

Stricken language will be deleted and underlined language will be added.
Act 248 of the Fiscal Session

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

As Engrossed: S2/22/12
A Bill

SENATE BILL 75

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE ECONOMIC DEVELOPMENT
10 COMMISSION FOR THE FISCAL YEAR ENDING JUNE 30, 2013;
11 AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE ECONOMIC DEVELOPMENT
16 COMMISSION APPROPRIATION FOR THE 2012-2013
17 FISCAL YEAR.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Economic Development Commission for the 2012-2013 fiscal year, the following
24 maximum number of regular employees.
25

26				Maximum Annual	
27			Maximum	Salary Rate	
28	Item	Class	No. of	Fiscal Year	
29	No.	Code	Title	Employees	2012-2013
30	(1)	U055U	AEDC DIRECTOR	1	\$135,611
31	(2)	U105U	AEDC DEP DIR FINANCE & ADMIN	1	\$116,326
32	(3)	U059U	AEDC DEPUTY DIRECTOR	1	\$116,326
33	(4)	N062N	AEDC BUSINESS DEV DIVISION DIR	1	GRADE N908
34	(5)	N061N	AEDC BUSINESS FINANCE DIRECTOR	1	GRADE N908
35	(6)	N059N	AEDC TRAINING DIVISION DIRECTOR	1	GRADE N908
36	(7)	N085N	AEDC DIR TECH & ENTREPRENEURSHIP	1	GRADE N907



1	(8)	N084N	AEDC MRKT & COMMUNICATIONS DIR	1	GRADE N907
2	(9)	N083N	AEDC STRATEGIC PLANNING DIRECTOR	1	GRADE N907
3	(10)	N173N	ENERGY OFFICE DEPUTY DIRECTOR	1	GRADE N903
4	(11)	G013C	AEDC DIR ARKANSAS ENERGY OFFICE	1	GRADE C128
5	(12)	G014C	AEDC DIR OF COMMUNITY DEVELOPMENT	1	GRADE C128
6	(13)	P002C	AEDC DIRECTOR FILM COMMISSION	1	GRADE C128
7	(14)	G015C	AEDC SMALL/MINORITY BUSINESS DIR	1	GRADE C128
8	(15)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
9	(16)	D012C	DATABASE SPECIALIST	1	GRADE C127
10	(17)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
11	(18)	G048C	AEDC STRATEGIC PLANNING ASST DIR	1	GRADE C126
12	(19)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
13	(20)	G062C	AEDC PROJECT/REGIONAL MANAGER	16	GRADE C125
14	(21)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
15	(22)	G104C	AEDC AREA/PROGRAM REPRESENTATIVE	22	GRADE C122
16	(23)	A052C	ACCOUNTING COORDINATOR	1	GRADE C121
17	(24)	R014C	PERSONNEL MANAGER	1	GRADE C121
18	(25)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
19	(26)	E023C	TRAINING PROJECT MANAGER	4	GRADE C120
20	(27)	G148C	ENERGY PROGRAM MANAGER	2	GRADE C119
21	(28)	G147C	GRANTS COORDINATOR	1	GRADE C119
22	(29)	A066C	INTERNAL AUDITOR	1	GRADE C119
23	(30)	A063C	RESEARCH & STATISTICS SUPERVISOR	1	GRADE C119
24	(31)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(32)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
26	(33)	D064C	WEBSITE DEVELOPER	1	GRADE C118
27	(34)	A082C	ACCOUNTANT II	2	GRADE C117
28	(35)	G188C	BUSINESS & INDUSTRIAL ENERGY SPEC	1	GRADE C117
29	(36)	G180C	GRANTS ANALYST	6	GRADE C117
30	(37)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
31	(38)	A081C	AUDITOR	1	GRADE C117
32	(39)	P027C	PUBLIC INFORMATION SPECIALIST	2	GRADE C116
33	(40)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
34	(41)	R033C	BENEFITS ANALYST	1	GRADE C115
35	(42)	D077C	HELP DESK SPECIALIST	1	GRADE C115
36	(43)	V015C	PURCHASING SPECIALIST	1	GRADE C115

1	(44)	P041C	COMMERCIAL GRAPHIC ARTIST	1	GRADE C114
2	(45)	C056C	ADMINISTRATIVE SPECIALIST III	<u>11</u>	GRADE C112
3			MAX. NO. OF EMPLOYEES	103	

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5 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
6 for the Economic Development Commission – State Operations for the 2012-2013
7 fiscal year, the following maximum number of part-time or temporary
8 employees, to be known as "Extra Help", payable from funds appropriated
9 herein for such purposes: eleven (11) temporary or part-time employees, when
10 needed, at rates of pay not to exceed those provided in the Uniform
11 Classification and Compensation Act, or its successor, or this act for the
12 appropriate classification.

