used; and

7 (F) How long the need has existed; and

8 (2) Seek to provide a fair distribution of grants throughout the  
9 state.

10 (d) The commission shall not require the eligible entity to provide  
11 matching funds as a condition for approval of a grant application, but a  
12 grant recipient is not prohibited from using additional grants, donations, or  
13 other funds in conjunction with a grant.

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15 15-13-108. Disbursement of funds.

16 (a) The Chief Fiscal Officer of the State or his or her designee shall  
17 be the disbursing officer for the grants.

18 (b)(1) The commission shall certify the list of grant recipients to  
19 the Chief Fiscal Officer of the State.

20 (2) The Chief Fiscal Officer of the State or his or her designee  
21 shall make disbursements at such times as instructed by the commission.

22 (c)(1) Disbursement of grant funds shall be made only upon  
23 documentation to the Chief Fiscal Officer of the State in such a form as  
24 deemed necessary by the Chief Fiscal Officer of the State.

25 (2) The Chief Fiscal Officer of the State shall disburse grant  
26 funds to each project for which a grant was awarded in an amount in the  
27 proportion that each project's grant bears to the total of the allocations of  
28 all grants awarded by the commission.

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30 15-13-109. Expenditure of grant funds.

31 (a) Grant funds shall be used only for the purposes for which the  
32 funds were awarded.

33 (b)(1) All projects must be completed within twenty four (24) months  
34 after the date of the grant award unless the commission allows the grant  
35 recipient an extension to complete the project.

36 (2) If a grant recipient does not expend all grant funds

1 received, the grant recipient shall remit the unexpended balance to the state  
2 for deposit in the fund from which the grant was made. A grant recipient  
3 shall return unexpended grant funds no later than twenty-four (24) months  
4 after the date of the grant award.

5 (c) All expenditures of the grant funds by the grant recipient,  
6 including invoices, shall remain on file for three (3) years or until  
7 audited, whichever is later.

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9 15-13-110. Audit requirement.

10 A recipient of a grant:

11 (1) May be required to file a compliance audit; and

12 (2) Is subject to an audit by the Division of Legislative Audit in  
13 order to determine that the use of the funds was in compliance with the  
14 intent and purposes of this subchapter.

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16 SECTION 2. (a) The initial organizational meeting of the Arkansas  
17 Community Assistance Commission shall be held on March 1, 2007, or the first  
18 business day following the effective date of this subchapter.

19 (b) During the initial organizational meeting, the commission shall:

20 (1) Select a chair and vice chair;

21 (2) Approve grant application forms and grant instructions; and

22 (3) Transact such other business as may be necessary to  
23 implement the grant program.

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25 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
26 General Assembly of the State of Arkansas that many communities need state  
27 assistance to improve services to citizens and to develop and improve the  
28 community; that this act establishes the Arkansas Community Assistance  
29 Commission which will administer a program to assist cities, counties, state  
30 institutions, state agencies, and other entities that provide services to the  
31 citizens of this state; and that this act is immediately necessary in order  
32 for the commission to organize and begin its work of evaluating grant  
33 applications to be funded. Therefore, an emergency is declared to exist and  
34 this act being necessary for the preservation of the public peace, health,  
35 and safety shall become effective on:

36 (1) The date of its approval by the Governor;

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(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/ Thyer, et al*