

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

A Bill

HOUSE BILL 1867

5 By: Representative L. Smith
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION TO THE UNIVERSITY
10 OF ARKANSAS – FAYETTEVILLE FOR U OF A COMMUNITY
11 DESIGN CENTER ASSISTANCE AND GRANTS; AND FOR
12 OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE UNIVERSITY OF ARKANSAS -
16 FAYETTEVILLE - U OF A COMMUNITY DESIGN
17 CENTER ASSISTANCE AND GRANTS GENERAL
18 IMPROVEMENT APPROPRIATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATIONS - U OF A COMMUNITY DESIGN CENTER. There is
25 hereby appropriated, to the University of Arkansas - Fayetteville, to be
26 payable from the General Improvement Fund or its successor fund or fund
27 accounts, the following:

28 (A) For operating costs, assistance and grants to communities across the
29 State and other expenses of the Community Design Center; providing
30 communities planning and services for development and attraction of
31 amenities, growth, environmental quality, healthful living, and minimization
32 of barriers, the sum of\$500,000.
33

34 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FINDINGS.
36 The General Assembly finds that:



1 (1) Well-planned communities form the basis for sustained economic
 2 development;

3 (2) An economic development program that develops a community's
 4 environmental quality, good downtown and neighborhoods, diversity, art and
 5 cultural amenities, schools, and transportation in a creative and well-
 6 designed manner with the purpose of improving the livability of the area for
 7 the community is more likely to attract desirable economic activity;

8 (3) A community that is designed and planned to facilitate walking and
 9 other active lifestyle activities by utilizing mixed-use structures, higher
 10 density development, and smart growth principals can improve the health of
 11 residents in that community and positively impact the statewide health index
 12 of Arkansas;

13 (4) Of the four hundred eight-eight (488) cities in Arkansas, only
 14 thirty-three (33) have a population greater than ten thousand (10,000) with
 15 the average city housing a population of five thousand four hundred seventy-
 16 eight (5,478);

17 (5) Due to the small size of most cities in Arkansas, the small
 18 communities lack in-house planning staffs and cannot afford to hire outside
 19 planning consultants;

20 (6) Many Arkansas communities consist of exemplary historic downtowns
 21 and neighborhoods, but their inability to steward these assets and to manage
 22 growth through good town planning places them at an economic disadvantage;

23 (7) Arkansas is fortunate to be the home of the University of Arkansas
 24 Community Design Center (UACDC), which is a nationally and internationally
 25 recognized planning and design program that is the only program in Arkansas
 26 that teaches community planning and design to university students;

27 (8) Parallel to its educational function, the UACDC has provided
 28 planning and design services to a limited number of communities based on each
 29 community's ability to afford the cost of its out-reach services, which
 30 limits access to the services of the UACDC only to those communities able to
 31 pay for the costs of the professional planning and design services; and

32 (9) That using general improvement funds for a grant program under
 33 this act shall ensure that Arkansas continues to advance in its efforts to
 34 improve economic development in the state and to provide more opportunities
 35 for the state as a whole by creating communities that attract both industry
 36 and people.

1 The provisions of this section shall be in effect only from July 1, 2007
2 through June 30, 2009.

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4 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COMMUNITY
6 ASSISTANCE.

7 (a) The purpose of this act is to:

8 (1) Provide Arkansas communities of less than ten thousand (10,000)
9 people with grant opportunities to afford the services of professional
10 community planners;

11 (2) Provide communities with the assistance needed to properly plan
12 and develop their communities in such a way as to create growth;

13 (3) Provide communities with the resources to attract entrepreneurial
14 populations;

15 (4) Provide communities with assistance in developing their
16 communities in such a way as to promote environmental quality, good
17 neighborhoods, diversity, art and cultural amenities, schools and,
18 transportation;

19 (5) Assist communities in building their communities in such a way as
20 to promote foot and cycle traffic, thus encouraging physical activity within
21 the new communities; and

22 (6) Prevent communities from developing in such a way that they create
23 barriers and prevent future economic growth.

24 (b)(1) The University of Arkansas Community Design Center shall develop,
25 implement, and administer a statewide grant program as provided under this
26 subsection (b) that provides the Arkansas communities that are selected as
27 grant recipients with professional planning and design services.

