

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S2/28/11 S3/7/11 S3/17/11

# A Bill

SENATE BILL 110

5 By: Joint Budget Committee  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
9 SERVICES AND OPERATING EXPENSES FOR THE ECONOMIC  
10 DEVELOPMENT COMMISSION FOR THE FISCAL YEAR ENDING  
11 JUNE 30, 2012; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 AN ACT FOR THE ECONOMIC DEVELOPMENT  
15 COMMISSION APPROPRIATION FOR THE 2011-2012  
16 FISCAL YEAR.  
17  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the  
23 Economic Development Commission for the 2011-2012 fiscal year, the following  
24 maximum number of regular employees.  
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
30	(1) U055U	AEDC DIRECTOR	1	\$132,459
31	(2) U105U	AEDC DEP DIR FINANCE & ADMIN	1	\$113,622
32	(3) U059U	AEDC DEPUTY DIRECTOR	1	\$113,622
33	(4) N062N	AEDC BUSINESS DEV DIVISION DIR	1	GRADE N908
34	(5) N061N	AEDC BUSINESS FINANCE DIRECTOR	1	GRADE N908
35	(6) N059N	AEDC TRAINING DIVISION DIRECTOR	1	GRADE N908
36	(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	6	GRADE C117
30	(37)	B076C	RESEARCH PROJECT ANALYST	2	GRADE C117
31	(38)	A081C	AUDITOR	1	GRADE C117
32	(39)	P027C	PUBLIC INFORMATION SPECIALIST	2	GRADE C116
33	(40)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
34	(41)	R033C	BENEFITS ANALYST	1	GRADE C115
35	(42)	D077C	HELP DESK SPECIALIST	1	GRADE C115
36	(43)	V015C	PURCHASING SPECIALIST	1	GRADE C115

1	(44)	P041C	COMMERCIAL GRAPHIC ARTIST	1	GRADE C114
2	(45)	C056C	ADMINISTRATIVE SPECIALIST III	<u>13</u>	GRADE C112
3			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><u>\$11,606,564</u></u>

1

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

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

8

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

24

25 SECTION 5. APPROPRIATION - STATE ENERGY PLAN - FEDERAL. There is  
 26 hereby appropriated, to the Economic Development Commission, to be payable  
 27 from the federal funds as designated by the Chief Fiscal Officer of the  
 28 State, for personal services and operating expenses of the Economic  
 29 Development Commission - State Energy Plan - Federal for the fiscal year  
 30 ending June 30, 2011, the following:

31

32 ITEM	FISCAL YEAR
33 <u>NO.</u>	<u>2011-2012</u>
34 (01) REGULAR SALARIES	\$367,898
35 (02) PERSONAL SERVICES MATCHING	116,024
36 (03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	93,273
2	(B) CONF. & TRAVEL	11,788
3	(C) PROF. FEES	108,085
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	0
6	(04) ENERGY CONSERVATION GRANTS AND AID	151,952
7	(05) ARRA OF 2009	<u>50,493,125</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$51,342,145</u></u>

9

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

16

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

29

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

36

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

4

5 SECTION 8. APPROPRIATION - TRADE AND INTERNATIONAL INVESTMENT DIVISION  
6 - CASH. There is hereby appropriated, to the Economic Development  
7 Commission, to be payable from cash funds as defined by Arkansas Code  
8 19-4-801 of the Economic Development Commission, for marketing expenses of  
9 the Economic Development Commission for the fiscal year ending June 30, 2012,  
10 the following:

11

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

16

17 SECTION 9. APPROPRIATION - EXISTING BUSINESS RESOURCE PROGRAM - CASH.  
18 There is hereby appropriated, to the Economic Development Commission, to be  
19 payable from cash funds as defined by Arkansas Code 19-4-801 of the Economic  
20 Development Commission, for Existing Business Resource Program expenses of  
21 the Economic Development Commission for the fiscal year ending June 30, 2012,  
22 the following:

23

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

27

28 SECTION 10. APPROPRIATION - PETROLEUM VIOLATION ESCROW - CASH. There  
29 is hereby appropriated, to the Economic Development Commission, to be payable  
30 from cash funds as defined by Arkansas Code 19-4-801 of the Economic  
31 Development Commission, for operating expenses and grants to approved  
32 projects from funds received from settlements with petroleum companies and  
33 other miscellaneous cash funds of the Economic Development Commission for the  
34 fiscal year ending June 30, 2012, the following:

35

ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2011-2012</u>
2	(01) ENERGY CONSERVATION GRANTS AND AID	<u>\$404,489</u>

3  
4 SECTION 11. APPROPRIATION - TECHNOLOGY ACCELERATION PROGRAM. There is  
5 hereby appropriated, to the Economic Development Commission, to be payable  
6 from the Technology Acceleration Fund, for investment incentives to enhance  
7 the economy of the state through technology development of the Economic  
8 Development Commission for the fiscal year ending June 30, 2012, the  
9 following:

10		
11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2011-2012</u>
13	(01) TECHNOLOGY ACCELERATION PRGM	<u>\$30,000,000</u>

