

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 87th General Assembly  
3 Regular Session, 2009  
4

*As Engrossed: H4/1/09*  
**A Bill**

HOUSE BILL 1078

5 By: Joint Budget Committee  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR STATE  
10 TURNBACK FOR COUNTIES AND MUNICIPALITIES BY THE  
11 OFFICE OF THE TREASURER OF STATE FOR THE FISCAL  
12 YEAR ENDING JUNE 30, 2010; AND FOR OTHER  
13 PURPOSES.  
14

**Subtitle**

15  
16 AN ACT FOR THE OFFICE OF TREASURER OF  
17 STATE - FOR STATE TURNBACK FOR COUNTIES  
18 AND MUNICIPALITIES APPROPRIATION FOR THE  
19 2009-2010 FISCAL YEAR.  
20  
21

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. APPROPRIATION - GENERAL REVENUES TO CITIES. There is hereby  
26 appropriated, to the Office of the Treasurer of State, to be payable from the  
27 Municipal Aid Fund, for the purpose of distributing General Revenue accruing  
28 therein for the benefit of municipalities as provided by law, by the Office  
29 of the Treasurer of State for the fiscal year ending June 30, 2010, the  
30 following:  
31

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) GENERAL REVENUES - CITIES	<u>\$ 27,506,526</u>

32  
33  
34  
35  
36 SECTION 2. APPROPRIATION - SPECIAL REVENUES TO CITIES. There is hereby



1 appropriated, to the Office of the Treasurer of State, to be payable from the  
2 Municipal Aid Fund, for distributing Special Revenues accruing therein for  
3 the benefit of municipalities as provided by law, by the Office of the  
4 Treasurer of State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) SPECIAL REVENUES - CITIES	<u>\$ 120,000,000</u>

9  
10 SECTION 3. APPROPRIATION - GENERAL REVENUES TO COUNTIES. There is hereby  
11 appropriated, to the Office of the Treasurer of State, to be payable from the  
12 County Aid Fund, for the purpose of distributing General Revenue accruing  
13 therein for the benefit of counties as provided by law, by the Office of the  
14 Treasurer of State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) GENERAL REVENUE - COUNTIES	<u>\$ 19,741,546</u>

15  
16  
17  
18  
19  
20 SECTION 4. APPROPRIATION - SPECIAL REVENUES TO COUNTIES. There is hereby  
21 appropriated, to the Office of the Treasurer of State, to be payable from the  
22 County Aid Fund, for the purpose of distributing any monies provided by  
23 Highway Turnback, Severance Taxes to counties, and any other monies provided  
24 by the Acts of the General Assembly for the benefit of counties, by the  
25 Office of the Treasurer of State for the fiscal year ending June 30, 2010,  
26 the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) SPECIAL REVENUE - COUNTIES	<u>\$ 160,000,000</u>

27  
28  
29  
30  
31  
32 SECTION 5. APPROPRIATION - UNANTICIPATED SPECIAL REVENUES. There is hereby  
33 appropriated, to the Office of the Treasurer of State, to be payable from the  
34 County Aid Fund, from unanticipated monies received from the sale or lease of  
35 minerals, oil and gas on federal military lands or from other unanticipated  
36 special revenues, for the transfer to those counties to which such monies are

1 allocated by law, by the Office of the Treasurer of State for the fiscal year  
2 ending June 30, 2010, the following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2009-2010</u>
6 (01) UNANTICIPATED SPECIAL REVENUES	<u>\$ 20,000,000</u>

7  
8 SECTION 6. APPROPRIATION - MILITARY LAND SALE. There is hereby  
9 appropriated, to the Office of the Treasurer of State, to be payable from the  
10 County Aid Fund, from monies received from the sale or lease of minerals, oil  
11 and gas on federal military lands to the County Road Fund of the counties to  
12 which such monies are allocated by law, by the Office of the Treasurer of  
13 State for the fiscal year ending June 30, 2010, the sum of .....\$750,000.  
14

15 SECTION 7. APPROPRIATION - MILITARY LAND TAXING UNIT DISTRIBUTION. There  
16 is hereby appropriated, to the Office of the Treasurer of State, to be  
17 payable from the County Aid Fund, from monies received from the sale or lease  
18 of minerals, oil and gas on federal military lands to the County Treasurer of  
19 the counties to which such monies are allocated by law, for distribution to  
20 the various taxing units of said county as provided by law, by the Office of  
21 the Treasurer of State for the fiscal year ending June 30, 2010, the sum of  
22 .....\$1,250,000.  
23

24 SECTION 8. APPROPRIATION - REAL PROPERTY TAX REDUCTION - COUNTIES. There  
25 is hereby appropriated, to the Office of the Treasurer of State, to be  
26 payable from the Property Tax Relief Trust Fund, for distributing funds  
27 provided by a statewide property tax reduction to counties, by the Office of  
28 the Treasurer of State for the fiscal year ending June 30, 2010, the  
29 following:  
30

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2009-2010</u>
33 (01) DISTRIBUTION TO COUNTIES FOR PROPERTY 34 TAX RELIEF	<u>\$ 250,000,000</u>

35  
36 SECTION 9. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES DISTRIBUTION

1 TO COUNTIES. There is hereby appropriated, to the Office of the Treasurer of  
2 State, to be payable from the Property Tax Relief Trust Fund, accruing  
3 therein for the benefit of counties to be distributed using the formula for  
4 the County Aid Fund under §19-5-602(c), by the Office of the Treasurer of  
5 State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) DISTRIBUTION TO COUNTIES	<u>\$ 4,000,000</u>

