

1 State of Arkansas  
2 87th General Assembly  
3 Fiscal Session, 2010

# A Bill

HOUSE BILL 1097

4  
5 By: Joint Budget Committee  
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## 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, 2011; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

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16 AN ACT FOR THE OFFICE OF TREASURER OF  
17 STATE - FOR STATE TURNBACK FOR COUNTIES  
18 AND MUNICIPALITIES APPROPRIATION FOR THE  
19 2010-2011 FISCAL YEAR.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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, 2011, the  
30 following:  
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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) GENERAL REVENUES - CITIES	<u>\$ 27,506,526</u>

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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, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) SPECIAL REVENUES - CITIES	<u>\$ 120,000,000</u>

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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, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) GENERAL REVENUE - COUNTIES	<u>\$ 19,741,546</u>

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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, 2011,  
26 the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) SPECIAL REVENUE - COUNTIES	<u>\$ 160,000,000</u>

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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, 2011, the following:

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4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2010-2011</u>
6	(01) UNANTICIPATED SPECIAL REVENUES	<u>\$ 20,000,000</u>
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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, 2011, the sum of..... \$750,000.  
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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 count as provided by law, by the Office of  
21 the Treasurer of State for the fiscal year ending June 30, 2011, the sum of  
22 ..... \$1,250,000.  
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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, 2011, the  
29 following:  
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31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2010-2011</u>
33	(01) DISTRIBUTION TO COUNTIES FOR PROPERTY	
34	TAX RELIEF	<u>\$ 250,000,000</u>
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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, for 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, 2011, the following:

6	7	ITEM	FISCAL YEAR
8	9	<u>NO.</u>	<u>2010-2011</u>
9	(01)	DISTRIBUTION TO COUNTIES	<u>\$ 4,000,000</u>

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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, for accruing  
14 therein for the benefit of municipalities to be distributed using the formula  
15 for the Municipal Aid Fund under §19-5-601(c), by the Office of the Treasurer  
16 of State for the fiscal year ending June 30, 2011, the following:

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18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2010-2011</u>
20	(01)	DISTRIBUTION TO CITIES
		<u>\$ 4,000,000</u>

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22 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
24 DISTRIBUTION OF FUNDS. Funding provided in Sections 9 and 10 of this Act from  
25 the 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 the  
27 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~~ 2010, as certified, the Treasurer shall distribute four  
31 million dollars (\$4,000,000) to counties and four million dollars (\$4,000,000)  
32 to cities for the fiscal year ending June 30, ~~2010~~ 2011 from the balance  
33 remaining on December 31, ~~2009~~ 2010 from the Property Tax Relief Trust Fund.  
34 The distribution to counties shall be made in accordance with the distribution  
35 formula in §19-5-602(c). The distribution to cities shall be made in  
36 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~~ 2010 shall  
 2 not be transferred from the Property Tax Relief Trust Fund to the cities and  
 3 counties.

4 The provisions of this section shall be in effect only from July 1, ~~2009~~  
 5 2010 through June 30, ~~2010~~ 2011.

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

15 The provisions of this section shall be in effect only from July 1,  
 16 ~~2009~~ 2010 through June 30, ~~2010~~ 2011.

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

35 It is the intent of the General Assembly that the Chief Fiscal Officer  
 36 of the State and the State Treasurer shall make every reasonable, and

1 financially sound effort to insure that local governments receive the full  
 2 amount of the loan authorized herein on July 1 of each year and that the  
 3 monies authorized for local governments from general revenues be distributed  
 4 in equal monthly payments.

5 The provisions of this section shall be in effect only from July 1,  
 6 ~~2009~~ 2010 through June 30, ~~2010~~ 2011.

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 8 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 10 FORWARD. At the close of each fiscal year any unexpended funds for the  
 11 County Aid and Municipal Aid line items shall be carried forward and made  
 12 available for the same purpose for the next fiscal year.

13 The provisions of this section shall be in effect only from July 1, ~~2009~~  
 14 2010 through June 30, ~~2010~~ 2011.

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 16 SECTION 15. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
 17 by this act shall be limited to the appropriation for such agency and funds  
 18 made available by law for the support of such appropriations; and the  
 19 restrictions of the State Procurement Law, the General Accounting and  
 20 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
 21 Procedures and Restrictions Act, or their successors, and other fiscal  
 22 control laws of this State, where applicable, and regulations promulgated by  
 23 the Department of Finance and Administration, as authorized by law, shall be  
 24 strictly complied with in disbursement of said funds.

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

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 35 SECTION 17. EMERGENCY CLAUSE. It is found and determined by the General  
 36 Assembly, that the Constitution of the State of Arkansas prohibits the

1 appropriation of funds for more than a one (1) year period; that the  
2 effectiveness of this Act on July 1, 2010 is essential to the operation of  
3 the agency for which the appropriations in this Act are provided, and that in  
4 the event of an extension of the legislative session, the delay in the  
5 effective date of this Act beyond July 1, 2010 could work irreparable harm  
6 upon the proper administration and provision of essential governmental  
7 programs. Therefore, an emergency is hereby declared to exist and this Act  
8 being necessary for the immediate preservation of the public peace, health  
9 and safety shall be in full force and effect from and after July 1, 2010.

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