

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 1318 of the Regular Session

As Engrossed: S1/28/09 S2/18/09 S4/1/09

A Bill

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

SENATE BILL 194

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE ECONOMIC
11 DEVELOPMENT COMMISSION FOR THE FISCAL YEAR ENDING
12 JUNE 30, 2010; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE ECONOMIC DEVELOPMENT
16 COMMISSION APPROPRIATION FOR THE
17 2009-2010 FISCAL YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES. There is hereby established for the Economic
24 Development Commission for the 2009-2010 fiscal year, the following maximum
25 number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
34
35

Maximum Annual



1				Maximum	Salary Rate
2	Item	Class		No. of	Fiscal Year
3	No.	Code	Title	Employees	2009-2010
4	(1)	U055U	AEDC DIRECTOR	1	\$127,118
5	(2)	U059U	AEDC DEPUTY DIRECTOR	1	\$109,041
6	(3)	U105U	AEDC DEPUTY DIRECTOR FINANCE & ADMIN	1	\$109,041
7	(4)	N062N	AEDC BUSINESS DEV DIV DIR	1	GRADE N908
8	(5)	N061N	AEDC BUSINESS FINANCE DIRECTOR	1	GRADE N908
9	(6)	N060N	AEDC INTERNATIONAL RELATIONS MANAGE	1	GRADE N908
10	(7)	N059N	AEDC TRAINING DIVISION DIRECTOR	1	GRADE N908
11	(8)	N085N	AEDC DIR TECH & ENTREPRENEURSHIP	1	GRADE N907
12	(9)	N084N	AEDC MRKT & COMMUNICATIONS DIR	1	GRADE N907
13	(10)	N083N	AEDC STRATEGIC PLANNING DIRECTOR	1	GRADE N907
14	(11)	G013C	AEDC DIR ARKANSAS ENERGY OFFICE	1	GRADE C128
15	(12)	G016C	AEDC DIR BUSINESS RETENTION & EXPAN	1	GRADE C128
16	(13)	G014C	AEDC DIR OF COMMUNITY DEVELOPMENT	1	GRADE C128
17	(14)	P002C	AEDC DIRECTOR FILM COMMISSION	1	GRADE C128
18	(15)	G015C	AEDC SMALL/MINORITY BUSINESS DIRECT	1	GRADE C128
19	(16)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
20	(17)	D012C	DATABASE SPECIALIST	1	GRADE C127
21	(18)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
22	(19)	G048C	AEDC STRATEGIC PLANNING ASST DIR	1	GRADE C126
23	(20)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
24	(21)	G062C	AEDC PROJECT/REGIONAL MANAGER	16	GRADE C125
25	(22)	D040C	GIS ANALYST	1	GRADE C123
26	(23)	G104C	AEDC AREA/PROGRAM REPRESENTATIVE	22	GRADE C122
27	(24)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
28	(25)	R014C	PERSONNEL MANAGER	1	GRADE C121
29	(26)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
30	(27)	E023C	TRAINING PROJECT MANAGER	4	GRADE C120
31	(28)	G148C	ENERGY PROGRAM MANAGER	2	GRADE C119
32	(29)	G147C	GRANTS COORDINATOR	1	GRADE C119
33	(30)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
34	(31)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
35	(32)	D064C	WEBSITE DEVELOPER	1	GRADE C118
36	(33)	A082C	ACCOUNTANT II	2	GRADE C117

1	(34)	G188C	BUSINESS & INDUSTRIAL ENERGY SPEC	1	GRADE C117
2	(35)	G180C	GRANTS ANALYST	1	GRADE C117
3	(36)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
4	(37)	P027C	PUBLIC INFORMATION SPECIALIST	2	GRADE C116
5	(38)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
6	(39)	R033C	BENEFITS ANALYST	1	GRADE C115
7	(40)	D077C	HELP DESK SPECIALIST	1	GRADE C115
8	(41)	V015C	PURCHASING SPECIALIST	1	GRADE C115
9	(42)	P041C	COMMERCIAL GRAPHIC ARTIST	1	GRADE C114
10	(43)	C056C	ADMINISTRATIVE SPECIALIST III	12	GRADE C112
11	(44)	C073C	ADMINISTRATIVE SPECIALIST II	<u>3</u>	GRADE C109
12			MAX. NO. OF EMPLOYEES	100	

