

State of Arkansas
88th General Assembly
Regular Session, 2011

As Engrossed: S2/28/11
A Bill

SENATE BILL 110

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE ECONOMIC
DEVELOPMENT COMMISSION FOR THE FISCAL YEAR ENDING
JUNE 30, 2012; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE ECONOMIC DEVELOPMENT
COMMISSION APPROPRIATION FOR THE 2011-2012
FISCAL YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Economic Development Commission for the 2011-2012 fiscal year, the following
maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
(1)	U055U	AEDC DIRECTOR	1	\$132,459
(2)	U105U	AEDC DEP DIR FINANCE & ADMIN	1	\$113,622
(3)	U059U	AEDC DEPUTY DIRECTOR	1	\$113,622
(4)	N062N	AEDC BUSINESS DEV DIVISION DIR	1	GRADE N908
(5)	N061N	AEDC BUSINESS FINANCE DIRECTOR	1	GRADE N908
(6)	N059N	AEDC TRAINING DIVISION DIRECTOR	1	GRADE N908
(7)	N085N	AEDC DIR TECH & ENTREPRENEURSHIP	1	GRADE N907



1	(8)	N084N	AEDC MRKT & COMMUNICATIONS DIR	1	GRADE N907
2	(9)	N083N	AEDC STRATEGIC PLANNING DIRECTOR	1	GRADE N907
3	(10)	N173N	ENERGY OFFICE DEPUTY DIRECTOR	1	GRADE N903
4	(11)	G013C	AEDC DIR ARKANSAS ENERGY OFFICE	1	GRADE C128
5	(12)	G014C	AEDC DIR OF COMMUNITY DEVELOPMENT	1	GRADE C128
6	(13)	P002C	AEDC DIRECTOR FILM COMMISSION	1	GRADE C128
7	(14)	G015C	AEDC SMALL/MINORITY BUSINESS DIR	1	GRADE C128
8	(15)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
9	(16)	D012C	DATABASE SPECIALIST	1	GRADE C127
10	(17)	A014C	FISCAL DIVISION MANAGER	1	GRADE C127
11	(18)	G048C	AEDC STRATEGIC PLANNING ASST DIR	1	GRADE C126
12	(19)	R006C	HUMAN RESOURCES ADMINISTRATOR	1	GRADE C126
13	(20)	G062C	AEDC PROJECT/REGIONAL MANAGER	20	GRADE C125
14	(21)	G076C	ADMINISTRATIVE SERVICES MANAGER	1	GRADE C124
15	(22)	G104C	AEDC AREA/PROGRAM REPRESENTATIVE	22	GRADE C122
16	(23)	A052C	ACCOUNTING COORDINATOR	2	GRADE C121
17	(24)	R014C	PERSONNEL MANAGER	1	GRADE C121
18	(25)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
19	(26)	E023C	TRAINING PROJECT MANAGER	4	GRADE C120
20	(27)	G148C	ENERGY PROGRAM MANAGER	6	GRADE C119
21	(28)	G147C	GRANTS COORDINATOR	1	GRADE C119
22	(29)	A066C	INTERNAL AUDITOR	1	GRADE C119
23	(30)	A063C	RESEARCH & STATISTICS SUPERVISOR	1	GRADE C119
24	(31)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
25	(32)	D065C	NETWORK SUPPORT ANALYST	1	GRADE C118
26	(33)	D064C	WEBSITE DEVELOPER	1	GRADE C118
27	(34)	A082C	ACCOUNTANT II	2	GRADE C117
28	(35)	G188C	BUSINESS & INDUSTRIAL ENERGY SPEC	1	GRADE C117
29	(36)	G180C	GRANTS ANALYST	7	GRADE C117
30	(37)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
31	(38)	P027C	PUBLIC INFORMATION SPECIALIST	2	GRADE C116
32	(39)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
33	(40)	R033C	BENEFITS ANALYST	1	GRADE C115
34	(41)	D077C	HELP DESK SPECIALIST	1	GRADE C115
35	(42)	V015C	PURCHASING SPECIALIST	1	GRADE C115
36	(43)	P041C	COMMERCIAL GRAPHIC ARTIST	1	GRADE C114

