

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

A Bill

SENATE BILL 78

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
11 DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE
12 BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF ECONOMIC
17 DEVELOPMENT APPROPRIATION FOR THE
18 2005-2007 BIENNIUM.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Economic Development for the 2005-2007 biennium, the following
26 maximum number of regular employees whose salaries shall be governed by the
27 provisions of the Uniform Classification and Compensation Act (Arkansas Code
28 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
29 Provided, however, that any position to which a specific maximum annual
30 salary is set out herein in dollars, shall be exempt from the provisions of
31 said Uniform Classification and Compensation Act. All persons occupying
32 positions authorized herein are hereby governed by the provisions of the
33 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
34 or its successor.
35
36

Maximum Annual



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9900	ADED DIRECTOR	1	\$113,749	\$116,365
5	(2)	9813	ADED DEPUTY DIRECTOR	1	\$97,446	\$99,817
6	(3)	9910	ADED ENERGY DIR OF ESTABLISH INDUST	1	\$90,710	\$92,980
7	(4)	9817	DIR OF MINORITY BUSINESS PROGRAMS	1	\$90,710	\$92,980
8	(5)	9814	ADED DIRECTOR MARKETING	1	\$90,710	\$92,980
9	(6)	9812	ADED DIRECTOR INDUST FINANCE	1	\$90,710	\$92,980
10	(7)	9811	ADED DEPUTY DIR ECONOMIC DEV PLANNI	1	\$90,710	\$92,980
11	(8)	9810	ADED DIR ECON DEVELOPMENT	1	\$90,710	\$92,980
12	(9)	9793	ED DEPUTY DIRECTOR TRAINING	1	\$90,710	\$92,980
13	(10)	9816	POL C COMPLIANCE ASST COORD	1	\$86,069	\$88,254
14	(11)	9755	ADED ENVIRONMENTAL CONSULTANT	1	\$86,069	\$88,254
15	(12)	9754	ADED ADMR/EVAL/PLAN&MGMT SYSTEM	1	\$68,004	\$69,846
16	(13)	7355	ADED INVESTMENTS MANAGER/ASIA	1	\$68,004	\$69,846
17	(14)	906Z	ADED RESEARCH MANAGER	1	GRADE 25	
18	(15)	977Z	STATE ENERGY DEPUTY DIRECTOR	1	GRADE 25	
19	(16)	R379	STATE ECONOMIC DEVELOPER III	19	GRADE 25	
20	(17)	R080	STATISTICAL ANALYSIS MANAGER	1	GRADE 24	
21	(18)	D100	DP SENIOR PROJECT LEADER	1	GRADE 23	
22	(19)	E051	TRAINING PROJECT MANAGER	3	GRADE 22	
23	(20)	R127	ENERGY CONSERVATION PROGRAM ADMR	2	GRADE 22	
24	(21)	909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
25	(22)	A032	AGENCY FISCAL MANAGER	2	GRADE 22	
26	(23)	A008	ACCOUNTING SUPERVISOR II	1	GRADE 21	
27	(24)	N293	DEVELOPMENT SPECIALIST	1	GRADE 21	
28	(25)	D036	SR PROGRAMMER/ANALYST	1	GRADE 21	
29	(26)	E049	INDUSTRIAL COORDINATOR	13	GRADE 21	
30	(27)	R348	COMMUNITY DEVELOPMENT CONSULTANT	5	GRADE 21	
31	(28)	D121	USER SUPPORT ANALYST	2	GRADE 20	
32	(29)	N333	MEDIA SPECIALIST	1	GRADE 20	
33	(30)	R004	STATE ENERGY PROGRAM COORDINATOR	2	GRADE 20	
34	(31)	R266	MANAGEMENT PROJECT ANALYST II	7	GRADE 20	
35	(32)	A038	FINANCIAL ANALYST	1	GRADE 20	
36	(33)	A110	ACCOUNTANT II	1	GRADE 19	