13

14 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for
 15 the Economic Development Commission – State Operations for the 2009-2010
 16 fiscal year, the following maximum number of part-time or temporary
 17 employees, to be known as "Extra Help", payable from funds appropriated
 18 herein for such purposes: eleven (11) temporary or part-time employees, when
 19 needed, at rates of pay not to exceed those provided in the Uniform
 20 Classification and Compensation Act, or its successor, or this act for the
 21 appropriate classification.

22

23 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 24 to the Economic Development Commission, to be payable from the Department of
 25 Economic Development Fund Account, for personal services and operating
 26 expenses of the Economic Development Commission – State Operations for the
 27 fiscal year ending June 30, 2010, the following:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2009-2010</u>
31	(01) REGULAR SALARIES	\$ 4,614,326
32	(02) EXTRA HELP	20,000
33	(03) PERSONAL SERVICES MATCHING	1,286,259
34	(04) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	1,802,503
36	(B) CONF. & TRAVEL	141,486

1	(C) PROF. FEES	1,291,500
2	(D) CAP. OUTLAY	25,000
3	(E) DATA PROC.	0
4	(05) ECONOMIC INFRASTRUCTURE PROGRAM	1,000,000
5	(06) FAR EAST TRADE/INDUSTRY RECRUITMENT	150,000
6	(07) FOR STATE MATCHING OF FEDERAL FUNDS	228,500
7	(08) INDUSTRY TRAINING PROGRAM	1,000,000
8	(09) LATIN AMERICAN OFFICE	<u>4,770</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 11,564,344</u>

10

11 SECTION 4. APPROPRIATION - COMMUNITY ASSISTANCE (CDBG) - FEDERAL. There is
 12 hereby appropriated, to the Economic Development Commission, to be payable
 13 from the federal funds as designated by the Chief Fiscal Officer of the
 14 State, for personal services and operating expenses of the Economic
 15 Development Commission - Community Assistance - Federal for the fiscal year
 16 ending June 30, 2010, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2009-2010</u>
20	(01) REGULAR SALARIES	\$ 300,474
21	(02) PERSONAL SERVICES MATCHING	91,948
22	(03) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	60,600
24	(B) CONF. & TRAVEL	25,000
25	(C) PROF. FEES	70,000
26	(D) CAP. OUTLAY	0
27	(E) DATA PROC.	0
28	(04) GRANTS/AIDS - CDBG	<u>30,000,000</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$ 30,548,022</u>

30

31 SECTION 5. APPROPRIATION - STATE ENERGY PLAN - FEDERAL. There is hereby
 32 appropriated, to the Economic Development Commission, to be payable from the
 33 federal funds as designated by the Chief Fiscal Officer of the State, for
 34 personal services and operating expenses of the Economic Development
 35 Commission - State Energy Plan - Federal for the fiscal year ending June 30,
 36 2010, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2009-2010</u>
4	(01) REGULAR SALARIES	\$ 349,425
5	(02) PERSONAL SERVICES MATCHING	111,313
6	(03) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	166,675
8	(B) CONF. & TRAVEL	39,573
9	(C) PROF. FEES	204,001
10	(D) CAP. OUTLAY	0
11	(E) DATA PROC.	0
12	(04) ENERGY CONSERVATION GRANTS AND AID	<u>517,851</u>
13	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,388,838</u>
14		

