

1 State of Arkansas *As Engrossed: S2/17/15 S3/26/15 S3/27/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

SENATE BILL 111

4

5 By: Joint Budget Committee

6

7

For An Act To Be Entitled

8

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES

9

AND OPERATING EXPENSES FOR THE ARKANSAS ECONOMIC

10

DEVELOPMENT COMMISSION FOR THE FISCAL YEAR ENDING

11

JUNE 30, 2016; AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

AN ACT FOR THE ARKANSAS ECONOMIC

16

DEVELOPMENT COMMISSION APPROPRIATION FOR

17

THE 2015-2016 FISCAL YEAR.

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 Arkansas Economic Development Commission for the 2015-2016 fiscal year, the
24 following maximum number of regular employees.

25

26

Maximum Annual

27

Maximum

Salary Rate

28

Item Class

No. of

Fiscal Year

29

No. Code Title

Employees

2015-2016

30

(1) U055U AEDC DIRECTOR

1

\$139,706

31

(2) U105U AEDC DEP DIR FINANCE & ADMIN

1

\$119,839

32

(3) U059U AEDC DEPUTY DIRECTOR

1

\$119,839

33

(4) N180N AEDC ARKANSAS ENERGY OFFICE DIRECTOR

1

GRADE N908

34

(5) N062N AEDC BUSINESS DEVELOPMENT DIV DIR

1

GRADE N908

35

(6) N061N AEDC BUSINESS FINANCE DIRECTOR

1

GRADE N908

36

(7) N059N AEDC TRAINING DIVISION DIRECTOR

1

GRADE N908



1	(8)	N085N	AEDC DIR TECH & ENTREPRENEURSHIP	1	GRADE N907
2	(9)	N084N	AEDC MRKT & COMMUNICATIONS DIR	1	GRADE N907
3	(10)	N083N	AEDC STRATEGIC PLANNING DIRECTOR	1	GRADE N907
4	(11)	G245C	AEDC DIR OF COMM DEV & IMPROVEMENT	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)	G013C	AEDC MANAGER OF STRATEGIC ENERGY DEV	1	GRADE C128
8	(15)	G015C	AEDC SMALL/MINORITY BUSINESS DIR	1	GRADE C128
9	(16)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE C128
10	(17)	A014C	FISCAL DIVISION MANAGER	2	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 CONSULTANT	40	GRADE C125
14	(21)	G076C	ADMINISTRATIVE SERVICES MANAGER	2	GRADE C124
15	(22)	D029C	SENIOR GIS ANALYST	1	GRADE C124
16	(23)	R013C	AGENCY HUMAN RESOURCES MANAGER	1	GRADE C123
17	(24)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121
18	(25)	R014C	PERSONNEL MANAGER	1	GRADE C121
19	(26)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
20	(27)	G248C	ENERGY PROGRAM COORDINATOR	1	GRADE C120
21	(28)	G159C	DEPARTMENT BUSINESS COORDINATOR	1	GRADE C119
22	(29)	G148C	ENERGY PROGRAM MANAGER	2	GRADE C119
23	(30)	G147C	GRANTS COORDINATOR	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	3	GRADE C117
28	(35)	R027C	BUDGET SPECIALIST	1	GRADE C117
29	(36)	G180C	GRANTS ANALYST	5	GRADE C117
30	(37)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
31	(38)	B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
32	(39)	P027C	PUBLIC INFORMATION SPECIALIST	2	GRADE C116
33	(40)	C037C	ADMINISTRATIVE ANALYST	2	GRADE C115
34	(41)	R033C	BENEFITS ANALYST	1	GRADE C115
35	(42)	D077C	HELP DESK SPECIALIST	1	GRADE C115
36	(43)	P041C	COMMERCIAL GRAPHIC ARTIST	1	GRADE C114

1 (44) C056C ADMINISTRATIVE SPECIALIST III 7 GRADE C112
 2 MAX. NO. OF EMPLOYEES 100
 3

4 SECTION 2. APPROPRIATION - STATE OPERATIONS. There is hereby
 5 appropriated, to the Arkansas Economic Development Commission, to be payable
 6 from the Arkansas Economic Development Commission Fund Account, for personal
 7 services, operating expenses, grants and aid, and state matching funds of the
 8 Arkansas Economic Development Commission - State Operations for the fiscal
 9 year ending June 30, 2016, the following:
 10