(44) C056C ADMINISTRATIVE SPECIALIST III	<u>13</u>	GRADE C112
MAX. NO. OF EMPLOYEES	<u>114</u>	

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Economic Development Commission – State Operations for the 2011-2012 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: eleven (11) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Economic Development Commission, to be payable from the Department of Economic Development Fund Account, for personal services and operating expenses of the Economic Development Commission – State Operations for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$4,724,084
(02) EXTRA HELP	20,000
(03) PERSONAL SERVICES MATCHING	1,320,968
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,641,526
(B) CONF. & TRAVEL	141,486
(C) PROF. FEES	1,280,000
(D) CAP. OUTLAY	100,000
(E) DATA PROC.	0
(05) ECONOMIC INFRASTRUCTURE/REGIONALISM	
GRANTS	1,000,000
(06) FAR EAST TRADE/IND RECRUITMENT	150,000
(07) INDUSTRY TRAINING PROGRAM	1,000,000
(08) FOR STATE MATCHING OF FEDERAL FUNDS	<u>228,500</u>
TOTAL AMOUNT APPROPRIATED	<u>\$11,606,564</u>

SECTION 4. APPROPRIATION - COMMUNITY ASSISTANCE (CDBG) - FEDERAL.

There is hereby appropriated, to the Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Economic Development Commission - Community Assistance - Federal for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$316,505
(02) PERSONAL SERVICES MATCHING	95,828
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	60,600
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	70,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) GRANTS/AIDS - CDBG	30,000,000
(05) STORM RECOVERY GRANTS	90,475,898
(06) FLOOD RECOVERY GRANTS	4,747,501
(07) ARRA OF 2009	<u>4,632,783</u>
TOTAL AMOUNT APPROPRIATED	<u>\$130,424,115</u>

SECTION 5. APPROPRIATION - STATE ENERGY PLAN - FEDERAL. There is

hereby appropriated, to the Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Economic Development Commission - State Energy Plan - Federal for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) REGULAR SALARIES	\$367,898
(02) PERSONAL SERVICES MATCHING	116,024
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	93,273

1	(B) CONF. & TRAVEL	11,788
2	(C) PROF. FEES	108,085
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	0
5	(04) ENERGY CONSERVATION GRANTS AND AID	151,952
6	(05) ARRA OF 2009	<u>50,493,125</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$51,342,145</u></u>

8

9 SECTION 6. APPROPRIATION - ENERGY EFFICIENCY ARKANSAS - CASH. There is
 10 hereby appropriated, to the Economic Development Commission, to be payable
 11 from the cash fund deposited in the State Treasury as determined by the Chief
 12 Fiscal Officer of the State, for personal services and operating expenses of
 13 the Economic Development Commission for the fiscal year ending June 30, 2012,
 14 the following:

15

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2011-2012</u>
18	(01) REGULAR SALARIES	\$43,634
19	(02) PERSONAL SERVICES MATCHING	13,503
20	(03) MAINT. & GEN. OPERATION	
21	(A) OPER. EXPENSE	43,900
22	(B) CONF. & TRAVEL	2,000
23	(C) PROF. FEES	2,102,955
24	(D) CAP. OUTLAY	0
25	(E) DATA PROC.	0
26	(04) ENERGY EFFICIENCY ARKANSAS GRANTS	<u>100,000</u>
27	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,305,992</u></u>

28

29 SECTION 7. APPROPRIATION - INCENTIVE PLANS - CASH. There is hereby
 30 appropriated, to the Economic Development Commission, to be payable from cash
 31 funds as defined by Arkansas Code 19-4-801 of the Economic Development
 32 Commission, for expenses of assisting industries in the negotiation of
 33 financial incentive plans of the Economic Development Commission for the
 34 fiscal year ending June 30, 2012, the following:

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36	ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2011-2012</u>
2	(01) FINANCIAL INCENTIVE PLANS - EXPENSES	<u>\$8,620</u>

3

4 SECTION 8. APPROPRIATION - TRADE AND INTERNATIONAL INVESTMENT DIVISION

5 - CASH. There is hereby appropriated, to the Economic Development

6 Commission, to be payable from cash funds as defined by Arkansas Code

7 19-4-801 of the Economic Development Commission, for marketing expenses of

8 the Economic Development Commission for the fiscal year ending June 30, 2012,

9 the following:

11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2011-2012</u>
13	(01) TRADE AND INTERNATIONAL INVESTMENT	
14	MARKETING EXPENSES	<u>\$9,625</u>