15 SECTION 6. APPROPRIATION - ENERGY EFFICIENCY ARKANSAS - CASH. There is
 16 hereby appropriated, to the Economic Development Commission, to be payable
 17 from the cash fund deposited in the State Treasury as determined by the Chief
 18 Fiscal Officer of the State, for personal services and operating expenses of
 19 the Economic Development Commission for the fiscal year ending June 30, 2010,
 20 the following:

21		
22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2009-2010</u>
24	(01) REGULAR SALARIES	\$ 48,166
25	(02) PERSONAL SERVICES MATCHING	14,116
26	(03) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	43,900
28	(B) CONF. & TRAVEL	2,000
29	(C) PROF. FEES	2,102,955
30	(D) CAP. OUTLAY	0
31	(E) DATA PROC.	0
32	(04) ENERGY EFFICIENCY ARKANSAS GRANTS	<u>100,000</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,311,137</u>
34		

35 SECTION 7. APPROPRIATION - INCENTIVE PLANS - CASH. There is hereby
 36 appropriated, to the Economic Development Commission, to be payable from cash

1 funds as defined by Arkansas Code 19-4-801 of the Economic Development
 2 Commission, for expenses of assisting industries in the negotiation of
 3 financial incentive plans of the Economic Development Commission for the
 4 fiscal year ending June 30, 2010, the following:

5

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2009-2010</u>
8 (01) FINANCIAL INCENTIVE PLANS - EXPENSES	\$ <u>11,100</u>

9

10 SECTION 8. APPROPRIATION - TRADE AND INTERNATIONAL INVESTMENT DIVISION -
 11 CASH. There is hereby appropriated, to the Economic Development Commission,
 12 to be payable from cash funds as defined by Arkansas Code 19-4-801 of the
 13 Economic Development Commission, for marketing expenses of the Economic
 14 Development Commission for the fiscal year ending June 30, 2010, the
 15 following:

16

17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2009-2010</u>
19 (01) TRADE AND INTERNATIONAL INVESTMENT	
20 MARKETING EXPENSES	\$ <u>9,625</u>

21

22 SECTION 9. APPROPRIATION - EXISTING BUSINESS RESOURCE PROGRAM - CASH.
 23 There is hereby appropriated, to the Economic Development Commission, to be
 24 payable from cash funds as defined by Arkansas Code 19-4-801 of the Economic
 25 Development Commission, for Existing Business Resource Program expenses of
 26 the Economic Development Commission for the fiscal year ending June 30, 2010,
 27 the following:

28

29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2009-2010</u>
31 (01) EXISTING BUSINESS RESOURCE EXPENSES	\$ <u>30,150</u>

32

33 SECTION 10. APPROPRIATION - PETROLEUM VIOLATION ESCROW - CASH. There is
 34 hereby appropriated, to the Economic Development Commission, to be payable
 35 from cash funds as defined by Arkansas Code 19-4-801 of the Economic
 36 Development Commission, for operating expenses and grants to approved

1 projects from funds received from settlements with petroleum companies and
 2 other miscellaneous cash funds of the Economic Development Commission for the
 3 fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) ENERGY CONSERVATION GRANTS AND AID	<u>\$ 543,000</u>

9 SECTION 11. APPROPRIATION - SMALL BUSINESS UNIVERSITY - CASH. There is
 10 hereby appropriated, to the Economic Development Commission, to be payable
 11 from cash funds as defined by Arkansas Code 19-4-801 of the Economic
 12 Development Commission, for assisting small businesses in the development of
 13 successful working business plans of the Economic Development Commission for
 14 the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$ 10,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 10,000</u>

26 SECTION 12. APPROPRIATION - SUPER PROJECTS. There is hereby appropriated,
 27 to the Economic Development Commission, to be payable from the Economic
 28 Development Superprojects Project Fund, for Super Projects of the Economic
 29 Development Commission for the fiscal year ending June 30, 2010, the
 30 following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) SUPER PROJECTS	<u>\$ 200,000,000</u>