11 SECTION 10. APPROPRIATION - PROPERTY TAX RELIEF FUND REVENUES DISTRIBUTION  
12 TO CITIES. There is hereby appropriated, to the Office of the Treasurer of  
13 State, to be payable from the Property Tax Relief Trust Fund, accruing  
14 therein for the benefit of municipalities to be distributed using the formula  
15 for the Municipal Aid Fund under §19-5-601(b), by the Office of the Treasurer  
16 of State for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) DISTRIBUTION TO CITIES	<u>\$ 4,000,000</u>

22 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
23 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DISTRIBUTION  
24 OF FUNDS. Funding provided in Sections 9 and 10 of this Act from the  
25 Property Tax Relief Trust Fund shall not be distributed unless there are  
26 sufficient funds in the Property Tax Relief Trust Fund as of the date that  
27 the Chief Fiscal Officer of the State certifies the amount in excess of the  
28 required reimbursement to the counties as provided in §26-26-310(b)(2)(C)(i).  
29 If there are sufficient funds remaining in the Property Tax Relief Trust Fund  
30 on December 31, 2009, as certified, the Treasurer shall distribute four  
31 million dollars (\$4,000,000) to counties and four million dollars  
32 (\$4,000,000) to cities for the fiscal year ending June 30, 2010 from the  
33 balance remaining on December 31, 2009 from the Property Tax Relief Trust  
34 Fund. The distribution to counties shall be made in accordance with the  
35 distribution formula in §19-5-602(c). The distribution to cities shall be  
36 made in accordance with the distribution formula in §19-5-601(b). The funds

1 attributable to sales and use taxes levied prior to July 1, 2009 shall not be  
2 transferred from the Property Tax Relief Trust Fund to the cities and  
3 counties.

4  
5 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. COUNTY  
7 TURNBACK - UNANTICIPATED FUNDS. The appropriation authorized for General  
8 Revenue to Counties in Section 3, Military Land Sale in Section 6 and  
9 Military Land Taxing Unit Distribution in Section 7 of this Act, or any other  
10 appropriation as provided by the General Assembly for aid to counties may be  
11 supplemented, if necessary, by a transfer from the appropriation provided for  
12 Unanticipated Special Revenues in Section 5 of this Act.

13 The provisions of this section shall be in effect only from July 1,  
14 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

15  
16 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOANS TO  
18 CITIES AND COUNTIES. On July 1 of each fiscal year ~~of the biennial period~~  
19 ~~ending June 30, 2011~~, the Chief Fiscal Officer of the State shall request a  
20 transfer by the State Treasurer from the Budget Stabilization Trust Fund to  
21 the County Aid Fund and to the Municipal Aid Fund to assist the various  
22 cities and counties in meeting cash flow needs early in the state fiscal  
23 year. The transfer shall be a loan to be repaid in equal installments from  
24 general revenue distributions each month during the fiscal year for which the  
25 loan was made and shall be in addition to any other loans authorized by law  
26 for the County Aid and Municipal Aid Funds. The amount of such loan for each  
27 fiscal year shall be \$3,517,657 to the Municipal Aid Fund and \$1,906,079 to  
28 the County Aid Fund, or so much thereof as may be available in the Budget  
29 Stabilization Trust Fund as determined by the Chief Fiscal Officer of the  
30 State. Upon such transfer being completed, the State Treasurer shall  
31 immediately distribute such funds to each of the several municipalities and  
32 counties in the same manner as general revenues are distributed.

33 It is the intent of the General Assembly that the Chief Fiscal Officer  
34 of the State and the State Treasurer shall make every reasonable, and  
35 financially sound effort to insure that local governments receive the full  
36 amount of the loan authorized herein on July 1 of each year and that the

1 monies authorized for local governments from general revenues be distributed  
2 in equal monthly payments.

3 The provisions of this section shall be in effect only from July 1,  
4 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

5  
6 SECTION 14. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
7 by this act shall be limited to the appropriation for such agency and funds  
8 made available by law for the support of such appropriations; and the  
9 restrictions of the State Procurement Law, the General Accounting and  
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
11 Procedures and Restrictions Act, or their successors, and other fiscal  
12 control laws of this State, where applicable, and regulations promulgated by  
13 the Department of Finance and Administration, as authorized by law, shall be  
14 strictly complied with in disbursement of said funds.

15  
16 SECTION 15. LEGISLATIVE INTENT. It is the intent of the General Assembly  
17 that any funds disbursed under the authority of the appropriations contained  
18 in this act shall be in compliance with the stated reasons for which this act  
19 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
20 and Legislative Recommendations contained in the budget manuals prepared by  
21 the Department of Finance and Administration, letters, or summarized oral  
22 testimony in the official minutes of the Arkansas Legislative Council or  
23 Joint Budget Committee which relate to its passage and adoption.

24  
25 SECTION 16. EMERGENCY CLAUSE. It is found and determined by the General  
26 Assembly, that the Constitution of the State of Arkansas prohibits the  
27 appropriation of funds for more than a one (1) year period; that the  
28 effectiveness of this Act on July 1, 2009 is essential to the operation of  
29 the agency for which the appropriations in this Act are provided, and that in  
30 the event of an extension of the Regular Session, the delay in the effective  
31 date of this Act beyond July 1, 2009 could work irreparable harm upon the  
32 proper administration and provision of essential governmental programs.  
33 Therefore, an emergency is hereby declared to exist and this Act being  
34 necessary for the immediate preservation of the public peace, health and  
35 safety shall be in full force and effect from and after July 1, 2009.

36

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36

*/s/ Joint Budget Committee*