

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

Call Item 2

A Bill

SENATE BILL 5

5 By: Senator Hickey
6 By: Representative Shepherd
7

For An Act To Be Entitled

9 AN ACT TO TRANSFER FUNDS TO THE RESTRICTED RESERVE
10 FUND EXECUTIVE/LEGISLATIVE 3/5 VOTE SET-ASIDE, THE
11 UNALLOCATED RESTRICTED RESERVE MAJORITY VOTE SET-
12 ASIDE, THE GENERAL REVENUE ALLOTMENT RESERVE FUND AND
13 THE ECONOMIC DEVELOPMENT INCENTIVE QUICK ACTION
14 CLOSING FUND; TO DECLARE AN EMERGENCY; AND FOR OTHER
15 PURPOSES.
16
17

Subtitle

18 TO TRANSFER FUNDS TO THE RESTRICTED
19 RESERVE FUND, GENERAL REVENUE ALLOTMENT
20 RESERVE FUND AND ECONOMIC DEVELOPMENT
21 INCENTIVE QUICK ACTION CLOSING FUND; AND
22 TO DECLARE AN EMERGENCY.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. DO NOT CODIFY. TEMPORARY LANGUAGE. Supplemental funding
29 transfer to Restricted Reserve Fund.

30 (a) Notwithstanding any other provisions of law, immediately upon the
31 effective date of this act, as authorized in Acts 2021, No. 1058, § 2(c), and
32 as determined by the Chief Fiscal Officer of the State under Acts 2021, No.
33 1058, § 3(a)(1) and 3(a)(1)(A), reclaimed or recovered fiscal year 2021
34 unexpended general revenue balances shall be transferred on the books of the
35 Chief Fiscal Officer of the State, the Treasurer of State, and the Auditor of
36 State to the Executive/Legislative 3/5 Vote Set-Aside in an amount that, when



1 added to the existing fund balance in the Executive/Legislative 3/5 Vote Set-
2 Aside as of the date of this transfer, causes the total balance in the
3 Executive/Legislative 3/5 Vote Set-Aside to equal fifty million dollars
4 (\$50,000,000).

5 (b) After making the transfer described in subsection (a) of this
6 section, all remaining funds from the reclaimed or recovered fiscal year 2021
7 unexpended general revenue balances shall be transferred to the Unallocated
8 Restricted Reserve Majority Vote Set-Aside, as authorized in Acts 2021, No.
9 1058, § 2(c), and as determined by the Chief Fiscal Officer of the State
10 under Acts 2021, No. 1058, § 3(a)(2) and 3(a)(2)(A).

11 (c) The fund transfers in subsections (a) and (b) of this section are
12 in addition to those funds previously authorized and shall be transferred out
13 of the Executive/Legislative 3/5 Vote Set-Aside and the Unallocated
14 Restricted Reserve Majority Vote Set-Aside as provided in Acts 2021, No.
15 1058.

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17 SECTION 2. Arkansas Code § 19-6-486(d), concerning the Long Term
18 Reserve Fund, is amended to add an additional subdivision to read as follows:

19 (3)(A) The Chief Fiscal Officer of the State may make a one-time
20 transfer of up to fifty million dollars (\$50,000,000) from the Long Term
21 Reserve Fund or its successor fund or fund accounts to the General Revenue
22 Allotment Reserve Fund before March 31, 2022.

23 (B) A transfer under subdivision (d)(3)(A) of this section is not
24 subject to the procedures established in subsection (e) of this section.

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26 SECTION 3. TEMPORARY LANGUAGE. DO NOT CODIFY. ECONOMIC DEVELOPMENT
27 ONE-TIME FUNDING TRANSFER. (a) Notwithstanding any other provisions of law,
28 the Chief Fiscal Officer of the State may transfer from time to time as funds
29 are determined to be available by the Chief Fiscal Officer of the State, on
30 his or her books and those of the State Treasurer and the Auditor of the
31 State, a sum not to exceed fifty million dollars (\$50,000,000) from the Long
32 Term Reserve Fund or its successor fund or fund accounts to the General
33 Revenue Allotment Reserve Fund.

34 (b) Once the Chief Fiscal Officer of the State determines funding for the
35 economic development investment incentives is needed, the Chief Fiscal
36 Officer of the State may transfer on his or her books and those of the State

1 Treasurer and the Auditor of the State an amount not to exceed fifty million
2 dollars (\$50,000,000) from the General Revenue Allotment Reserve Fund to the
3 Economic Development Incentive Quick Action Closing Fund for economic
4 development investment incentives applicable to a qualified manufacturer of
5 steel as defined in A.C.A. § 26-51-1211.

6 The provisions of this section shall be effective from the date of
7 passage and approval and shall expire on March 31, 2022.

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9 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
10 General Assembly of the State of Arkansas that, due to unforeseen
11 circumstances, funds provided by the General Assembly for the Restricted
12 Reserve Fund under Acts 2021, No. 1058, and the funds provided to the General
13 Revenue Allotment Reserve Fund and Economic Development Incentive Quick
14 Action Closing Fund are insufficient to provide funding for unanticipated
15 circumstances and possible essential governmental services; that this act
16 will provide the necessary funds to address unanticipated services and
17 various state-funded projects; and that this act is immediately necessary
18 because a delay in the effective date of this act could work irreparable harm
19 upon the proper implementation, administration, or operations of government-
20 funded programs. Therefore, an emergency is declared to exist, and this act
21 being immediately necessary for the preservation of the public peace, health,
22 and safety shall become effective on:

23 (1) The date of its approval by the Governor;

24 (2) If the bill is neither approved nor vetoed by the Governor,
25 the expiration of the period of time during which the Governor may veto the
26 bill; or

27 (3) If the bill is vetoed by the Governor and the veto is
28 overridden, the date the last house overrides the veto.

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APPROVED: 12/9/21

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