14  
15 SECTION 12. APPROPRIATION - SUPER PROJECTS. There is hereby  
16 appropriated, to the Economic Development Commission, to be payable from the  
17 Economic Development Superprojects Project Fund, for Super Projects of the  
18 Economic Development Commission for the fiscal year ending June 30, 2012, the  
19 following:

20		
21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2011-2012</u>
23	(01) SUPER PROJECTS	<u>\$200,000,000</u>

24  
25 *SECTION 13. APPROPRIATION. NON-PROFIT GRANTS. There is hereby*  
26 *appropriated, to the Economic Development Commission, to be payable from the*  
27 *Department of Economic Development Fund Account, the following:*

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

36

1 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY  
3 TRAINING PROGRAM EXPENSES. In addition to training expenses, funds made  
4 available to support the appropriation for Industry Training Program (ITP)  
5 herein may be used to acquire capital equipment necessary to enhance the  
6 capabilities of the Arkansas Industry Training Programs and for expenses  
7 necessary to assist in carrying on the Existing Worker Training Program.  
8 When not in use in an AITP managed course of training, the equipment  
9 purchased under this provision shall be stored at a location to be determined  
10 by the Executive Director, AEDC.

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. FOREIGN  
16 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby  
17 authorized to enter into contractual arrangements with private and/or public  
18 companies, corporations, individuals or organizations for the purpose of  
19 operating foreign offices. Arkansas Code 15-4-211 shall not be deemed  
20 restrictive in its language so as to preclude the use of standard  
21 Professional Services Contracts for the operation of the foreign offices  
22 and/or payment of such contracts from the special line items as established  
23 by legislative appropriation for the operation of said foreign offices.

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. MULTI-USE  
29 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall  
30 structure its annual update to the Five Year Consolidated Plan and the new  
31 Five Year Consolidated Plan to reflect the legislative intent for a priority  
32 to be placed on the use of Community Development Block Grant (CDBG) funds for  
33 Multi-use facilities that will offer combined facilities for programs  
34 commonly offered in separate facilities such as senior centers, public health  
35 centers, childcare centers and community centers. AEDC shall report the  
36 methodology for complying with this priority to the Legislative Council.

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

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. RURAL  
20 DEVELOPMENT. From the funds appropriated for Community Development Grants  
21 within the Community Development Program in this Act for Community  
22 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall  
23 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the  
24 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed  
25 with the federal Department of Housing and Urban Development. Funds  
26 allocated to the Rural Development Set-Aside are to be used exclusively for  
27 grants to rural communities as defined in the Consolidated Plan.

28 The provisions of this section shall be in effect only from July 1, ~~2010~~  
29 2011 through June 30, ~~2011~~ 2012.

30  
31 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT  
33 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all  
34 applications for grant funds from the Rural Development Set-Aside and shall  
35 certify to the Department of Rural Services those applications eligible for  
36 grant funds under AEDC and federal guidelines. The Department of Rural

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

8 The provisions of this section shall be in effect only from July 1, ~~2010~~  
9 2011 through June 30, ~~2011~~ 2012.

10

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

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

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

1 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

2

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

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

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

36

1 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
3 PROVISION. After receiving approval from the Chief Fiscal Officer of the  
4 State and prior approval by the Legislative Council or Joint Budget  
5 Committee, the Director of the Arkansas Economic Development Commission is  
6 authorized to transfer appropriation from any line item appropriation  
7 authorized in the Community Assistance (CDBG) - Federal Section of this Act  
8 to any other line item authorized in the Community Assistance (CDBG) -  
9 Federal Section of this Act.

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

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

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

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

17 The provisions of this section shall be in effect only from July 1,  
18 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

19

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

34 Determining the maximum number of employees and the maximum amount of  
35 appropriation and general revenue funding for a state agency each fiscal year  
36 is the prerogative of the General Assembly. This is usually accomplished by

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

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 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
19 PROVISION - INDUSTRY TRAINING PROGRAM. During the fiscal year any savings  
20 accomplished in line item (02) of the State Operations Section of this Act,  
21 Extra Help, may be transferred to line item (04) of the State Operations  
22 Section of this Act, Maintenance and General Operation after prior approval  
23 by the Legislative Council or Joint Budget 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, ~~2010~~  
5 2011 through June 30, ~~2011~~ 2012.

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7 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING  
9 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to  
10 time on his or her books and those of the State Treasurer and the Auditor of  
11 the State the sum not to exceed thirty million dollars (\$30,000,000) from  
12 Federal Funds as determined by the Chief Fiscal Officer of the State to the  
13 Technology Acceleration Fund to provide funds for the appropriation herein.  
14

15 SECTION 27. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
16 authorized by this act shall be limited to the appropriation for such agency  
17 and funds made available by law for the support of such appropriations; and  
18 the restrictions of the State Procurement Law, the General Accounting and  
19 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
20 Procedures and Restrictions Act, or their successors, and other fiscal  
21 control laws of this State, where applicable, and regulations promulgated by  
22 the Department of Finance and Administration, as authorized by law, shall be  
23 strictly complied with in disbursement of said funds.  
24

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

34 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the  
35 General Assembly, that the Constitution of the State of Arkansas prohibits  
36 the appropriation of funds for more than a one (1) year period; that the

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

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10 */s/Joint Budget Committee*  
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