

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4
5 By: Representative Jean

A Bill

HOUSE BILL 1776

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE NINETY-FIRST SESSION PROJECTS
9 ACCOUNT WITHIN THE GENERAL IMPROVEMENT FUND; TO
10 DEFINE THE MONIES TO BE AVAILABLE IN SUCH ACCOUNT;
11 AND TO DEFINE THE PURPOSES FOR WHICH MONIES MAY BE
12 MADE AVAILABLE FROM THE GENERAL IMPROVEMENT FUND SO
13 THAT ADDITIONAL FUNDS CAN BE MADE AVAILABLE FOR THE
14 STATE BUDGET; AND FOR OTHER PURPOSES.

Subtitle

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18 THE DISTRIBUTION OF THE NINETY-FIRST
19 SESSION PROJECTS ACCOUNT OF THE GENERAL
20 IMPROVEMENT FUND TO PROVIDE ADDITIONAL
21 FUNDS FOR THE STATE BUDGET.

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

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26 SECTION 1. This Act may be cited as the "General Improvement
27 Distribution Act of 2017".

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29 SECTION 2. There is hereby created and established on the books of the
30 Chief Fiscal Officer of the State, the State Treasurer and the State Auditor,
31 the "91st Session Projects Account" within the "General Improvement Fund",
32 into which shall be transferred and credited the respective monies as
33 hereinafter provided in this Act, to be used for providing financing, in the
34 manner set forth herein, for the various projects and purposes enumerated in
35 this Act to be financed from said account.

36 Immediately upon the effective date of this Act, or as soon thereafter



1 as is practical, the State Treasurer shall transfer and credit to the "91st
2 Session Projects Account" of the "General Improvement Fund", upon
3 certification of the amounts thereof by the Chief Fiscal Officer of the
4 State, the following:

5 (a) all unobligated and unallocated monies remaining in the "General
6 Improvement Fund" on June 30, 2017 which are not required to finance projects
7 to be financed therefrom pursuant to appropriations enacted by the 90th
8 General Assembly, or which have not been reappropriated or reallocated for
9 financing from the "General Improvement Fund" by the 91st General Assembly;

10 (b)(1) any unobligated or unallocated funds remaining on July 2, 2017,
11 including all General Revenue Funds recovered from remaining fund balances in
12 the "General Revenue Allotment Reserve Fund" from monies accruing thereto
13 during the 2015-2017 fiscal biennium which are not required to finance
14 enactments of the 91st General Assembly that do not expire on June 30, 2017,

15 (2) All General Revenue Funds recovered from remaining fund balances
16 in the "General Revenue Allotment Reserve Fund" from monies accruing thereto
17 during the 2017-2018 fiscal year which are not required to finance enactments
18 of the 91st General Assembly that do not expire on June 30, 2018.

19 (c) Those special revenues credited to the General Improvement Fund
20 from estate taxes as set out in Arkansas Code §19-6-301(171).

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22 SECTION 3. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
23 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SENATE AND HOUSE BILL
24 REFERENCES. All Senate and House bills referenced in this Act are effective
25 as enacted by the 91st General Assembly in the 2017 Regular Session.
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27 SECTION 4. DISBURSEMENT OF FUNDS. (a) Expenditure of the funds
28 authorized by the Ninety-First General Assembly in either the regular, fiscal
29 or extraordinary session from the "91st Session Projects Account" shall be
30 made only upon documentation to the Chief Fiscal Officer of the State, in
31 such form as deemed necessary, that all criteria or pre-conditions
32 established in the appropriation act have been met or in the case of state
33 agencies, and that a Method of Finance has been filed with the Office of
34 Accounting in the Department of Finance and Administration, if required.

35 (b) Any matching funds as may be provided in law shall be certified to
36 the Chief Fiscal Officer of the State prior to the commencement of the

1 project.

2 (c) Any recipient of the funds appropriated herein:

3 (1) may be required to file a compliance audit and

4 (2) is also subject to an audit by the Arkansas Legislative Audit
5 in order to determine that the use of the funds was in compliance with the
6 intent and appropriated purposes of the General Assembly.

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8 SECTION 5. (a) Any enactment of the 91st General Assembly in either
9 regular, fiscal or extraordinary session appropriating, transferring or
10 allocating funds to be payable from the "General Improvement Fund", for which
11 a specific allocation of funds is specifically authorized in this Act, shall
12 be deemed to be payable from the "91st Session Projects Account" within the
13 "General Improvement Fund" unless a specific intent is otherwise provided by
14 law.

15 (b) Any enactment of the 91st General Assembly, meeting in either
16 regular, fiscal or extraordinary session, appropriating, allocating or
17 transferring funds payable from the "General Improvement Fund" which is not
18 enumerated in this Act shall not be financed from monies accruing to the
19 "91st Session Projects Account", unless otherwise provided by law and funds
20 are specifically transferred from the "90th Session Projects Account" to the
21 "91st Session Projects Account" to fund the appropriation for the project.

22 (c) Monies reappropriated by the 91st General Assembly for projects
23 for which appropriations were made by the 90th General Assembly, which are
24 not enumerated in this Act and which are made payable from the "General
25 Improvement Fund", shall be payable from the "90th Session Projects Account"
26 of the "General Improvement Fund" and allowances shall be made therefore in
27 arriving at the uncommitted and unobligated balance of monies in the "General
28 Improvement Fund" before making transfers therefrom to the "91st Session
29 Projects Account", as authorized by this Act.

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31 SECTION 6. Distribution of funds for constructing and equipping the
32 radiation therapy institutes specified herein, shall be contingent upon the
33 provision of matching funds, including those monies previously raised but not
34 previously used to match state funds, on a dollar by dollar basis on behalf
35 of each such radiation therapy institute.

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1 SECTION 7. DEPARTMENT OF FINANCE AND ADMINISTRATION DISBURSING
2 OFFICER. The Chief Fiscal Officer of the State may distribute funds to the
3 projects in the Legislative Division enumerated under Department of Finance
4 and Administration - Disbursing Officer on a basis other than monthly after
5 prior review of the proposed calendar for disbursements by the Legislative
6 Council or Joint Budget Committee.

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8 SECTION 8. This Act shall not be incorporated into the Arkansas Code
9 nor published separately as Special, Local and Temporary law. However,
10 individual sections in this Act may amend Arkansas Code if specifically
11 stated to do so.

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13 SECTION 9. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
14 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUPLICATE ACTS. If the House
15 and the Senate General Improvement Distribution Act of 2017 of the 2017
16 Regular Session of the 91st General Assembly are both enacted and adopted by
17 the 91st General Assembly in identical form, then the last Act passed or
18 latest expression shall supersede the other.

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20 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly that it has considered and enacted appropriations for
22 construction projects and other programs to be financed from the accumulated
23 balances and reserve funds available in the State Treasury; that the total of
24 the enacted appropriations exceed the estimated available funding available
25 for such projects and that the immediate passage of this Act is necessary to
26 establish a method of providing for the orderly financing and a system of
27 priority for the financing of such projects. Therefore, an emergency is
28 declared to exist and this act being immediately necessary for the
29 preservation of the public peace, health and safety shall become effective on
30 July 1, 2017.