36 *SECTION 13. Section 7 of Act 102 of the Regular Session of 2009 is hereby*

1 amended to read as follows:

2 SECTION 7. REAPPROPRIATION - SMALL BUSINESS LOAN PROGRAM. There
3 is hereby appropriated, to the Economic Development Commission, to be
4 payable from the General Improvement Fund or its successor fund or fund
5 accounts, for the Economic Development Commission, the following:

6 (A) Effective July 1, 2009, the balance of the appropriation provided
7 in Item (A) of Section 4 of Act 414 of 2007, for ~~investments in a~~
8 ~~competitive pay supplement and related expenses for the Science,~~
9 ~~Technology, Engineering and Math fund by the Economic Development~~
10 ~~Commission, the purpose of promoting small business growth by providing~~
11 loans to qualified small businesses on a matching basis, in a sum not to
12 exceed.....\$291,804.

13
14 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY
16 TRAINING PROGRAM EXPENSES. In addition to training expenses, funds made
17 available to support the appropriation for Industry Training Program (ITP)
18 herein may be used to acquire capital equipment necessary to enhance the
19 capabilities of the Arkansas Industry Training Programs and for expenses
20 necessary to assist in carrying on the Existing Worker Training Program.
21 When not in use in an AITP managed course of training, the equipment
22 purchased under this provision shall be stored at a location to be determined
23 by the Executive Director, AEDC.

24 The provisions of this section shall be in effect only from July 1, 2007
25 2009 through June 30, ~~2009~~ 2010.

26
27 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN
29 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby
30 authorized to enter into contractual arrangements with private and/or public
31 companies, corporations, individuals or organizations for the purpose of
32 operating foreign offices. Arkansas Code 15-4-211 shall not be deemed
33 restrictive in its language so as to preclude the use of standard
34 Professional Services Contracts for the operation of the foreign offices
35 and/or payment of such contracts from the special line items as established
36 by legislative appropriation for the operation of said foreign offices.

1 The provisions of this section shall be in effect only from July 1,
2 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

3
4 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE
6 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall
7 structure its annual update to the Five Year Consolidated Plan and the new
8 Five Year Consolidated Plan to reflect the legislative intent for a priority
9 to be placed on the use of Community Development Block Grant (CDBG) funds for
10 Multi-use facilities that will offer combined facilities for programs
11 commonly offered in separate facilities such as senior centers, public health
12 centers, childcare centers and community centers. AEDC shall report the
13 methodology for complying with this priority to the Legislative Council.

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

16
17 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
19 PARTICIPATION. Arkansas Economic Development Commission (AEDC) shall make
20 additional efforts to increase non-traditional public participation in its
21 annual update to the Five Year Consolidated Plan and the new Five Year
22 Consolidated Plan. These efforts shall be in addition to current public
23 notification methods. Notification should be considered through direct mail-
24 out to mayors and county judges, contacts with planning and development
25 districts, contact with the Department of Rural Services, submissions to
26 grant notification publications, and publication on AEDC's web page. AEDC is
27 encouraged to develop additional innovative public awareness strategies.

28 The provisions of this section shall be in effect only from July 1,
29 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

30
31 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL
33 DEVELOPMENT. From the funds appropriated for Community Development Grants
34 within the Community Development Program in this Act for Community
35 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall
36 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the

1 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed
2 with the federal Department of Housing and Urban Development. Funds
3 allocated to the Rural Development Set-Aside are to be used exclusively for
4 grants to rural communities as defined in the Consolidated Plan.

