

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 6

A Bill

SENATE BILL 85

5 By: Senator Higginbothom
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For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES TO IMPLEMENT THE
11 CORPORATE FRANCHISE TAX INCREASE FOR THE
12 SECRETARY OF STATE WHICH SHALL BE SUPPLEMENTAL
13 AND IN ADDITION TO THOSE FUNDS APPROPRIATED BY
14 ACT 1314 OF 2003; AND FOR OTHER PURPOSES.
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Subtitle

18 AN ACT FOR THE SECRETARY OF STATE -
19 PERSONAL SERVICES AND OPERATING EXPENSES
20 - IMPLEMENT CORPORATE FRANCHISE TAX
21 INCREASE SUPPLEMENTAL APPROPRIATION.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. APPROPRIATION - CORPORATE FRANCHISE TAX INCREASE
27 IMPLEMENTATION. There is hereby appropriated, to the Secretary of State, to
28 be payable from the State Central Services Fund, for personal services and
29 operating expenses to implement the Corporate Franchise Tax increase for the
30 Secretary of State which shall be supplemental and in addition to those funds
31 appropriated in Section 3 of Act 1314 of 2003, the following:
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33 ITEM	FISCAL YEAR
34 <u>NO.</u>	<u>2004-2005</u>
35 (01) MAINT. & GEN. OPERATION	
36 (A) OPER. EXPENSE	\$ 194,000



1	(B) CONF. & TRAVEL	0
2	(C) PROF. FEES	0
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	0
5	(02) EXTRA HELP	<u>12,000</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 206,000</u>

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8 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 9 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER.
 10 Immediately upon the effective date of this Act, the Chief Fiscal Officer of
 11 the State shall transfer on his books and those of the State Treasurer and
 12 the Auditor of the State the sum of two hundred six thousand dollars
 13 (\$206,000) from funds received from the Jobs and Growth Tax Relief
 14 Reconciliation Act of 2003, Public Law 108-27, to the State Central Services
 15 Fund for personal services and operating expenses to implement the Corporate
 16 Franchise Tax increase for the Secretary of State. The provisions of this
 17 section shall be in effect only from July 1, 2004 through June 30, 2005.

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19 SECTION 3. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 20 by this act shall be limited to the appropriation for such agency and funds
 21 made available by law for the support of such appropriations; and the
 22 restrictions of the State Purchasing Law, the General Accounting and
 23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 24 Procedures and Restrictions Act, or their successors, and other fiscal
 25 control laws of this State, where applicable, and regulations promulgated by
 26 the Department of Finance and Administration, as authorized by law, shall be
 27 strictly complied with in disbursement of said funds.

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29 SECTION 4. LEGISLATIVE INTENT. It is the intent of the General Assembly
 30 that any funds disbursed under the authority of the appropriations contained
 31 in this act shall be in compliance with the stated reasons for which this act
 32 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 33 and Legislative Recommendations contained in the budget manuals prepared by
 34 the Department of Finance and Administration, letters, or summarized oral
 35 testimony in the official minutes of the Arkansas Legislative Council or
 36 Joint Budget Committee which relate to its passage and adoption.

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2 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General
3 Assembly, that the Constitution of the State of Arkansas prohibits the
4 appropriation of funds for more than a two (2) year period; that due to the
5 November 2002 Arkansas Supreme Court decision regarding the inadequacy of
6 Arkansas public schools and declaring the current school-funding system
7 unconstitutional and that in order to implement a school-funding system that
8 meets constitutional compliance, additional funds and appropriation are
9 necessary for the Secretary of State to implement a Corporate Franchise Tax
10 increase; that the effectiveness of this Act on July 1, 2004 is essential to
11 the operation of the agency for which the appropriations in this Act are
12 provided, and that in the event of an extension of the Second Extraordinary
13 Session, the delay in the effective date of this Act beyond July 1, 2004
14 could work irreparable harm upon the proper administration and provision of
15 essential governmental programs. Therefore, an emergency is hereby declared
16 to exist and this Act being necessary for the immediate preservation of the
17 public peace, health and safety shall be in full force and effect from and
18 after July 1, 2004.

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