13

14 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
15 appropriated, to the Economic Development Commission, to be payable from the
16 Arkansas Economic Development Commission Fund Account, for personal services
17 and operating expenses of the Economic Development Commission – State
18 Operations for the fiscal year ending June 30, 2013, the following:

19

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2012-2013</u>
22	(01) REGULAR SALARIES	\$4,813,135
23	(02) EXTRA HELP	20,000
24	(03) PERSONAL SERVICES MATCHING	1,337,971
25	(04) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	1,641,526
27	(B) CONF. & TRAVEL	141,486
28	(C) PROF. FEES	1,280,000
29	(D) CAP. OUTLAY	100,000
30	(E) DATA PROC.	0
31	(05) ECONOMIC INFRASTRUCTURE/REGIONALISM	
32	GRANTS	1,000,000
33	(06) FAR EAST TRADE/IND RECRUITMENT	150,000
34	(07) INDUSTRY TRAINING PROGRAM	1,000,000
35	(08) FOR STATE MATCHING OF FEDERAL FUNDS	<u>228,500</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$11,712,618</u>

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SECTION 4. APPROPRIATION - COMMUNITY ASSISTANCE (CDBG) - FEDERAL.

There is hereby appropriated, to the Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Economic Development Commission – Community Assistance - Federal for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$323,924
(02) PERSONAL SERVICES MATCHING	97,327
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	60,600
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	70,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS/AIDS - CDBG	30,000,000
(05) STORM RECOVERY GRANTS	90,475,898
(06) FLOOD RECOVERY GRANTS	4,747,501
(07) ARRA OF 2009	<u>4,632,783</u>
TOTAL AMOUNT APPROPRIATED	<u>\$130,433,033</u>

SECTION 5. APPROPRIATION - STATE ENERGY PLAN - FEDERAL. There is

hereby appropriated, to the Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Economic Development Commission – State Energy Plan - Federal for the fiscal year ending June 30, 2013, the following:

ITEM NO.	FISCAL YEAR 2012-2013
(01) REGULAR SALARIES	\$374,103
(02) PERSONAL SERVICES MATCHING	117,259
(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	93,273
2	(B) CONF. & TRAVEL	11,788
3	(C) PROF. FEES	108,085
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	0
6	(04) ENERGY CONSERVATION GRANTS AND AID	151,952
7	(05) ARRA OF 2009	<u>50,507,241</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$51,363,701</u></u>

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10 SECTION 6. APPROPRIATION - ENERGY EFFICIENCY ARKANSAS - CASH. There is
 11 hereby appropriated, to the Economic Development Commission, to be payable
 12 from the cash fund deposited in the State Treasury as determined by the Chief
 13 Fiscal Officer of the State, for personal services and operating expenses of
 14 the Economic Development Commission for the fiscal year ending June 30, 2013,
 15 the following:

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17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2012-2013</u>
19	(01) REGULAR SALARIES	\$44,672
20	(02) PERSONAL SERVICES MATCHING	13,712
21	(03) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	43,900
23	(B) CONF. & TRAVEL	2,000
24	(C) PROF. FEES	2,102,955
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	0
27	(04) ENERGY EFFICIENCY ARKANSAS GRANTS	<u>100,000</u>
28	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,307,239</u></u>

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30 SECTION 7. APPROPRIATION - INCENTIVE PLANS - CASH. There is hereby
 31 appropriated, to the Economic Development Commission, to be payable from cash
 32 funds as defined by Arkansas Code 19-4-801 of the Economic Development
 33 Commission, for expenses of assisting industries in the negotiation of
 34 financial incentive plans of the Economic Development Commission for the
 35 fiscal year ending June 30, 2013, the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2012-2013</u>
3	(01) FINANCIAL INCENTIVE PLANS - EXPENSES	<u>\$8,620</u>