11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2015-2016</u>
13 (01) REGULAR SALARIES	\$4,776,269
14 (02) PERSONAL SERVICES MATCHING	1,491,889
15 (03) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	1,548,238
17 (B) CONF. & TRAVEL	141,486
18 (C) PROF. FEES	1,465,000
19 (D) CAP. OUTLAY	100,000
20 (E) DATA PROC.	0
21 (04) ECONOMIC INFRASTRUCTURE/REGIONALISM	
22 GRANTS	1,000,000
23 (05) FAR EAST TRADE/IND RECRUITMENT	150,000
24 (06) INDUSTRY TRAINING PROGRAM	14,221,586
25 (07) FOR STATE MATCHING OF FEDERAL FUNDS	<u>228,500</u>
26 TOTAL AMOUNT APPROPRIATED	<u><u>\$25,122,968</u></u>

27
 28 SECTION 3. APPROPRIATION - COMMUNITY ASSISTANCE - FEDERAL. There is
 29 hereby appropriated, to the Arkansas Economic Development Commission, to be
 30 payable from the federal funds as designated by the Chief Fiscal Officer of
 31 the State, for personal services, operating expenses, and grants and aid by
 32 the Arkansas Economic Development Commission - Community Assistance - Federal
 33 for the fiscal year ending June 30, 2016, the following:
 34

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2015-2016</u>

1	(01) REGULAR SALARIES	\$295,622
2	(02) PERSONAL SERVICES MATCHING	100,759
3	(03) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	60,600
5	(B) CONF. & TRAVEL	25,000
6	(C) PROF. FEES	70,000
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	0
9	(04) GRANTS/AIDS - CDBG	27,500,000
10	(05) STORM RECOVERY GRANTS	15,079,614
11	(06) FLOOD RECOVERY GRANTS	<u>615,710</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$43,747,305</u>

13

14 SECTION 4. APPROPRIATION - STATE ENERGY PLAN - FEDERAL. There is
 15 hereby appropriated, to the Arkansas Economic Development Commission, to be
 16 payable from the federal funds as designated by the Chief Fiscal Officer of
 17 the State, for personal services, operating expenses, and grants and aid by
 18 the Arkansas Economic Development Commission - State Energy Plan - Federal
 19 for the fiscal year ending June 30, 2016, the following:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2015-2016</u>
23	(01) REGULAR SALARIES	\$226,499
24	(02) PERSONAL SERVICES MATCHING	82,221
25	(03) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	118,273
27	(B) CONF. & TRAVEL	36,788
28	(C) PROF. FEES	268,085
29	(D) CAP. OUTLAY	0
30	(E) DATA PROC.	0
31	(04) ENERGY CONSERVATION GRANTS AND AID	<u>551,952</u>
32	TOTAL AMOUNT APPROPRIATED	<u>\$1,283,818</u>

33

34 SECTION 5. APPROPRIATION - ENERGY EFFICIENCY ARKANSAS - CASH. There is
 35 hereby appropriated, to the Arkansas Economic Development Commission, to be
 36 payable from the cash fund deposited in the State Treasury as determined by

1 the Chief Fiscal Officer of the State, for personal services, operating
 2 expenses, and grants and aid by the Arkansas Economic Development Commission
 3 - Energy Efficiency Arkansas - Cash for the fiscal year ending June 30, 2016,
 4 the following:

6	ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2015-2016</u>
8	(01) REGULAR SALARIES	\$82,119
9	(02) PERSONAL SERVICES MATCHING	28,927
10	(03) MAINT. & GEN. OPERATION	
11	(A) OPER. EXPENSE	93,900
12	(B) CONF. & TRAVEL	2,000
13	(C) PROF. FEES	750,000
14	(D) CAP. OUTLAY	0
15	(E) DATA PROC.	0
16	(04) ENERGY EFFICIENCY ARKANSAS GRANTS	<u>450,000</u>
17	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,406,946</u></u>

18

19 SECTION 6. APPROPRIATION - CLEAN CITIES COALITION - CASH. There is
 20 hereby appropriated, to the Arkansas Economic Development Commission, to be
 21 payable from the cash fund deposited in the State Treasury as determined by
 22 the Chief Fiscal Officer of the State, for operating expenses and grants and
 23 aid by the Arkansas Economic Development Commission - Clean Cities Coalition
 24 - Cash for the fiscal year ending June 30, 2016, the following:

25

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2015-2016</u>
28	(01) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	\$20,000
30	(B) CONF. & TRAVEL	8,750
31	(C) PROF. FEES	105,255
32	(D) CAP. OUTLAY	0
33	(E) DATA PROC.	0
34	(02) GRANTS FOR ALTERNATIVE FUEL PROJECTS	<u>55,000</u>
35	TOTAL AMOUNT APPROPRIATED	<u><u>\$189,005</u></u>

36

SECTION 7. APPROPRIATION - TECHNOLOGY ACCELERATION PROGRAM. There is hereby appropriated, to the Arkansas 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 Arkansas Economic Development Commission - Technology Acceleration Program for the fiscal year ending June 30, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) TECHNOLOGY ACCELERATION PRGM	<u>\$30,000,000</u>

SECTION 8. APPROPRIATION - SUPER PROJECTS. There is hereby appropriated, to the Arkansas Economic Development Commission, to be payable from the Economic Development Superprojects Project Fund, for Super Projects as defined by Amendment 82 to the Arkansas Constitution for the Arkansas Economic Development Commission - Super Projects for the fiscal year ending June 30, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) SUPER PROJECTS	<u>\$200,000,000</u>

SECTION 9. APPROPRIATION - WEATHERIZATION ASSISTANCE PROGRAM. There is hereby appropriated, to the Arkansas Economic Development Commission, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services, operating expenses, and grants and aid by the Arkansas Economic Development Commission - Weatherization Assistance Program for the fiscal year ending June 30, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) REGULAR SALARIES	\$193,426
(02) PERSONAL SERVICES MATCHING	69,591
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	19,500
(B) CONF. & TRAVEL	6,750

1	(C) PROF. FEES	13,500
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	0
4	(04) DATA PROCESSING SERVICES	2,000
5	(05) WEATHERIZATION ASSISTANCE PROGRAM	<u>8,000,000</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$8,304,767</u></u>

7
 8 SECTION 10. APPROPRIATION - NEW MARKETS PERFORMANCE PROGRAM. There is
 9 hereby appropriated, to the Arkansas Economic Development Commission, to be
 10 payable from the New Markets Performance Guarantee Fund, for refunds and
 11 reimbursements of performance program application fees of the Arkansas
 12 Economic Development Commission - New Markets Performance Program for the
 13 fiscal year ending June 30, 2016, the following:

14		
15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2015-2016</u>
17	(01) REFUNDS/REIMBURSEMENTS	<u><u>\$875,781</u></u>

18
 19 SECTION 11. APPROPRIATION - QUICK ACTION CLOSING FUND. There is hereby
 20 appropriated, to the Arkansas Economic Development Commission, to be payable
 21 from the Economic Development Incentive Quick Action Closing Fund, for
 22 incentives to attract new business and economic development to the State by
 23 the Arkansas Economic Development Commission - Quick Action Closing Fund for
 24 the fiscal year ending June 30, 2016, the following:

25		
26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2015-2016</u>
28	(01) QUICK ACTION CLOSING GRANTS	<u><u>\$50,000,000</u></u>

29
 30 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. INDUSTRY
 32 TRAINING PROGRAM EXPENSES. The Arkansas Economic Development Commission
 33 (AEDC) may utilize Industry Training Program (ITP) appropriation and funds
 34 for personal services, operating expenses, grants and aid, capital
 35 acquisition, and other appropriate purposes to provide industry-specific
 36 training opportunities. AEDC shall submit a quarterly report of industry

1 training activities to the Governor and the Legislative Council or Joint
2 Budget Committee. In addition to training expenses, funds made available to
3 support the appropriation for ITP herein may be used to acquire capital
4 equipment necessary to enhance the capabilities of the Arkansas Industry
5 Training Programs and for expenses necessary to assist in carrying on the
6 Existing Worker Training Program. When not in use in an ITP managed course
7 of training, the equipment purchased under this provision shall be stored at
8 a location to be determined by the Executive Director of AEDC.

9 The provisions of this section shall be effect only from July 1, ~~2014~~
10 2015 through July 1, ~~2015~~ 2016.

11
12 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FOREIGN
14 OFFICE OPERATIONS. The Arkansas Economic Development Commission is hereby
15 authorized to enter into contractual arrangements with private and/or public
16 companies, corporations, individuals or organizations for the purpose of
17 operating foreign offices. Arkansas Code 15-4-~~211~~ 210 shall not be deemed
18 restrictive in its language so as to preclude the use of standard
19 Professional Services Contracts for the operation of the foreign offices
20 and/or payment of such contracts from the special line items as established
21 by legislative appropriation for the operation of said foreign offices.