15

16 SECTION 9. APPROPRIATION - EXISTING BUSINESS RESOURCE PROGRAM - CASH.

17 There is hereby appropriated, to the Economic Development Commission, to be

18 payable from cash funds as defined by Arkansas Code 19-4-801 of the Economic

19 Development Commission, for Existing Business Resource Program expenses of

20 the Economic Development Commission for the fiscal year ending June 30, 2012,

21 the following:

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2011-2012</u>
25	(01) EXISTING BUSINESS RESOURCE EXPENSES	<u>\$30,150</u>

26

27 SECTION 10. APPROPRIATION - PETROLEUM VIOLATION ESCROW - CASH. There

28 is hereby appropriated, to the Economic Development Commission, to be payable

29 from cash funds as defined by Arkansas Code 19-4-801 of the Economic

30 Development Commission, for operating expenses and grants to approved

31 projects from funds received from settlements with petroleum companies and

32 other miscellaneous cash funds of the Economic Development Commission for the

33 fiscal year ending June 30, 2012, the following:

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2011-2012</u>

(01) ENERGY CONSERVATION GRANTS AND AID \$404,489

SECTION 11. APPROPRIATION - TECHNOLOGY ACCELERATION PROGRAM. There is hereby appropriated, to the Economic Development Commission, to be payable from the Technology Acceleration Fund, for investment incentives to enhance the economy of the state through technology development of the Economic Development Commission for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) TECHNOLOGY ACCELERATION PRGM	<u>\$30,000,000</u>

SECTION 12. APPROPRIATION - SUPER PROJECTS. There is hereby appropriated, to the Economic Development Commission, to be payable from the Economic Development Superprojects Project Fund, for Super Projects of the Economic Development Commission for the fiscal year ending June 30, 2012, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
(01) SUPER PROJECTS	<u>\$200,000,000</u>

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY TRAINING PROGRAM EXPENSES. In addition to training expenses, funds made available to support the appropriation for Industry Training Program (ITP) herein may be used to acquire capital equipment necessary to enhance the capabilities of the Arkansas Industry Training Programs and for expenses necessary to assist in carrying on the Existing Worker Training Program. When not in use in an AITP managed course of training, the equipment purchased under this provision shall be stored at a location to be determined by the Executive Director, AEDC.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

1 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN
3 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby
4 authorized to enter into contractual arrangements with private and/or public
5 companies, corporations, individuals or organizations for the purpose of
6 operating foreign offices. Arkansas Code 15-4-211 shall not be deemed
7 restrictive in its language so as to preclude the use of standard
8 Professional Services Contracts for the operation of the foreign offices
9 and/or payment of such contracts from the special line items as established
10 by legislative appropriation for the operation of said foreign offices.

11 The provisions of this section shall be in effect only from July 1, ~~2010~~
12 2011 through June 30, ~~2011~~ 2012.

13
14 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE
16 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall
17 structure its annual update to the Five Year Consolidated Plan and the new
18 Five Year Consolidated Plan to reflect the legislative intent for a priority
19 to be placed on the use of Community Development Block Grant (CDBG) funds for
20 Multi-use facilities that will offer combined facilities for programs
21 commonly offered in separate facilities such as senior centers, public health
22 centers, childcare centers and community centers. AEDC shall report the
23 methodology for complying with this priority to the Legislative Council.

24 The provisions of this section shall be in effect only from July 1, ~~2010~~
25 2011 through June 30, ~~2011~~ 2012.

26
27 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
29 PARTICIPATION. Arkansas Economic Development Commission (AEDC) shall make
30 additional efforts to increase non-traditional public participation in its
31 annual update to the Five Year Consolidated Plan and the new Five Year
32 Consolidated Plan. These efforts shall be in addition to current public
33 notification methods. Notification should be considered through direct mail-
34 out to mayors and county judges, contacts with planning and development
35 districts, contact with the Department of Rural Services, submissions to
36 grant notification publications, and publication on AEDC's web page. AEDC is

1 encouraged to develop additional innovative public awareness strategies.

