

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H4/12/05

A Bill

HOUSE BILL 2435

5 *By: Joint Budget Committee*
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7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE EIGHTY-FIFTH SESSION
10 PROJECTS ACCOUNT WITHIN THE GENERAL IMPROVEMENT
11 FUND; TO DEFINE THE MONIES TO BE AVAILABLE IN
12 SUCH ACCOUNT; AND TO DEFINE THE PURPOSES FOR
13 WHICH MONIES MAY BE MADE *AVAILABLE* FROM THE
14 GENERAL IMPROVEMENT FUND SO THAT ADDITIONAL FUNDS
15 CAN BE MADE AVAILABLE FOR THE STATE BUDGET; AND
16 FOR OTHER PURPOSES.

Subtitle

17
18 THE DISTRIBUTION OF THE EIGHTY-FIFTH
19 SESSION PROJECTS ACCOUNT OF THE GENERAL
20 IMPROVEMENT FUND TO PROVIDE ADDITIONAL
21 FUNDS FOR THE STATE BUDGET.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. This Act may be cited as the "General Improvement
29 Distribution Act of 2005".
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31 SECTION 2. There is hereby created and established on the books of the
32 Chief Fiscal Officer of the State, the State Treasurer and the State Auditor,
33 the "85th Session Projects Account" within the "General Improvement Fund",
34 into which shall be transferred and credited the respective monies as
35 hereinafter provided in this Act, to be used for providing financing, in the
36 manner set forth herein, for the various projects and purposes enumerated in



1 this Act to be financed from said account.

2 Immediately upon the effective date of this Act, or as soon thereafter
3 as is practical, the State Treasurer shall transfer and credit to the "85th
4 Session Projects Account" of the "General Improvement Fund", upon
5 certification of the amounts thereof by the Chief Fiscal Officer of the
6 State, the following:

7 (a) all unobligated and unallocated monies remaining in the "General
8 Improvement Fund" on June 30, 2005 which are not required to finance projects
9 to be financed therefrom pursuant to appropriations enacted by the 84th
10 General Assembly, or which have not been reappropriated or reallocated for
11 financing from the "General Improvement Fund" by the 85th General Assembly;

12 (b) any unobligated or unallocated funds remaining on July 2, 2005 in
13 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
14 during the 2003-2005 fiscal biennium which are not required to finance
15 enactments of the 85th General Assembly that do not expire on June 30, 2005;

16 (c) interest earned on State Treasury fund balances as provided in
17 this subsection. For the period commencing on July 1, 2005, and ending June
18 30, 2007, the State Treasurer shall, after complying with provisions of

19 (1) Arkansas Code 27-70-204 for distributing interest income
20 earned from investment of average daily balances of the "State Highway and
21 Transportation Department Fund",

22 (2) Arkansas Code 15-41-110 for distributing interest earned from
23 investment of average daily balances of the "Game Protection Fund",

24 (3) Arkansas Code 15-5-422 for the first two million dollars
25 (\$2,000,000) of interest income received each fiscal year by the State
26 Treasurer as authorized for the Correction Facilities Construction Fund, and

27 (4) Arkansas Code 20-78-504 for the next one hundred thousand
28 dollars (\$100,000) of interest income received each fiscal year by the State
29 Treasurer for the Arkansas Child Care Facilities Loan Guarantee Trust Fund,
30 credit to the "Budget Stabilization Trust Fund" or its successor fund, fifty
31 percent (50%) of the interest income received and credited to the "Securities
32 Reserve Fund", and credit to the "85th Session Projects Account" fifty
33 percent (50%) of the interest income received and credited to the "Securities
34 Reserve Fund" as certified by the Chief Fiscal Officer of the State, to
35 provide financing to the "85th Session Projects Account", until there has
36 been credited an amount, which when added to the other funds available for

1 such purposes will finance each of the projects or purposes hereinafter
2 enumerated;

3 (d) Those special revenues credited to the General Improvement Fund
4 from estate taxes as set out in Arkansas Code 19-6-301(171);

5 (e)(1) *On July 1, 2005 the Chief Fiscal Officer of the State shall*
6 *direct the Auditor of State to deposit the sum of ten million dollars*
7 *(\$10,000,000) from moneys collected pursuant to Arkansas Code 18-28-213 and*
8 *which were deposited into the Unclaimed Property Proceeds Trust Fund into the*
9 *85th Session Projects Account of the General Improvement Fund Account;*