22 The provisions of this section shall be in effect only from July 1, ~~2014~~
23 2015 through June 30, ~~2015~~ 2016.

24
25 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MULTI-USE
27 FACILITIES. The Arkansas Economic Development Commission (AEDC) shall
28 structure its annual update to the Five Year Consolidated Plan and the new
29 Five Year Consolidated Plan to reflect the legislative intent for a priority
30 to be placed on the use of Community Development Block Grant (CDBG) funds for
31 Multi-use facilities that will offer combined facilities for programs
32 commonly offered in separate facilities such as senior centers, public health
33 centers, childcare centers and community centers. AEDC shall report the
34 methodology for complying with this priority to the Legislative Council.

35 The provisions of this section shall be in effect only from July 1, ~~2014~~
36 2015 through June 30, ~~2015~~ 2016.

1
2 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
4 PARTICIPATION. Arkansas Economic Development Commission (AEDC) shall make
5 additional efforts to increase non-traditional public participation in its
6 annual update to the Five Year Consolidated Plan and the new Five Year
7 Consolidated Plan. These efforts shall be in addition to current public
8 notification methods. Notification should be considered through direct mail-
9 out to mayors and county judges, contacts with planning and development
10 districts, contact with the Department of Rural Services, submissions to
11 grant notification publications, and publication on AEDC's web page. AEDC is
12 encouraged to develop additional innovative public awareness strategies.

13 The provisions of this section shall be in effect only from July 1, ~~2014~~
14 2015 through June 30, ~~2015~~ 2016.

15
16 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RURAL
18 DEVELOPMENT. From the funds appropriated for Community Development Grants
19 within the Community Development Program in this Act for Community
20 Assistance-Federal, the Arkansas Economic Development Commission (AEDC) shall
21 allocate \$500,000 per fiscal year to the Rural Development Set-Aside from the
22 Economic Development Set-Aside, as defined in AEDC's Consolidated Plan filed
23 with the federal Department of Housing and Urban Development. Funds
24 allocated to the Rural Development Set-Aside are to be used exclusively for
25 grants to rural communities as defined in the Consolidated Plan.

26 The provisions of this section shall be in effect only from July 1, ~~2014~~
27 2015 through June 30, ~~2015~~ 2016.

28
29 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANT
31 REVIEW. The Arkansas Economic Development Commission (AEDC) shall review all
32 applications for grant funds from the Rural Development Set-Aside and shall
33 certify to the Department of Rural Services those applications eligible for
34 grant funds under AEDC and federal guidelines. The Department of Rural
35 Services alone shall decide which grant applications will be funded, and AEDC
36 shall disburse grant funds from the Rural Development Set-Aside to those

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

6 The provisions of this section shall be in effect only from July 1, ~~2014~~
7 2015 through June 30, ~~2015~~ 2016.

8

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

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 Arkansas Economic Development Commission may operate
25 more efficiently if some flexibility is provided to the Arkansas Economic
26 Development Commission authorizing broad powers under this Section.
27 Therefore, it is both necessary and appropriate that the General Assembly
28 maintain oversight by requiring prior approval of the Legislative Council or
29 Joint Budget Committee as provided by this section. The requirement of
30 approval by the Legislative Council or Joint Budget Committee is not a
31 severable part of this section. If the requirement of approval by the
32 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
33 court of competent jurisdiction, this entire section is void.

34 The provisions of this section shall be in effect only from July 1, ~~2014~~
35 2015 through June 30, ~~2015~~ 2016.

36

1 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
3 PROVISION. If at any time during the fiscal year, savings are accomplished
4 in the appropriation provided for "Far East Trade/Industry Recruitment" and
5 "Regular Salaries" in the State Operations Section of this Act, such
6 appropriation savings may be transferred to the appropriations made for
7 "Maintenance and General Operations" in the State Operations Section of this
8 Act after prior approval by the Legislative Council or Joint Budget
9 Committee. In addition, if at any time during the fiscal year, savings are
10 accomplished in the appropriation provided for "Maintenance and General
11 Operations" in the State Operations Section of this Act, such appropriation
12 savings may be transferred to the appropriation for "Far East Trade/Industry
13 Recruitment" and in the State Operations Section of this Act, after prior
14 approval by the Legislative Council or Joint Budget Committee.