2 The provisions of this section shall be in effect only from July 1, ~~2010~~
3 2011 through June 30, ~~2011~~ 2012.

4
5 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL
7 DEVELOPMENT. From the funds appropriated for Community Development Grants
8 within the Community Development Program in this Act for Community
9 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall
10 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the
11 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed
12 with the federal Department of Housing and Urban Development. Funds
13 allocated to the Rural Development Set-Aside are to be used exclusively for
14 grants to rural communities as defined in the Consolidated Plan.

15 The provisions of this section shall be in effect only from July 1, ~~2010~~
16 2011 through June 30, ~~2011~~ 2012.

17
18 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
20 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all
21 applications for grant funds from the Rural Development Set-Aside and shall
22 certify to the Department of Rural Services those applications eligible for
23 grant funds under AEDC and federal guidelines. The Department of Rural
24 Services alone shall decide which grant applications will be funded, and AEDC
25 shall disburse grant funds from the Rural Development Set-Aside to those
26 applicants receiving final approval by the Department of Rural Services. AEDC
27 and the Department of Rural Services shall promulgate rules and regulations
28 governing the application for and disbursement of grant funds from the Rural
29 Development Set-Aside, and an annual report of the disposition of these grant
30 funds shall be made to the Legislative Joint Auditing Committee.

31 The provisions of this section shall be in effect only from July 1, ~~2010~~
32 2011 through June 30, ~~2011~~ 2012.

33
34 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
36 PROVISION - FOREIGN OFFICES. If at any time during the fiscal year, the

1 Director determines that market conditions warrant, the Arkansas Economic
2 Development Commission is hereby authorized to transfer appropriation, after
3 receiving the approval of the Chief Fiscal Officer of the State and prior
4 approval by the Legislative Council or Joint Budget Committee, between the
5 Foreign Offices in the State Operations Section of this Act for the purpose
6 of responding to changes in the world markets.

7 Determining the maximum number of employees and the maximum amount of
8 appropriation and general revenue funding for a state agency each fiscal year
9 is the prerogative of the General Assembly. This is usually accomplished by
10 delineating such maximums in the appropriation act(s) for a state agency and
11 the general revenue allocations authorized for each fund and fund account by
12 amendment to the Revenue Stabilization law. Further, the General Assembly
13 has determined that the Arkansas Economic Development Commission may operate
14 more efficiently if some flexibility is provided to the Arkansas Economic
15 Development Commission authorizing broad powers under this Section.
16 Therefore, it is both necessary and appropriate that the General Assembly
17 maintain oversight by requiring prior approval of the Legislative Council or
18 Joint Budget Committee as provided by this section. The requirement of
19 approval by the Legislative Council or Joint Budget Committee is not a
20 severable part of this section. If the requirement of approval by the
21 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
22 court of competent jurisdiction, this entire section is void.

23 The provisions of this section shall be in effect only from July 1,
24 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

25
26 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
28 PROVISION. If at any time during the fiscal year, savings are accomplished
29 in the appropriation provided for "Far East Trade/Industry Recruitment",
30 "Latin American Trade", and "Regular Salaries" in the State Operations
31 Section of this Act, such appropriation savings may be transferred to the
32 appropriations made for "Maintenance and General Operations" in the State
33 Operations Section of this Act after prior approval by the Legislative
34 Council or Joint Budget Committee. In addition, if at any time during the
35 fiscal year, savings are accomplished in the appropriation provided for
36 "Maintenance and General Operations" in the State Operations Section of this

1 Act, such appropriation savings may be transferred to the appropriation for
2 "Far East Trade/Industry Recruitment" and "Latin American Trade" in the State
3 Operations Section of this Act, after prior approval by the Legislative
4 Council or Joint Budget Committee.

5 Determining the maximum number of employees and the maximum amount of
6 appropriation and general revenue funding for a state agency each fiscal year
7 is the prerogative of the General Assembly. This is usually accomplished by
8 delineating such maximums in the appropriation act(s) for a state agency and
9 the general revenue allocations authorized for each fund and fund account by
10 amendment to the Revenue Stabilization law. Further, the General Assembly
11 has determined that the Department of Economic Development may operate more
12 efficiently if some flexibility is provided to the Department of Economic
13 Development authorizing broad powers under this Section. Therefore, it is
14 both necessary and appropriate that the General Assembly maintain oversight
15 by requiring prior approval of the Legislative Council or Joint Budget
16 Committee as provided by this section. The requirement of approval by the
17 Legislative Council or Joint Budget Committee is not a severable part of this
18 section. If the requirement of approval by the Legislative Council or Joint
19 Budget Committee is ruled unconstitutional by a court of competent
20 jurisdiction, this entire section is void.

