

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1127

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR STATE TURNBACK  
9 FOR COUNTIES AND MUNICIPALITIES BY THE OFFICE OF THE  
10 TREASURER OF STATE FOR THE FISCAL YEAR ENDING JUNE  
11 30, 2022; AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT TO MAKE AN APPROPRIATION FOR STATE  
15 TURNBACK FOR COUNTIES AND MUNICIPALITIES  
16 BY THE OFFICE OF THE TREASURER OF STATE  
17 FOR THE FISCAL YEAR ENDING JUNE 30, 2022;  
18 AND FOR OTHER PURPOSES.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. APPROPRIATION - GENERAL REVENUES TO CITIES. There is hereby  
25 appropriated, to the Office of the Treasurer of State, to be payable from the  
26 Municipal Aid Fund, for the purpose of distributing General Revenue accruing  
27 therein for the benefit of municipalities as provided by law, by the Office  
28 of Treasurer of State for the fiscal year ending June 30, 2022, the  
29 following:  
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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2021-2022</u>
(01) GENERAL REVENUES - CITIES	<u>\$29,372,099</u>

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35 SECTION 2. APPROPRIATION - SPECIAL REVENUES TO CITIES. There is hereby  
36 appropriated, to the Office of the Treasurer of State, to be payable from the



1 Municipal Aid Fund, for distributing Special Revenues accruing therein for  
 2 the benefit of municipalities as provided by law, by the Office of Treasurer  
 3 of State for the fiscal year ending June 30, 2022, the following:

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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2021-2022</u>
7 (01) SPECIAL REVENUES - CITIES	<u>\$190,000,000</u>

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9 SECTION 3. APPROPRIATION - GENERAL REVENUES TO COUNTIES. There is  
 10 hereby appropriated, to the Office of the Treasurer of State, to be payable  
 11 from the County Aid Fund, for the purpose of distributing General Revenue  
 12 accruing therein for the benefit of counties as provided by law, by the  
 13 Office of Treasurer of State for the fiscal year ending June 30, 2022, the  
 14 following:

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16 ITEM	FISCAL YEAR
17 <u>NO.</u>	<u>2021-2022</u>
18 (01) GENERAL REVENUE - COUNTIES	<u>\$21,428,616</u>

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20 SECTION 4. APPROPRIATION - SPECIAL REVENUES TO COUNTIES. There is  
 21 hereby appropriated, to the Office of the Treasurer of State, to be payable  
 22 from the County Aid Fund, for the purpose of distributing any monies provided  
 23 by Highway Turnback, Severance Taxes to counties, and any other monies  
 24 provided by the Acts of the General Assembly for the benefit of counties, by  
 25 the Office of Treasurer of State for the fiscal year ending June 30, 2022,  
 26 the following:

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28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2021-2022</u>
30 (01) SPECIAL REVENUE - COUNTIES	<u>\$205,000,000</u>

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32 SECTION 5. APPROPRIATION - UNANTICIPATED SPECIAL REVENUES. There is  
 33 hereby appropriated, to the Office of the Treasurer of State, to be payable  
 34 from the County Aid Fund, for unanticipated monies received from the sale or  
 35 lease of minerals, oil and gas on federal military lands or from other  
 36 unanticipated special revenues, for the transfer to those counties to which

1 such monies are allocated by law, by the Office of Treasurer of State for the  
 2 fiscal year ending June 30, 2022, the following:

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4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2021-2022</u>
6 (01) UNANTICIPATED SPECIAL REVENUES	<u>\$20,000,000</u>

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8 SECTION 6. APPROPRIATION - REAL PROPERTY TAX REDUCTION - COUNTIES.  
 9 There is hereby appropriated, to the Office of the Treasurer of State, to be  
 10 payable from the Property Tax Relief Trust Fund, for distributing funds  
 11 provided by a statewide property tax reduction to counties, by the Office of  
 12 Treasurer of State for the fiscal year ending June 30, 2022, the following:

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14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2021-2022</u>
16 (01) DISTRIBUTION TO COUNTIES FOR PROPERTY 17 TAX RELIEF	<u>\$300,000,000</u>