10 (2) *On July 1, 2006 the Chief Fiscal Officer of the State shall direct the*
11 *Auditor of State to deposit the sum of two million dollars (\$2,000,000) from*
12 *moneys collected pursuant to Arkansas Code 18-28-213 and which were deposited*
13 *into the Unclaimed Property Proceeds Trust Fund into the 85th Session*
14 *Projects Account of the General Improvement Fund Account.*

15 (3) *In the event the Auditor of State certifies to the Chief Fiscal Officer*
16 *of the State that a sum up to, but not to exceed, three million dollars*
17 *(\$3,000,000) from moneys collected pursuant to Arkansas Code 18-28-213 and*
18 *which were deposited into the Unclaimed Property Proceeds Trust Fund are not*
19 *needed to meet obligations of the Unclaimed Property Proceeds Trust Fund*
20 *during the remainder of the Fiscal Year ending June 30, 2007 or thereafter,*
21 *the Chief Fiscal Officer of the State shall direct the Auditor of State to*
22 *deposit the amount(s) certified into the 85th Session Projects Account of the*
23 *General Improvement Fund.*

24 (4) *The deposits shall be made notwithstanding the provisions of Arkansas*
25 *Code 18-28-213(c)(2).*

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28 SECTION 3. *Of those moneys accruing to the 85th Session Projects*
29 *Account of the General Improvement Fund as set out in Section 2 of this Act,*
30 *the State Treasurer shall first distribute the proceeds as follows:*

31 (a) *Department of Correction for Farm Receipts Replacement,*
32 *\$12,000,000;*

33 *Department of Correction for Lease Payments, \$6,400,000;*

34 *Department of Education for APSCN Loan Repayments to Teacher*
35 *Retirement, \$5,800,586;*

36 *Department of Arkansas State Police for the purchase of motor*

1 *vehicles, \$3,500,000;*

2 *Department of Workforce Education for the Technical Career*
3 *Student Loan Forgiveness Program, \$2,800,000.*

4 **(b)** *Then the Treasurer of State shall first make monthly allocations*
5 *on the basis of ? percent (?%) of the total available funds to the Executive*
6 *Discretionary Division as set out in subsection (d) and the remainder of the*
7 *total available funds to the Legislative Division listed in subsection (c)*
8 *until all projects enumerated in subsection (c) have been fully funded. The*
9 *Legislative Division funds shall be used to provide funds to each project*
10 *enumerated in this section in proportion that each project's allocation bears*
11 *to the total of the allocations of all projects enumerated in subsection (c).*
12 *Additional funds that may be received by the General Improvement Fund after*
13 *the projects in subsection (c) have been fully funded shall remain in the*
14 *General Improvement Fund for such purpose as may be enacted by law, but shall*
15 *not be a part of the 85th Session Projects Account. Funds made available to*
16 *the Executive Discretionary Division may be used for any project or portion*
17 *thereof enumerated within the Executive Discretionary Division but not to*
18 *exceed the amount set out in subsection (d) for the project. The Chief Fiscal*
19 *Officer of the State shall notify the Legislative Council of the Governor's*
20 *released funds for projects at the same time that the Department of Finance*
21 *and Administration is notified.*

22 **(c)** *LEGISLATIVE DIVISION. The first eight hundred forty seven thousand*
23 *two hundred dollars (\$847,200) of monies distributed from the Legislative*
24 *Division shall finance the construction and renovation of County and District*
25 *Fairs and shall be allocated according to the procedures authorized by Act*
26 *854 of 2005.*

27 **(1)** *The monies deposited into the 85th Session Projects Account of the*
28 *General Improvement Fund from the Unclaimed Property Proceeds Trust Fund*
29 *pursuant to the provisions of Section 2 (e)(2) and Section 2 (e)(3) of this*
30 *act shall be the only funds within the 85th Session Projects Account of the*
31 *General Improvement Fund that shall be utilized to finance the following*
32 *projects and the maximum allocations as set out herein for the various*
33 *Institutions of Higher Education for critical maintenance, equipment and*
34 *library resources as follows:*

