

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 S2/20/07

A Bill

HOUSE BILL 1427

5 By: Representatives Thyer, Petrus
6 By: Senators Womack, Critcher
7
8

For An Act To Be Entitled

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

Subtitle

15 AN ACT TO ESTABLISH THE "ARKANSAS
16 COMMUNITY ASSISTANCE ACT OF 2007" AND TO
17 CREATE THE ARKANSAS COMMUNITY ASSISTANCE
18 COMMISSION.
19
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21

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

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".
29

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.
36



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.

5
6 15-13-104. Arkansas Community Assistance Commission.

7 (a) There is established the Arkansas Community Assistance Commission,
8 which shall consist of twelve (12) members.

9 (b)(1) The members of the commission shall be appointed for staggered
10 terms of four (4) 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;

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; and

21 (C)(i) Four (4) members shall be appointed by the
22 Governor.

23 (ii) In making the appointments, the Governor shall
24 appoint one (1) member from each of the four (4) congressional districts of
25 the state.

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

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

32 (c) The commission members shall select by majority vote one (1) of
33 its members to serve as chair and one (1) of its members to serve as vice
34 chair.

35 (d) Members of the commission shall serve without compensation.
36 However, if funds are appropriated for such purposes, the members may receive

1 expense reimbursement in accordance with § 25-16-902 and a stipend if
2 authorized by law.

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

5
6 15-13-105. Arkansas Community Assistance Commission - Functions,
7 powers, and duties.

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

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

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

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

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

24 (1) Coordinate the meetings of the commission;

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

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

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

28
29 15-13-106. Grant applications.

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

34 (2) A state agency or state institution cannot file a grant
35 application but a grant application to benefit a state agency or state
36 institution may be filed by an elected state official or by a member of the

1 General Assembly.

2 (b)(1) Grant applications shall be considered in three (3) cycles
3 during a biennial period. One third (1/3) of the moneys appropriated and
4 available to the commission for grants during the biennium should be awarded
5 during each cycle.

6 (2)(A) Grant application deadlines shall be as follows:

7 (i) Cycle 1 grant applications shall be filed in odd
8 numbered years by May 15, and the commission shall make cycle 1 grant awards
9 by June 30;

10 (ii) Cycle 2 grant applications shall be filed in
11 odd numbered years by September 15, and the commission shall make cycle 2
12 grant awards by October 31; and

13 (iii) Cycle 3 grant applications shall be filed in
14 even numbered years by March 15, and the commission shall make cycle 3 grant
15 awards by April 30.

16 (B) If a deadline occurs on a Saturday, Sunday, or legal
17 holiday, the deadline shall be the next day that is not a Saturday, Sunday,
18 or legal holiday.

19 (c) A grant application shall:

20 (1) State the purpose of the project;

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

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

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

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

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

27 (d) A grant application must be for:

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

30 (A) City Improvements;

31 (B) Assistance to colleges or other educational
32 institutions;

33 (C) County Improvements;

34 (D) Assistance to fair associations;

35 (E) Assistance to fire departments;

36 (F) Assistance to health centers or hospitals;

1 (G) Assistance to libraries;

2 (H) Assistance to museums; or

3 (I) Assistance to state agencies; or

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

7
8 15-13-107. Award of grants.

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

12 (b) In selecting recipients of grants the commission shall:

13 (1) Consider:

14 (A) The purpose of the project;

15 (B) The benefit to the community;

16 (C) The need for assistance;

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

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

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

22 (2) Seek to provide a fair distribution of grants throughout the
23 state.

24 (c) The commission shall not require the eligible entity to provide
25 matching funds as a condition for approval of a grant application, but a
26 grant recipient is not prohibited from using additional grants, donations, or
27 other funds in conjunction with a grant.

28
29 15-13-108. Disbursement of funds.

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

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

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

36 (c)(1) Disbursement of grant funds shall be made only upon

1 documentation to the Chief Fiscal Officer of the State in such a form as
2 deemed necessary by the Chief Fiscal Officer of the State.

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

7
8 15-13-109. Expenditure of grant funds.

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

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

14 (2) If a grant recipient does not expend all grant funds
15 received, the grant recipient shall remit the unexpended balance to the state
16 for deposit in the fund from which the grant was made. A grant recipient
17 shall return unexpended grant funds no later than twenty-four (24) months
18 after the date of the grant award.

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

22
23 15-13-110. Audit requirement.

24 A recipient of a grant:

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

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

29
30 SECTION 2. (a) The initial organizational meeting of the Arkansas
31 Community Assistance Commission shall be held on March 1, 2007, or the first
32 business day following the effective date of this subchapter.

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

34 (1) Select a chair and vice chair;

35 (2) Determine their terms by lot, so that for the appointments
36 made by each appointing officer:

- 1 (A) One (1) appointee serves for a term of one (1) year;
- 2 (B) One (1) appointee serves for a term of two (2) years;
- 3 (C) One (1) appointee serves for a term of three (3)
- 4 years; and
- 5 (D) One (1) appointee serves for a term of four (4) years.
- 6 (3) Approve grant application forms and grant instructions; and
- 7 (4) Transact such other business as may be necessary to
- 8 implement the grant program.

9

10 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the

11 General Assembly of the State of Arkansas that many communities need state

12 assistance to improve services to citizens and to develop and improve the

13 community; that this act establishes the Arkansas Community Assistance

14 Commission which will administer a program to assist cities, counties, state

15 institutions, state agencies, and other entities that provide services to the

16 citizens of this state; and that this act is immediately necessary in order

17 for the commission to organize and begin its work of evaluating grant

18 applications to be funded. Therefore, an emergency is declared to exist and

19 this act being necessary for the preservation of the public peace, health,

20 and safety shall become effective on:

- 21 (1) The date of its approval by the Governor;
- 22 (2) If the bill is neither approved nor vetoed by the Governor,
- 23 the expiration of the period of time during which the Governor may veto the
- 24 bill; or
- 25 (3) If the bill is vetoed by the Governor and the veto is
- 26 overridden, the date the last house overrides the veto.

27

28 /s/ Thyer

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