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19 SECTION 7. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES  
 20 DISTRIBUTION TO COUNTIES. There is hereby appropriated, to the Office of the  
 21 Treasurer of State, to be payable from the Property Tax Relief Trust Fund,  
 22 for accruing therein for the benefit of counties to be distributed using the  
 23 formula for the County Aid Fund under §19-5-602(c), by the Office of  
 24 Treasurer of State for the fiscal year ending June 30, 2022, the following:

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26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2021-2022</u>
28 (01) DISTRIBUTION TO COUNTIES	<u>\$2,000,000</u>

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30 SECTION 8. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES  
 31 DISTRIBUTION TO CITIES. There is hereby appropriated, to the Office of the  
 32 Treasurer of State, to be payable from the Property Tax Relief Trust Fund,  
 33 for accruing therein for the benefit of municipalities to be distributed  
 34 using the formula for the Municipal Aid Fund under §19-5-601(c), by the  
 35 Office of Treasurer of State for the fiscal year ending June 30, 2022, the  
 36 following:

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ITEM	FISCAL YEAR
NO.	2021-2022
(01) DISTRIBUTION TO CITIES	<u>\$2,000,000</u>

SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

DISTRIBUTION OF FUNDS. Funding provided in Property Tax Relief Fund Revenues Distribution to Counties and Property Tax Relief Fund Revenues Distribution to Cities of this Act from the Property Tax Relief Trust Fund shall not be distributed unless there are sufficient funds in the Property Tax Relief Trust Fund as of the date that the Chief Fiscal Officer of the State certifies the amount in excess of the required reimbursement to the counties as provided in §26-26-310(b)(2)(C)(i). If there are sufficient funds remaining in the Property Tax Relief Trust Fund on December 31, ~~2020~~ 2021, as certified, the Treasurer shall distribute two million dollars (\$2,000,000) to counties and two million dollars (\$2,000,000) to cities for the fiscal year ending June 30, ~~2021~~ 2022 from the balance remaining on December 31, ~~2020~~ 2021 from the Property Tax Relief Trust Fund. The distribution to counties shall be made in accordance with the distribution formula in §19-5-602(c). The distribution to cities shall be made in accordance with the distribution formula in §19-5-601(b). The funds attributable to sales and use taxes levied prior to July 1, ~~2020~~ 2021 shall not be transferred from the Property Tax Relief Trust Fund to the cities and counties.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY TURNBACK - UNANTICIPATED FUNDS. The appropriation authorized for General Revenue to Counties or any other appropriation as provided by the General Assembly for aid to counties may be supplemented, if necessary, by a transfer from the appropriation provided for Unanticipated Special Revenues in this Act.

The provisions of this section shall be in effect only from July 1, ~~2020~~ 2021 through June 30, ~~2021~~ 2022.

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2 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS TO  
4 CITIES AND COUNTIES. On July 1 of each fiscal year, the Chief Fiscal Officer  
5 of the State shall request a transfer by the State Treasurer from the Budget  
6 Stabilization Trust Fund to the County Aid Fund and to the Municipal Aid Fund  
7 to assist the various cities and counties in meeting cash flow needs early in  
8 the state fiscal year. The transfer shall be a loan to be repaid in equal  
9 installments from general revenue distributions each month during the fiscal  
10 year for which the loan was made and shall be in addition to any other loans  
11 authorized by law for the County Aid and Municipal Aid Funds. The amount of  
12 such loan for each fiscal year shall be \$3,517,657 to the Municipal Aid Fund  
13 and \$1,906,079 to the County Aid Fund, or so much thereof as may be available  
14 in the Budget Stabilization Trust Fund as determined by the Chief Fiscal  
15 Officer of the State. Upon such transfer being completed, the State  
16 Treasurer shall immediately distribute such funds to each of the several  
17 municipalities and counties in the same manner as general revenues are  
18 distributed.