5 The provisions of this section shall be in effect only from July 1,
6 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

7

8 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
10 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all
11 applications for grant funds from the Rural Development Set-Aside and shall
12 certify to the Department of Rural Services those applications eligible for
13 grant funds under AEDC and federal guidelines. The Department of Rural
14 Services alone shall decide which grant applications will be funded, and AEDC
15 shall disburse grant funds from the Rural Development Set-Aside to those
16 applicants receiving final approval by the Department of Rural Services. AEDC
17 and the Department of Rural Services shall promulgate rules and regulations
18 governing the application for and disbursement of grant funds from the Rural
19 Development Set-Aside, and an annual report of the disposition of these grant
20 funds shall be made to the Legislative Joint Auditing Committee.

21 The provisions of this section shall be in effect only from July 1,
22 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

23

24 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
26 PROVISION - FOREIGN OFFICES. If at any time during the ~~2007-2009 biennium~~
27 fiscal year, the Director determines that market conditions warrant, the
28 Arkansas Economic Development Commission is hereby authorized to transfer
29 appropriation, after receiving the approval of the Chief Fiscal Officer of
30 the State and prior approval by the Legislative Council or Joint Budget
31 Committee, between the Foreign Offices in the State Operations Section of
32 this Act for the purpose of responding to changes in the world markets.

33 Determining the maximum number of employees and the maximum amount of
34 appropriation and general revenue funding for a state agency each fiscal year
35 is the prerogative of the General Assembly. This is usually accomplished by
36 delineating such maximums in the appropriation act(s) for a state agency and

1 the general revenue allocations authorized for each fund and fund account by
2 amendment to the Revenue Stabilization law. Further, the General Assembly
3 has determined that the Arkansas Economic Development Commission may operate
4 more efficiently if some flexibility is provided to the Arkansas Economic
5 Development Commission authorizing broad powers under this Section.
6 Therefore, it is both necessary and appropriate that the General Assembly
7 maintain oversight by requiring prior approval of the Legislative Council or
8 Joint Budget Committee as provided by this section. The requirement of
9 approval by the Legislative Council or Joint Budget Committee is not a
10 severable part of this section. If the requirement of approval by the
11 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
12 court of competent jurisdiction, this entire section is void.

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

15
16 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
18 PROVISION. If at any time during the ~~2007-2009 biennium~~ fiscal year, savings
19 are accomplished in the appropriation provided for "Far East Trade/Industry
20 Recruitment", "Latin American Trade", and "Regular Salaries" in the State
21 Operations Section of this Act, such appropriation savings may be transferred
22 to the appropriations made for "Maintenance and General Operations" in the
23 State Operations Section of this Act after prior approval by the Legislative
24 Council or Joint Budget Committee. In addition, if at any time during the
25 ~~2007-2009 biennium~~ fiscal year, savings are accomplished in the appropriation
26 provided for "Maintenance and General Operations" in the State Operations
27 Section of this Act, such appropriation savings may be transferred to the
28 appropriation for "Far East Trade/Industry Recruitment" and "Latin American
29 Trade" in the State Operations Section of this Act, after prior approval by
30 the Legislative Council or Joint Budget Committee.

31 Determining the maximum number of employees and the maximum amount of
32 appropriation and general revenue funding for a state agency each fiscal year
33 is the prerogative of the General Assembly. This is usually accomplished by
34 delineating such maximums in the appropriation act(s) for a state agency and
35 the general revenue allocations authorized for each fund and fund account by
36 amendment to the Revenue Stabilization law. Further, the General Assembly

1 has determined that the Department of Economic Development may operate more
2 efficiently if some flexibility is provided to the Department of Economic
3 Development authorizing broad powers under this Section. Therefore, it is
4 both necessary and appropriate that the General Assembly maintain oversight
5 by requiring prior approval of the Legislative Council or Joint Budget
6 Committee as provided by this section. The requirement of approval by the
7 Legislative Council or Joint Budget Committee is not a severable part of this
8 section. If the requirement of approval by the Legislative Council or Joint
9 Budget Committee is ruled unconstitutional by a court of competent
10 jurisdiction, this entire section is void.

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
12 2009 through June 30, ~~2009~~ 2010.

