

ARKANSAS AMERICAN RESCUE PLAN STEERING COMMITTEE

RULES OF PROCEDURE

PURPOSE: The purpose of these rules is to establish rules and procedures for conducting the business of the **Arkansas American Rescue Plan Steering Committee** and to inform the members of the committee and the public of the procedures and rules of the committee.

DUTIES:

1. The American Rescue Plan Act (ARPA) of 2021 (ARPA; P.L. 117-2) was signed into law on March 11, 2021, and provides an estimated \$350 billion in emergency funding for eligible state, local, territorial, and Tribal Governments to respond to the COVID-19 emergency and bring back jobs. ARPA is the latest in a series of Coronavirus Disease 2019 (COVID-19)-related relief and economic stimulus legislation.
2. Governor Asa Hutchinson issued Executive Order No. 21-08 on May 11, 2021 creating the committee as “an investigative and advisory body of the Governor” and establishing the following duties for the committee:
 - a. Study and analyze the relief available to the State of Arkansas, its citizens, and businesses under the ARPA;
 - b. Identify and prioritize the needs of the State of Arkansas, its citizens and businesses for the application of available relief;
 - c. Identify the most efficient practices and procedures to obtain and apply available relief; and
 - d. Make recommendations to the Governor on best uses of the ARPA funding.
3. Utilize an advisory committee or working groups as needed within the private sector to assist in the development of investment plans for ARPA funds; and
4. Upon request, the Department of Finance and Administration may provide staff and other personnel to support the work of the steering committee.

CORONAVIRUS STATE FISCAL RECOVERY FUND:

1. **Source of Funds.** The ARPA established the Coronavirus State Fiscal Recovery Fund, which provides \$195.3 billion in relief funds to the states. Of that total \$195.3 billion, Arkansas was allocated \$1.573 billion.
2. **Use of Funds.** The funds available to Arkansas under the Coronavirus State Fiscal Recovery Fund may only be used for costs of the State Government that:

- a. Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- b. Replace lost revenue for eligible state, local, territorial, and Tribal governments;
- c. Strengthen support for vital public services and help retain jobs;
- d. Support immediate economic stabilization for households and businesses; and
- e. Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic.

CAPITAL PROJECTS FUND:

1. **Source of Funds.** The ARPA established the Capital Projects Fund, which provides \$10 billion in relief funds to the states. Of that total \$10 billion, Arkansas was allocated \$157 million.
2. **Use of Funds.** The funds available to Arkansas under the Capital Projects Fund may only be used for costs of the State Government that:
 - a. Carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to the Coronavirus Disease (COVID-19); and
 - b. Address the need for connectivity in response to the COVID-19 pandemic complements the broader range of uses, including for broadband infrastructure, of the American Rescue Plan's separate \$350 billion Coronavirus State and Local Fiscal Recovery Funds.

SUBMISSION OF REQUESTS FOR STATE FISCAL RECOVERY FUNDS AND CAPITAL PROJECT FUNDS TO COMMITTEE

1. A request for funds shall be submitted to the committee no less than three (3) business days prior to the meeting at which the request will be considered. The request shall be distributed to all committee members upon receipt in order to allow for review of the request by the committee members prior to the meeting;
2. All requests shall be submitted in writing and shall include the request and all supporting documentation. Supporting documentation shall include the anticipated economic impact of the program or purchase that is the subject of the request; an estimate of the business entities or individuals that will be eligible for assistance, if applicable; the agency that will receive or distribute the funds, if applicable;
3. A request for funds shall be placed on a committee meeting agenda to be made available to the public no less than one (1) business day prior to the meeting at which the request is to be considered by the committee, in order to allow for submission of public comments to the committee regarding the request; and

4. All documentation related to a request for funds, as submitted to the committee, whether approved or not, shall be made available to the public.
5. **Committee Consideration and Action.** A request for funds shall be considered as an official agenda item at a meeting of the committee. Debate and voting of the committee regarding the requests shall be open to the public, whether in person or via livestream.
6. **Allocation of Available Funds.** Under Executive Order 21-08, it is the duty of the committee to identify and prioritize the needs of the State of Arkansas, its citizens, and its businesses for the application of available relief. The committee shall recommend allocating the available funds from the Coronavirus State Fiscal Recovery Fund and Capital Project Fund in such a way as to ensure that needs of the State are met in the following areas:

Coronavirus State Fiscal Recovery Funds

- a. **Support public health expenditures**, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- b. **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- c. **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- d. **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors; and
- e. **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Capital Recovery Fund

- a. **Investments in depreciable assets and the ancillary costs** needed to put the capital assets in use;
- b. **Provide connectivity** for those who lack it;
- c. **Allows for investment in high-quality broadband** as well as other connectivity infrastructure, devices, and equipment; and
- d. **Make other investments in critical community hubs** or other capital assets that provide access jointly to work, education, and health monitoring.

In accordance with these priorities, the committee shall establish goals for the \$1.573 billion dollars allocated from the Coronavirus State Fiscal Recovery Fund and for the \$157 million dollars allocated from the Capital Projects Fund to the State of Arkansas for each associated area stated in this subsection 5, and any subcategories thereof that the committee may establish.

7. **Timeline for Use of Funds.** In general, under ARPA, these funds are available for expenses incurred by the State in relation to the COVID-19 public health emergency beginning March 3, 2021 and ending December 31, 2024 for one or more of the purposes identified.
 - a. In considering requests for funds, the committee shall ensure funds are obligated by December 31, 2024 and expended funds for said commitments by December 31, 2026; and
 - b. The committee may meet as often as is necessary for consideration of requests and shall meet no less than one time per month through the remainder of 2024.

PARLIAMENTARY PROCEDURE:

1. Quorum. The committee is made up of fifteen (15) members. A majority of the members of the committee shall constitute a quorum for transacting business of the committee.
2. Action. An affirmative vote of a majority of a quorum present shall be required for the passage of a motion or other committee action.
3. Roll Call. The committee shall vote by voice vote unless a roll call vote is requested by two (2) or more committee members. Roll call votes shall be recorded in the meeting minutes.
4. Motions. A motion shall receive a second to be considered for action by the committee.
5. Public Comment. The chair may provide the public an opportunity to speak during a committee meeting to allow for public comment on issues before the committee, or allow for submission of public comment in writing via email, which will be distributed to the committee members prior to the meeting at which the request that is the subject of the comment will be considered.

The committee shall provide access through a website allowing members of the public to offer ideas regarding uses and priorities of the ARPA funds. The DFA-Office of Accounting will review public submissions for proposals and/or comments and make assignment to a state agency for assistance and development of the proposal and/or comment. This site shall be established and able to begin receiving public comments no later than June 15, 2021. Committee members shall have access to the public comments submitted through the website.

6. Minutes. Staff shall produce minutes of each committee meeting to be adopted by the committee at the subsequent scheduled meeting.