

State of Arkansas
88th General Assembly
Regular Session, 2011

As Engrossed: S2/28/11 S3/7/11

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 13 GRADE C112
 MAX. NO. OF EMPLOYEES 114

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>

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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. APPROPRIATION. NON-PROFIT GRANTS. There is hereby appropriated, to the Economic Development Commission, to be payable from the Department of Economic Development Fund Account, the following:

(A) for grants to cities, counties, planning and development districts, and other eligible entities for land acquisition, improvements, construction, renovation, major maintenance, and purchase of equipment, industrial site development costs including, construction, renovation, and equipment acquisition, development of intermodal facilities, including port and waterway projects, rail spur construction and road and highway improvements, environmental mitigation projects, and construction and improvement of water and sewer systems, in a sum not to exceed.....\$60,000.

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY
2 TRAINING PROGRAM EXPENSES. In addition to training expenses, funds made
3 available to support the appropriation for Industry Training Program (ITP)
4 herein may be used to acquire capital equipment necessary to enhance the
5 capabilities of the Arkansas Industry Training Programs and for expenses
6 necessary to assist in carrying on the Existing Worker Training Program.
7 When not in use in an AITP managed course of training, the equipment
8 purchased under this provision shall be stored at a location to be determined
9 by the Executive Director, AEDC.

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

12
13 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN
15 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby
16 authorized to enter into contractual arrangements with private and/or public
17 companies, corporations, individuals or organizations for the purpose of
18 operating foreign offices. Arkansas Code 15-4-211 shall not be deemed
19 restrictive in its language so as to preclude the use of standard
20 Professional Services Contracts for the operation of the foreign offices
21 and/or payment of such contracts from the special line items as established
22 by legislative appropriation for the operation of said foreign offices.

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

25
26 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE
28 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall
29 structure its annual update to the Five Year Consolidated Plan and the new
30 Five Year Consolidated Plan to reflect the legislative intent for a priority
31 to be placed on the use of Community Development Block Grant (CDBG) funds for
32 Multi-use facilities that will offer combined facilities for programs
33 commonly offered in separate facilities such as senior centers, public health
34 centers, childcare centers and community centers. AEDC shall report the
35 methodology for complying with this priority to the Legislative Council.

36 The provisions of this section shall be in effect only from July 1, ~~2010~~

1 2011 through June 30, ~~2011~~ 2012.

2
3 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
5 PARTICIPATION. Arkansas Economic Development Commission (AEDC) shall make
6 additional efforts to increase non-traditional public participation in its
7 annual update to the Five Year Consolidated Plan and the new Five Year
8 Consolidated Plan. These efforts shall be in addition to current public
9 notification methods. Notification should be considered through direct mail-
10 out to mayors and county judges, contacts with planning and development
11 districts, contact with the Department of Rural Services, submissions to
12 grant notification publications, and publication on AEDC's web page. AEDC is
13 encouraged to develop additional innovative public awareness strategies.

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

16
17 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL
19 DEVELOPMENT. From the funds appropriated for Community Development Grants
20 within the Community Development Program in this Act for Community
21 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall
22 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the
23 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed
24 with the federal Department of Housing and Urban Development. Funds
25 allocated to the Rural Development Set-Aside are to be used exclusively for
26 grants to rural communities as defined in the Consolidated Plan.

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 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
32 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all
33 applications for grant funds from the Rural Development Set-Aside and shall
34 certify to the Department of Rural Services those applications eligible for
35 grant funds under AEDC and federal guidelines. The Department of Rural
36 Services alone shall decide which grant applications will be funded, and AEDC

1 shall disburse grant funds from the Rural Development Set-Aside to those
2 applicants receiving final approval by the Department of Rural Services. AEDC
3 and the Department of Rural Services shall promulgate rules and regulations
4 governing the application for and disbursement of grant funds from the Rural
5 Development Set-Aside, and an annual report of the disposition of these grant
6 funds shall be made to the Legislative Joint Auditing Committee.

7 The provisions of this section shall be in effect only from July 1, ~~2010~~
8 2011 through June 30, ~~2011~~ 2012.

9
10 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
12 PROVISION - FOREIGN OFFICES. If at any time during the fiscal year, the
13 Director determines that market conditions warrant, the Arkansas Economic
14 Development Commission is hereby authorized to transfer appropriation, after
15 receiving the approval of the Chief Fiscal Officer of the State and prior
16 approval by the Legislative Council or Joint Budget Committee, between the
17 Foreign Offices in the State Operations Section of this Act for the purpose
18 of responding to changes in the world markets.