13

14 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
16 PROVISION. After receiving approval from the Chief Fiscal Officer of the
17 State and prior approval by the Legislative Council or Joint Budget
18 Committee, the Director of the Arkansas Economic Development Commission is
19 authorized to transfer appropriation from any line item appropriation
20 authorized in the Community Assistance (CDBG) - Federal Section of this Act
21 to any other line item authorized in the Community Assistance (CDBG) -
22 Federal Section of this Act.

23 Determining the maximum number of employees and the maximum amount of
24 appropriation and general revenue funding for a state agency each fiscal year
25 is the prerogative of the General Assembly. This is usually accomplished by
26 delineating such maximums in the appropriation act(s) for a state agency and
27 the general revenue allocations authorized for each fund and fund account by
28 amendment to the Revenue Stabilization law. Further, the General Assembly
29 has determined that the Department of Economic Development may operate more
30 efficiently if some flexibility is provided to the Department of Economic
31 Development authorizing broad powers under this Section. Therefore, it is
32 both necessary and appropriate that the General Assembly maintain oversight
33 by requiring prior approval of the Legislative Council or Joint Budget
34 Committee as provided by this section. The requirement of approval by the
35 Legislative Council or Joint Budget Committee is not a severable part of this
36 section. If the requirement of approval by the Legislative Council or Joint

1 Budget Committee is ruled unconstitutional by a court of competent
2 jurisdiction, this entire section is void.

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

5

6 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
8 FLEXIBILITY RESTRICTIONS. The ~~carry forward and~~ transfer flexibility
9 provided to the Arkansas Economic Development Commission within this Act
10 relating to the appropriation in the Community Assistance (CDBG) - Federal
11 Section shall be used only when necessary to carry out the Community
12 Development Block Grant Program and shall require approval by the Arkansas
13 Legislative Council or Joint Budget Committee.
14 Determining the maximum number of employees and the maximum amount of
15 appropriation and general revenue funding for a state agency each fiscal year
16 is the prerogative of the General Assembly. This is usually accomplished by
17 delineating such maximums in the appropriation act(s) for a state agency and
18 the general revenue allocations authorized for each fund and fund account by
19 amendment to the Revenue Stabilization law. Further, the General Assembly
20 has determined that the Department of Economic Development may operate more
21 efficiently if some flexibility is provided to the Department of Economic
22 Development authorizing broad powers under this Section. Therefore, it is
23 both necessary and appropriate that the General Assembly maintain oversight
24 by requiring prior approval of the Legislative Council or Joint Budget
25 Committee as provided by this section. The requirement of approval by the
26 Legislative Council or Joint Budget Committee is not a severable part of this
27 section. If the requirement of approval by the Legislative Council or Joint
28 Budget Committee is ruled unconstitutional by a court of competent
29 jurisdiction, this entire section is void.

30 The provisions of this section shall be in effect only from July 1, ~~2007~~
31 2009 through June 30, ~~2009~~ 2010.

32

33 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
34 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
35 PROVISION - INDUSTRY TRAINING. If during ~~either year of the 2007-2009 fiscal~~
36 ~~biennium~~ year, the Industry Training Division effects savings in Item ~~(05)~~

1 ~~(08), Industry Training Program~~ State Operations Section of this Act, such
 2 savings may be transferred to item (02), Extra Help or item (04), Maintenance
 3 and General Operations, of the ~~Industry Training~~ State Operations Section of
 4 this Act, after obtaining approval of the Chief Fiscal Officer of the State
 5 and after prior review by the Legislative Council or Joint Budget Committee.
 6 In addition, if any savings are effected in ~~either year of the 2007-2009~~
 7 ~~fiscal biennium~~ year in item (04), Maintenance and General Operations, of the
 8 ~~Industry Training~~ State Operations Section of this Act, such savings may be
 9 transferred to item ~~(05)~~ (08), Industry Training Program, of the ~~Industry~~
 10 ~~Training~~ State Operations Section of this Act, after obtaining approval of
 11 the Chief Fiscal Officer of the State and after prior approval by the
 12 Legislative Council or Joint Budget Committee.