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5 SECTION 8. APPROPRIATION - TRADE AND INTERNATIONAL INVESTMENT DIVISION
 6 - CASH. There is hereby appropriated, to the Economic Development
 7 Commission, to be payable from cash funds as defined by Arkansas Code
 8 19-4-801 of the Economic Development Commission, for marketing expenses of
 9 the Economic Development Commission for the fiscal year ending June 30, 2013,
 10 the following:

11

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2012-2013</u>
14	(01) TRADE AND INTERNATIONAL INVESTMENT	
15	MARKETING EXPENSES	<u>\$9,625</u>

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17 SECTION 9. APPROPRIATION - EXISTING BUSINESS RESOURCE PROGRAM - CASH.
 18 There is hereby appropriated, to the Economic Development Commission, to be
 19 payable from cash funds as defined by Arkansas Code 19-4-801 of the Economic
 20 Development Commission, for Existing Business Resource Program expenses of
 21 the Economic Development Commission for the fiscal year ending June 30, 2013,
 22 the following:

23

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2012-2013</u>
26	(01) EXISTING BUSINESS RESOURCE EXPENSES	<u>\$30,150</u>

27

28 SECTION 10. APPROPRIATION - PETROLEUM VIOLATION ESCROW - CASH. There
 29 is hereby appropriated, to the Economic Development Commission, to be payable
 30 from cash funds as defined by Arkansas Code 19-4-801 of the Economic
 31 Development Commission, for operating expenses and grants to approved
 32 projects from funds received from settlements with petroleum companies and
 33 other miscellaneous cash funds of the Economic Development Commission for the
 34 fiscal year ending June 30, 2013, the following:

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36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2012-2013</u>
2	(01) ENERGY CONSERVATION GRANTS AND AID	<u>\$404,489</u>

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4 SECTION 11. APPROPRIATION - TECHNOLOGY ACCELERATION PROGRAM. There is

5 hereby appropriated, to the Economic Development Commission, to be payable

6 from the Technology Acceleration Fund, for investment incentives to enhance

7 the economy of the state through technology development of the Economic

8 Development Commission for the fiscal year ending June 30, 2013, the

9 following:

10		
11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2012-2013</u>
13	(01) TECHNOLOGY ACCELERATION PRGM	<u>\$30,000,000</u>

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15 SECTION 12. APPROPRIATION - SUPER PROJECTS. There is hereby

16 appropriated, to the Economic Development Commission, to be payable from the

17 Economic Development Superprojects Project Fund, for Super Projects of the

18 Economic Development Commission for the fiscal year ending June 30, 2013, the

19 following:

20		
21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2012-2013</u>
23	(01) SUPER PROJECTS	<u>\$200,000,000</u>

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25 SECTION 13. APPROPRIATION - NON-PROFIT GRANTS. There is hereby

26 appropriated, to the Economic Development Commission, to be payable from the

27 Arkansas Economic Development Commission Fund Account, the following:

28 (A) for grants to cities, counties, planning and development districts,

29 and other eligible entities for land acquisition, improvements, construction,

30 renovation, major maintenance, and purchase of equipment, industrial site

31 development costs including; construction, renovation, and equipment

32 acquisition, development of intermodal facilities, including port and

33 waterway projects, rail spur construction, and road and highway improvements,

34 environmental mitigation projects, and construction and improvement of water

35 and sewer systems, in a sum not to exceed.....\$60,000.

36

1 SECTION 14. APPROPRIATION - REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIP
 2 ACT GRANTS. There is hereby appropriated, to the Economic Development
 3 Commission, to be payable from the cash fund deposited in the State Treasury
 4 as determined by the Chief Fiscal Officer of the State, for Regional Economic
 5 Development Partnership grants as authorized under the provisions of Arkansas
 6 Code 15-4-3401 through 15-4-3412, in a sum not to
 7 exceed.....\$250,000.

8
 9 SECTION 15. FUNDING TRANSFER. Immediately upon the effective date of
 10 this Section, the Chief Fiscal Officer of the State shall transfer on his or
 11 her books and those of the State Treasurer and the Auditor of the State the
 12 sum of two hundred fifty thousand dollars (\$250,000) from unobligated and
 13 unallocated monies in the General Improvement Fund to the cash fund deposited
 14 in the State Treasury as determined by the Chief Fiscal Officer of the State
 15 to provide funds for the Regional Economic Development Partnership grants
 16 appropriated in Sections 14 and 15 of this act.