19 It is the intent of the General Assembly that the Chief Fiscal Officer of the  
20 State and the State Treasurer shall make every reasonable, and financially  
21 sound effort to insure that local governments receive the full amount of the  
22 loan authorized herein on July 1 of each year and that the monies authorized  
23 for local governments from general revenues be distributed in equal monthly  
24 payments.

25 The provisions of this section shall be in effect only from July 1, ~~2020~~  
26 2021 through June 30, ~~2021~~ 2022.

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28 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
30 FORWARD. At the close of each fiscal year any unexpended funds for the  
31 County Aid and Municipal Aid line items shall be carried forward and  
32 distributed pursuant and in addition to the funding formula established under  
33 A.C.A 19-5-601 and 19-5-602 within forty-five (45) days.

34 Any carry forward of unexpended balance of funding as authorized herein,  
35 may be carried forward under the following conditions:

- 36 (1) Prior to June 30, ~~2021~~ 2022 the Agency shall by written statement

1 set forth its reason(s) for the need to carry forward said funding to the  
2 Department of Finance and Administration Office of Budget;

3 (2) The Department of Finance and Administration Office of Budget shall  
4 report to the Arkansas Legislative Council all amounts carried forward by the  
5 September Arkansas Legislative Council or Joint Budget Committee meeting  
6 which report shall include the name of the Agency, Board, Commission or  
7 Institution and the amount of the funding carried forward, the program name  
8 or line item, the funding source of that appropriation and a copy of the  
9 written request set forth in (1) above;

10 (3) Each Agency, Board, Commission or Institution shall provide a  
11 written report to the Arkansas Legislative Council or Joint Budget Committee  
12 containing all information set forth in item (2) above, along with a written  
13 statement as to the current status of the project, contract, purpose etc. for  
14 which the carry forward was originally requested no later than thirty (30)  
15 days prior to the time the Agency, Board, Commission or Institution presents  
16 its budget request to the Arkansas Legislative Council/Joint Budget  
17 Committee; and

18 (4) Thereupon, the Department of Finance and Administration shall  
19 include all information obtained in item (3) above in the budget manuals  
20 and/or a statement of non-compliance by the Agency, Board, Commission or  
21 Institution.

22 The provisions of this section shall be in effect only from July 1, ~~2020~~  
23 2021 through June 30, ~~2021~~ 2022.

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25 SECTION 13. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
26 authorized by this act shall be limited to the appropriation for such agency  
27 and funds made available by law for the support of such appropriations; and  
28 the restrictions of the State Procurement Law, the General Accounting and  
29 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
30 Procedures and Restrictions Act, or their successors, and other fiscal  
31 control laws of this State, where applicable, and regulations promulgated by  
32 the Department of Finance and Administration, as authorized by law, shall be  
33 strictly complied with in disbursement of said funds.

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35 SECTION 14. LEGISLATIVE INTENT. It is the intent of the General  
36 Assembly that any funds disbursed under the authority of the appropriations

1 contained in this act shall be in compliance with the stated reasons for  
2 which this act was adopted, as evidenced by the Agency Requests, Executive  
3 Recommendations and Legislative Recommendations contained in the budget  
4 manuals prepared by the Department of Finance and Administration, letters, or  
5 summarized oral testimony in the official minutes of the Arkansas Legislative  
6 Council or Joint Budget Committee which relate to its passage and adoption.  
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8 SECTION 15. EMERGENCY CLAUSE. It is found and determined by the  
9 General Assembly, that the Constitution of the State of Arkansas prohibits  
10 the appropriation of funds for more than a one (1) year period; that the  
11 effectiveness of this Act on July 1, 2021 is essential to the operation of  
12 the agency for which the appropriations in this Act are provided, and that in  
13 the event of an extension of the legislative session, the delay in the  
14 effective date of this Act beyond July 1, 2021 could work irreparable harm  
15 upon the proper administration and provision of essential governmental  
16 programs. Therefore, an emergency is hereby declared to exist and this Act  
17 being necessary for the immediate preservation of the public peace, health  
18 and safety shall be in full force and effect from and after July 1, 2021.  
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21 **APPROVED: 3/1/21**  
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