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

31 The provisions of this section shall be in effect only from July 1, ~~2014~~
32 2015 through June 30, ~~2015~~ 2016.

33
34 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
36 PROVISION. After receiving approval from the Chief Fiscal Officer of the

1 State and prior approval by the Legislative Council or Joint Budget
2 Committee, the Director of the Arkansas Economic Development Commission is
3 authorized to transfer appropriation from any line item appropriation
4 authorized in the Community Assistance (CDBG) - Federal Section of this Act
5 to any other line item authorized in the Community Assistance (CDBG) -
6 Federal Section of this Act.

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, ~~2014~~
24 2015 through June 30, ~~2015~~ 2016.

25

26 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

28 FLEXIBILITY RESTRICTIONS. The transfer flexibility provided to the Arkansas
29 Economic Development Commission within this Act relating to the appropriation
30 in the Community Assistance (CDBG) - Federal Section shall be used only when
31 necessary to carry out the Community Development Block Grant Program and
32 shall require approval by the Arkansas Legislative Council or Joint Budget
33 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 Arkansas Economic Development Commission may operate
5 more efficiently if some flexibility is provided to the Arkansas Economic
6 Development Commission authorizing broad powers under this Section.
7 Therefore, it is both necessary and appropriate that the General Assembly
8 maintain oversight by requiring prior approval of the Legislative Council or
9 Joint Budget Committee as provided by this section. The requirement of
10 approval by the Legislative Council or Joint Budget Committee is not a
11 severable part of this section. If the requirement of approval by the
12 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
13 court of competent jurisdiction, this entire section is void.

14 The provisions of this section shall be in effect only from July 1, ~~2014~~
15 2015 through June 30, ~~2015~~ 2016.

16
17 SECTION 22. 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. If during the fiscal year, the Industry
20 Training Division effects savings in item (06), State Operations Section of
21 this Act, such savings may be transferred to item (03), Maintenance and
22 General Operations, of the State Operations Section of this Act, after
23 obtaining approval of the Chief Fiscal Officer of the State and after prior
24 review by the Legislative Council or Joint Budget Committee. In addition, if
25 any savings are effected in the fiscal year in item (03), Maintenance and
26 General Operations, of the State Operations Section of this Act, such savings
27 may be transferred to item (06), Industry Training Program, of the State
28 Operations Section of this Act, after obtaining approval of the Chief Fiscal
29 Officer of the State and after prior approval by the Legislative Council or
30 Joint Budget Committee.

31 Determining the maximum number of employees and the maximum amount of
32 appropriation and general revenue funding for a state agency each fiscal year
33 is the prerogative of the General Assembly. This is usually accomplished by
34 delineating such maximums in the appropriation act(s) for a state agency and
35 the general revenue allocations authorized for each fund and fund account by
36 amendment to the Revenue Stabilization law. Further, the General Assembly

1 has determined that the Arkansas Economic Development Commission may operate
2 more efficiently if some flexibility is provided to the Arkansas Economic
3 Development Commission authorizing broad powers under this Section.

4 Therefore, it is both necessary and appropriate that the General Assembly
5 maintain oversight by requiring prior approval of the Legislative Council or
6 Joint Budget Committee as provided by this section. The requirement of
7 approval by the Legislative Council or Joint Budget Committee is not a
8 severable part of this section. If the requirement of approval by the
9 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
10 court of competent jurisdiction, this entire section is void.

11 The provisions of this section shall be in effect only from July 1, ~~2014~~
12 2015 through June 30, ~~2015~~ 2016.

13
14 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
16 TRANSFER. The Chief Fiscal Officer of the State may transfer from time to
17 time on his or her books and those of the State Treasurer and the Auditor of
18 the State the sum not to exceed thirty million dollars (\$30,000,000) from
19 Federal Funds as determined by the Chief Fiscal Officer of the State to the
20 Technology Acceleration Fund to provide funds for the appropriation herein.

21 The provisions of this section shall be in effect only from July 1,
22 2015 through June 30, 2016.

23
24 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

26 ADDITIONAL PAYMENTS AUTHORIZED. The Arkansas Industrial and Economic
27 Development Foundation is hereby authorized to make additional payments to
28 the Director of the Arkansas Economic Development Commission, from private
29 funding sources, and upon prior approval from the Arkansas Economic
30 Development Commission, the Arkansas Industrial and Economic Development
31 Foundation, and the Governor. Such additional payments to the Director of
32 the Arkansas Economic Development Commission shall not be considered salary
33 and shall not be deemed or construed to exceed the maximum salaries
34 established for unclassified employees by the General Assembly. Nothing in
35 this section may be construed to reduce or eliminate the authority granted
36 elsewhere in the Arkansas statute for the payment of allowances or bonuses to

1 unclassified employees.

