

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.

Act 1276 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H4/1/09
A Bill

HOUSE BILL 1078

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR STATE
10 TURNBACK FOR COUNTIES AND MUNICIPALITIES BY THE
11 OFFICE OF THE TREASURER OF STATE FOR THE FISCAL
12 YEAR ENDING JUNE 30, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16 AN ACT FOR THE OFFICE OF TREASURER OF
17 STATE - FOR STATE TURNBACK FOR COUNTIES
18 AND MUNICIPALITIES APPROPRIATION FOR THE
19 2009-2010 FISCAL YEAR.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. APPROPRIATION - GENERAL REVENUES TO CITIES. There is hereby
26 appropriated, to the Office of the Treasurer of State, to be payable from the
27 Municipal Aid Fund, for the purpose of distributing General Revenue accruing
28 therein for the benefit of municipalities as provided by law, by the Office
29 of the Treasurer of State for the fiscal year ending June 30, 2010, the
30 following:
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32 ITEM	FISCAL YEAR
33 NO.	2009-2010
34 (01) GENERAL REVENUES - CITIES	<u>\$ 27,506,526</u>

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SECTION 2. APPROPRIATION - SPECIAL REVENUES TO CITIES. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the Municipal Aid Fund, for distributing Special Revenues accruing therein for the benefit of municipalities as provided by law, by the Office of the Treasurer of State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) SPECIAL REVENUES - CITIES	<u>\$ 120,000,000</u>

SECTION 3. APPROPRIATION - GENERAL REVENUES TO COUNTIES. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the County Aid Fund, for the purpose of distributing General Revenue accruing therein for the benefit of counties as provided by law, by the Office of the Treasurer of State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) GENERAL REVENUE - COUNTIES	<u>\$ 19,741,546</u>

SECTION 4. APPROPRIATION - SPECIAL REVENUES TO COUNTIES. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the County Aid Fund, for the purpose of distributing any monies provided by Highway Turnback, Severance Taxes to counties, and any other monies provided by the Acts of the General Assembly for the benefit of counties, by the Office of the Treasurer of State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) SPECIAL REVENUE - COUNTIES	<u>\$ 160,000,000</u>

SECTION 5. APPROPRIATION - UNANTICIPATED SPECIAL REVENUES. There is hereby appropriated, to the Office of the Treasurer of State, to be payable from the County Aid Fund, from unanticipated monies received from the sale or lease of minerals, oil and gas on federal military lands or from other unanticipated

1 special revenues, for the transfer to those counties to which such monies are
2 allocated by law, by the Office of the Treasurer of State for the fiscal year
3 ending June 30, 2010, the following:

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5	ITEM	FISCAL YEAR
6	<u>NO.</u>	<u>2009-2010</u>
7	(01) UNANTICIPATED SPECIAL REVENUES	<u>\$ 20,000,000</u>

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9 SECTION 6. APPROPRIATION - MILITARY LAND SALE. There is hereby
10 appropriated, to the Office of the Treasurer of State, to be payable from the
11 County Aid Fund, from monies received from the sale or lease of minerals, oil
12 and gas on federal military lands to the County Road Fund of the counties to
13 which such monies are allocated by law, by the Office of the Treasurer of
14 State for the fiscal year ending June 30, 2010, the sum of\$750,000.

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16 SECTION 7. APPROPRIATION - MILITARY LAND TAXING UNIT DISTRIBUTION. There
17 is hereby appropriated, to the Office of the Treasurer of State, to be
18 payable from the County Aid Fund, from monies received from the sale or lease
19 of minerals, oil and gas on federal military lands to the County Treasurer of
20 the counties to which such monies are allocated by law, for distribution to
21 the various taxing units of said county as provided by law, by the Office of
22 the Treasurer of State for the fiscal year ending June 30, 2010, the sum of
23\$1,250,000.

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25 SECTION 8. APPROPRIATION - REAL PROPERTY TAX REDUCTION - COUNTIES. There
26 is hereby appropriated, to the Office of the Treasurer of State, to be
27 payable from the Property Tax Relief Trust Fund, for distributing funds
28 provided by a statewide property tax reduction to counties, by the Office of
29 the Treasurer of State for the fiscal year ending June 30, 2010, the
30 following:

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32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2009-2010</u>
34	(01) DISTRIBUTION TO COUNTIES FOR PROPERTY	
35	TAX RELIEF	<u>\$ 250,000,000</u>

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1 *SECTION 9. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES DISTRIBUTION*
 2 *TO COUNTIES. There is hereby appropriated, to the Office of the Treasurer of*
 3 *State, to be payable from the Property Tax Relief Trust Fund, accruing*
 4 *therein for the benefit of counties to be distributed using the formula for*
 5 *the County Aid Fund under §19-5-602(c), by the Office of the Treasurer of*
 6 *State for the fiscal year ending June 30, 2010, the following:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2009-2010</i></u>
<i>(01) DISTRIBUTION TO COUNTIES</i>	<u><u><i>\$ 4,000,000</i></u></u>