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

35 The provisions of this section shall be in effect only from July 1,
36 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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2 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
4 PROVISION. If at any time during the fiscal year, savings are accomplished
5 in the appropriation provided for "Far East Trade/Industry Recruitment",
6 "Latin American Trade", and "Regular Salaries" in the State Operations
7 Section of this Act, such appropriation savings may be transferred to the
8 appropriations made for "Maintenance and General Operations" in the State
9 Operations Section of this Act after prior approval by the Legislative
10 Council or Joint Budget Committee. In addition, if at any time during the
11 fiscal year, savings are accomplished in the appropriation provided for
12 "Maintenance and General Operations" in the State Operations Section of this
13 Act, such appropriation savings may be transferred to the appropriation for
14 "Far East Trade/Industry Recruitment" and "Latin American Trade" in the State
15 Operations Section of this Act, after prior approval by the Legislative
16 Council or Joint Budget Committee.

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

33 The provisions of this section shall be in effect only from July 1,
34 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

35
36 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
2 PROVISION. After receiving approval from the Chief Fiscal Officer of the
3 State and prior approval by the Legislative Council or Joint Budget
4 Committee, the Director of the Arkansas Economic Development Commission is
5 authorized to transfer appropriation from any line item appropriation
6 authorized in the Community Assistance (CDBG) - Federal Section of this Act
7 to any other line item authorized in the Community Assistance (CDBG) -
8 Federal Section of this Act.

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

25 The provisions of this section shall be in effect only from July 1, ~~2010~~
26 2011 through June 30, ~~2011~~ 2012.

27
28 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
30 FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas
31 Economic Development Commission within this Act relating to the appropriation
32 in the Community Assistance (CDBG) - Federal Section shall be used only when
33 necessary to carry out the Community Development Block Grant Program and
34 shall require approval by the Arkansas Legislative Council or Joint Budget
35 Committee.

36 Determining the maximum number of employees and the maximum amount of

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

16 The provisions of this section shall be in effect only from July 1,
17 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

18
19 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
21 PROVISION - INDUSTRY TRAINING. If during the fiscal year, the Industry
22 Training Division effects savings in Item (07), State Operations Section of
23 this Act, such savings may be transferred to item (02), Extra Help or item
24 (04), Maintenance and General Operations, of the State Operations Section of
25 this Act, after obtaining approval of the Chief Fiscal Officer of the State
26 and after prior review by the Legislative Council or Joint Budget Committee.
27 In addition, if any savings are effected in the fiscal year in item (04),
28 Maintenance and General Operations, of the State Operations Section of this
29 Act, such savings may be transferred to item (07), Industry Training Program,
30 of the State Operations Section of this Act, after obtaining approval of the
31 Chief Fiscal Officer of the State and after prior approval by the Legislative
32 Council or Joint Budget Committee.

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 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
18 PROVISION - INDUSTRY TRAINING PROGRAM. During the fiscal year any savings
19 accomplished in line item (02) of the State Operations Section of this Act,
20 Extra Help, may be transferred to line item (04) of the State Operations
21 Section of this Act, Maintenance and General Operation after prior approval
22 by the Legislative Council or Joint Budget Committee.

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

1 Budget Committee is ruled unconstitutional by a court of competent
2 jurisdiction, this entire section is void.

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

5
6 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
8 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to
9 time on his or her books and those of the State Treasurer and the Auditor of
10 the State the sum not to exceed thirty million dollars (\$30,000,000) from
11 Federal Funds as determined by the Chief Fiscal Officer of the State to the
12 Technology Acceleration Fund to provide funds for the appropriation herein.
13

14 SECTION 27. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
15 authorized by this act shall be limited to the appropriation for such agency
16 and funds made available by law for the support of such appropriations; and
17 the restrictions of the State Procurement Law, the General Accounting and
18 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
19 Procedures and Restrictions Act, or their successors, and other fiscal
20 control laws of this State, where applicable, and regulations promulgated by
21 the Department of Finance and Administration, as authorized by law, shall be
22 strictly complied with in disbursement of said funds.
23

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

33 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly, that the Constitution of the State of Arkansas prohibits
35 the appropriation of funds for more than a one (1) year period; that the
36 effectiveness of this Act on July 1, 2011 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the legislative session, the delay in the
3 effective date of this Act beyond July 1, 2011 could work irreparable harm
4 upon the proper administration and provision of essential governmental
5 programs. Therefore, an emergency is hereby declared to exist and this Act
6 being necessary for the immediate preservation of the public peace, health
7 and safety shall be in full force and effect from and after July 1, 2011.

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9 */s/Joint Budget Committee*
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