1	(34)	R150	RESEARCH PROJECT ANALYST	2	GRADE 19
2	(35)	R168	GRANTS COORDINATOR II	2	GRADE 19
3	(36)	D128	P C SUPPORT SPECIALIST	1	GRADE 18
4	(37)	N328	INFORMATION OFFICER II	1	GRADE 18
5	(38)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
6	(39)	R190	PERSONNEL OFFICER II	2	GRADE 17
7	(40)	N290	COMMERCIAL ARTIST II/GRAPHIC ART II	2	GRADE 17
8	(41)	R010	ADMINISTRATIVE ASSISTANT II	8	GRADE 17
9	(42)	R148	RESEARCH ASSISTANT	1	GRADE 15
10	(43)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	3	GRADE 14
11	(44)	K153	SECRETARY II	<u>5</u>	GRADE 13
12			MAX. NO. OF EMPLOYEES	108	

13

14 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 15 Economic Development for the 2005-2007 biennium, the following maximum number
 16 of part-time or temporary employees, to be known as "Extra Help", payable
 17 from funds appropriated herein for such purposes: eleven (11) temporary or
 18 part-time employees, when needed, at rates of pay not to exceed those
 19 provided in the Uniform Classification and Compensation Act, or its
 20 successor, or this act for the appropriate classification.

21

22 SECTION 3. APPROPRIATION - BUSINESS DEVELOPMENT PROGRAM. There is hereby
 23 appropriated, to be payable from the funds and fund accounts as set out
 24 herein, to the Department of Economic Development for the biennial period
 25 ending June 30, 2007, the following:

26 (a) For the ADED-Business Development Program, the sum of \$4,411,491 for the
 27 2005-2006 fiscal year and \$4,478,861 for the 2006-2007 fiscal year.

28 (1) Program Description. Business Development partners with various
 29 constituencies to generate economic opportunity through the efficient use of
 30 available resources to support the growth and retention of existing
 31 businesses, to foster entrepreneurship and to recruit new and higher paying
 32 jobs to Arkansas. This will include the promotion of a regional concept in
 33 the establishment of new business and industry.

34	(2) Appropriation payable from:	FISCAL YEARS	
35		<u>2005-2006</u>	<u>2006-2007</u>

36 (A) General Revenue:

1	Department of Economic		
2	Development Fund Account	\$ <u>4,320,339</u>	\$ <u>4,387,709</u>
3	TOTAL General Revenue	\$ 4,320,339	\$ 4,387,709
4	(B) Federal Funds as designated by		
5	the Chief Fiscal Officer of the		
6	State	\$ 10,000	\$ 10,000
7	(C) Other Funds	\$ 83,030	\$ 81,878
8	(3) Performance Targets:		
9	(A) Average cost/benefit ratio for		
10	projects involving ADED	2.00 return for	2.00 return for
11	incentives	1.00 invested	1.00 invested
12	(B) Average salaries of new jobs		
13	proposed as a result of		
14	discretionary incentives	\$14 per hour	\$14 per hour
15	(C) Number of jobs announced as a		
16	result of discretionary		
17	incentives	2,500	2,500
18	(D) Number of site visits to		
19	existing businesses and		
20	industries	1,500	1,500

22 SECTION 4. APPROPRIATION - COMMUNITY DEVELOPMENT PROGRAM. There is hereby
 23 appropriated, to be payable from the funds and fund accounts as set out
 24 herein, to the Department of Economic Development for the biennial period
 25 ending June 30, 2007, the following:

26 (a) For the ADED-Community Development Program, the sum of \$40,195,814 for
 27 the 2005-2006 fiscal year and \$40,225,298 for the 2006-2007 fiscal year.

28 (1) Program Description. The Community Development Program increases
 29 communities' capacity for action through strategic planning and the
 30 development of projects that improve the local economy and quality of life
 31 for current and future generations

32	(2) Appropriation payable from:	FISCAL YEARS	
33		<u>2005-2006</u>	<u>2006-2007</u>
34	(A) General Revenue:		
35	Department of Economic		
36	Development Fund Account	\$ <u>747,292</u>	\$ <u>760,043</u>

