

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 227

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 - SKILLS DEVELOPMENT FUND. There is hereby
23 appropriated, to the Department of Commerce, to be payable from the Skills
24 Development Fund, for the Department of Commerce - Office of Skills
25 Development the following:

26 (A) Effective July 1, 2023, the balance of the appropriation provided
27 in Item (A) of Section 1 of Act 115 of 2022, for personal services, operating
28 expenses, equipment and grants for comprehensive statewide workforce
29 development programs, in a sum not to exceed\$40,000,000.
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31 SECTION 2. REAPPROPRIATION - MINORITY AND WOMEN-OWNED BUSINESS LOAN
32 MOBILIZATION. There is hereby appropriated, to the Department of Commerce,
33 to be payable from the Minority and Women-Owned Business Loan Mobilization
34 Revolving Fund, for the Department of Commerce - Arkansas Economic
35 Development Commission the following:

36 (A) Effective July 1, 2023, the balance of the appropriation provided



1 in Item (A) of Section 2 of Act 115 of 2022, for promoting the development of
2 minority business enterprises in the State, increasing the ability of
3 minority business enterprises to compete for state contracts, and sustaining
4 the economic growth of minority business enterprises in the State, in a sum
5 not to exceed\$202,578.

7 SECTION 3. REAPPROPRIATION - QUICK ACTION CLOSING FUND. There is
8 hereby appropriated, to the Department of Commerce, to be payable from the
9 Economic Development Incentive Quick Action Closing Fund, for the Department
10 of Commerce - Arkansas Economic Development Commission the following:

11 (A) Effective July 1, 2023, the balance of the appropriation provided
12 in Item (A) of Section 3 of Act 115 of 2022, for incentives to attract new
13 business and economic development to the State, in a sum not to exceed
14\$16,471,594.

16 SECTION 4. REAPPROPRIATION - ECONOMIC DEVELOPMENT INCENTIVE PROGRAM -
17 CREATE REBATE. There is hereby appropriated, to the Department of Commerce,
18 to be payable from the Economic Development Incentive Fund of the Arkansas
19 Economic Development Commission for the Department of Commerce - Arkansas
20 Economic Development Commission the following:

21 (A) Effective July 1, 2023, the balance of the appropriation provided
22 in Item (A) of Section 4 of Act 115 of 2022, for financial incentives to
23 companies locating a new facility or expanding an existing facility with the
24 State of Arkansas and for companies that hire and maintain specified levels
25 of employment, as identified in signed financial agreements with the
26 Department of Commerce - Arkansas Economic Development Commission, in a sum
27 not to exceed\$350,960.

28 (B) Effective July 1, 2023, the balance of the appropriation provided
29 in Item (B) of Section 4 of Act 115 of 2022, for financial incentives to
30 companies locating a new facility or expanding an existing facility with the
31 State of Arkansas and for companies that hire and maintain specified levels
32 of employment, as identified in signed financial agreements with the
33 Department of Commerce - Arkansas Economic Development Commission, in a sum
34 not to exceed\$10,784,005.

36 SECTION 5. REAPPROPRIATION - CAPITAL IMPROVEMENT PROJECTS. There is

1 hereby appropriated, to the Department of Commerce, to be payable from the
2 Development and Enhancement Fund, for the Department of Commerce - Arkansas
3 Economic Development Commission the following:

4 (A) Effective July 1, 2023, the balance of the appropriation provided
5 in Item (B) of Section 5 of Act 115 of 2022, for the purpose of providing
6 grants and/or loans to state agencies, cities, counties, community-based non-
7 profit organizations and other entities determined by the Department of
8 Commerce - Arkansas Economic Development Commission to be eligible to: (1)
9 undertake public works projects and/or job training efforts which support
10 private sector job creation opportunities; (2) alleviate conditions which
11 constitute a threat to public health and wellbeing; (3) partially defray the
12 cost of providing access to publicly owned industrial parks, and/or
13 technology parks; (4) provide for the expansion of the aircraft and aerospace
14 industry; (5) provide for port, rail and waterway economic development
15 projects; (6) provide for technology based economic development projects; (7)
16 provide for industrial site development costs (including, but not limited to
17 land acquisition, construction, renovation, and equipment acquisition); (8)
18 provide for development of intermodal facilities (including, but not limited
19 to port and/or waterway projects, rail spur construction and/or road and
20 highway improvement); (9) pay the costs of environmental mitigation projects;
21 (10) provide for construction and/or improvement of water and sewer systems,
22 in a sum not to exceed\$21,272,000.

23 (B) Effective July 1, 2023, the balance of the appropriation provided
24 in Item (C) of Section 5 of Act 115 of 2022, for funding for an investment in
25 Arkansas’s workforce through training incentives for companies located in
26 Arkansas to upgrade skills of their existing workforce, or for a potential
27 new workforce, and to build capacity within Arkansas to supply on-going
28 training needs of Arkansas companies and to increase participation in the
29 State’s school-to-work initiatives, in a sum not to exceed\$3,000,000.

30 (C) Effective July 1, 2023, the balance of the appropriation provided
31 in Item (D) of Section 5 of Act 115 of 2022, for funding for grants and/or
32 loans to state agencies, cities, counties, community-based non-profit
33 organizations and other eligible entities to support economic stimulus
34 activities throughout the state, in a sum not to exceed\$10,991,240.
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36 SECTION 6. REAPPROPRIATION - CAPITAL IMPROVEMENT PROJECTS, GRANTS AND

1 PROGRAMS. There is hereby appropriated, to the Department of Commerce, to be
2 payable from the Development and Enhancement Fund, for the Department of
3 Commerce - Arkansas Economic Development Commission the following:

4 (A) Effective July 1, 2023, the balance of the appropriation provided
5 in Item (B) of Section 8 of Act 115 of 2022, 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\$75,020.