28 (2) To be eligible for a grant under this subsection (b), the
29 community must have a population of ten thousand (10,000) or less based on
30 the most recent decennial census.

31 (3)(A)(i) For fiscal year 2008 and based on funding and costs, at
32 least three (3) and not more than eight (8) communities shall receive grants
33 under this section, depending on the extent of work necessary for each grant
34 project.

35 (ii) For fiscal year 2009 and based on funding and costs, at
36 least three (3) and not more than eight (8) communities shall receive grants

1 under this section, depending on the extent of work necessary for each grant
2 project.

3 (B) Selection criteria may vary from year to year based on the
4 perceived statewide needs and the availability of specialized expertise at
5 the center during a given time period.

6 (4) The University of Arkansas Community Design Center shall create a
7 grant application process under this act that includes:

8 (A) The determination and designation of the planning and design
9 issue or issues that will be addressed with the planning and design services
10 awarded under this act;

11 (B) An application for a grant under this act that shall include at
12 a minimum:

13 (i) Evidence sufficient to support that the community meets the
14 requirements of subdivision (b)(2) of this section;

15 (ii) A narrative description of the planning and development
16 issue that the community would like to see addressed;

17 (iii) The expected impact that the grant will have on the
18 community's economic, environmental, and social development; and

19 (iv) An explanation as to how other similarly populated or
20 situated communities in the state would be able to use the planning and
21 design advice and report what is given to the community if the community
22 receives a grant under this act.

23 (C) Instructions about the grant process;

24 (D) Scoring procedures to determine the award of the grants; and

25 (E) Other factors that are determined to be necessary to administer
26 the grant program.

27 (c) Beginning in the calendar year 2008, the University of Arkansas
28 Community Design Center shall submit an annual report to the Legislative
29 Council by September 15 that sets forth the grants that have been provided
30 and the planning and development issue that was addressed for each grant.

31 The provisions of this section shall be in effect only from July 1, 2007
32 through June 30, 2009.

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34 SECTION 4. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
35 obligations otherwise incurred in relation to the project or projects
36 described herein in excess of the State Treasury funds actually available

1 therefor as provided by law. Provided, however, that institutions and
 2 agencies listed herein shall have the authority to accept and use grants and
 3 donations including Federal funds, and to use its unobligated cash income or
 4 funds, or both available to it, for the purpose of supplementing the State
 5 Treasury funds for financing the entire costs of the project or projects
 6 enumerated herein. Provided further, that the appropriations and funds
 7 otherwise provided by the General Assembly for Maintenance and General
 8 Operations of the agency or institutions receiving appropriation herein shall
 9 not be used for any of the purposes as appropriated in this act.

10 (B) The restrictions of any applicable provisions of the State Purchasing
 11 Law, the General Accounting and Budgetary Procedures Law, the Revenue
 12 Stabilization Law and any other applicable fiscal control laws of this State
 13 and regulations promulgated by the Department of Finance and Administration,
 14 as authorized by law, shall be strictly complied with in disbursement of any
 15 funds provided by this act unless specifically provided otherwise by law.

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 17 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General Assembly
 18 that any funds disbursed under the authority of the appropriations contained
 19 in this act shall be in compliance with the stated reasons for which this act
 20 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 21 and Legislative Recommendations contained in the budget manuals prepared by
 22 the Department of Finance and Administration, letters, or summarized oral
 23 testimony in the official minutes of the Arkansas Legislative Council or
 24 Joint Budget Committee which relate to its passage and adoption.

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 26 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General
 27 Assembly, that the Constitution of the State of Arkansas prohibits the
 28 appropriation of funds for more than a two (2) year period; that the
 29 effectiveness of this Act on July 1, 2007 is essential to the operation of
 30 the agency for which the appropriations in this Act are provided, and that in
 31 the event of an extension of the Regular Session, the delay in the effective
 32 date of this Act beyond July 1, 2007 could work irreparable harm upon the
 33 proper administration and provision of essential governmental programs.
 34 Therefore, an emergency is hereby declared to exist and this Act being
 35 necessary for the immediate preservation of the public peace, health and
 36 safety shall be in full force and effect from and after July 1, 2007.