21 The provisions of this section shall be in effect only from July 1,
22 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

23
24 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
26 PROVISION. After receiving approval from the Chief Fiscal Officer of the
27 State and prior approval by the Legislative Council or Joint Budget
28 Committee, the Director of the Arkansas Economic Development Commission is
29 authorized to transfer appropriation from any line item appropriation
30 authorized in the Community Assistance (CDBG) - Federal Section of this Act
31 to any other line item authorized in the Community Assistance (CDBG) -
32 Federal Section of this Act.

33 Determining the maximum number of employees and the maximum amount of
34 appropriation and general revenue funding for a state agency each fiscal year
35 is the prerogative of the General Assembly. This is usually accomplished by
36 delineating such maximums in the appropriation act(s) for a state agency and

1 the general revenue allocations authorized for each fund and fund account by
2 amendment to the Revenue Stabilization law. Further, the General Assembly
3 has determined that the Department of Economic Development may operate more
4 efficiently if some flexibility is provided to the Department of Economic
5 Development authorizing broad powers under this Section. Therefore, it is
6 both necessary and appropriate that the General Assembly maintain oversight
7 by requiring prior approval of the Legislative Council or Joint Budget
8 Committee as provided by this section. The requirement of approval by the
9 Legislative Council or Joint Budget Committee is not a severable part of this
10 section. If the requirement of approval by the Legislative Council or Joint
11 Budget Committee is ruled unconstitutional by a court of competent
12 jurisdiction, this entire section is void.

13 The provisions of this section shall be in effect only from July 1, ~~2010~~
14 2011 through June 30, ~~2011~~ 2012.

15
16 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

18 FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas
19 Economic Development Commission within this Act relating to the appropriation
20 in the Community Assistance (CDBG) - Federal Section shall be used only when
21 necessary to carry out the Community Development Block Grant Program and
22 shall require approval by the Arkansas Legislative Council or Joint Budget
23 Committee.

24 Determining the maximum number of employees and the maximum amount of
25 appropriation and general revenue funding for a state agency each fiscal year
26 is the prerogative of the General Assembly. This is usually accomplished by
27 delineating such maximums in the appropriation act(s) for a state agency and
28 the general revenue allocations authorized for each fund and fund account by
29 amendment to the Revenue Stabilization law. Further, the General Assembly
30 has determined that the Department of Economic Development may operate more
31 efficiently if some flexibility is provided to the Department of Economic
32 Development authorizing broad powers under this Section. Therefore, it is
33 both necessary and appropriate that the General Assembly maintain oversight
34 by requiring prior approval of the Legislative Council or Joint Budget
35 Committee as provided by this section. The requirement of approval by the
36 Legislative Council or Joint Budget Committee is not a severable part of this

1 section. If the requirement of approval by the Legislative Council or Joint
2 Budget Committee is ruled unconstitutional by a court of competent
3 jurisdiction, this entire section is void.

4 The provisions of this section shall be in effect only from July 1,
5 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

6
7 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
9 PROVISION - INDUSTRY TRAINING. If during the fiscal year, the Industry
10 Training Division effects savings in Item (07), State Operations Section of
11 this Act, such savings may be transferred to item (02), Extra Help or item
12 (04), Maintenance and General Operations, of the State Operations Section of
13 this Act, after obtaining approval of the Chief Fiscal Officer of the State
14 and after prior review by the Legislative Council or Joint Budget Committee.
15 In addition, if any savings are effected in the fiscal year in item (04),
16 Maintenance and General Operations, of the State Operations Section of this
17 Act, such savings may be transferred to item (07), Industry Training Program,
18 of the State Operations Section of this Act, after obtaining approval of the
19 Chief Fiscal Officer of the State and after prior approval by the Legislative
20 Council or Joint Budget Committee.