9 (B) Effective July 1, 2023, the balance of the appropriation provided
10 in Item (C) of Section 8 of Act 115 of 2022, for grant matching funds and/or
11 loans to state agencies, cities, counties, community-based non-profit
12 organizations and other eligible entities applying for consideration with a
13 granting organization that requires matching funds for projects, to maximize
14 contributions, provide cash assistance, or match contributions to ensure
15 grant funding or contract, in a sum not to exceed\$300,000.

16 (C) Effective July 1, 2023, the balance of the appropriation provided
17 in Item (D) of Section 8 of Act 115 of 2022, for the purpose of providing
18 grants and/or loans to state agencies, cities, counties, community-based non-
19 profit organizations and other entities determined by the Arkansas Economic
20 Development Commission to be eligible to: (1) undertake public works projects
21 and/or job training efforts which support private sector job creation
22 opportunities; (2) alleviate conditions which constitute a threat to public
23 health and wellbeing; (3) partially defray the cost of providing access to
24 publicly owned industrial parks, and/or technology parks; (4) provide for the
25 expansion of the aircraft and aerospace industry; (5) provide for port, rail
26 and waterway economic development projects; (6) provide for technology based
27 economic development projects; (7) provide for industrial site development
28 costs (including, but not limited to land acquisition, construction,
29 renovation, and equipment acquisition); (8) provide for development of
30 intermodal facilities (including, but not limited to port and/or waterway
31 projects, rail spur construction and/or road and highway improvement); (9)
32 pay the costs of environmental mitigation projects; (10) provide for
33 construction and/or improvement of water and sewer systems, in a sum not to
34 exceed\$375,000.

35 (D) Effective July 1, 2023, the balance of the appropriation provided
36 in Item (E) of Section 8 of Act 115 of 2022, for funding for grants and/or

1 loans to state agencies, cities, counties, community-based non-profit
2 organizations and other eligible entities to undertake public works projects
3 and/or job training efforts which support private sector job creation
4 opportunities, alleviate conditions which constitute a threat to public
5 health and well-being, or partially defray the costs of providing access to
6 publicly owned industrial parks, and/or technology parks; to provide grants
7 and/or loans for the expansion of the aircraft and aerospace industry; grants
8 and/or loans for port and waterway economic development projects; grants
9 and/or loans for industrial site development costs (including, but not
10 limited to land acquisition, construction, renovation, and equipment
11 acquisition); development of intermodal facilities (including, but not
12 limited to port and waterway projects, rail spur construction and road and
13 highway improvements); grants and/or loans to pay the costs of environmental
14 mitigation projects; and for construction and/or improvement of water sewer
15 systems, in a sum not to exceed\$6,365.

16 (E) Effective July 1, 2023, the balance of the appropriation provided
17 in Item (G) of Section 8 of Act 115 of 2022, for allocation by the Executive
18 Director of the Economic Development Commission for activities associated
19 with the implementation of the State’s strategic plan for economic
20 development, in a sum not to exceed\$130,100.

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22 SECTION 7. DISBURSEMENT CONTROLS. (A) No contract may be awarded nor
23 obligations otherwise incurred in relation to the project or projects
24 described herein in excess of the State Treasury funds actually available
25 therefor as provided by law. Provided, however, that institutions and
26 agencies listed herein shall have the authority to accept and use grants and
27 donations including Federal funds, and to use its unobligated cash income or
28 funds, or both available to it, for the purpose of supplementing the State
29 Treasury funds for financing the entire costs of the project or projects
30 enumerated herein. Provided further, that the appropriations and funds
31 otherwise provided by the General Assembly for Maintenance and General
32 Operations of the agency or institutions receiving appropriation herein shall
33 not be used for any of the purposes as appropriated in this act.

34 (B) The restrictions of any applicable provisions of the State
35 Purchasing Law, the General Accounting and Budgetary Procedures Law, the
36 Revenue Stabilization Law and any other applicable fiscal control laws of

1 this State and regulations promulgated by the Department of Finance and
2 Administration, as authorized by law, shall be strictly complied with in
3 disbursement of any funds provided by this act unless specifically provided
4 otherwise by law.

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6 SECTION 8. LEGISLATIVE INTENT. It is the intent of the General
7 Assembly that any funds disbursed under the authority of the appropriations
8 contained in this act shall be in compliance with the stated reasons for
9 which this act was adopted, as evidenced by the Agency Requests, Executive
10 Recommendations and Legislative Recommendations contained in the budget
11 manuals prepared by the Department of Finance and Administration, letters, or
12 summarized oral testimony in the official minutes of the Arkansas Legislative
13 Council or Joint Budget Committee which relate to its passage and adoption.
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15 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
16 Assembly, that the Constitution of the State of Arkansas prohibits the
17 appropriation of funds for more than a one (1) year period; that the
18 effectiveness of this Act on July 1, 2023 is essential to the operation of
19 the agency for which the appropriations in this Act are provided, and that in
20 the event of an extension of the legislative session, the delay in the
21 effective date of this Act beyond July 1, 2023 could work irreparable harm
22 upon the proper administration and provision of essential governmental
23 programs. Therefore, an emergency is hereby declared to exist and this Act
24 being necessary for the immediate preservation of the public peace, health
25 and safety shall be in full force and effect from and after July 1, 2023.
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