1	TOTAL General Revenue	\$	747,292	\$	760,043
2	(B) Federal Funds as designated by				
3	the Chief Fiscal Officer of the				
4	State	\$	38,763,618	\$	38,780,351
5	(C) Other Funds	\$	38,730	\$	0
6	(3) Performance Targets:				
7	(A) % of CDBG projects distributed				
8	through need based funding				
9	formulas		70%		70%
10	(B) % of CDBG projects identified as				
11	priority needs within the				
12	consolidated plan submitted to				
13	HUD that were funded		100%		100%
14	(C) The number of communities that				
15	demonstrate the use of a				
16	strategic planning process to				
17	evaluate needs prior to				
18	submitting a CDBG grant request.		6		7

20 SECTION 5. APPROPRIATION - ADMINISTRATION AND SUPPORT PROGRAM. There is
 21 hereby appropriated, to be payable from the funds and fund accounts as set
 22 out herein, to the Department of Economic Development for the biennial period
 23 ending June 30, 2007, the following:

24 (a) For the ADED-Administration Program, the sum of \$6,205,036 for the 2005-
 25 2006 fiscal year and \$6,267,623 for the 2006-2007 fiscal year.

26 (1) Program Description. The Administration and Support Program provides
 27 the ancillary services necessary for the Business Development and Community
 28 Development programs to achieve their goals and objectives. This program
 29 includes traditional administrative support as well as research, planning,
 30 technology, marketing and communication services.

31	(2) Appropriation payable from:		FISCAL YEARS		
32			<u>2005-2006</u>	<u>2006-2007</u>	
33	(A) General Revenue:				
34	Department of Economic				
35	Development Fund Account	\$	<u>4,700,456</u>	\$	<u>4,759,359</u>
36	TOTAL General Revenue	\$	4,700,456	\$	4,759,359

1	(B) Federal Funds as designated by		
2	the Chief Fiscal Officer of the		
3	State	\$ 332,259	\$ 335,889
4	(3) Performance Targets:		
5	(A) Number of prior year audit		
6	findings repeated in subsequent		
7	audit	0	0
8	(B) Percentage of agency key		
9	performance targets met	100%	100%
10	(C) Percentage of budget in Central		
11	Administration compared to total		
12	agency budget	20%	20%

13

14 SECTION 6. APPROPRIATION - SUPER PROJECTS. There is hereby appropriated,
 15 to the Department of Economic Development, to be payable from the Economic
 16 Development Superprojects Project Fund, for Super Projects of the Department
 17 of Economic Development for the biennial period ending June 30, 2007, the
 18 following:

19			
20	ITEM	FISCAL YEARS	
21	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
22	(01) SUPER PROJECTS	\$ <u>200,000,000</u>	\$ <u>200,000,000</u>

23

24 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 26 FORWARD. The unexpended balances of appropriation provided for the
 27 expenditures of federal funds as provided for the Community Development
 28 Program on June 30, ~~2004~~ 2006, shall be carried forward and made available
 29 for expenditures for the Community Development Block Grant Program for the
 30 fiscal year ending June 30, ~~2005~~ 2007.

31 The provisions of this section shall be in effect only from July 1, ~~2003~~
 32 2005 through June 30, ~~2005~~ 2007.

33

34 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 35 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD.
 36 The unexpended balances of appropriation provided for the expenditures of

1 federal funds as provided for in Section 5 of this Act on June 30, ~~2004~~ 2006,
2 shall be carried forward and made available for expenditures for the same
3 purpose for the fiscal year ending June 30, ~~2005~~ 2007.

4 The provisions of this section shall be in effect only from July 1, ~~2003~~
5 2005 through June 30, ~~2005~~ 2007.

6
7 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
9 FORWARD. At the close of the fiscal year ending June 30, ~~2004~~ 2006, any
10 unexpended appropriation provided for the Century Tube Scholarship Program,
11 not to exceed \$30,000, within the appropriation for the Administration and
12 Support Program shall be carried forward and made available for the same
13 purposes for the fiscal year ending June 30, ~~2005~~ 2007. The provisions of
14 this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30,
15 ~~2005~~ 2007.