21 Determining the maximum number of employees and the maximum amount of
22 appropriation and general revenue funding for a state agency each fiscal year
23 is the prerogative of the General Assembly. This is usually accomplished by
24 delineating such maximums in the appropriation act(s) for a state agency and
25 the general revenue allocations authorized for each fund and fund account by
26 amendment to the Revenue Stabilization law. Further, the General Assembly
27 has determined that the Department of Economic Development may operate more
28 efficiently if some flexibility is provided to the Department of Economic
29 Development authorizing broad powers under this Section. Therefore, it is
30 both necessary and appropriate that the General Assembly maintain oversight
31 by requiring prior approval of the Legislative Council or Joint Budget
32 Committee as provided by this section. The requirement of approval by the
33 Legislative Council or Joint Budget Committee is not a severable part of this
34 section. If the requirement of approval by the Legislative Council or Joint
35 Budget Committee is ruled unconstitutional by a court of competent
36 jurisdiction, this entire section is void.

1 The provisions of this section shall be in effect only from July 1, ~~2010~~
2 2011 through June 30, ~~2011~~ 2012.

3
4 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
6 PROVISION - INDUSTRY TRAINING PROGRAM. During the fiscal year any savings
7 accomplished in line item (02) of the State Operations Section of this Act,
8 Extra Help, may be transferred to line item (04) of the State Operations
9 Section of this Act, Maintenance and General Operation after prior approval
10 by the Legislative Council or Joint Budget Committee.

11 Determining the maximum number of employees and the maximum amount of
12 appropriation and general revenue funding for a state agency each fiscal year
13 is the prerogative of the General Assembly. This is usually accomplished by
14 delineating such maximums in the appropriation act(s) for a state agency and
15 the general revenue allocations authorized for each fund and fund account by
16 amendment to the Revenue Stabilization law. Further, the General Assembly
17 has determined that the Department of Economic Development may operate more
18 efficiently if some flexibility is provided to the Department of Economic
19 Development authorizing broad powers under this Section. Therefore, it is
20 both necessary and appropriate that the General Assembly maintain oversight
21 by requiring prior approval of the Legislative Council or Joint Budget
22 Committee as provided by this section. The requirement of approval by the
23 Legislative Council or Joint Budget Committee is not a severable part of this
24 section. If the requirement of approval by the Legislative Council or Joint
25 Budget Committee is ruled unconstitutional by a court of competent
26 jurisdiction, this entire section is void.

27 The provisions of this section shall be in effect only from July 1, ~~2010~~
28 2011 through June 30, ~~2011~~ 2012.

29
30 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
32 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to
33 time on his or her books and those of the State Treasurer and the Auditor of
34 the State the sum not to exceed thirty million dollars (\$30,000,000) from
35 Federal Funds as determined by the Chief Fiscal Officer of the State to the
36 Technology Acceleration Fund to provide funds for the appropriation herein.

1
2 SECTION 26. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
3 authorized by this act shall be limited to the appropriation for such agency
4 and funds made available by law for the support of such appropriations; and
5 the restrictions of the State Procurement Law, the General Accounting and
6 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
7 Procedures and Restrictions Act, or their successors, and other fiscal
8 control laws of this State, where applicable, and regulations promulgated by
9 the Department of Finance and Administration, as authorized by law, shall be
10 strictly complied with in disbursement of said funds.

11
12 SECTION 27. LEGISLATIVE INTENT. It is the intent of the General
13 Assembly that any funds disbursed under the authority of the appropriations
14 contained in this act shall be in compliance with the stated reasons for
15 which this act was adopted, as evidenced by the Agency Requests, Executive
16 Recommendations and Legislative Recommendations contained in the budget
17 manuals prepared by the Department of Finance and Administration, letters, or
18 summarized oral testimony in the official minutes of the Arkansas Legislative
19 Council or Joint Budget Committee which relate to its passage and adoption.

20
21 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the
22 General Assembly, that the Constitution of the State of Arkansas prohibits
23 the appropriation of funds for more than a one (1) year period; that the
24 effectiveness of this Act on July 1, 2011 is essential to the operation of
25 the agency for which the appropriations in this Act are provided, and that in
26 the event of an extension of the legislative session, the delay in the
27 effective date of this Act beyond July 1, 2011 could work irreparable harm
28 upon the proper administration and provision of essential governmental
29 programs. Therefore, an emergency is hereby declared to exist and this Act
30 being necessary for the immediate preservation of the public peace, health
31 and safety shall be in full force and effect from and after July 1, 2011.

32
33 */s/Joint Budget Committee*
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36