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2 (2) *The remainder of the Legislative Division shall consist of the*
3 *following projects and with the maximum allocations as set out herein:*

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6 (d) EXECUTIVE DISCRETIONARY DIVISION . The Executive Discretionary Division
7 shall consist of the following projects and with maximum allocations as set
8 out herein:

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10 SECTION 4. *On June 30, 2007, the Chief Fiscal Officer of the State*
11 *shall transfer up to five million dollars (\$5,000,000) from the Budget*
12 *Stabilization Trust Fund to the 85th Session Projects Account of the General*
13 *Improvement Fund to fund those projects authorized in the Legislative*
14 *Division. The transfer shall not be made if the actual or projected balance*
15 *of the Budget Stabilization Trust Fund declines below twenty five million*
16 *dollars (\$25,000,000).*

17
18 SECTION 5. DISBURSEMENT OF FUNDS. (a) Expenditure of the funds
19 authorized by the Eighty-fifth General Assembly in either the regular or
20 extraordinary session from the 85th Session Projects Account shall be made
21 only upon documentation to the Chief Fiscal Officer of the State, in such
22 form as deemed necessary, that all criteria or pre-conditions established in
23 the appropriation act have been met or in the case of state agencies, and
24 that a Method of Finance has been filed with the Office of Accounting in the
25 Department of Finance and Administration, if required.

26 (b) Any matching funds as may be provided in law shall be certified to the
27 Chief Fiscal Officer of the State prior to the commencement of the project.

28 (c) Any recipient of the funds appropriated herein:

29 (1) may be required to file a compliance audit and

30 (2) is also subject to an audit by the Division of Legislative Audit in
31 order to determine that the use of the funds was in compliance with the
32 intent and appropriated purposes of the General Assembly.

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34 SECTION 6. (a) Any enactment of the 85th General Assembly in either
35 regular or extraordinary session appropriating, transferring or allocating
36 funds to be payable from the "General Improvement Fund", for which a specific

1 allocation of funds is specifically authorized in this Act, shall be deemed
2 to be payable from the "85th Session Projects Account" within the "General
3 Improvement Fund" unless a specific intent is otherwise provided by law.

4 (b) Any enactment of the 85th General Assembly, meeting in either regular or
5 Extraordinary Session, appropriating, allocating or transferring funds
6 payable from the General Improvement Fund which is not enumerated in this Act
7 shall not be financed from monies accruing to the 85th Session Projects
8 Account.

9 (c) Monies reappropriated by the 85th General Assembly for projects for
10 which appropriations were made by the 84th General Assembly, which are not
11 enumerated in this Act and which are made payable from the "General
12 Improvement Fund", shall be payable from the "84th Session Projects Account"
13 of the "General Improvement Fund" and allowances shall be made therefore in
14 arriving at the uncommitted and unobligated balance of monies in the "General
15 Improvement Fund" before making transfers therefrom to the "85th Session
16 Projects Account", as authorized by this Act.

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18 SECTION 7. Distribution of funds for constructing and equipping the
19 radiation therapy institutes specified herein, shall be contingent upon the
20 provision of matching funds, including those monies previously raised but not
21 previously used to match state funds, on a dollar by dollar basis on behalf
22 of each such radiation therapy institute.

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24 SECTION 8. Department of Finance and Administration Disbursing
25 Officer. The Chief Fiscal Officer of the State may distribute funds to the
26 projects in the Legislative Division enumerated under Department of Finance
27 and Administration - Disbursing Officer on a basis other than monthly after
28 prior review of the proposed calendar for disbursements by the Legislative
29 Council.

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31 SECTION 9. This Act shall not be incorporated into the Arkansas Code
32 nor published separately as Special, Local and Temporary law.

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34 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly that it has considered and enacted appropriations for
36 construction projects and other programs to be financed from the accumulated

1 balances and reserve funds available in the State Treasury; that the total of
2 the enacted appropriations exceed the estimated available funding available
3 for such projects and that the immediate passage of this Act is necessary to
4 establish a method of providing for the orderly financing and a system of
5 priority for the financing of such projects. Therefore, an emergency is
6 declared to exist and this act being immediately necessary for the
7 preservation of the public peace, health and safety shall become effective on
8 July 1, 2005.

9
10 */s/ Joint Budget Committee*
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