16
17 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY
19 TRAINING PROGRAM EXPENSES. In addition to training expenses, funds made
20 available to support the appropriation for INDUSTRY TRAINING PROGRAM EXPENSES
21 within the appropriation for the Business Development Program ~~shall~~ may be
22 used to acquire capital equipment necessary to enhance the capabilities of
23 the Arkansas Industry Training Programs and for expenses necessary to assist
24 in carrying on the Existing Worker Training Program. When not in use in an
25 AITP managed course of training, the equipment purchased under this provision
26 shall be stored at a location to be determined by the Executive Director,
27 ADED. The provisions of this section shall be in effect only from July 1,
28 ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

29
30 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN
32 OFFICE OPERATIONS. The Arkansas Department of Economic Development is hereby
33 authorized to enter into contractual arrangements with private and/or public
34 companies, corporations or organizations for the purpose of operating foreign
35 offices. At such time as any of the foreign offices are being operated under
36 such a contractual arrangement, no Overseas Program personnel as authorized

1 by Arkansas Code 15-4-211 shall be employed concurrently with a contractual
 2 arrangement with a company, corporation or organization. Arkansas Code 15-4-
 3 211 shall not be deemed restrictive in its language so as to preclude the use
 4 of standard Professional Services Contracts for the operation of the foreign
 5 offices and/or payment of such contracts. The provisions of this section
 6 shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

7
 8 SECTION 12. 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 Department of Economic Development (ADED) 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. ADED shall report the
 17 methodology for complying with this priority to the ~~CDBG subcommittee of~~
 18 Legislative Council. The provisions of this section shall be in effect only
 19 from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

20
 21 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
 23 PARTICIPATION. Arkansas Department of Economic Development (ADED) 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 ADED's web page. ADED is
 31 encouraged to develop additional innovative public awareness strategies.
 32 The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
 33 through June 30, ~~2005~~ 2007.

34
 35 SECTION 14. 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 Department of Economic Development (ADED)
4 shall allocate \$500,000 per fiscal year to the Rural Development Set-Aside
5 from the Economic Development Set-Aside, as defined in ADED's Consolidated
6 Plan filed with the federal Department of Housing and Urban Development.
7 Funds allocated to the Rural Development Set-Aside are to be used exclusively
8 for grants to rural communities as defined in the Consolidated Plan. The
9 provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
10 through June 30, ~~2005~~ 2007.

11
12 SECTION 15. 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 Department of Economic Development (ADED) shall review
15 all applications for grant funds from the Rural Development Set-Aside and
16 shall certify to the Department of Rural Services those applications eligible
17 for grant funds under ADED and federal guidelines. The Department of Rural
18 Services alone shall decide which grant applications will be funded, and ADED
19 shall disburse grant funds from the Rural Development Set-Aside to those
20 applicants receiving final approval by the Department of Rural Services. ADED
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. The
25 provisions of this section shall be in effect only from July 1, ~~2003~~ 2005
26 through June 30, ~~2005~~ 2007.

27
28 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
29 by this act shall be limited to the appropriation for such agency and funds
30 made available by law for the support of such appropriations; and the
31 restrictions of the State Procurement Law, the General Accounting and
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
33 Procedures and Restrictions Act, or their successors, and other fiscal
34 control laws of this State, where applicable, and regulations promulgated by
35 the Department of Finance and Administration, as authorized by law, shall be
36 strictly complied with in disbursement of said funds.

1
2 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General Assembly
3 that any funds disbursed under the authority of the appropriations contained
4 in this act shall be in compliance with the stated reasons for which this act
5 was adopted, as evidenced by the Agency Requests, Executive Recommendations
6 and Legislative Recommendations contained in the budget manuals prepared by
7 the Department of Finance and Administration, letters, or summarized oral
8 testimony in the official minutes of the Arkansas Legislative Council or
9 Joint Budget Committee which relate to its passage and adoption.

10
11 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General
12 Assembly, that the Constitution of the State of Arkansas prohibits the
13 appropriation of funds for more than a two (2) year period; that the
14 effectiveness of this Act on July 1, 2005 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the Regular Session, the delay in the effective
17 date of this Act beyond July 1, 2005 could work irreparable harm upon the
18 proper administration and provision of essential governmental programs.
19 Therefore, an emergency is hereby declared to exist and this Act being
20 necessary for the immediate preservation of the public peace, health and
21 safety shall be in full force and effect from and after July 1, 2005.