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

28 The provisions of this section shall be in effect only from July 1, ~~2010~~
 29 2012 through June 30, ~~2011~~ 2013.

30
 31 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN
 33 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby
 34 authorized to enter into contractual arrangements with private and/or public
 35 companies, corporations, individuals or organizations for the purpose of
 36 operating foreign offices. Arkansas Code 15-4-211 shall not be deemed

1 restrictive in its language so as to preclude the use of standard
2 Professional Services Contracts for the operation of the foreign offices
3 and/or payment of such contracts from the special line items as established
4 by legislative appropriation for the operation of said foreign offices.

5 The provisions of this section shall be in effect only from July 1, ~~2010~~
6 2012 through June 30, ~~2011~~ 2013.

7

8 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE
10 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall
11 structure its annual update to the Five Year Consolidated Plan and the new
12 Five Year Consolidated Plan to reflect the legislative intent for a priority
13 to be placed on the use of Community Development Block Grant (CDBG) funds for
14 Multi-use facilities that will offer combined facilities for programs
15 commonly offered in separate facilities such as senior centers, public health
16 centers, childcare centers and community centers. AEDC shall report the
17 methodology for complying with this priority to the Legislative Council.

18 The provisions of this section shall be in effect only from July 1, ~~2010~~
19 2012 through June 30, ~~2011~~ 2013.

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

32 The provisions of this section shall be in effect only from July 1, ~~2010~~
33 2012 through June 30, ~~2011~~ 2013.

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35 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL

1 DEVELOPMENT. From the funds appropriated for Community Development Grants
2 within the Community Development Program in this Act for Community
3 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall
4 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the
5 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed
6 with the federal Department of Housing and Urban Development. Funds
7 allocated to the Rural Development Set-Aside are to be used exclusively for
8 grants to rural communities as defined in the Consolidated Plan.

9 The provisions of this section shall be in effect only from July 1, ~~2010~~
10 2012 through June 30, ~~2011~~ 2013.

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12 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
14 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all
15 applications for grant funds from the Rural Development Set-Aside and shall
16 certify to the Department of Rural Services those applications eligible for
17 grant funds under AEDC and federal guidelines. The Department of Rural
18 Services alone shall decide which grant applications will be funded, and AEDC
19 shall disburse grant funds from the Rural Development Set-Aside to those
20 applicants receiving final approval by the Department of Rural Services. AEDC
21 and the Department of Rural Services shall promulgate rules and regulations
22 governing the application for and disbursement of grant funds from the Rural
23 Development Set-Aside, and an annual report of the disposition of these grant
24 funds shall be made to the Legislative Joint Auditing Committee.

25 The provisions of this section shall be in effect only from July 1, ~~2010~~
26 2012 through June 30, ~~2011~~ 2013.

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28 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
30 PROVISION - FOREIGN OFFICES. If at any time during the fiscal year, the
31 Director determines that market conditions warrant, the Arkansas Economic
32 Development Commission is hereby authorized to transfer appropriation, after
33 receiving the approval of the Chief Fiscal Officer of the State and prior
34 approval by the Legislative Council or Joint Budget Committee, between the
35 Foreign Offices in the State Operations Section of this Act for the purpose
36 of responding to changes in the world markets.

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

17 The provisions of this section shall be in effect only from July 1,
18 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

35 Determining the maximum number of employees and the maximum amount of
36 appropriation and general revenue funding for a state agency each fiscal year

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

15 The provisions of this section shall be in effect only from July 1,
16 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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18 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
20 PROVISION. After receiving approval from the Chief Fiscal Officer of the
21 State and prior approval by the Legislative Council or Joint Budget
22 Committee, the Director of the Arkansas Economic Development Commission is
23 authorized to transfer appropriation from any line item appropriation
24 authorized in the Community Assistance (CDBG) - Federal Section of this Act
25 to any other line item authorized in the Community Assistance (CDBG) -
26 Federal Section of this Act.