2 The provisions of this section shall be in effect only from July 1,
3 2015 through June 30, 2016.

4
5 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE
6 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
7 FUND TRANSFER - SKILLS DEVELOPMENT FUND. Immediately upon the effective date
8 of this Act, the Chief Fiscal Officer of the State shall transfer on his or
9 her books and those of the State Treasurer and the Auditor of the State the
10 sum of fifteen million, five hundred thirty-four thousand, two hundred fifty-
11 six dollars (\$15,534,256) from the Arkansas Economic Development Commission
12 Fund Account to the Skills Development Fund at the Department of Career
13 Education for the Office of Skills Development.

14
15 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE
16 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW.
17 CARRY FORWARD - INDUSTRY TRAINING PROGRAM. Any unexpended balance of funds
18 for the Industry Training Program in the Arkansas Economic Development
19 Commission Fund Account which remain at the close of each state fiscal year
20 shall be carried forward to the next state fiscal year to be used for the
21 same intent and purposes as set forth in law.

22 Any carry forward of unexpended balance of funding as authorized herein,
23 may be carried forward under the following conditions:

24 (1) Prior to June 30, 2015 the Agency shall by written statement set forth
25 its reason(s) for the need to carry forward said funding to the Department of
26 Finance and Administration Office of Budget;

27 (2) The Department of Finance and Administration Office of Budget shall
28 report to the Arkansas Legislative Council all amounts carried forward by the
29 September Arkansas Legislative Council or Joint Budget Committee meeting
30 which report shall include the name of the Agency, Board, Commission or
31 Institution and the amount of the funding carried forward, the program name
32 or line item, the funding source of that appropriation and a copy of the
33 written request set forth in (1) above;

34 (3) Each Agency, Board, Commission or Institution shall provide a written
35 report to the Arkansas Legislative Council or Joint Budget Committee
36 containing all information set forth in item (2) above, along with a written

1 statement as to the current status of the project, contract, purpose etc. for
2 which the carry forward was originally requested no later than thirty (30)
3 days prior to the time the Agency, Board, Commission or Institution presents
4 its budget request to the Arkansas Legislative Council/Joint Budget
5 Committee; and
6 (4) Thereupon, the Department of Finance and Administration shall include
7 all information obtained in item (3) above in the budget manuals and/or a
8 statement of non-compliance by the Agency, Board, Commission or Institution.

9
10 SECTION 27. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
11 authorized by this act shall be limited to the appropriation for such agency
12 and funds made available by law for the support of such appropriations; and
13 the restrictions of the State Procurement Law, the General Accounting and
14 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
15 Procedures and Restrictions Act, or their successors, and other fiscal
16 control laws of this State, where applicable, and regulations promulgated by
17 the Department of Finance and Administration, as authorized by law, shall be
18 strictly complied with in disbursement of said funds.

19
20 SECTION 28. LEGISLATIVE INTENT. It is the intent of the General
21 Assembly that any funds disbursed under the authority of the appropriations
22 contained in this act shall be in compliance with the stated reasons for
23 which this act was adopted, as evidenced by the Agency Requests, Executive
24 Recommendations and Legislative Recommendations contained in the budget
25 manuals prepared by the Department of Finance and Administration, letters, or
26 summarized oral testimony in the official minutes of the Arkansas Legislative
27 Council or Joint Budget Committee which relate to its passage and adoption.

28
29 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the
30 General Assembly, that the Constitution of the State of Arkansas prohibits
31 the appropriation of funds for more than a one (1) year period; that the
32 effectiveness of this Act on July 1, 2015 is essential to the operation of
33 the agency for which the appropriations in this Act are provided; with the
34 exception that SECTION 26 in this Act shall be in full force and effect from
35 and after the date of its passage and approval and that in the event of an
36 extension of the Legislative Session, the delay in the effective date of this

1 Act beyond July 1, 2015, with the exception that SECTION 26 in this Act shall
2 be in full force and effect from and after the date of its passage and
3 approval could work irreparable harm upon the proper administration and
4 provision of essential governmental programs. Therefore, an emergency is
5 hereby declared to exist and this Act being necessary for the immediate
6 preservation of the public peace, health and safety shall be in full force
7 and effect from and after July 1, 2015; with the exception that SECTION 26 in
8 this Act shall be in full force and effect from and after the date of its
9 passage and approval.

10
11 /s/Joint Budget Committee
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