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 12 *SECTION 10. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES DISTRIBUTION*
 13 *TO CITIES. There is hereby appropriated, to the Office of the Treasurer of*
 14 *State, to be payable from the Property Tax Relief Trust Fund, accruing*
 15 *therein for the benefit of municipalities to be distributed using the formula*
 16 *for the Municipal Aid Fund under §19-5-601(b), by the Office of the Treasurer*
 17 *of State for the fiscal year ending June 30, 2010, the following:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2009-2010</i></u>
<i>(01) DISTRIBUTION TO CITIES</i>	<u><u><i>\$ 4,000,000</i></u></u>

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 23 *SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
 24 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISTRIBUTION*
 25 *OF FUNDS. Funding provided in Sections 9 and 10 of this Act from the*
 26 *Property Tax Relief Trust Fund shall not be distributed unless there are*
 27 *sufficient funds in the Property Tax Relief Trust Fund as of the date that*
 28 *the Chief Fiscal Officer of the State certifies the amount in excess of the*
 29 *required reimbursement to the counties as provided in §26-26-310(b)(2)(C)(i).*
 30 *If there are sufficient funds remaining in the Property Tax Relief Trust Fund*
 31 *on December 31, 2009, as certified, the Treasurer shall distribute four*
 32 *million dollars (\$4,000,000) to counties and four million dollars*
 33 *(\$4,000,000) to cities for the fiscal year ending June 30, 2010 from the*
 34 *balance remaining on December 31, 2009 from the Property Tax Relief Trust*
 35 *Fund. The distribution to counties shall be made in accordance with the*
 36 *distribution formula in §19-5-602(c). The distribution to cities shall be*

1 made in accordance with the distribution formula in §19-5-601(b). The funds
2 attributable to sales and use taxes levied prior to July 1, 2009 shall not be
3 transferred from the Property Tax Relief Trust Fund to the cities and
4 counties.

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6 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY
8 TURNBACK - UNANTICIPATED FUNDS. The appropriation authorized for General
9 Revenue to Counties in Section 3, Military Land Sale in Section 6 and
10 Military Land Taxing Unit Distribution in Section 7 of this Act, or any other
11 appropriation as provided by the General Assembly for aid to counties may be
12 supplemented, if necessary, by a transfer from the appropriation provided for
13 Unanticipated Special Revenues in Section 5 of this Act.

14 The provisions of this section shall be in effect only from July 1,
15 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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17 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS TO
19 CITIES AND COUNTIES. On July 1 of each fiscal year ~~of the biennial period~~
20 ~~ending June 30, 2011~~, the Chief Fiscal Officer of the State shall request a
21 transfer by the State Treasurer from the Budget Stabilization Trust Fund to
22 the County Aid Fund and to the Municipal Aid Fund to assist the various
23 cities and counties in meeting cash flow needs early in the state fiscal
24 year. The transfer shall be a loan to be repaid in equal installments from
25 general revenue distributions each month during the fiscal year for which the
26 loan was made and shall be in addition to any other loans authorized by law
27 for the County Aid and Municipal Aid Funds. The amount of such loan for each
28 fiscal year shall be \$3,517,657 to the Municipal Aid Fund and \$1,906,079 to
29 the County Aid Fund, or so much thereof as may be available in the Budget
30 Stabilization Trust Fund as determined by the Chief Fiscal Officer of the
31 State. Upon such transfer being completed, the State Treasurer shall
32 immediately distribute such funds to each of the several municipalities and
33 counties in the same manner as general revenues are distributed.

34 It is the intent of the General Assembly that the Chief Fiscal Officer
35 of the State and the State Treasurer shall make every reasonable, and
36 financially sound effort to insure that local governments receive the full

1 amount of the loan authorized herein on July 1 of each year and that the
2 monies authorized for local governments from general revenues be distributed
3 in equal monthly payments.

4 The provisions of this section shall be in effect only from July 1,
5 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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7 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
8 by this act shall be limited to the appropriation for such agency and funds
9 made available by law for the support of such appropriations; and the
10 restrictions of the State Procurement Law, the General Accounting and
11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
12 Procedures and Restrictions Act, or their successors, and other fiscal
13 control laws of this State, where applicable, and regulations promulgated by
14 the Department of Finance and Administration, as authorized by law, shall be
15 strictly complied with in disbursement of said funds.

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17 SECTION 15. 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 16. 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 one (1) year period; that the
29 effectiveness of this Act on July 1, 2009 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, 2009 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, 2009.

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/s/ Joint Budget Committee

APPROVED: 4/9/2009