

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

A Bill

HOUSE BILL 1778

5 By: Representative Maloch
6
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE EIGHTY-SEVENTH 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-SEVENTH
19 SESSION PROJECTS ACCOUNT OF THE GENERAL
20 IMPROVEMENT FUND TO PROVIDE ADDITIONAL
21 FUNDS FOR THE STATE BUDGET.
22
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. This Act may be cited as the "General Improvement Distribution
28 Act of 2009".
29

30 SECTION 2. There is hereby created and established on the books of the
31 Chief Fiscal Officer of the State, the State Treasurer and the State Auditor,
32 the "87th Session Projects Account" within the "General Improvement Fund",
33 into which shall be transferred and credited the respective monies as
34 hereinafter provided in this Act, to be used for providing financing, in the
35 manner set forth herein, for the various projects and purposes enumerated in
36 this Act to be financed from said account.



1 Immediately upon the effective date of this Act, or as soon thereafter as is
 2 practical, the State Treasurer shall transfer and credit to the "87th Session
 3 Projects Account" of the "General Improvement Fund", upon certification of
 4 the amounts thereof by the Chief Fiscal Officer of the State, the following:

5 (a) all unobligated and unallocated monies remaining in the "General
 6 Improvement Fund" on June 30, 2009 which are not required to finance projects
 7 to be financed therefrom pursuant to appropriations enacted by the 86th
 8 General Assembly, or which have not been reappropriated or reallocated for
 9 financing from the "General Improvement Fund" by the 87th General Assembly;

10 (b) any unobligated or unallocated funds remaining on July 2, 2009 in
 11 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
 12 during the 2007-2009 fiscal biennium which are not required to finance
 13 enactments of the 87th General Assembly that do not expire on June 30, 2009;

14 (c) interest earned on State Treasury fund balances as provided in
 15 this subsection. For the period commencing on July 1, 2009, and ending June
 16 30, 2011, the State Treasurer shall, after complying with provisions of

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

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

22 (3) Arkansas Code 20-78-504 for the next one hundred thousand
 23 dollars (\$100,000) of interest income received each fiscal year by the State
 24 Treasurer for the "Arkansas Child Care Facilities Loan Guarantee Trust Fund",
 25 credit to the "Budget Stabilization Trust Fund" or its successor fund, fifty
 26 percent (50%) of the interest income received and credited to the "Securities
 27 Reserve Fund", and credit to the "87th Session Projects Account" fifty
 28 percent (50%) of the interest income received and credited to the "Securities
 29 Reserve Fund" as certified by the Chief Fiscal Officer of the State, to
 30 provide financing to the "87th Session Projects Account", until there has
 31 been credited an amount, which when added to the other funds available for
 32 such purposes will finance each of the projects or purposes hereinafter
 33 enumerated;

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

36

1 SECTION 3. Of those moneys accruing to the 87th Session Projects Account
2 of the General Improvement Fund as set out in Section 2 of this Act, the
3 State Treasurer shall distribute the proceeds as follows:

4 (a) The Treasurer of State shall first make monthly allocations on the
5 basis of percent (%) of the total available funds to the Executive
6 Discretionary Division as set out in subsection (c) and the remainder of the
7 total available funds to the Legislative Division listed in subsection (b)
8 until all projects enumerated in subsection (b) have been fully funded. The
9 Legislative Division funds shall be used to provide funds to each project
10 enumerated in (b) of this section in proportion that each project's
11 allocation bears to the total of the allocations of all projects enumerated
12 in subsection (b). Additional funds that may be received by the General
13 Improvement Fund after the projects in subsection (b) have been fully funded
14 shall remain in the General Improvement Fund for such purpose as may be
15 enacted by law, but shall not be a part of the 87th Session Projects Account.
16 Funds made available to the Executive Discretionary Division may be used for
17 any project or portion thereof enumerated within the Executive Discretionary
18 Division but not to exceed the amount set out in subsection (c) for the
19 project. The Chief Fiscal Officer of the State shall notify the Legislative
20 Council of the Governor's released funds for projects at the same time that
21 the Department of Finance and Administration is notified.

22
23 (b) LEGISLATIVE DIVISION. The Legislative Division shall consist of the
24 following projects and with the maximum allocations as set out herein:

25
26 (c) EXECUTIVE DISCRETIONARY DIVISION. The Executive Discretionary
27 Division shall consist of the following projects and with the maximum
28 allocations as set out herein:

29
30 SECTION 4. DISBURSEMENT OF FUNDS. (a) Expenditure of the funds authorized
31 by the Eighty-Seventh General Assembly in either the regular, fiscal or
32 extraordinary session from the 87th Session Projects Account shall be made
33 only upon documentation to the Chief Fiscal Officer of the State, in such
34 form as deemed necessary, that all criteria or pre-conditions established in
35 the appropriation act have been met or in the case of state agencies, and
36 that a Method of Finance has been filed with the Office of Accounting in the

1 Department of Finance and Administration, if required.

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

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

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

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

9

10 SECTION 5.(a) Any enactment of the 87th General Assembly in either regular,
11 fiscal or extraordinary session appropriating, transferring or allocating
12 funds to be payable from the "General Improvement Fund", for which a specific
13 allocation of funds is specifically authorized in this Act, shall be deemed
14 to be payable from the "87th Session Projects Account" within the "General
15 Improvement Fund" unless a specific intent is otherwise provided by law.

16 (b) Any enactment of the 87th General Assembly, meeting in either Regular,
17 Fiscal or Extraordinary Session, appropriating, allocating or transferring
18 funds payable from the General Improvement Fund which is not enumerated in
19 this Act shall not be financed from monies accruing to the 87th Session
20 Projects Account.

21 (c) Monies reappropriated by the 87th General Assembly for projects for
22 which appropriations were made by the 86th General Assembly, which are not
23 enumerated in this Act and which are made payable from the "General
24 Improvement Fund", shall be payable from the "86th Session Projects Account"
25 of the "General Improvement Fund" and allowances shall be made therefore in
26 arriving at the uncommitted and unobligated balance of monies in the "General
27 Improvement Fund" before making transfers therefrom to the "87th Session
28 Projects Account", as authorized by this Act.

29

30 SECTION 6. Distribution of funds for constructing and equipping the
31 radiation therapy institutes specified herein, shall be contingent upon the
32 provision of matching funds, including those monies previously raised but not
33 previously used to match state funds, on a dollar by dollar basis on behalf
34 of each such radiation therapy institute.

35

36 SECTION 7. Department of Finance and Administration Disbursing Officer.

1 The Chief Fiscal Officer of the State may distribute funds to the projects in
2 the Legislative Division enumerated under Department of Finance and
3 Administration - Disbursing Officer on a basis other than monthly after prior
4 review of the proposed calendar for disbursements by the Legislative Council.

5
6 SECTION 8. This Act shall not be incorporated into the Arkansas Code nor
7 published separately as Special, Local and Temporary law.

8
9 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly that it has considered and enacted appropriations for construction
11 projects and other programs to be financed from the accumulated balances and
12 reserve funds available in the State Treasury; that the total of the enacted
13 appropriations exceed the estimated available funding available for such
14 projects and that the immediate passage of this Act is necessary to establish
15 a method of providing for the orderly financing and a system of priority for
16 the financing of such projects. Therefore, an emergency is declared to exist
17 and this act being immediately necessary for the preservation of the public
18 peace, health and safety shall become effective on July 1, 2009.

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36