13 Determining the maximum number of employees and the maximum amount of
 14 appropriation and general revenue funding for a state agency each fiscal year
 15 is the prerogative of the General Assembly. This is usually accomplished by
 16 delineating such maximums in the appropriation act(s) for a state agency and
 17 the general revenue allocations authorized for each fund and fund account by
 18 amendment to the Revenue Stabilization law. Further, the General Assembly
 19 has determined that the Department of Economic Development may operate more
 20 efficiently if some flexibility is provided to the Department of Economic
 21 Development authorizing broad powers under this Section. Therefore, it is
 22 both necessary and appropriate that the General Assembly maintain oversight
 23 by requiring prior approval of the Legislative Council or Joint Budget
 24 Committee as provided by this section. The requirement of approval by the
 25 Legislative Council or Joint Budget Committee is not a severable part of this
 26 section. If the requirement of approval by the Legislative Council or Joint
 27 Budget Committee is ruled unconstitutional by a court of competent
 28 jurisdiction, this entire section is void.

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

31
 32 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 34 PROVISION - INDUSTRY TRAINING PROGRAM. During ~~either the~~ the fiscal year ~~of the~~
 35 ~~2007-2009 biennium~~ any savings accomplished in line item (02) of the ~~Industry~~
 36 ~~Training~~ State Operations Section of this Act, Extra Help, may be transferred

1 to line item (04) of the ~~Industry Training~~ State Operations Section of this
2 Act, Maintenance and General Operation after prior approval by the
3 Legislative Council or Joint Budget Committee.

4 Determining the maximum number of employees and the maximum amount of
5 appropriation and general revenue funding for a state agency each fiscal year
6 is the prerogative of the General Assembly. This is usually accomplished by
7 delineating such maximums in the appropriation act(s) for a state agency and
8 the general revenue allocations authorized for each fund and fund account by
9 amendment to the Revenue Stabilization law. Further, the General Assembly
10 has determined that the Department of Economic Development may operate more
11 efficiently if some flexibility is provided to the Department of Economic
12 Development authorizing broad powers under this Section. Therefore, it is
13 both necessary and appropriate that the General Assembly maintain oversight
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15 Committee as provided by this section. The requirement of approval by the
16 Legislative Council or Joint Budget Committee is not a severable part of this
17 section. If the requirement of approval by the Legislative Council or Joint
18 Budget Committee is ruled unconstitutional by a court of competent
19 jurisdiction, this entire section is void.

20 The provisions of this section shall be in effect only from July 1,
21 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

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

32
33 SECTION 27. LEGISLATIVE INTENT. It is the intent of the General Assembly
34 that any funds disbursed under the authority of the appropriations contained
35 in this act shall be in compliance with the stated reasons for which this act
36 was adopted, as evidenced by the Agency Requests, Executive Recommendations

1 and Legislative Recommendations contained in the budget manuals prepared by
2 the Department of Finance and Administration, letters, or summarized oral
3 testimony in the official minutes of the Arkansas Legislative Council or
4 Joint Budget Committee which relate to its passage and adoption.

5
6 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly, that the Constitution of the State of Arkansas prohibits the
8 appropriation of funds for more than a one (1) year period; that the
9 effectiveness of this Act on July 1, 2009 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the Regular Session, the delay in the effective
12 date of this Act beyond July 1, 2009 could work irreparable harm upon the
13 proper administration and provision of essential governmental programs.
14 Therefore, an emergency is hereby declared to exist and this Act being
15 necessary for the immediate preservation of the public peace, health and
16 safety shall be in full force and effect from and after July 1, 2009.

17
18 */s/ Joint Budget Committee*

19
20 **APPROVED: 4/9/2009**