27 Determining the maximum number of employees and the maximum amount of
28 appropriation and general revenue funding for a state agency each fiscal year
29 is the prerogative of the General Assembly. This is usually accomplished by
30 delineating such maximums in the appropriation act(s) for a state agency and
31 the general revenue allocations authorized for each fund and fund account by
32 amendment to the Revenue Stabilization law. Further, the General Assembly
33 has determined that the Department of Economic Development may operate more
34 efficiently if some flexibility is provided to the Department of Economic
35 Development authorizing broad powers under this Section. Therefore, it is
36 both necessary and appropriate that the General Assembly maintain oversight

1 by requiring prior approval of the Legislative Council or Joint Budget
2 Committee as provided by this section. The requirement of approval by the
3 Legislative Council or Joint Budget Committee is not a severable part of this
4 section. If the requirement of approval by the Legislative Council or Joint
5 Budget Committee is ruled unconstitutional by a court of competent
6 jurisdiction, this entire section is void.

7 The provisions of this section shall be in effect only from July 1, ~~2010~~
8 2012 through June 30, ~~2011~~ 2013.

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10 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas
13 Economic Development Commission within this Act relating to the appropriation
14 in the Community Assistance (CDBG) - Federal Section shall be used only when
15 necessary to carry out the Community Development Block Grant Program and
16 shall require approval by the Arkansas Legislative Council or Joint Budget
17 Committee.

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

34 The provisions of this section shall be in effect only from July 1,
35 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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1 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
3 PROVISION - INDUSTRY TRAINING. If during the fiscal year, the Industry
4 Training Division effects savings in Item (07), State Operations Section of
5 this Act, such savings may be transferred to item (02), Extra Help or item
6 (04), Maintenance and General Operations, of the State Operations Section of
7 this Act, after obtaining approval of the Chief Fiscal Officer of the State
8 and after prior review by the Legislative Council or Joint Budget Committee.
9 In addition, if any savings are effected in the fiscal year in item (04),
10 Maintenance and General Operations, of the State Operations Section of this
11 Act, such savings may be transferred to item (07), Industry Training Program,
12 of the State Operations Section of this Act, after obtaining approval of the
13 Chief Fiscal Officer of the State and after prior approval by the Legislative
14 Council or Joint Budget Committee.

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

31 The provisions of this section shall be in effect only from July 1, ~~2010~~
32 2012 through June 30, ~~2011~~ 2013.

33
34 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
36 PROVISION - INDUSTRY TRAINING PROGRAM. During the fiscal year any savings

1 accomplished in line item (02) of the State Operations Section of this Act,
2 Extra Help, may be transferred to line item (04) of the State Operations
3 Section of this Act, Maintenance and General Operation after prior approval
4 by the Legislative Council or Joint Budget Committee.

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

21 The provisions of this section shall be in effect only from July 1, ~~2010~~
22 2012 through June 30, ~~2011~~ 2013.

23

24 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
26 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to
27 time on his or her books and those of the State Treasurer and the Auditor of
28 the State the sum not to exceed thirty million dollars (\$30,000,000) from
29 Federal Funds as determined by the Chief Fiscal Officer of the State to the
30 Technology Acceleration Fund to provide funds for the appropriation herein.

31

32 SECTION 29. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
33 authorized by this act shall be limited to the appropriation for such agency
34 and funds made available by law for the support of such appropriations; and
35 the restrictions of the State Procurement Law, the General Accounting and
36 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

1 Procedures and Restrictions Act, or their successors, and other fiscal
2 control laws of this State, where applicable, and regulations promulgated by
3 the Department of Finance and Administration, as authorized by law, shall be
4 strictly complied with in disbursement of said funds.

5
6 SECTION 30. 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.

14
15 SECTION 31. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly, that the Constitution of the State of Arkansas prohibits
17 the appropriation of funds for more than a one (1) year period; that the
18 effectiveness of this Act on July 1, 2012 is essential to the operation of
19 the agency for which the appropriations in this Act are provided, with the
20 exception that Section 14 and Section 15 in this Act shall be in full force
21 and effect from and after the date of its passage and approval, and that in
22 the event of an extension of the legislative session, the delay in the
23 effective date of this Act beyond July 1, 2012, with the exception that
24 Section 14 and Section 15 in this Act shall be in full force and effect from
25 and after the date of its passage and approval, could work irreparable harm
26 upon the proper administration and provision of essential governmental
27 programs. Therefore, an emergency is hereby declared to exist and this Act
28 being necessary for the immediate preservation of the public peace, health
29 and safety shall be in full force and effect from and after July 1, 2012,
30 with the exception that Section 14 and Section 15 in this Act shall be in
31 full force and effect from and after the date of its passage and approval.

32
33 */s/Joint Budget Committee*

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36 **APPROVED: 03/02/2012**